

## **CHAPTER 3**

### **MONETARY ENTITLEMENT**

#### **IN GENERAL**

This chapter deals with the monetary requirements of state UI laws, including work history, benefit amounts, and the length of time during which a worker may receive UI.

Although the states have developed many different ways to determine monetary entitlement to UI, there are also many similarities. This chapter discusses the following:

- The wages and employment needed in a “base period” to qualify.
- The period during which UI may be collected, commonly called the “benefit year.”
- The amount payable for a week of total or partial unemployment.
- Dependents allowances.
- Waiting periods.
- The maximum amount of regular UI which a worker may receive in a benefit year.

*Note:* Information regarding deductible income provisions are located in the nonmonetary eligibility chapter starting on page 5-34.

While most workers are employed in the state that they live in, many workers regularly commute to a different state to work, work in more than one state, or move to a different state to look for new work when they become unemployed. The law of the state under which the worker claims UI benefits applies as it would for any other worker. Determinations on eligibility, disqualifications, and the amount and duration of benefits are made by the state in which the wages were paid. However, the process by which these workers apply for UI benefits may vary. (For example, the Interstate Benefit Payment Plan provides a method of filing for UI benefits in the state in which a worker has qualifying wages even though the worker is not physically present in that state.)

Although this chapter analyzes monetary factors separately, the relationship between these factors is complex. In comparing state laws, consideration often needs to be given to these relationships.

#### **BASE PERIOD AND BENEFIT YEAR**

As stated above, a worker's benefit rights are determined using wages and employment during a period of time called the base period. Benefits may be paid during a period of time called the benefit year. Workers

## MONETARY ENTITLEMENT

who exhaust their benefits before the end of a benefit year must wait until a new benefit year is established before they can again draw benefits.

**BENEFIT YEARS**—The benefit year is a 1-year or 52-week period during which a worker may receive benefits based on a previous period of employment. In all states, the beginning date of the benefit year depends on when a worker first files a “valid claim,” meaning the worker meets minimal wage and employment requirements. In most states, the benefit year begins with the week in which the valid claim is filed. Exceptions are:

TABLE 3-1: WHEN BENEFIT YEAR BEGINS - OTHER THAN THE WEEK A FIRST CLAIM IS FILED	
AR	Benefit year begins with the first day of the quarter in which a claim is first filed. As a result, the benefit “year” ranges from 40 to 52 weeks.
NY	Benefit year consists of 53 weeks beginning with the effective date of a valid claim.

**BASE PERIODS**—The base period is the time period during which wages earned and/or hours/weeks worked are examined to determine a worker’s monetary entitlement to UI. Almost all states use the first 4 of the last 5 completed calendar quarters preceding the filing of the claim as their base period. (Although Nebraska has no law provisions on this matter, its regulations establish its base period as the first 4 of the last 5 completed calendar quarters.) Massachusetts uses the four completed calendar quarters preceding the first day of the benefit year. Minnesota uses the last four completed calendar quarters provided the effective date of the claim is not during the month immediately following the fourth completed calendar quarter.

Because base period employment and/or earnings are an imperfect proxy for labor market attachment, there are instances when workers with labor market attachment are ineligible for UI benefits. To address this, some states developed expanded definitions of the base period.

**Alternative Base Periods (ABP)**—A base period consisting of the first 4 of the last 5 completed calendar quarters results in a lag of up to 6 months between the end of the base period and the date a worker becomes unemployed/files a claim. As a result, the worker’s most recent work history is not used when making an eligibility determination. As a result, several states use an ABP for workers failing to qualify under the regular base period. For example, if the worker fails to qualify using wages and employment in the first 4 of the last 5 completed calendar quarters, then the state will use wages and employment in the last 4 completed calendar quarters.

**Extended Base Periods (EBP)**—Several states allow workers who have no wages in the current base period to use older wages and employment under certain conditions. These conditions typically involve illness or injury. For example, a worker who was injured on the job and who has collected workers’ compensation benefits may use wages and employment preceding the date of the worker’s injury to establish eligibility. (Note that some state laws may describe these base periods as “alternative” base periods.)

The following table outlines the options in addition to the standard base period that states use.

TABLE 3-2: STATES WITH ALTERNATIVE AND EXTENDED BASE PERIODS			
State	ABP/EBP	State	ABP/EBP
AK	ABP: Last 4 completed quarters ----- EBP: BP extended up to 4 quarters if claimant was incapable of working during the greater part of a quarter	AR	ABP: Last 4 completed quarters ----- EBP: Up to 4 quarters if worker has insufficient wages to establish a claim because of a job-related injury for which the worker received worker’s compensation

## MONETARY ENTITLEMENT

**TABLE 3-2: STATES WITH ALTERNATIVE AND EXTENDED BASE PERIODS**

State	ABP/EBP	State	ABP/EBP
AZ	EBP: Last 4 completed quarters following previous BP when new BY overlaps preceding BY; also, first 4 of last 5 completed quarters preceding the week a compensable industrial injury began if not qualified under normal base period, if claim is filed within 2 years of beginning of disability	CA	ABP: Last 4 completed quarters <sup>1</sup>
CO	ABP: Last 4 completed quarters	CT	ABP: Last 4 completed quarters ----- EBP: Last 4 completed quarters preceding sickness or disability.
DE	ABP: Last 4 completed quarters	DC	ABP: Last 4 completed quarters
GA	ABP: Last 4 completed quarters	HI	ABP: Last 4 completed quarters
ID	ABP: Last 4 completed quarters ----- EBP: A worker who experienced a temporary total disability may elect a BP of the first 4 of the last 5 completed quarters preceding the disability if the worker filed a claim within 3 years of the disability and no longer than 6 months after the end of the disability	IL	APB: Last 4 completed quarters ----- EBP: BP extended up to 1 year if the claimant received temporary total disability under a workers' compensation act or occupational diseases act
IN	EBP: Up to 4 quarters preceding the last day the worker was able to work	IA	ABP: Last 4 completed quarters ----- EBP: BP extended 3 or more quarters if the worker received workers' compensation or weekly indemnity insurance benefits for 3 or more quarters
KS	ABP: Last 4 completed quarters ----- EBP: Last 4 completed quarters preceding the date of qualifying injury <sup>2</sup>	KY	EBP: BP extended up to 4 quarters, if a worker due to job-related injury or if a worker who has received workers' compensation files a UI claim within 4 weeks after having received workers' compensation
ME	ABP: Last 4 completed quarters ----- EBP: BP extended up to 4 quarters if 1 quarter has been used in a previous determination, extend the BY up to 1 week if there would otherwise be overlapping of the same quarter in 2 consecutive BPs	MA	ABP: Last 3 quarters, plus any weeks of work in quarter in which claim is filed. (Worker may also elect to use this ABP if it results in a 10% or more increase in WBA) ----- EBP: BP extended to 52 weeks if claimant received compensation for temporary total disability under a workers' compensation law for more than 7 weeks in BP
MI	ABP: Last 4 completed quarters if individual fails to meet qualifying wage requirements	MN	ABP: First 4 of last 5 completed quarters <sup>3</sup> ----- EBP: Up to 4 quarters depending on length of time a worker received compensation for temporary disability under a workers' compensation law
MT	ABP: Last 4 completed quarters ----- EBP: Up to 4 quarters preceding the disability if the claim was filed within 24 months from the date of the worker's disability	NV	ABP: Last 4 completed quarters ----- EBP: Last 4 quarters preceding BY if 1 quarter has been used in a previous determination, extend the BY up to 1 week if there would otherwise be overlapping of the same quarter in 2 consecutive BPs
NH	ABP: Last 4 completed quarters	NJ	ABP: BP may be one of two alternatives: (1) last 4 completed quarters or (2) last 3 completed quarters, plus any weeks of work in quarter in which claim is filed
NM	ABP: Last 4 completed quarters	NY	ABP: Last 4 completed quarters
NC	ABP: Last 4 completed quarters ----- EBP: Up to 4 quarters, if worker has insufficient wages to establish a claim because of a job related injury for which the worker received workers' compensation	OH	ABP: Last 4 completed quarters
OK	ABP: Last 4 completed quarters ----- EBP: 4 quarters prior to regular base period	OR	EBP: BP extended up to 4 quarters if the worker is disabled for the majority of a quarter. If the worker received worker's compensation, the base year can be extended up to 4 quarters preceding the illness or injury

## MONETARY ENTITLEMENT

**TABLE 3-2: STATES WITH ALTERNATIVE AND EXTENDED BASE PERIODS**

State	ABP/EBP	State	ABP/EBP
PA	EBP: Last 4 completed quarters immediately preceding the date of the injury if the worker was eligible for workers' compensation during the worker's current BP	RI	ABP: Last completed quarters ----- EBP: Worker who received workers' compensation and has requested reinstatement to a previous position that no longer exists is eligible to have base period determined as of the date of the work related injury
SD	ABP: Last 4 completed quarters ----- EBP: Worker who received temporary total disability payments under a workers' compensation law may use a BP of the first 4 of the last 5 completed quarters preceding the disability, if a claim is filed within 24 months of the date the disability was incurred	TN <sup>1</sup>	ABP: Last 4 completed quarters
TX	EBP: If an initial claim is filed within 24 months from the date a workers' illness or injury began or occurred, the BP will be the first 4 of the last 5 completed quarters preceding the illness or injury	UT	EBP: First 4 of last 5 completed quarters prior to date of illness/injury. Worker must have received temporary disability payments during normal BP, filed initial claim no later than 90 days after release to work and within 36 months injury/illness occurred
VA	ABP: Last 4 completed quarters	VT	ABP: One of two alternatives: (1) last 4 quarters or, if still ineligible, (2) last 3 quarters plus any weeks of work in quarter in which claim is filed
WA	ABP: Last 4 completed quarters	WV	ABP: Last 4 completed quarters <sup>4</sup>
WI	ABP: Last 4 completed quarters	WY	EBP: A worker who experienced a temporary total disability under Workers' Compensation may elect a BP of the last 4 completed quarters preceding the date of injury if the worker filed a claim within 3 years of the date of injury and no longer than 60 days after notice of the end of the disability

GENERAL NOTE: Information about various base periods used in MA and MN is located in paragraphs preceding this table.

<sup>1</sup> In CA, ABP effective for new claims filed on or after April 13, 2011; In TN, ABP effective no later than June 25, 2010.

<sup>2</sup> Not implemented as of publication date.

