

2009 LEGISLATION SUMMARY

WHAT THE NEW LAW DOES	HOW THE LAW MAY AFFECT YOU
<p>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>Alternate Base Period</p> <p>If you file a claim after 07/01/2009 and do not have enough wages in your standard base period to receive UI benefits, you may be able to use an alternate base period. You receive Form UIB-5, Statement of Wages and Potential Benefits, that tells you whether you have enough wages in the standard base period. If you do not, you can request to use the alternate base period by checking the box on the back of the form.</p> <p>NOTE: UI benefits are based on wages earned in covered employment and paid during a 12-month period called the base period.</p>
<p>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>Extra Benefits for Approved Training</p> <p>Information about this benefit will be available in your local workforce center in August.</p>

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<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>If you separate from your employment because of one of these, or any other allowable reason, you receive benefits based on wages from this employer. The UI Program sends you a letter.</p>
<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>If the TUR reaches the high levels and you qualify, the UI Program contacts you. You do not need to take any action unless you are contacted. You should continue to claim weeks on CUBLine Online or on CUBLine in case there are additional benefits.</p>

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<p align="center">Payments Received Because of a Job Separation (House Bill 09-1076)</p> <p>This bill changes how payments as the result of a separation impact a claim. All kinds of 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 align="center">Severance Pay</p> <p>Severance payments made after 06/02/2009 do not reduce the amount of benefits on your claim.</p>
<p 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 align="center">Social Security</p> <p>Any social security payments you receive after 06/02/2009 do not reduce the weekly benefit amount on your claim.</p>
<p 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. <li align="center">-or- • 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 align="center">Job Attachment</p> <p>If you have a claim file date of 05/17/2009 or later, your claim JA period updates to 26 weeks.</p>

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<p data-bbox="142 139 926 167">UI Benefits to Surviving Spouse (House Bill 09-1054)</p> <p data-bbox="92 204 978 261">This bill allows benefits for a surviving spouse of a military service member killed in combat if all three conditions exist:</p> <ul data-bbox="142 302 978 521" style="list-style-type: none"> <li data-bbox="142 302 821 329">• The service member was stationed in Colorado. <li data-bbox="142 367 978 423">• The surviving spouse quit employment to move to a new place of residence. <li data-bbox="142 461 978 521">• It is impractical for the claimant to commute to his or her place of employment. 	<p data-bbox="1213 139 1688 167">UI Benefits to Surviving Spouse</p> <p data-bbox="1003 204 1896 293">If you are a surviving spouse who meets the requirements of this bill, you receive benefits based on wages from this employer. The UI Program sends you a letter.</p>
<p data-bbox="180 558 890 586">Employee Misclassification (House Bill 09-1310)</p> <p data-bbox="92 626 978 846">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="92 883 978 1135">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="1251 558 1650 586">Employee Misclassification</p> <p data-bbox="1003 626 1896 813">You, as a worker, have the right to be properly classified as an employee if you meet the criteria in the law CESA 8-70-115. If you feel you have been incorrectly called an independent contractor, contact 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>