

2015 -- H 5195

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS - EMPLOYMENT SECURITY -
CONTRIBUTIONS

Introduced By: Representatives Phillips, Morin, Casey, Serpa, and Reilly

Date Introduced: January 21, 2015

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-43-3 of the General Laws in Chapter 28-43 entitled
2 "Employment Security - Contributions" is hereby amended to read as follows:

3 **28-43-3. Employer's accounts -- Credits and charges.** – (a) Subsequent to the
4 establishment of a separate employer's account for each employer subject to chapters 42 -- 44 of
5 this title as set forth in § 28-43-1(4), the credits and charges to each employer's account, exclusive
6 of the state of Rhode Island, its political subdivisions, and their instrumentalities, shall be
7 determined as follows:

8 (1) Credits to each employer's account:

9 (i) After the September 30, 1958 computation date all contributions required under § 28-
10 43-8 and paid by each employer.

11 (ii) All surcharges required and paid under § 28-43-4.

12 (2) Charges to each employer's account:

13 (i) Refunds of overpayments under § 28-43-13, as of the date refunded;

14 (ii) For benefit years beginning subsequent to September 30, 1993, an amount equal to
15 the benefits provided in §§ 28-44-6(a) and (b), 28-44-7, and 28-44-8, and paid to each individual
16 with respect to a benefit year, as of the date paid. Those benefits shall be charged to the account
17 of the most recent base period employer, as defined in § 28-43-1(7); provided, that if a claimant
18 works for two (2) or more employers concurrently, either full-time or part-time, and becomes

1 unemployed on the same day from more than one employer, any benefits paid as a result of the
2 unemployment shall be charged to the employers' accounts proportionately based upon the ratio
3 of base period wages paid by each employer to the total base period wages paid by the concurrent
4 employers from whom the claimant became separated from employment. No charge for benefits
5 paid under § 28-44-7 shall be made against the account of any employer who shows to the
6 satisfaction of the director that he or she has continued to employ the individual during the weeks
7 of his or her claim to the same extent that he or she had employed him or her during that
8 individual's base period, and those benefits, if not chargeable to the most recent base period
9 employer, shall be charged to the balancing account.

10 (iii) If any base period employer, whether or not he or she was the most recent, shows to
11 the satisfaction of the director that the individual who is in receipt of benefits became separated
12 from his or her last employment with that employer for reasons which did result or would have
13 resulted in a disqualification under § 28-44-17 or 28-44-18 had that base period employer been
14 his or her most recent, those benefits shall be charged to the balancing account.

15 (iv) The entire amount charged to the employer's account under § 28-43-9 relating to the
16 balancing rate.

17 (v) Whenever the provisions in this section specify that an employer's account shall not
18 be charged, that non-charging shall be limited to benefits paid based on service with an employer
19 required to pay contributions under the provisions of chapters 42 -- 44 of this title.

20 (vi) An amount equal to the benefits provided in § 28-44-62 and paid to each individual
21 with respect to a benefit year as of the date paid minus the proportionate share of those benefits
22 for which the state has been or will be reimbursed by the federal government. The federal share of
23 any payments shall be charged to the balancing account and federal reimbursements shall be
24 credited to the balancing account.

25 (vii) Whenever any benefits are paid for benefit years beginning subsequent to July 7,
26 1996 to an individual unemployed as a result of physical damage to the real property at the
27 employer's usual place of business caused by severe weather conditions, including, but not
28 limited to, hurricanes, snowstorms, ice storms or flooding, or fire except where caused by the
29 employer, those benefits shall be charged to the balancing account.

30 (viii) An employer's account shall not be relieved of charges relating to any benefits
31 payments made if the director establishes on or after October 1, 2013 that the payment was made
32 because the employer, or an agent of the employer, was at fault for failing to respond timely or
33 adequately to the request of the department for information relating to the claim for
34 unemployment benefits that was subsequently overpaid.

1 (b) Notwithstanding any provisions in this chapter to the contrary, no employer may be
2 charged a higher contribution toward their workers' unemployment compensation benefits
3 account fund solely because any one of their workers has more than one job.

4 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would prevent employers from paying a higher contribution toward their
2 workers' unemployment compensation benefits account fund if any one of their workers has more
3 than one job.

4 This act would take effect upon passage.

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