<sup>3</sup> If the claim has an effective date during the month immediately following the last completed calendar quarter the base period is the first 4 of the last 5 completed calendar quarters; however, the first 4 of the last 5 completed calendar quarters must be used if the claimant has more wage credits in those quarters than in the last 4 completed quarters.

<sup>4</sup> To be eligible under ABP must have total BPW of at least \$2,200, and wage in at least 2 quarters.

## QUALIFYING WAGES OR EMPLOYMENT

All states require a worker to have earned a certain amount of wages or to have worked for a certain period of time (or both) within the base period to be monetarily eligible to receive any UI benefits. Most workers qualify for benefits based on employment and wages in a single state. However, some workers who work in more than one state will not have sufficient employment and wages in any single state to establish monetary eligibility, or would be eligible for a smaller weekly benefit amount. Workers with employment and wages in more than one state can elect to file a claim combining employment and wages earned in all states where they worked into a claim filed under the law of one of the states in which they worked. The "paying state" for a combined wage claim combines all base period employment and wages earned under its law with employment and wages transferred from other states to determine the worker's monetary eligibility under its law. For example, if the worker has earned wages in Illinois and Indiana, the worker may elect to file a combined wage claim using Illinois' law. Because of the potential of establishing more than one benefit year in more than one state, Federal regulations stipulate that employment and wages transferred from one state to a second state for use in establishing a combined wage claim in that second "paying" state cannot be used again to establish monetary eligibility. The methods that states use to determine monetary eligibility vary greatly, as described below.

**Multiple of High-Quarter Wages**—Under this method, workers must earn a certain dollar amount in the quarter with the highest earnings of their base period. Workers must also earn total base-period wages that are a multiple—typically 1.5 of the high quarter wages. For example, if a worker earns \$5,000 in the high quarter, the

## MONETARY ENTITLEMENT

worker must earn another \$2,500 in the rest of the base period. States require earnings in more than one quarter to minimize the likelihood that workers with high earnings in only one quarter receive benefits. Although monetarily eligible, those workers wouldn't be substantially attached to the labor market.

**Multiple of Weekly Benefit Amount**—Under this method, the state first computes the worker's weekly benefit amount. The worker must have earned a multiple—often 40—of this amount during the base period. For example, if a worker's weekly benefit amount equals \$100, then the worker will need base period earnings of 40 times \$100—or \$4,000—before any UI would be paid. Most states also require wages in at least two quarters. Some states have weighted schedules that require varying multiples for varying weekly benefits.

**Flat Qualifying Amount**—States using this method require a certain dollar amount of total wages to be earned during the base period. This method is used by most states with an annual-wage requirement for determining the weekly benefit and by some states with a high-quarter-wage/weekly benefit requirement.

**Weeks/Hours of Employment**—Under this method, the worker must have worked a certain number of weeks/hours at a certain weekly/hourly wage.

The following table provides information on the qualifying formulas used by the states and the minimum wages needed to qualify for UI in each state.

<b>TABLE 3-3: BASE PERIOD WAGE AND EMPLOYMENT REQUIREMENTS FOR BENEFITS</b>			
State	Qualifying Formula: Wages or Employment	Minimum Wages Needed To Qualify:	
		High Quarter	Base Period
AL	1½ x HQW in BP and qualifies for at least the minimum WBA	>\$1,157	>\$2,314 (in 2 HQs)
AK	\$2,500 flat amount and wages in 2 quarters of BP		\$2,500
AZ	1½ x HQW in BP and \$1,500 in one quarter or alternative: flat-amount requirement: wages in 2 quarters of BP, wages in 1 quarter sufficient to qualify for the maximum WBA and total BPW ≥ the taxable wage base (\$7,000)	\$1,500	\$2,250
AR	27 x WBA in BP and wages in 2 quarters of BP		\$2,133
CA	\$1,300 in HQ or alternative: \$900 in HQ with BPW = 1¼ x HQ	\$900	\$1,125
CO	40 x WBA or \$2,500 in BP, whichever is greater	\$1,084 (in 2 HQs)	\$2,500
CT	40 x WBA in BP		\$600
DE	36 x WBA in BP. If insufficient BPW, but (36 x WBA) – BPW ≤ \$180, eligible for reduced WBA		\$720
DC	1½ x HQW in BP, or within \$70, \$1,300 in HQ	\$1,300	\$1,950
FL	1½ x HQW in BP; minimum of \$3,400 in BP; wages in 2 quarters	\$2,267	\$3,400
GA	1½ x HQW in BP or alternative: 1/21 HQW for WBA with 40 x WBA in BP and wages in 2 quarters	\$567	\$1,134 (in 2 HQs)
HI	26 x WBA in BP and wages in 2 quarters		\$130
ID	1¼ x HQW in BP and \$1,872 in HQW. Minimum HQW, determined on January 1, must equal 50% of state minimum wage multiplied by 520 hours	\$1,872	\$2,340
IL	\$1,600 flat amount and \$440 outside HQ		\$1,600
IN	1½ x HQW totaling at least \$2,500 in last 2 quarters of BP and not less than \$4,200 in BP	\$2,800	\$4,200
IA	1¼ x HQW in BP (HQW must equal 3 ½% of the statewide AAW) and ½ HQW in another quarter	\$1,290	\$1,930

## MONETARY ENTITLEMENT

**TABLE 3-3: BASE PERIOD WAGE AND EMPLOYMENT REQUIREMENTS FOR BENEFITS**

State	Qualifying Formula: Wages or Employment	Minimum Wages Needed To Qualify:	
		High Quarter	Base Period
KS	30 x WBA in BP and wages in 2 quarters	\$2,565	\$3,270
KY	1½ x HQW in BP, 8 x WBA in last 2 quarters of BP, \$750 outside HQ	\$1,963	\$2,944
LA	1½ x HQW in BP	\$800	\$1,200
ME	2 x AWW in each of 2 different quarters and total wages of 6 x AWW in BP	\$1,371 (in each of 2 Qs)	\$4,112
MD	1½ x HQW in BP, \$576.01 in HQ and wages in 2 quarters. If doesn't meet qualifying requirement for WBA computed on HQW but does meet requirement for next lower bracket, eligible for lower WBA, step down of 6 brackets; the multiple (1½) is not applied to the worker's HQW, but the qualifying amount, shown in a schedule, is computed at the upper limit of each wage bracket (assuming a normal interval at the maximum benefit amount)	>\$576	\$900
MA	30 x WBA in BP and \$3,500 minimum in BP		\$3,500
MI	1½ x HQW in BP or alternative: BPW equal to 20 times the state AWW and wages in 2 quarters	\$2,871	\$4,307
MN	\$1,000 in HQ and \$250 outside HQ	\$1,000	\$1,250
MS	40 x WBA in BP, 26 x minimum WBA in HQ and wages in 2 quarters	\$780	\$1,200
MO	1½ x HQW in BP and \$1,500 in one quarter; or alternative: wages in 2 quarters and BPW of 1½ x maximum taxable wage base for that year	\$1,500	\$2,250
MT	1½ x HQW in BP with total BP wages > 7% of the AAW or alternative: Total BPW >50% of AAW	\$1,518	\$2,277
NE	\$800 in each of 2 quarters; \$2,761 in BP and \$800 in HQ	\$800	\$2,761
NV	1½ x HQW in BP and \$400 in 1 qtr or alternative: wages in 3 of the 4 quarters in the BP	\$400	\$600
NH	\$1,400 in each of 2 quarters	\$1,400	\$2,800
NJ	20 base weeks (20% of AWW) or alternative: 1,000 times the state minimum hourly wage. (\$6.55/hr state minimum wage)		\$2,900
NM	Wages in 2 quarters	\$1,539	\$1,540
NY	1½ x HQW in BP and wages in 2 quarters	\$1,600	\$2,400
NC	6 x AWW in BP and wages in 2 quarters	\$1,118	\$4,551
ND	1½ x HQW in BP and wages in 2 quarters	\$1,864	\$2,795
OH	20 weeks employment with wages in each week of at least 27½% of the state AWW in BP and wages in 2 quarters		\$4,260
OK	1½ x HQW in BP and \$1,500 in BP or alternative: flat-amount requirement ≥ \$14,200 in BP (100% state taxable wage base)	\$368	\$1,500
OR	1½ x HQW in BP and \$1,000 in BP or alternative: flat-amount requirement 500 hours of employment in BP	\$667	\$1,000
PA	16 credit weeks and at least 20% BPW out of HQ (see table in law)	\$800	\$1,320
PR	40 x WBA in BP and wages in 2 quarters; If fail to meet qualifying requirement for WBA computed on HQW but do meet qualifying requirement for next lower bracket, eligible for lower WBA, unlimited step-down provision. PR has a flat qualifying requirement for agricultural workers. Individual's annual salary is used for agricultural workers.	\$77	\$280
RI	1½ x HQW in BP and 200 x minimum hourly wage in 1 quarter and BP wages at least 400 x the minimum hourly wage or alternative: \$1200 x minimum hourly wage in BP	\$1,480	\$2,960

## MONETARY ENTITLEMENT

TABLE 3-3: BASE PERIOD WAGE AND EMPLOYMENT REQUIREMENTS FOR BENEFITS			
State	Qualifying Formula: Wages or Employment	Minimum Wages Needed To Qualify:	
		High Quarter	Base Period
SC	1½ x HQW in BP and \$540 HQW and \$900 BPW	\$540	\$900
SD	\$728 in HQ and 20 x WBA outside HQ	\$728	\$1,288
TN	40 x WBA in BP and lesser of 6 x WBA or \$900 outside HQ	>\$780	>\$1,560
TX	37 x WBA in BP and wages in 2 quarters	\$1,463	\$2,183
UT	1½ x HQW in BP (BPW must be 8% of state average fiscal year wages in BP, rounded to the higher \$100) or alternative: 20 weeks of insured work with 5% of the monetary BPW requirement in each week	\$2,066	\$3,100
VT	1.4 x HQW in BP (HQW will be adjusted by a percentage increase equal to the percentage increase in the state minimum wage for the prior year)	\$2,099	\$2,939
VA	\$2,700 in 2 highest 2 quarters of BP		\$2,700 (in 2 HQs)
VI	1½ x HQW in BP or alternative: flat-amount requirement \$858 in HQW and 39 x WBA in BP	\$858	\$1,287
WA	680 hours employment in BP and wages in BP or alternate BP		
WV	\$2,200 flat amount and wages in 2 quarters		\$2,200
WI	35 x WBA in BP, 4 x WBA outside HQ and wages in at least 2 quarters	\$1,350	\$1,890
WY	1.4 x HQW in BP and wages in 2 quarters (BPW must be ≥ 8% of statewide AAW rounded down to lowest \$50)	\$2,215	\$3,100
GENERAL NOTE: Additional monetary requirements in some state laws result in minimum high quarter and/or base period wages that are higher than what the qualifying formula alone would require.			

