

2009 LEGISLATION SUMMARY

WHAT THE NEW LAW DOES	HOW THE LAW MAY AFFECT YOU
<p style="text-align: center;">Alternative Base Period (Senate Bill 09-247)</p> <p>This bill creates an alternative base period for an unemployed employee who has not earned enough wages during the standard base period to get unemployment insurance (UI) benefits.</p>	<p style="text-align: center;">Alternative Base Period</p> <p>If the claimant becomes monetarily eligible for UI benefits under this law and your organization is listed under the alternative base period, your chargeability could be affected.</p>
<p style="text-align: center;">Extra Benefits for Approved Training (Senate Bill 09-247)</p> <p>The bill also allows extra UI benefits to a limited number of claimants who are enrolled in an approved training program that trains them for a high-demand occupation; a more stable, long-term occupation; or an occupation in the renewable energy industry.</p>	<p style="text-align: center;">Extra Benefits for Approved Training</p> <p>Any benefits awarded to the claimant under this law shall be charged to the UI Trust Fund (Fund), and any such benefits shall not affect an employer's tax rate.</p>
<p style="text-align: center;">Compelling Personal Reasons (Senate Bill 09-247)</p> <p>This bill changes the entitlement requirements for UI benefits when a worker separates from a job because of domestic violence. Benefits are allowed when the worker reasonably believes that staying in the job jeopardizes his or her safety or the safety of the worker's spouse, parents, or minor children.</p> <p>The bill also allows UI benefits to a worker who separates from a job to move with his or her spouse whose job location has changed. In order to be entitled to receive benefits, it must be impractical for the claimant to commute from the new residence to his or her job.</p> <p>In addition, the bill entitles UI benefits to a worker who separates from employment to care for an ill or disabled immediate family member who requires care longer than the employer's medical-leave-of-absence policy or the federal <i>Family and Medical Leave Act of 1993</i>.</p>	<p style="text-align: center;">Compelling Personal Reasons</p> <p>Any benefits awarded to the claimant under this law shall be charged to the Fund, and any such benefits shall not affect an employer's tax rate.</p>

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<p style="text-align: center;">Extended Benefits (Senate Bill 09-247)</p> <p>State extended benefits (SEB) increase the number of weeks of unemployment insurance (UI) benefits when the total unemployment rate, or TUR, reaches the following levels. The TUR is averaged over three months.</p> <ul style="list-style-type: none"> • If the average TUR reaches 6.5 percent, up to 13 weeks of additional benefits may be paid. • If the average TUR reaches 8 percent, up to 20 weeks of additional benefits may be paid. <p>SEB benefits may only be added after all regular UI and EUC (federal additional benefits) are paid.</p>	<p style="text-align: center;">Extended Benefits</p> <p>Any benefits awarded to the claimant under this law shall be charged to the Fund, and any such benefits shall not affect an employer's tax rate.</p>
<p style="text-align: center;">Payments Received Because of a Job Separation (House Bill 09-1076)</p> <p>This bill changes how payments made as the result of a separation impact a claim. Payments received because of a job separation, such as severance, vacation, pension/retirement, and wages in lieu of notice, postpone payment of benefits.</p>	<p style="text-align: center;">Severance Pay</p> <p>This law could increase your organizations chargeability because severance payments made after 06/02/2009 will no longer reduce the amount of benefits the claimant is awarded on a claim.</p>
<p style="text-align: center;">Social Security (House Bill 09-1076)</p> <p>This bill also removes the reduction of unemployment insurance benefit payments for social security (OASI).</p>	<p style="text-align: center;">Social Security</p> <p>This law could increase your organizations chargeability because OASI payments made after 06/02/2009 will no longer reduce the claimant's weekly benefit amount.</p>

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<p style="text-align: center;">Job Attachment (Senate Bill 09-178)</p> <p>This bill increases the job attachment (JA) period to 26 weeks, instead of 16. To be job attached, a claimant must be:</p> <ul style="list-style-type: none"> • A member in good standing with a union hiring hall. <p style="text-align: center;">-or-</p> <ul style="list-style-type: none"> • An individual who is not working because of a temporary lack of work from the most recent employer, who intends to bring the worker back to work within 26 weeks. 	<p style="text-align: center;">Job Attachment</p> <p>Your organization is able to extend JA status to employees for an interval of 26 weeks.</p>
<p style="text-align: center;">UI Benefits to Surviving Spouse (House Bill 09-1054)</p> <p>This bill allows benefits for a surviving spouse of a military service member killed in combat if all three conditions exist:</p> <ul style="list-style-type: none"> • The service member was stationed in Colorado. • The surviving spouse quit employment to move to a new place of residence. • It is impractical for the claimant to commute to his or her place of employment. 	<p style="text-align: center;">UI Benefits to Surviving Spouse</p> <p>Any benefits awarded to the claimant under this law shall be charged to the Fund, and any such benefits shall not affect an employer's tax rate.</p>

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<p data-bbox="184 142 888 167">Employee Misclassification (House Bill 09-1310)</p> <p data-bbox="92 207 982 427">This bill creates a complaint process for workers who believe they are misclassified, and a process for issuing an Advisory Opinion from the Division of Employment and Training (Division) to employers seeking advice on the proper classification of workers. The Division also investigates complaints of employers who classify employees as independent contractors in violation of the Colorado Employment Security Act (CESA).</p> <p data-bbox="92 467 982 719">If the Division finds a violation, the employer pays any taxes owed plus interest. The employer may be fined. In addition, the employer may not be allowed to contract with the state for up to two years. The Division is required to conduct a statewide study on the issue of employee misclassification, calling a worker an independent contractor when he or she is not. The Division must report the results of the study to the General Assembly within two years.</p>	<p data-bbox="1255 142 1644 167">Employee Misclassification</p> <p data-bbox="1010 207 1900 427">This law adds fines of up to \$5,000 per misclassified employee for the first misclassification with willful disregard, and up to \$25,000 per misclassified employee for a second or subsequent misclassification with willful disregard. In addition, upon a second or subsequent misclassification with willful disregard, the employer will be prohibited from contracting with, or receiving any funds from, the state for up to two years.</p> <p data-bbox="1010 467 1900 557">Additionally, it specifies a complaint process for the reporting of misclassified employees, and an Advisory Opinion process, available to employers seeking advice on proper classification.</p> <p data-bbox="1010 597 1900 686">For more information, you may call UI Integrity, Tax Audits at 303-318-9100 (Denver-metro area) or 1-800-480-8299 (outside Denver-metro area) and select Option 3.</p>