

SENATE BILL NO. 665

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

4292S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 288.060 as enacted by house bill no. 150, ninety-eighth general assembly, first regular session, and section 288.060 as enacted by house bill no. 163, ninety-sixth general assembly, first regular session, and to enact in lieu thereof one new section relating to the duration of unemployment benefits.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 288.060 as enacted by house bill no. 150, ninety-eighth general assembly, first regular session, and section 288.060 as enacted by house bill no. 163, ninety-sixth general assembly, first regular session, are repealed and one new section enacted in lieu thereof, to be known as section 288.060, to read as follows:

288.060. 1. All benefits shall be paid through employment offices in accordance with such regulations as the division may prescribe.

2. Each eligible insured worker who is totally unemployed in any week shall be paid for such week a sum equal to his or her weekly benefit amount.

3. Each eligible insured worker who is partially unemployed in any week shall be paid for such week a partial benefit. Such partial benefit shall be an amount equal to the difference between his or her weekly benefit amount and that part of his or her wages for such week in excess of twenty dollars, and, if such partial benefit amount is not a multiple of one dollar, such amount shall be reduced to the nearest lower full dollar amount. For calendar year 2007 and each year thereafter, such partial benefit shall be an amount equal to the difference between his or her weekly benefit amount and that part of his or her wages for such week in excess of twenty dollars or twenty

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

23 percent of his or her weekly benefit amount,
24 whichever is greater, and, if such partial
25 benefit amount is not a multiple of one dollar,
26 such amount shall be reduced to the nearest
27 lower full dollar amount. Pay received by an
28 eligible insured worker who is a member of the
29 organized militia for training or duty
30 authorized by Section 502(a)(1) of Title 32,
31 United States Code, shall not be considered
32 wages for the purpose of this subsection.

33 4. The division shall compute the wage
34 credits for each individual by crediting him or
35 her with the wages paid to him or her for
36 insured work during each quarter of his or her
37 base period or twenty-six times his or her
38 weekly benefit amount, whichever is the lesser.
39 In addition, if a claimant receives wages in the
40 form of termination pay or severance pay and
41 such payment appears in a base period
42 established by the filing of an initial claim,
43 the claimant may, at his or her option, choose
44 to have such payment included in the calendar
45 quarter in which it was paid or choose to have
46 it prorated equally among the quarters
47 comprising the base period of the claim. For
48 the purpose of this section, wages shall be
49 counted as wage credits for any benefit year,
50 only if such benefit year begins subsequent to
51 the date on which the employing unit by whom
52 such wages were paid has become an employer.
53 The wage credits of an individual earned during
54 the period commencing with the end of a prior
55 base period and ending on the date on which he
56 or she filed an allowed initial claim shall not
57 be available for benefit purposes in a
58 subsequent benefit year unless, in addition
59 thereto, such individual has subsequently earned
60 either wages for insured work in an amount equal
61 to at least five times his or her current weekly
62 benefit amount or wages in an amount equal to at
63 least ten times his or her current weekly
64 benefit amount.

65 5. The duration of benefits payable to any
66 insured worker during any benefit year shall be
67 limited to:

- 68 (1) Twenty weeks if the Missouri average
69 unemployment rate is nine percent or higher;
- 70 (2) Nineteen weeks if the Missouri average
71 unemployment rate is between eight and one-half
72 percent and nine percent;
- 73 (3) Eighteen weeks if the Missouri average
74 unemployment rate is eight percent up to and
75 including eight and one-half percent;
- 76 (4) Seventeen weeks if the Missouri
77 average unemployment rate is between seven and
78 one-half percent and eight percent;

79 (5) Sixteen weeks if the Missouri average
80 unemployment rate is seven percent up to and
81 including seven and one-half percent;

82 (6) Fifteen weeks if the Missouri average
83 unemployment rate is between six and one-half
84 percent and seven percent;

85 (7) Fourteen weeks if the Missouri average
86 unemployment rate is six percent up to and
87 including six and one-half percent;

88 (8) Thirteen weeks if the Missouri average
89 unemployment rate is below six percent.

90 As used in this subsection, the phrase "Missouri
91 average unemployment rate" means the average of
92 the seasonally adjusted statewide unemployment
93 rates as published by the United States
94 Department of Labor, Bureau of Labor Statistics,
95 for the time periods of January first through
96 March thirty-first and July first through
97 September thirtieth. The average of the
98 seasonally adjusted statewide unemployment rates
99 for the time period of January first through
100 March thirty-first shall be effective on and
101 after July first of each year and shall be
102 effective through December thirty-first. The
103 average of the seasonally adjusted statewide
104 unemployment rates for the time period of July
105 first through September thirtieth shall be
106 effective on and after January first of each
107 year and shall be effective through June
108 thirtieth; and

109 (9) The provisions of this subsection
110 shall become effective January 1, 2016.