## QUALIFYING FOR A SECOND BENEFIT YEAR

Since the standard base period established by the states' laws results in a significant lag between the end of the base period and the establishment of a benefit year, a worker could conceivably use lag-period wages and employment to qualify for 2 consecutive benefit years during one long unemployment spell (after benefits are exhausted and the first benefit year ended). As a result, all states require workers to earn wages after the beginning of the first benefit year. In many states, the amount a worker must earn is a multiple (from 3 to 10) of the weekly benefit amount. A few states require a worker to earn wages sufficient to meet the minimum qualifying requirement. In addition, some states specify that the wages needed to requalify must be earned in covered employment.

TABLE 3-4: WAGES NEEDED TO ESTABLISH NEW BENEFIT YEAR (AMOUNT TIMES WBA UNLESS INDICATED)									
State	Subsequent To Beginning Of Preceding Benefit Year	Subsequent To Date Of Last Valid Claim	Other	Wages Must Be In Insured Work	State	Subsequent To Beginning Of Preceding Benefit Year	Subsequent To Date Of Last Valid Claim	Other	Wages Must Be In Insured Work
AL	8			X	AK	8			
AZ	8				AR	3			X
CA			Equivalent qualifying wages as in preceding BY		CO	\$2,000			

## MONETARY ENTITLEMENT

TABLE 3-4: WAGES NEEDED TO ESTABLISH NEW BENEFIT YEAR (AMOUNT TIMES WBA UNLESS INDICATED)									
State	Subsequent To Beginning Of Preceding Benefit Year	Subsequent To Date Of Last Valid Claim	Other	Wages Must Be In Insured Work	State	Subsequent To Beginning Of Preceding Benefit Year	Subsequent To Date Of Last Valid Claim	Other	Wages Must Be In Insured Work
CT	5 or \$300, whichever is greater			X	DE		10		X
DC	10				FL	3			
GA	10			X	HI	5			X
ID	6; wages must be in bona fide work				IL	3			
IN	8			X	IA	\$250			X
KS	8			X	KY			8; last 2 quarters of BP	
LA	6; or 3/13th of HQW, whichever is lesser			X	ME	8			X
MD	10			X	MA	3			
MI	5				MN	8			X
MS	8			X	MO		5; 10 x WBA in non-covered work		X
MT	6; or 3/13th of HQW, whichever is lesser			X	NE			Wages in insured work at least 6 x WBA	X
NV	3				NH	\$700 during or subsequent to benefit year			X
NJ	4 weeks of employment and at least 6 x WBA in wages				NM	5			
NY	5				NC	10			X
ND		10 <sup>L</sup>		X	OH	3 x AWW and covered employment in 6 weeks			X
OK	10			X	OR	6			X
PA	6				PR	3; for at least one CQ; but not < \$50			X
RI	80 x the minimum hourly wage			X	SC	8			Insured work; must be with a single employer
SD	4			X	TN	5			X
TX	6				UT	6			X
VT	4			X	VA	30 days work or 240 hours			
VI	6				WA	6			



## MONETARY ENTITLEMENT

TABLE 3-4: WAGES NEEDED TO ESTABLISH NEW BENEFIT YEAR (AMOUNT TIMES WBA UNLESS INDICATED)									
State	Subsequent To Beginning Of Preceding Benefit Year	Subsequent To Date Of Last Valid Claim	Other	Wages Must Be In Insured Work	State	Subsequent To Beginning Of Preceding Benefit Year	Subsequent To Date Of Last Valid Claim	Other	Wages Must Be In Insured Work
WV	8			X	WI	8			X
WY	8				<sup>1</sup> Does not apply to employment by a partnership, corporation, or limited liability company if, at the time claim is filed, ownership interest has been ceded.				

## WEEKLY BENEFIT AMOUNT

After determining if a worker has sufficient wages and/or employment to qualify for UI benefits, it is necessary to determine what the weekly benefit amount - the amount payable for a week of total unemployment - will be. As previously mentioned, UI is intended to provide partial wage replacement. For this reason, all workers do not receive the same benefit amount. Some states replace approximately 50% of workers' lost wages up to a certain limit (usually the average weekly wage in the state). As a result, states tend to replace a higher percentage of low wage workers' income than they do for high wage workers. Several states provide dependents' allowances. All states round weekly benefits to an even dollar amount.

States determine eligibility for UI on the basis of the calendar week (Generally, Sunday through the following Saturday.) In many states, the claim week is adjusted to coincide with the employer's payroll week when a worker files a benefit claim for partial unemployment.

### METHODS OF COMPUTING WEEKLY BENEFITS

As with qualifying wages, states utilize a variety of methods to determine a worker's weekly benefit amount.

**High-Quarter Method**—More than half of the states determine the weekly benefit amount by using the base period quarter in which wages were highest. This quarter is viewed as the period most nearly reflecting full-time work for the worker. By dividing this amount by 13 - the number of weeks in a calendar quarter - the average weekly wage is calculated. Based on the percentage of the weekly wage the state intends to replace, the weekly wage is divided and the weekly benefit amount is calculated. For example, a worker who earns \$2,600 in the high quarter has an average weekly wage of \$200 a week (\$2,600 divided by 13). If the state replaces ½ of the average weekly earnings, the weekly benefit amount is \$100. To simplify the calculations, states determine the “overall” multiple of the high-quarter wages to determine the weekly benefit amount. In the above example, it would be 1/26 (1/13 times ½). (Note that this type of formula is used by all states using a multiple of high-quarter wages to establish a benefit year.) 1/26 is the most common multiple used by states.

Since even the quarter of highest earnings may include some unemployment, some states use a fraction generating a higher weekly benefit (e.g., 1/23). Some states use a weighted schedule, which gives a greater proportion of the high-quarter wages to lower-paid workers than to those earning more. In these states, the maximum fraction varies from 1/11 to 1/26 while the minimum varies from 1/23 to 1/33.

**Multi-Quarter Method**—Under this method, the weekly benefit amount is calculated as a multiple of the total or average quarterly wages paid in more than one quarter. This approach is viewed as being more likely to reflect a worker's usual full-time employment pattern since it surveys a greater period of time rather than just focusing on the quarter with highest earnings.

**Annual-Wage Method**—Several states compute the weekly benefit as a percentage of annual wages in the base period. This approach reflects the view that annual wages determine the worker's standard of living. Most states use a weighted schedule which gives a larger proportion of annual wages to the lower-paid workers to determine their weekly benefit amount.

## MONETARY ENTITLEMENT

**Average-Weekly-Wage Formula**—Several states compute the weekly benefit as a percentage of the worker’s average weekly wages in the base period.

The following table provides information on how states calculate weekly benefit amounts, what the minimum and maximum weekly benefit amounts are in each state, and the wages required in order to be eligible for the weekly benefit amounts.

TABLE 3-5: WEEKLY BENEFIT AMOUNTS						
State	Method Of Calculating & Formula	Rounding to	Weekly Benefit Amount		Minimum wages required for maximum WBA	
			Minimum <sup>1</sup>	Maximum <sup>1</sup>	High quarter	Base period
AL	<b>MQ</b> 1/26 of average wages in 2 high quarters	Higher \$	\$45	\$265	N/A	\$13,730 in 2 quarters
AK	<b>AW</b> 0.9% - 4.4% BP wages + DA (see table in law.)	Nearest \$	\$56 - \$128	\$370 - \$442	N/A	\$41,750
AZ	<b>HQ</b> 1/25	Nearest \$	\$60	\$240	\$5,988	\$8,981
AR	<b>HQ</b> 1/26	Lower \$	\$79	\$441	\$11,466	\$11,907
CA	<b>HQ</b> 1/23-1/26 (If HQW < \$1,833, see table in law; otherwise, 1/26 HQW.)	Higher \$	\$40	\$450	\$11,675	\$14,594
CO	<b>HQ/WW</b> Higher of: (1) 60% of 1/26 of 2 highest consecutive quarters, capped by 50% of average weekly earnings (low formula); or (2) 50% of 1/52 BP earnings, capped by 55% of avg. weekly earnings (high formula)	Lower \$	\$25	\$443 (low formula)  \$487 (high formula)	\$9,599 (low formula)  Not applicable (high formula)	\$19,197 in 2 quarters (low formula)  \$50,648 (high formula)
CT	<b>MQ/HQ</b> 1/26 wages in 2 HQs + DA; for construction workers, 1/26 of HQW + DA	Lower \$	\$15 - \$30	\$537 - \$612	\$13,962 in 2 quarters	\$21,480
DE	<b>MQ</b> 1/46 of wages earned in highest 2 quarters	Lower \$	\$20	\$330	N/A	\$15,180 in 2 quarters
DC	<b>HQ</b> 1/26	Lower \$	\$50 - \$100	\$359 - \$409	\$9,334	\$14,001
FL	<b>HQ</b> 1/26	Lower \$	\$32	\$275	\$7,150	\$10,725
GA	<b>MQ</b> 1/42 wages in 2 HQs; computed as 1/21 of HQW when alternative qualifying wages are used (Note: If claimant would qualify for \$27-\$44 the claimant’s WBA is \$44.)	Lower \$	\$44	\$330	N/A	\$13,860 in 2 quarters
HI	<b>HQ</b> 1/21	Higher \$	\$5	\$559	\$11,719	\$14,534
ID	<b>HQ</b> 1/26	Lower \$	\$72	\$334	\$8,684	\$10,855
IL	<b>MQ</b> 47% of the claimant’s wages in highest 2 quarters divided by 26 + DA	Higher \$	\$51 - \$77	\$385 - \$531	N/A	\$21,255 in 2 quarters
IN	<b>HQ</b> 5% of the first \$2,000 in HQ wage credits and 4% of the remaining HQ wage credits	Lower \$	\$50	\$390	\$9,250	\$11,563
IA	<b>HQ</b> 1/19 (4 or more dependents) - 1/23 (no dependents)	Lower \$	\$56 - \$67	\$374 - \$459	\$8,602	\$10,753
KS	<b>HQ</b> 4.25%	Lower \$	\$109	\$436	\$10,259	\$13,080
KY	<b>AW</b> 1.3078% BPW	Nearest \$	\$39	\$415	N/A	\$31,695
LA	<b>MQ</b> 1/25 of the average wages in 4 quarters of BP	Lower \$	\$10	\$247	N/A	\$24,700

## MONETARY ENTITLEMENT

**TABLE 3-5: WEEKLY BENEFIT AMOUNTS**

State	Method Of Calculating & Formula	Rounding to	Weekly Benefit Amount		Minimum wages required for maximum WBA	
			Minimum <sup>1</sup>	Maximum <sup>1</sup>	High quarter	Base period
ME	<b>MQ</b> 1/22 of the average of the 2 HQs + DA (see table in law)	Lower \$	\$62 - \$93	\$356 - \$534	N/A	\$15,664 in 2 quarters
MD	<b>HQ</b> 1/24 + DA	Higher \$	\$25 - \$65	\$410 <sup>2</sup> same with or without DA	>\$9,816	\$14,760
MA	<b>MQ</b> 50% of 1/26 of total wages in 2 HQs up to 57.5% of state AWW	Lower \$	\$33 - \$49	\$629 - \$943	N/A	\$32,708 in 2 high quarters
MI	<b>HQ</b> 4.1% + DA	Lower \$	\$117 - \$147	\$362 same with or without DA	\$8,830	\$13,245
MN	<b>HQ/WW</b> The higher of 50% of 1/52 BPW up to 66 $\frac{2}{3}$ % of the state AWW, or 50% of 1/13 HQ up to 43% of the state's AWW	Lower \$	\$38	\$377 (based on HQW)  \$585 (based on BPW)	\$9802 \$9,126 (based on HQW)  Not applicable (based on BPW)	\$10,052 (based on HQW)  \$60,840 (based on BPW)
MS	<b>HQ</b> 1/26	Lower \$	\$30	\$235	\$6,110	\$9,400
MO	<b>MQ</b> 4.0% of the average of the 2 HQs	Lower \$	\$35	\$320	N/A	\$16,000 in 2 quarters
MT	<b>AW/MQ</b> 1.0% of BPW or 1.9% of wages in the 2 HQs	Lower \$	\$125	\$422	N/A	\$22,211 in 2 quarters
NE	<b>HQ</b> 1/26	Lower \$	\$30	\$318	\$8,268	\$9,068
NV	<b>HQ</b> 1/25	Lower \$	\$16	\$400	\$10,000	\$15,000
NH	<b>AW</b> 1.0% - 1.1% of BPW (see table in law)	Nearest \$	\$32	\$427	N/A	\$41,500
NJ	<b>WW</b> 60% (base weeks' wages/number of base weeks) + DA.	Lower \$	\$87 - \$100	\$600 same with or without DA	N/A	\$20,000 in 20 weeks
NM	<b>HQ</b> 60% of AWW in HQ + DA; wages in 2 quarters of BP <sup>3</sup>	Lower \$	\$71 - \$106.50	\$426 - \$526	\$9,230	\$9,231
NY	<b>HQ</b> 1/26; 1/25 if HQW < \$3,575	Nearest \$	\$64	\$405	\$10,517	\$15,776
NC	<b>HQ</b> 1/26	Lower \$	\$43	\$505	\$13,130	\$13,131
ND	<b>MQ</b> 1/65 of (total wages earned in highest 2 quarters and 1/2 of total wages in third highest quarter).	Lower \$	\$43	\$431	N/A	\$28,015
OH	<b>WW</b> 50% (wages in qualified weeks in BP / number of such weeks) + DA	Lower \$	\$106	\$375 - \$508	N/A	\$15,000 in 20 weeks
OK	<b>HQ</b> 1/23	Lower \$	\$16	\$430	\$9,890	\$14,900 <sup>4</sup>
OR	<b>AW</b> 1.25% BP wages	Lower \$	\$115	\$493	N/A	\$39,440
PA	<b>HQ</b> 1/23 - 1/25 + DA (see table in law)	Lower \$	\$35 - \$43	\$564 - \$572	\$14,038	\$22,480
PR	<b>HQ</b> 1/11 - 1/26	Lower \$	\$7	\$133	\$3,458	\$5,320
RI	<b>HQ</b> 4.62% + DA	Lower \$	\$68 - \$118	\$546 - \$682	\$11,819	N/A
SC	<b>HQ</b> 1/26	Lower \$	\$20	\$326	\$8,476	\$12,714

## MONETARY ENTITLEMENT

**TABLE 3-5: WEEKLY BENEFIT AMOUNTS**

State	Method Of Calculating & Formula	Rounding to	Weekly Benefit Amount		Minimum wages required for maximum WBA	
			Minimum <sup>1</sup>	Maximum <sup>1</sup>	High quarter	Base period
SD	<b>HQ</b> 1/26	Lower \$	\$28	\$309	\$8,034	\$14,214
TN	<b>MQ</b> 1/26 of average of 2 HQs (see table in law)	Lower \$	\$30 - \$80	\$275 - \$325	N/A	>\$14,300 in 2 quarters
TX	<b>HQ</b> 1/25	Nearest \$	\$59	\$406	\$10,138	\$15,004
UT	<b>HQ</b> 1/26	Lower \$	\$29	\$451	\$11,726	\$17,589
VT	<b>MQ</b> Wages in the 2 highest quarters divided by 45	Lower \$	\$64	\$425	N/A	\$19,125 in 2 quarters
VA	<b>MQ</b> 1/50 of 2 HQs (see table in law)	Lower \$	\$54	\$378	N/A	>\$18,900 in 2 quarters
VI	<b>HQ</b> 1/26	Lower \$	\$33	\$462	\$12,012	\$18,018
WA	<b>MQ</b> 3.85% of average of 2 HQs	Lower \$	\$133	\$560	N/A	\$29,091
WV	<b>AW</b> 55% of 1/52 of median wages in worker's wage class. (see table in law)	Lower \$	\$24	\$424	N/A	\$40,150
WI	<b>HQ</b> 4.0%	Lower \$	\$54	\$363	\$9,075	\$12,705
WY	<b>HQ</b> 4.0%	Lower \$	\$31	\$438	\$10,950	\$15,330

KEY: HQ = High Quarter Formula MQ = Multi-Quarter Formula AW = Annual Wage Formula WW = Average Weekly Wage Formula  
DA = Dependent's Allowances

GENERAL NOTE: Since the high quarter and base period wage requirements for the minimum weekly benefit amount are the same as the wage and employment requirements to qualify for benefits, they are not repeated in this table. (See Table 3-3.) Additionally, in states where the benefit entitlement is calculated using multi-quarter, annual wage, or average weekly wage formulas, the high quarter cell is shown as N/A as no specific level of wages is required in the high quarter pursuant to state law.

<sup>1</sup> When 2 WBAs are listed, higher figure includes DA. Higher figure for minimum and maximum WBAs includes DA for maximum number of dependents.

<sup>2</sup> Effective October 1, 2010 the maximum WBA will increase to \$430. The HQW on October 1, 2010 will be >\$10,296 and the BPW will be \$15,480.

<sup>3</sup> The formula for calculating the WBA will revert to 53½% of the AWW in the HQ on July 1, 2011.

<sup>4</sup> The BPW can be comprised of both insured and non-insured wages. To be eligible for the maximum WBA only \$9,890 of the \$14,900 of BPW must be taxable.

### AUTOMATIC ADJUSTMENTS TO WEEKLY BENEFIT AMOUNTS

In those states where UI is intended to replace a specific percent of wages up to a fixed percent of the state's average weekly wage, the calculation of benefit entitlement is determined by the state's average weekly wage. Because wages increase, states recalculate the average weekly wage periodically to update the benefits schedule and continue to replace the desired percentage of a worker's lost wages. The maximum weekly benefit amount is usually more than 50 percent of the average weekly wage in covered employment within the state during a recent 1-year period. In most states, the minimum weekly benefit is an amount specified in the law. However, some states' laws link the minimum weekly benefit amount with their average weekly wage as well. The following table includes states with automatic adjustment to benefits amounts.

## MONETARY ENTITLEMENT

**TABLE 3-6: STATES WITH AUTOMATIC ADJUSTMENT TO BENEFITS AMOUNTS**

State	Method Of Computation					Percentage Of State AWW		Effective Date Of New Amounts
	Annually As % Of AWW In Covered Employment In:			Semiannually As % Of AWW In Covered Employment In:				
	Preceding CY	12 Months Ending March 31	12 Months Ending June 30	12 Months Ending 6 Months Before Effective Date	All Industries In State	Maximum	Minimum	
AR	X					66⅔% (high formula)	12% (low formula)	July 1
CO					X	55%		July 1
CT			X			60%; based on AWW of production and related workers (may not be increased by more than \$18 in any year)		1 <sup>st</sup> Sunday in Oct.
DC		X				66⅔%		Jan. 1
HI			X			75%		Jan. 1
ID	X					Percentage varies (52% - 60%) depending upon the base tax rate in a given year		Jan. 1
IL	X					47%; for claimants with dependents, maximum is limited to 65.2% of state's AWW, which is based on percentage changes from year to year		Jan. 1
IA	X					53%; for claimants with no dependents. For claimants with dependents, ranges from 55% to 65%		1 <sup>st</sup> Sunday in July
KS	X					60%	25% of max WBA	July 1
KY	X					62%; cannot increase in any year when tax schedule increases from previous year (year-to-year increases limited depending on fund balance)		July 1
LA		X				66⅔%		Sept. 1
ME	X					52%		June 1
MA		X				57½%		1 <sup>st</sup> Sunday in Oct.
MN	X					Higher of 50% of the worker's AWW in the BP to a maximum of 66⅔% of the state AWW; or 50% of the worker's AWW during the HQ to a maximum of 43% of the state AWW		Last Sunday in October
MT	X					67½%	20%	July 1
NV	X					50%		July 1
NJ	X					56⅔%		Jan. 1
NM			X			53 ½%	10%	1 <sup>st</sup> Sunday in Jan.
NC	X					66⅔%		August 1

## MONETARY ENTITLEMENT

**TABLE 3-6: STATES WITH AUTOMATIC ADJUSTMENT TO BENEFITS AMOUNTS**

State	Method Of Computation					Percentage Of State AWW		Effective Date Of New Amounts
	Annually As % Of AWW In Covered Employment In:			Semiannually As % Of AWW In Covered Employment In:				
	Preceding CY	12 Months Ending March 31	12 Months Ending June 30	12 Months Ending 6 Months Before Effective Date	All Industries In State	Maximum	Minimum	
ND	X					62%; 65% of state AWW if trust fund reserves on Oct. 1 are $\geq$ the required amount and the state's average contribution rate is < the nationwide average for the preceding year		1 <sup>st</sup> Sunday in July
OH			X			Percentage used is not specified by law		1 <sup>st</sup> Sunday in Jan.
OK	X					The greater of \$197 or 60%, 57.7%, 55%, 52½% or 50% of state AWW of the second preceding CY, depending on the condition of the fund		July 1
OR	X					64%	15%	Week of July 4
PA			X			66⅔%		Jan. 1
PR	X					50%		July 1
RI	X					67%		July 1
SC	X					66⅔%		July 1
SD	X					50%		July 1
TX	X					47.6%	7.6%	Oct. 1
UT			X			62½%		Jan. 1
VT	X					Percentage not specified by law		1 <sup>st</sup> Sunday in July
VI			X			50%		Jan. 1
WA	X					63% <sup>1</sup>	15%	1 <sup>st</sup> Sunday in July
WV	X					66⅔%		July 1
WI				X		66⅔% of the average wages per average week	15% of maximum rate	Jan. 1 & July 1
WY	X					55%	4%	1 <sup>st</sup> Sunday in July

<sup>1</sup> The maximum WBA is calculated as the greater of \$496 or 63% of the AWW for the preceding calendar year.