111 6. In the event that benefits are due a
112 deceased person and no petition has been filed
113 for the probate of the will or for the
114 administration of the estate of such person
115 within thirty days after his or her death, the
116 division may by regulation provide for the
117 payment of such benefits to such person or
118 persons as the division finds entitled thereto
119 and every such payment shall be a valid payment
120 to the same extent as if made to the legal
121 representatives of the deceased.

122 7. The division is authorized to cancel
123 any benefit warrant remaining outstanding and
124 unpaid one year after the date of its issuance
125 and there shall be no liability for the payment
126 of any such benefit warrant thereafter.

127 8. The division may establish an
128 electronic funds transfer system to transfer
129 directly to claimants' accounts in financial
130 institutions benefits payable to them pursuant
131 to this chapter. To receive benefits by
132 electronic funds transfer, a claimant shall
133 satisfactorily complete a direct deposit
134 application form authorizing the division to
135 deposit benefit payments into a designated

136 checking or savings account. Any electronic
137 funds transfer system created pursuant to this
138 subsection shall be administered in accordance
139 with regulations prescribed by the division.

140 9. The division may issue a benefit
141 warrant covering more than one week of benefits.

142 10. Prior to January 1, 2005, the division
143 shall institute procedures including, but not
144 limited to, name, date of birth, and Social
145 Security verification matches for remote claims
146 filing via the use of telephone or the internet
147 in accordance with such regulations as the
148 division shall prescribe. At a minimum, the
149 division shall verify the Social Security number
150 and date of birth when an individual claimant
151 initially files for unemployment insurance
152 benefits. If verification information does not
153 match what is on file in division databases to
154 what the individual is stating, the division
155 shall require the claimant to submit a division-
156 approved form requesting an affidavit of
157 eligibility prior to the payment of additional
158 future benefits. The division of employment
159 security shall cross-check unemployment
160 compensation applicants and recipients with
161 Social Security Administration data maintained
162 by the federal government at least weekly. The
163 division of employment security shall cross-
164 check at least monthly unemployment compensation
165 applicants and recipients with department of
166 revenue drivers license databases.]

288.060. 1. All benefits shall be paid through
2 employment offices in accordance with such regulations as
3 the division may prescribe.

4 2. Each eligible insured worker who is totally
5 unemployed in any week shall be paid for such week a sum
6 equal to his or her weekly benefit amount.

7 3. Each eligible insured worker who is partially
8 unemployed in any week shall be paid for such week a partial
9 benefit. Such partial benefit shall be an amount equal to
10 the difference between his or her weekly benefit amount and
11 that part of his or her wages for such week in excess of
12 twenty dollars, and, if such partial benefit amount is not a
13 multiple of one dollar, such amount shall be reduced to the
14 nearest lower full dollar amount. For calendar year 2007

15 and each year thereafter, such partial benefit shall be an
16 amount equal to the difference between his or her weekly
17 benefit amount and that part of his or her wages for such
18 week in excess of twenty dollars or twenty percent of his or
19 her weekly benefit amount, whichever is greater, and, if
20 such partial benefit amount is not a multiple of one dollar,
21 such amount shall be reduced to the nearest lower full
22 dollar amount. [Termination pay, severance pay, or] Pay
23 received by an eligible insured worker who is a member of
24 the organized militia for training or duty authorized by
25 Section 502(a)(1) of Title 32, United States Code, shall not
26 be considered wages for the purpose of this subsection.

27 4. The division shall compute the wage credits for
28 each individual by crediting him or her with the wages paid
29 to him or her for insured work during each quarter of his or
30 her base period or twenty-six times his or her weekly
31 benefit amount, whichever is the lesser. In addition, if a
32 claimant receives wages in the form of termination pay or
33 severance pay and such payment appears in a base period
34 established by the filing of an initial claim, the claimant
35 may, at his or her option, choose to have such payment
36 included in the calendar quarter in which it was paid or
37 choose to have it prorated equally among the quarters
38 comprising the base period of the claim. The maximum total
39 amount of benefits payable to any insured worker during any
40 benefit year shall not exceed twenty times his or her weekly
41 benefit amount, or thirty-three and one-third percent of his
42 or her wage credits, whichever is the lesser. For the
43 purpose of this section, wages shall be counted as wage
44 credits for any benefit year, only if such benefit year
45 begins subsequent to the date on which the employing unit by
46 whom such wages were paid has become an employer. The wage

47 credits of an individual earned during the period commencing
48 with the end of a prior base period and ending on the date
49 on which he or she filed an allowed initial claim shall not
50 be available for benefit purposes in a subsequent benefit
51 year unless, in addition thereto, such individual has
52 subsequently earned either wages for insured work in an
53 amount equal to at least five times his or her current
54 weekly benefit amount or wages in an amount equal to at
55 least ten times his or her current weekly benefit amount.