### WAITING PERIOD

Workers who are otherwise eligible for benefits must first serve a waiting period in most states. In most states, the waiting-period requirement for weeks of partial unemployment is the same as for weeks of total unemployment. The waiting period is served in or with respect to a particular benefit year. Special provisions may exist for successive benefit years. (When a worker, after intervening employment, has an additional spell of unemployment that continues beyond the end of the first benefit year, the worker may not have to serve another waiting week if he is monetarily eligible for benefits in the second year.)

## MONETARY ENTITLEMENT

**TABLE 3-7: STATE INITIAL WAITING PERIODS**

State	Duration (in weeks)*	Becomes Compensable After:	May Be Waived Under These Circumstances
AL	1 <sup>1</sup>		
AK	1		
AZ	1		
AR	1		
CA	1 <sup>2</sup>		During a state of war emergency or a state of emergency if compliance with the waiting period requirement would prevent, hinder, or delay the mitigation of the effects of a state of emergency (e.g., natural disaster)
CO	1 <sup>3</sup>		
CT	No waiting period		
DE	No waiting period		
DC	1		
FL	1		
GA	No waiting period		
HI	1		
ID	1		
IL	1		
IN	1 <sup>3</sup>	3 weeks of unemployment consecutive to such waiting week	For individuals who become unemployed due to employer terminating business operations within the state, declaring bankruptcy, or initiating a workforce reduction pursuant to the Federal WARN Act
IA	No waiting period		
KS	1	3 weeks of unemployment consecutive to such waiting week	For individuals who become unemployed due to employer terminating business operations within the state; the employer declaring bankruptcy or a workforce reduction that is subject to the Federal WARN Act
KY	No waiting period		
LA	1		
ME	1		
MD	No waiting period		
MA	1		No waivers though authority exists and has been used before
MI	No waiting period		
MN	1		If the individual would have been entitled to DUA but has established benefit account
MS	1		If the President declares a major disaster in accordance with Stafford Act
MO	1	When remaining balance on claim is equal to or less than compensable amount for waiting week	
MT	1		
NE	1		
NV	No waiting period		
NH	1 <sup>4</sup>		

## MONETARY ENTITLEMENT

**TABLE 3-7: STATE INITIAL WAITING PERIODS**

State	Duration (in weeks)*	Becomes Compensable After:	May Be Waived Under These Circumstances
NJ	No waiting period		
NM	1		Natural disaster, extended benefit program
NY	1		At the direction of the Governor
NC	1		May be waived for major industrial disasters
ND	1		
OH	1		
OK	1		
OR	1		
PA	1		
PR	1		
RI	1		For individuals who become unemployed due to a natural disaster or state of emergency
SC	1		
SD	1		
TN	1	3 consecutive weeks of compensable unemployment immediately following a waiting period	
TX	1 <sup>3</sup>	Receipt of benefits equaling 3 x WBA	
UT	1		If Department approval for training is granted for the first eligible week of the claim
VT	No waiting period		
VA	1		For an individual whose unemployment was caused by his employer terminating operations, closing its business or declaring bankruptcy without paying the final wages earned as required by Section 40.1-29 of the Code of Virginia  Authorized by the Governor under an executive order
VI	1 <sup>3</sup>		
WA	1		
WV	1		
WI	No waiting period		
WY	No waiting period		

\* For total unemployment, partial unemployment or in consecutive benefit years unless otherwise noted.

<sup>1</sup> The waiting period is served in the 14<sup>th</sup> week.

<sup>2</sup> One week waiting period is deferred if claimant is in continued claim status from a prior year's claim. The one-week waiting period must be served later in the new benefit year if there is an interruption of UI payments for one or more weeks. Also, the 1-week waiting period credit for the new benefit year may be served in the last week of the prior benefit year if the claim was exhausted prior to the last week of that benefit year.

<sup>3</sup> No waiting period required for new/consecutive benefit year.

<sup>4</sup> The waiting week provision is effective beginning with benefit years commencing on or after January 3, 2010.



## MONETARY ENTITLEMENT BENEFITS FOR PARTIAL UNEMPLOYMENT

Often, instead of being laid off, workers may have their hours reduced during an economic downturn. Or, unemployed workers may find short term work while looking for a permanent, full-time job. These circumstances characterize partial unemployment. The UI system is set up to permit benefit receipt by these workers as long as they meet all eligibility requirements. However, the weekly benefit amount payable differs.

A week of total unemployment is commonly defined as a week in which the worker performs no work and with respect to which remuneration is not payable. In Puerto Rico, a worker is deemed totally unemployed if earnings from self-employment are less than 1½ times the weekly benefit amount or if no service is performed for a working period of 32 hours or more in a week. In a few states, a worker is considered totally unemployed in a week even though certain small amounts of wages are earned. In most states, a worker is partially unemployed in a week of less than full-time work and earnings of less than the weekly benefit amount. In some states, a worker is partially unemployed in a week of less than full-time work when less than the weekly benefit amount plus an allowance is earned, either from odd-job earnings or from any source as indicated in the table below.

The worker's UI payment will generally equal the difference between the weekly benefit amount and earnings. All states disregard some earnings as an incentive to take short term work.

When determining monetary entitlement to benefits, the state usually specifies a maximum dollar amount that can be received—usually equal to a specified number of weeks of benefits for total unemployment multiplied by the weekly benefit amount for total unemployment. Consequently, a partially unemployed worker may draw benefits for a greater number of weeks than a totally unemployed worker.

Most state laws provide that the benefit for a week of partial unemployment will be rounded to the nearest or the lower dollar. For example, in a state with a \$30 earnings disregard and rounding to the nearest dollar, a worker with a \$40 weekly benefit amount and earnings of \$50.95 would receive a partial benefit of \$19.

<b>TABLE 3-8: PARTIAL UNEMPLOYMENT &amp; EARNINGS DISREGARDED WHEN DETERMINING WEEKLY BENEFIT</b>					
State	Definition Of Partial Unemployment: Week Of Less Than Full-Time Work If Earnings Are Less Than:	Earnings Disregarded In Computing Weekly Benefit For Partial Unemployment	State	Definition Of Partial Unemployment: Week Of Less Than Full-Time Work If Earnings Are Less Than:	Earnings Disregarded In Computing Weekly Benefit For Partial Unemployment
AL	WBA	\$15	AK	1½ x WBA + \$50	¼ wages over \$50
AZ	WBA	\$30	AR	WBA + 2/5 WBA	2/5 WBA
CA	WBA	Greater of \$25 or ¼ of wages	CO	WBA	¼ WBA
CT	1½ + basic WBA	½ wages; includes holiday pay in the remuneration for determining partial benefits	DE	WBA + greater of \$10 or ½ WBA	Greater of \$10 or ½ WBA
DC	WBA + \$20	1/5 wages + \$20	FL	WBA	8 x Federal hourly minimum wage
GA	WBA	\$50; excludes payments for jury service	HI	WBA	\$150
ID	WBA + ½ WBA	½ WBA	IL	WBA	½ WBA
IN	WBA	Greater of \$3 or 1/5 WBA from other than base period ERs	IA	WBA + \$15	¼ WBA
KS	WBA	¼ WBA	KY	1¼ x WBA	1/5 wages

## MONETARY ENTITLEMENT

TABLE 3-8: PARTIAL UNEMPLOYMENT & EARNINGS DISREGARDED WHEN DETERMINING WEEKLY BENEFIT					
State	Definition Of Partial Unemployment: Week Of Less Than Full-Time Work If Earnings Are Less Than:	Earnings Disregarded In Computing Weekly Benefit For Partial Unemployment	State	Definition Of Partial Unemployment: Week Of Less Than Full-Time Work If Earnings Are Less Than:	Earnings Disregarded In Computing Weekly Benefit For Partial Unemployment
LA	WBA	Lesser of ½ WBA or \$50	ME	WBA + \$5	\$25; excludes wages received by members of the National Guard and organized labor, including base pay and allowances or any amounts received as a volunteer emergency medical services worker
MD	Augmented WBA	\$100	MA	WBA	½ WBA; earnings plus WBA may not equal or exceed the worker's AWW
MI	1½ x WBA	For each \$1 earned, WBA reduced by 50 cents (benefits and earnings cannot exceed 1½ WBA); earnings above ½ WBA result in dollar-for-dollar reduction in WBA; if the resulting WBA is zero weeks of benefits payable reduced by 1 week	MN	WBA	For each \$1 earned, WBA reduced by 55 cents; no deduction for jury pay and wages earned for services performed in National Guard and military reserve, and as a volunteer firefighter or in ambulance services
MS	WBA	\$40	MO	WBA + \$20 or 1/5 WBA, whichever is greater	\$20 or 1/5 WBA, whichever is greater; excludes termination pay, severance pay, and wages from service in the organized militia for training or authorized duty from benefit computation
MT	2 x WBA	½ wages over ¼ WBA	NE	WBA	¼ WBA
NV	WBA	¼ wages	NH	WBA	3/10 WBA
NJ	WBA + greater of \$5 or 1/5 WBA	Greater of \$5 or 1/5 WBA	NM	WBA	1/5 WBA; excludes payments for jury service
NY	Benefits paid at the rate of ¼ WBA for each effective day within a week beginning on Monday (effective day defined as 4 <sup>th</sup> and each subsequent day of total unemployment in a week in which claimant earns not more than \$300)		NC	Week of less than 3 customary scheduled full-time days	1/10 AWW in HQ
ND	WBA	3/5 WBA	OH	WBA	1/5 WBA
OK	WBA + \$100	\$100	OR	WBA	½ WBA; or 10 x state minimum wage (\$8.40 in 2010); excludes wages from service in the organized militia for training or authorized duty from benefit computation
PA	WBA + 2/5 WBA	Greater of \$6 or 2/5 WBA	PR	1½ x WBA; week in which wages or remuneration from self-employment are less than 1½ times claimant's WBA or the claimant performs no service for a working period of 32 hours or more in a week	WBA
RI <sup>1</sup>	Basic WBA	1/5 WBA	SC	WBA	¼ WBA
SD	WBA	¼ wages over \$25	TN	WBA	Greater of \$50 or ¼ WBA
TX	WBA + greater of \$5 or ¼ WBA	Greater of \$5 or ¼ WBA	UT	WBA	3/10 WBA

## MONETARY ENTITLEMENT

TABLE 3-8: PARTIAL UNEMPLOYMENT & EARNINGS DISREGARDED WHEN DETERMINING WEEKLY BENEFIT					
State	Definition Of Partial Unemployment: Week Of Less Than Full-Time Work If Earnings Are Less Than:	Earnings Disregarded In Computing Weekly Benefit For Partial Unemployment	State	Definition Of Partial Unemployment: Week Of Less Than Full-Time Work If Earnings Are Less Than:	Earnings Disregarded In Computing Weekly Benefit For Partial Unemployment
VT	WBA + \$15 provided the claimant works less than 35 hours (35 hours is considered full-time employment)	Greater of \$40 or 3/10 WBA	VA	WBA	\$50
VI	$1\frac{1}{3} \times \text{WBA} + \$15$	$\frac{1}{4}$ wages in excess of \$15	WA	$1\frac{1}{3} \times \text{WBA} + \$5$	$\frac{1}{4}$ wages over \$5
WV	WBA + \$61	\$60	WI	Any week the worker receives any wages. (no worker may be eligible for partial benefits if the benefit payment is < \$5; or if an employer paid the worker at least 80% of the BPW; or the worker worked for the employer at least 35 hours in the week at the same; or a greater rate of pay as the worker was paid in the HQ)	\$30 plus 33% of wages in excess of \$30 (excludes wages received as a volunteer firefighter or voluntary medical technician from benefit computation)
WY	WBA	$\frac{1}{2}$ WBA			

<sup>1</sup> Special provision for totally unemployed workers who have days of employment between the end of the waiting period and the beginning of the first compensable week, and also for those who return to work prior to the end of a compensable week, provided they have been in receipt of benefits for at least 2 successive weeks of total unemployment. For each day of unemployment in such week in which work is ordinarily performed in the worker's occupation, one-fifth of the weekly benefit is paid, up to four-fifths of the weekly rate.

## DEPENDENTS' ALLOWANCES

Although wages earned during the base period is the primary factor in determining the size of the payment a claimant receives each week, some states' laws provide for a dependents' allowance above and beyond the basic benefit amount payable. The definition of dependent, for UI purposes, varies from state to state as does the allowance granted. In general, a dependent must be wholly or mainly supported by the worker or living with or receiving regular support from the worker.

**DEFINITION OF DEPENDENT**—All states with dependents' allowances include children under a specified age. The intent is to include all children whom the worker is morally obligated to support. In most of these states, allowances may be paid on behalf of older children who are unable to work because of physical or mental disability. In some states, children are not the only dependents recognized - spouses, parents, or siblings are also included in the definition. The following table outlines, for the states that have dependents' allowances, their definition of a dependent.

TABLE 3-9: DEFINITION OF DEPENDENT							
State	Dependent Child		Nonworking Dependent			Number of Dependents Fixed For BY	Max. No. of Dependents
	Under 18 Unless Otherwise Noted <sup>1</sup>	Older Child Not Able To Work <sup>1</sup>	Spouse	Parent	Brother or Sister		
AK	Child must be unmarried; must have received more than half the cost of support from claimant or be lawfully in the worker's custody at the time the worker claims the allowance. <sup>2</sup>	X <sup>2</sup>					3
CT	21 if child is full-time student.	X <sup>3</sup>	X				5
DC <sup>4</sup>	16 <sup>2</sup>	X <sup>2</sup>	X	X	X	X	4

## MONETARY ENTITLEMENT

**TABLE 3-9: DEFINITION OF DEPENDENT**

State	Dependent Child		Nonworking Dependent			Number of Dependents Fixed For BY	Max. No. of Dependents
	Under 18 Unless Otherwise Noted <sup>1</sup>	Older Child Not Able To Work <sup>1</sup>	Spouse	Parent	Brother or Sister		
IL	X <sup>2</sup>	X <sup>2</sup>	Spouse must be currently ineligible for benefits in the State because of insufficient BPW.				1
IA	X <sup>2</sup>	X <sup>2</sup>	No dependency allowance paid for any week in which spouse earns more than \$120 in gross wages.	X	X	X	4
ME	X <sup>2</sup>	X <sup>2,3</sup>	No dependency allowance paid for any week in which spouse is employed full time and is contributing to support of dependents.				X <sup>5</sup>
MD	16 <sup>2</sup>	X <sup>2</sup>				X	5
MA <sup>6</sup>	Child must be unmarried and by interpretation; 24 if child is full-time student. <sup>2</sup>	X <sup>2,3</sup>				X	X <sup>5</sup>
MI	Must have received more than half the cost of support from claimant for at least 90 consecutive days or for the duration of the parental relationship. <sup>2</sup>	X <sup>2,3</sup>	X	X <sup>7</sup>	X <sup>8</sup>	X	5
NJ	19; child must be unmarried; 22 if child is full-time student. <sup>2</sup>	X <sup>2,3</sup>	X			X	3
NM	Child must also be unemancipated. Child may be in legal custody of claimant pending adoption. Court requires claimant to contribute to child's support and no one else is receiving benefits for that child.						4
OH	Must have received more than half the cost of support from claimant within 90 days prior to BYB (or duration of parental relationship, if less than 90 days). Child, stepchild or adopted child may be 18 years of age or older if mentally or physically disabled and unable to work. <sup>2</sup>	X <sup>2</sup>	May not be claimed as dependent if average weekly income is in excess of 25% of the claimant's AWW.			X	3
PA		X	X			X	2
RI	X <sup>2</sup>	X <sup>2</sup>				X	5
TN	Child must be an un-emancipated minor child who is wholly or mainly supported by the claimant. <sup>2</sup>						4

<sup>1</sup> In all states except MA, includes stepchild by statute in all states except.

<sup>2</sup> In AK, DC, IL, IA, ME, MD, MI, NJ, OH, and RI adopted child is included by statute; in MA adopted child is include by interpretation; and in DC, MA legal guardians are included by statute.

<sup>3</sup> Full-time student included in, CT, ME, MA, MI, and NJ.

<sup>4</sup> The dependent allowance provision expires December 31, 2010.

<sup>5</sup> The dependent allowance is capped at 50% of the claimant's WBA.

<sup>6</sup> Only dependents residing within the U.S., its Territories and possessions.

<sup>7</sup> Parents over 65 or permanently disabled for gainful employment.

<sup>8</sup> Brother or sister under 18, orphaned, or whose living parents are dependents.

## MONETARY ENTITLEMENT

**AMOUNT OF WEEKLY DEPENDENTS' ALLOWANCES**—As with the definition of dependents, there is much variation among states concerning the amount of weekly dependents' allowance payable. However, there are some commonalities. For example, the allowance is ordinarily a fixed sum. In addition, all states have a limit on the total amount of dependents' allowance payable in any week: in terms of dollar amount; number of dependents; percentage of basic benefits, of high-quarter wages, or of average weekly wage. This limitation results in reductions, for some workers, in the actual allowance per dependent or the maximum number of dependents on whose behalf allowances may be paid. In almost all states, the number of dependents is fixed for the benefit year when the monetary determination on the claim is made. Likewise, in virtually all states, only one parent may draw allowances if both are receiving benefits simultaneously. Workers who are eligible for partial benefits may draw dependents' allowances in addition to their basic benefits in most of the states providing for these allowances. They receive the full allowance for a week of partial unemployment. Consequently, the allowance for dependents may be greater than the basic benefit for partial unemployment. Alaska and Connecticut permit the dependents' allowances to be adjusted during the benefit year if a worker acquires additional dependents.

**TABLE 3-10: AMOUNT OF WEEKLY DEPENDENTS' ALLOWANCES**

State	Weekly Allowance Per Dependent	Weekly Dependents' Allowances Capped At:	Maximum Dependents' Allowance For Minimum Weekly Benefit	Maximum Dependents' Allowance For Maximum Weekly Benefit
AK	\$24	\$72	\$72	\$72
CT	\$15	Lesser of WBA or \$75	\$15	\$75
DC <sup>1</sup>	\$15	\$50	\$50	\$50
IL	\$26 - \$147	\$26 - \$147	\$26	\$147 <sup>2</sup>
IA	\$2 - \$14	Schedule \$2 - \$85	\$11	\$85
ME	\$10	½ WBA	\$30	\$178
MD	\$8	\$40	\$40	\$0; same maximum WBA with or without dependents.
MA	\$25	½ WBA	\$17	\$314
MI	\$6	\$30	\$30	\$0; same maximum WBA with or without dependents.
NJ	7% of WBA for 1 <sup>st</sup> dependent and 4% for each of the next 2 dependents.		\$13	\$0; same maximum WBA with or without dependents.
NM	\$25	½ WBA up to \$100	\$35.50	\$100
OH	\$1 - \$133	Determined by schedule according to the AWW and dependency class.	\$0	\$133
PA	\$5; \$3 for one other dependent.	\$8	\$8	\$8
RI	The greater of \$10 or 5% WBA per dependent, up to 5 dependents.		\$50	\$136
TN	\$15	\$50	\$50	\$50

GENERAL NOTE: Full dependents' allowance (DA) given for weeks of partial benefits in all states with the following exceptions: MD and PA - Not more than 26 DA payments for dependents may be made in any one BY (Workers are partially unemployed if they earn less than the unadjusted WBA.) IL - DA shown is for child, spouse DA is different.