56 **5. (1) The duration of benefits payable to any**
57 **insured worker during any benefit year shall be limited to:**

58 (a) **Twenty weeks if the Missouri unemployment rate is**
59 **higher than nine percent;**

60 (b) **Nineteen weeks if the Missouri unemployment rate**
61 **is higher than eight and one-half percent but no higher than**
62 **nine percent;**

63 (c) **Eighteen weeks if the Missouri unemployment rate**
64 **is higher than eight percent but no higher than eight and**
65 **one-half percent;**

66 (d) **Seventeen weeks if the Missouri unemployment rate**
67 **is higher than seven and one-half percent but no higher than**
68 **eight percent;**

69 (e) **Sixteen weeks if the Missouri unemployment rate is**
70 **higher than seven percent but no higher than seven and one-**
71 **half percent;**

72 (f) **Fifteen weeks if the Missouri unemployment rate is**
73 **higher than six and one-half percent but no higher than**
74 **seven percent;**

75 (g) **Fourteen weeks if the Missouri unemployment rate**
76 **is higher than six percent but no higher than six and one-**
77 **half percent;**

78 (h) Thirteen weeks if the Missouri unemployment rate
79 is higher than five and one-half percent but no higher than
80 six percent;

81 (i) Twelve weeks if the Missouri unemployment rate is
82 higher than five percent but no higher than five and one-
83 half percent;

84 (j) Eleven weeks if the Missouri unemployment rate is
85 higher than four and one-half percent but no higher than
86 five percent;

87 (k) Ten weeks if the Missouri unemployment rate is
88 higher than four percent but no higher than four and one-
89 half percent;

90 (l) Nine weeks if the Missouri unemployment rate is
91 higher than three and one-half percent but no higher than
92 four percent; and

93 (m) Eight weeks if the Missouri unemployment rate is
94 at or below three and one-half percent.

95 (2) As used in this subsection, the phrase "Missouri
96 unemployment rate" means the statewide unemployment rate as
97 published by the United States Department of Labor, Bureau
98 of Labor Statistics, on the date that the claimant initially
99 files a claim for benefits.

100 (3) The provisions of this subsection shall become
101 effective January 1, 2023.

102 6. In the event that benefits are due a deceased
103 person and no petition has been filed for the probate of the
104 will or for the administration of the estate of such person
105 within thirty days after his or her death, the division may
106 by regulation provide for the payment of such benefits to
107 such person or persons as the division finds entitled
108 thereto and every such payment shall be a valid payment to

109 the same extent as if made to the legal representatives of
110 the deceased.

111 [6.] 7. The division is authorized to cancel any
112 benefit warrant remaining outstanding and unpaid one year
113 after the date of its issuance and there shall be no
114 liability for the payment of any such benefit warrant
115 thereafter.

116 [7.] 8. The division may establish an electronic funds
117 transfer system to transfer directly to claimants' accounts
118 in financial institutions benefits payable to them pursuant
119 to this chapter. To receive benefits by electronic funds
120 transfer, a claimant shall satisfactorily complete a direct
121 deposit application form authorizing the division to deposit
122 benefit payments into a designated checking or savings
123 account. Any electronic funds transfer system created
124 pursuant to this subsection shall be administered in
125 accordance with regulations prescribed by the division.

126 [8.] 9. The division may issue a benefit warrant
127 covering more than one week of benefits.

128 [9.] 10. Prior to January 1, 2005, the division shall
129 institute procedures including, but not limited to, name,
130 date of birth, and Social Security verification matches for
131 remote claims filing via the use of telephone or the
132 internet in accordance with such regulations as the division
133 shall prescribe. At a minimum, the division shall verify
134 the Social Security number and date of birth when an
135 individual claimant initially files for unemployment
136 insurance benefits. If verification information does not
137 match what is on file in division databases to what the
138 individual is stating, the division shall require the
139 claimant to submit a division-approved form requesting an
140 affidavit of eligibility prior to the payment of additional

141 future benefits. The division of employment security shall
142 cross-check unemployment compensation applicants and
143 recipients with Social Security Administration data
144 maintained by the federal government at least weekly. The
145 division of employment security shall cross-check at least
146 monthly unemployment compensation applicants and recipients
147 with department of revenue drivers license databases.

148 **11. The division shall promulgate rules and**
149 **regulations to administer this section. Any rule or portion**
150 **of a rule, as that term is defined in section 536.010, that**
151 **is created under the authority delegated in this section**
152 **shall become effective only if it complies with and is**
153 **subject to all of the provisions of chapter 536 and, if**
154 **applicable, section 536.028. This section and chapter 536**
155 **are nonseverable and if any of the powers vested with the**
156 **general assembly pursuant to chapter 536 to review, to delay**
157 **the effective date, or to disapprove and annul a rule are**
158 **subsequently held unconstitutional, then the grant of**
159 **rulemaking authority and any rule proposed or adopted after**
160 **August 28, 2022, shall be invalid and void.**

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