<sup>1</sup> The dependent allowance provision expires December 31, 2010.

<sup>2</sup> Both the WBA and the dependents' allowances are calculated as a percentage of the state's average weekly wage.

## MONETARY ENTITLEMENT

### DURATION OF BENEFITS

When states compute a worker’s monetary eligibility for benefits, in addition to calculating the weekly benefit amount, they determine the duration of benefits—how long benefits can be collected. The duration is usually measured as a number of weeks of total unemployment. Maximum weeks of benefits vary from 26 to 30 weeks, most frequently 26 weeks. A few states’ laws establish uniform durations of 26 weeks for all workers who meet the qualifying-wage requirements, whereas the rest of the states have variable durations. Uniform duration states are not necessarily “more generous” than the other states because many of these states have comparatively high minimum wage thresholds to qualify for all but the lowest benefit levels. Similarly, whether directly or indirectly, all uniform duration states require employment in more than one quarter for all - or most - workers to qualify for benefits.

In variable duration states, duration is derived. First, the state determines the limit on total benefits receivable in a benefit year (the maximum entitlement). In most of these states, a worker's benefits are limited to a fraction or percent of base-period wages if it produces an amount less than the specified multiple (usually 26-30) of the worker's weekly benefit amount. The rest of the variable duration states - states using an average-weekly-wage method - set maximum potential benefits as a fraction of weeks worked during the base period. Once the state calculates the maximum entitlement, it divides that amount by the weekly benefit amount to derive the duration. Some states’ laws specify both the minimum and maximum duration, in weeks, along with the method of calculating benefit entitlement. Since, in all of these states, the maximum potential benefit may be used for weeks of total or partial unemployment, workers can collect benefits longer than their stated duration (until they have exhausted their maximum entitlement).

Depending on the distribution of wages in the base period, workers with the same total base period wages can have different durations and different weekly benefit amounts. For example, workers whose wages are concentrated largely or wholly in the high quarter will have a higher weekly benefit amount but a shorter duration.

In most states with variable duration, workers at all benefit levels are subject to the same minimum and maximum weeks of duration.

A few states include a limitation on wage credits in computing duration. For example, in Colorado, only wages up to 26 times the current maximum weekly amount per quarter count. This type of provision tends to reduce weeks of benefits for workers at the higher benefit levels.

This section deals only with the regular UI program. Extensions are addressed in the following chapter.

The following table describes how each variable duration state calculates benefit entitlement and the duration of benefits (number of benefit weeks) a worker is eligible to receive; and for all states, the minimum and maximum potential benefits, duration, and wage credits required to qualify for the maximum duration of the maximum weekly benefit amount.

TABLE 3-11: BENEFIT ENTITLEMENT & DURATION OF BENEFITS						
State	Formula for Calculating Benefit Entitlement	Minimum Potential Benefits: Amount <sup>1</sup>	Maximum Potential Benefits			Duration (Weeks)
			Amounts <sup>2</sup>	Wage credits required		
				High quarter	Base period	
AL	Lesser of 26 x WBA or 1/3 BPW	\$675	\$6,890	N/A	\$20,670	15 – 26
AK	Ratio of annual wages to HQW—from less than 1.50 to 3.5 or more	\$896	\$9,620 -11,492	N/A	\$41,750	16 – 26
AZ	Lesser of 26 x WBA or 1/3 BPW	\$720	\$6,240	\$5,988	\$18,720	12 – 26
AR	Lesser of 26 x WBA or 1/3 BPW	\$711	\$11,466	\$11,466	\$34,398	9 – 26

## MONETARY ENTITLEMENT

**TABLE 3-11: BENEFIT ENTITLEMENT & DURATION OF BENEFITS**

State	Formula for Calculating Benefit Entitlement	Minimum Potential Benefits: Amount <sup>1</sup>	Maximum Potential Benefits			Duration (Weeks)
			Amounts <sup>2</sup>	Wage credits required		
				High quarter	Base period	
CA	Lesser of 26 x WBA or ½ BPW	\$560	\$11,700	\$11,675	\$23,400	14 – 26
CO	Lesser of 26 x WBA or ⅓ wage credits in BP	\$325	\$11,518 (low formula) \$12,662 (high formula)	\$9,599 (low formula) Not applicable (high formula)	\$34,554 (low formula) \$50,648 (high formula)	13 – 26
CT	N/A: Uniform duration state	\$390	\$13,962 - \$15,912	\$13,962 in 2 quarters	\$21,480	26 uniform
DE	Lesser of 26 x WBA or ½ BPW	\$480	\$8,580	N/A	\$17,160	24 – 26
DC	Lesser of 26 x WBA or 50% BPW	\$950	\$9,334	\$9,334	\$18,668	19 – 26
FL	25% BPW up to \$7150	\$288	\$7,150	\$7,150	\$28,600	9 – 26
GA	Lesser of 26 x WBA or ¼ BPW	\$264	\$8,580	N/A	\$34,320	6 – 26
HI	N/A: Uniform duration state	\$130	\$14,534	\$11,719	\$14,534	26 uniform
ID	Ratio of BPW to HQW--from 1.25 to 3.5	\$720	\$8,684	\$8,684	\$30,394	10 – 26
IL	N/A: Uniform duration state (Claimants are eligible for the lesser of 26 weeks of benefits or their total BP wages)	\$1,326	\$10,010 - \$13,806	N/A	\$21,255 in 2 quarters	26 uniform
IN	Lesser of 26 x WBA or 28% of BP wage credits; only specified amount of wages per quarter may be used for computing duration of benefits: \$8,733	\$400	\$10,140	\$9,250	\$36,215	8 – 26
IA	Lesser of 26 x WBA or ⅓ BPW; If laid off due to employer going out of business, ½ of wages in BP up to 39 weeks	\$504	\$9,724 - \$11,934	\$8,602	\$29,172	9 – 26
KS	Lesser of 26 x WBA or ⅓ BPW	\$1,090	\$11,336	\$10,259	\$34,008	10 – 26
KY	Lesser of 26 x WBA or ⅓ BPW	\$585	\$10,790	N/A	\$32,370	15 – 26
LA	N/A: Uniform duration state	\$260	\$6,422	N/A	\$23,786	26 uniform
ME	Lesser of 26 x WBA or ⅓ BPW	\$930	\$9,256 - \$13,884	N/A	\$27,768	22 – 26
MD	N/A: Uniform duration state	\$650	\$10,660 <sup>3</sup> same maximum with or without DA	>\$9,816 <sup>3</sup>	\$14,760 <sup>4</sup>	26 uniform
MA	Lesser of 30 x WBA or 36% BPW (Reduced to 26 x WBA all of the local area SMSAs unemployment rate ≤ 5.1%)	\$330	\$18,870 - \$28,290	N/A	\$52,417	10 – 30
MI	43% BPW + WBA, rounded to next lower ½ week	\$1,638	\$9,412 same with or without DA	\$8,830	\$22,251	14 – 26
MN	Lesser of 26 x WBA or ⅓ BPW	\$418	\$9,802 (based on HQW) \$15,210 (based on BPW)	\$9,802 (based on HQW) Not applicable (based on BPW)	\$29,406 (based on HQW) \$60,840 (based on BPW)	11 – 26
MS	Lesser of 26 x WBA or ⅓ BPW	\$390	\$6,110	\$6,110	\$18,330	13 – 26
MO	Lesser of 26 x WBA or ⅓ BPW	\$280	\$8,320	N/A	\$24,960	8 – 26
MT	Ratio of BPW to HQW—from 1.0 to 3.5 or greater (See schedule in law)	\$1,000	\$11,816	N/A	\$38,870	8 – 28 <sup>4</sup>
NE	Lesser of 26 x WBA or ⅓ BPW	\$420	\$8,268	\$8,268	\$24,804	14 – 26

## MONETARY ENTITLEMENT

**TABLE 3-11: BENEFIT ENTITLEMENT & DURATION OF BENEFITS**

State	Formula for Calculating Benefit Entitlement	Minimum Potential Benefits: Amount <sup>1</sup>	Maximum Potential Benefits			Duration (Weeks)
			Amounts <sup>2</sup>	Wage credits required		
				High quarter	Base period	
NV	Lesser of 26 x WBA or 1/3 BPW	\$192	\$10,400	\$10,000	\$31,200	12 – 26
NH	N/A: Uniform duration state	\$832	\$11,102	N/A	\$41,500	26 uniform
NJ	Lesser of 26 x WBA or (100% of weeks worked in BP x WBA).	\$1,740	\$15,600 same with or without DA	N/A	\$26,000	1 – 26
NM	Lesser of 26 x WBA or 60% BPW	\$1,136	\$11,076 - \$13,676	\$9,230	\$18,460	16- 26
NY	N/A: Uniform duration state	\$1,664	\$10,530	\$10,517	\$15,776	26 uniform
NC	(BPW / HQW) x 8 2/3	\$559	\$13,130	\$13,130	\$39,390	13 – 26
ND	Ratio of BPW to HQW—from 1.5 to 3.2	\$516	\$11,206	N/A	\$59,767	12 – 26
OH	Lesser of 26 x WBA or 20 x WBA+ WBA for each qualifying week in excess of 20 up to a maximum of 26 weeks.	\$2,120	\$9,750 - \$13,208	N/A	\$19,500 in 26 weeks	20 – 26
OK	Lesser of 26 x WBA or a variable percentage of the state's AAW for the 2 <sup>nd</sup> preceding year depending upon the conditional factor in place	\$256	\$9,300	\$9,890	\$14,900 <sup>5</sup>	18 – 26
OR	Lesser of 26 x WBA or 1/3 BPW	\$345	\$12,818	N/A	\$39,440	3 – 26
PA	A worker with at least 18 credit weeks is eligible for 26 weeks; with at least 16 credit weeks, 16 weeks. A credit week is one in which claimant earned at least \$50	\$560	\$14,664 - \$14,872	\$14,038	\$22,240	16 or 26
PR	N/A: Uniform duration state	\$182	\$3,458	\$3,458	\$5,320	26 uniform
RI	Lesser of 26 x WBA or 36% BPW	\$544	\$14,196 - \$17,732	\$11,819	\$39,434	8 – 26
SC	Lesser of 26 x WBA or 1/3 BPW	\$260	\$8,476	\$8,476	\$25,428	13 – 26
SD	Lesser of 26 x WBA or 1/3 BPW	\$420	\$8,034	\$8,034	\$24,102	15 – 26
TN	Lesser of 26 x WBA or 1/4 BPW	\$390	\$7,150	N/A	\$28,600	13 – 26
TX	Lesser of 26 x WBA or 27% BPW	\$590	\$10,556	\$10,138	\$39,097	10 – 26
UT	27% BPW	\$290	\$11,726	\$11,726	\$43,430	10 – 26
VT	N/A: Uniform duration state	\$1,664	\$11,050	N/A	\$19,125	26 uniform
VA	26 x WBA (see table in law)	\$648	\$9,828	N/A	>\$37,800	12 – 26
VI	Lesser of 26 x WBA or 1/3 BPW	\$429	\$12,012	\$12,012	\$36,036	13 – 26
WA	Lesser of 26 x WBA or 1/3 BPW	\$133	\$14,560	N/A	\$43,680	1 – 26
WV	N/A: Uniform duration state	\$624	\$11,024	N/A	\$40,150	26 uniform
WI	Lesser of 26 x WBA or 40% BPW	\$756	\$9,438	\$9,075	\$23,595	14 – 26 <sup>6</sup>
WY	Lesser of 26 x WBA or 30% BPW	\$341	\$11,388	\$10,950	\$37,960	11 – 26

GENERAL NOTE: Since the high quarter and base period wage requirements for the minimum duration of the minimum weekly benefit amount are the same as the wage and employment requirements to qualify for benefits, they are not repeated in this table. (See Table 3-3.) Some states will extend duration under certain circumstances; see chapter 4 for additional information. Additionally, in states where the benefit entitlement is calculated using multi-quarter, annual wage, or average weekly wage formulas the high quarter cell is shown as N/A as no specific level of wages is required to exist in the high quarter pursuant to state law.



## MONETARY ENTITLEMENT

**TABLE 3-11: BENEFIT ENTITLEMENT & DURATION OF BENEFITS**

State	Formula for Calculating Benefit Entitlement	Minimum Potential Benefits: Amount <sup>1</sup>	Maximum Potential Benefits		Duration (Weeks)	
			Amounts <sup>2</sup>	Wage credits required		
				High quarter		Base period
<p><sup>1</sup> Minimum potential benefit amounts shown above are calculated by multiplying the minimum weekly benefit amount by the minimum duration, claimant may qualify for additional benefits based upon minimum monetary eligibility requirements.</p> <p><sup>2</sup> When 2 amounts are given, higher includes dependents.</p> <p><sup>3</sup> Effective October 1, 2010 the maximum WBA will increase to \$430. The HQW on October 1, 2010 will be &gt;\$10,296 and the BPW will be \$15,480.</p> <p><sup>4</sup> To qualify for 28 weeks, individual's ratio of total base period wages to HQ wages must be at least 3.5.</p> <p><sup>5</sup> The BPW can be comprised of both insured and non-insured wages. To be eligible for the maximum WBA, only \$9,890 of the \$14,900 of BPW must be taxable.</p> <p><sup>6</sup> With some limited exceptions, individuals with significant ownership interest in family partnerships, LLCs and corporations, and certain of their family members, are limited to 4 weeks of regular UI benefits.</p>						

### SEASONAL EMPLOYMENT AND BENEFITS

Special provisions are found in several states' laws restricting the payment of benefits to workers who earned some or a substantial part of their base-period wages for employers whose operations take place only during certain seasons of the year.

In these provisions, the term seasonal is defined - either in the statute or in the rules or regulations implementing the statute - in terms of:

- the industry, employer, or occupation involved;
- the wages earned during the operating period of the employer or industry; and
- the worker.

In most states, the designation of seasonal industries, occupations, or employers and the beginning and ending dates of their seasons is made in accordance with a formal procedure, following action initiated by the UI agency or upon application by the employers or workers involving hearings and presentation of supporting data. Arkansas law provides that any employer classified as a seasonal employer may request not to be treated as a seasonal employer.

In other states, a seasonal pursuit, industry, or employer is defined as one in which, because of climatic conditions or the seasonal nature of the employment, it is customary to operate only during a regularly recurring period or periods of less than a specified number of weeks: 16 weeks in Massachusetts; 26 weeks in Colorado; 26 weeks in Indiana; 26 weeks in Maine (except for seasonal lodging facilities, variety store or trading post, restaurants and camps, where a period of less than 26 weeks applies); 26 weeks in Michigan, 26 weeks in Ohio; and 36 weeks in North Carolina.

In general, the restrictions on the payment of benefits to workers employed during the operating periods of these seasonal industries fall into one of two groups.

1. The most frequent restriction provides that wage credits earned in seasonal employment are available for payment of benefits only for weeks of unemployment in the benefit year that fall within the operating period of the employer or industry where they were earned. Wage credits earned in non-seasonal work or in employment with a seasonal employer outside the operating period are available for payment of benefits at any time in the benefit year. The states with this type of provision are listed below, together with the definitions of "seasonal worker" to whom the restrictions apply.

## MONETARY ENTITLEMENT

**TABLE 3-12: SEASONAL WAGE CREDITS AVAILABLE ONLY DURING SEASON**

AR	Off-season wages of (a) less than 30 times the weekly benefit amount, if worker's seasonal wages were earned in an industry with an operating period of 2-6 months; or (b) less than 24 times the weekly benefit amount, if seasonal wages were earned in an industry with an operating period of 7-8 months.	AZ	For employment in transient lodging only, no benefits based on seasonal wages during the off-season if unemployment is due to substantial slowdown in operations.	CO	Some seasonal wages in operating period of seasonal industry.
IN	Some seasonal wages in operating period of seasonal employer.	ME	Some seasonal wages in operating period or seasonal employer.	MA	Some seasonal wages in operating period of seasonal industry.
MI	Wages must be within seasonal period of 26 weeks or less. Designation of employment as seasonal is voluntary.	MS	Off-season wages of (a) less than 30 times the weekly benefit amount, if worker's seasonal wages were earned in a cotton ginning industry or professional baseball with an operating period of 6-26 weeks; or (b) less than 24 times the weekly benefit amount, if seasonal wages were earned in a cotton ginning industry or professional baseball with an operating period of 27-36 weeks.	NC	25% or more of base period wages earned in operating period of seasonal employer.
OH	Some seasonal wages earned in operating period of seasonal employer.	PA	Seasonal wages for less than 180 days of work in operating period. Applies only if reasonable assurance of reemployment exists.	SD	Some wages earned in operating period of seasonal employer.

2. Other states have established differing seasonal provisions, which are listed below.

**TABLE 3-13: OTHER SEASONAL PROVISIONS**

DE	Individual with 75% or more of base period earnings in seasonal employment – defined as the processing of agricultural or seafood products - will be eligible only if the individual had been employed in the corresponding month of the base period.
WV	Individual working less than 100 days in seasonal employment is not eligible unless the individual has non-seasonal employment of at least \$100.
WI	Individual working less than 90 days for a seasonal employer is not eligible unless the individual is paid wages of \$500 or more by at least one other employer.

## DEDUCTIONS AND WITHHOLDING FROM BENEFITS

Under Federal law, UI must be paid to a worker as a matter of right and may not be intercepted to satisfy debts or other obligations. However, Federal law provides some exceptions to this requirement and these are discussed below.

**OVERPAYMENTS**—All states reduce UI otherwise payable to recover earlier overpayments of UI. See Chapter 6 for more information on this topic.

**CHILD SUPPORT**—Federal law requires states to deduct child support obligations from UI only when the obligations are enforced by the state child support agency.

**OVERISSUANCES OF FOOD STAMPS**—If the worker owes an uncollected over-issuance of Food Stamps, states may deduct such amount from UI benefits payable. The table below indicates which state laws provide for these deductions. However, all of these states do not necessarily make these deductions; it depends on whether the state UI and Food Stamp agencies have entered into agreements.

## MONETARY ENTITLEMENT

TABLE 3-14: STATES WITH AUTHORITY TO DEDUCT FOOD STAMP OVER-ISSUANCES															
State		State		State		State		State		State		State		State	
AL	X	AK		AZ	X	AR	X	CA		CO	X	CT		DE	X
DC		FL		GA	X	HI	X	ID		IL	X	IN		IA	X
KS	X	KY		LA	X	ME	X	MD		MA	X	MI		MN	
MS		MO	X	MT	X	NE	X	NV		NH	X	NJ	X	NM	X
NY	X	NC		ND		OH		OK	X	OR		PA		PR	
RI		SC		SD	X	TN	X	TX	X	UT	X	VT	X	VI	X
VA	X	WA		WV		WI		WY	X						

**INCOME TAX**—Federal law requires states to offer workers the opportunity to voluntarily have Federal income tax withheld from UI benefits at the rate of 10 percent. Federal law also permits states to withhold state and local income tax from UI benefits. The following table indicates which states offer workers the opportunity to have state (and/or local) income taxes withheld.

TABLE 3-15: WITHHOLDING STATE AND LOCAL INCOME TAX AT CLAIMANT OPTION														
State	State	Local	State	State	Local	State	State	Local	State	State	Local	State	State	Local
AZ	X		CO	X		CT	X	X	DE	X	X	DC	X	X
GA	X		HI	X	X <sup>1</sup>	ID	X		IL	X		IA	X	
KS	X	X	KY	X		ME	X	X	MD	X		MA	X	
MI	X <sup>2</sup>		MN	X		MS	X	X	NE	X		NH	X	X
NM	X	X	NY	X	X	NC	X		ND	X		OK	X <sup>2</sup>	
OR	X		RI	X		SC	X		TN	X		UT	X	
VT	X <sup>2</sup>		WV	X		WI	X							

GENERAL NOTE: AK, FL, NV, NH, SD, TX, TN, WA, & WY have no state income tax.

<sup>1</sup> Local income taxes deducted and withheld from the worker's UI for other states and localities.  
<sup>2</sup> If Federal taxes are elected to be withheld from UI benefits, then state taxes will be withheld as well.

**HEALTHCARE COVERAGE**—Illinois and Oklahoma law authorize the deduction of health insurance premiums from the UI weekly benefit amount if the worker so elects, provided that the state has an approved health care plan for unemployed workers. However, neither state has implemented this authority. Massachusetts has a health insurance program for unemployed workers; however, it is unrelated to the UI program.