

SECOND REGULAR SESSION

# SENATE BILL NO. 690

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CUNNINGHAM.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3778S.02I

## AN ACT

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

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

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3 bill no. 163, ninety-sixth general assembly, first regular session, is repealed and  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

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

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

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

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

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

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

47 5. The duration of benefits payable to any insured worker  
48 during any benefit year shall be limited to:

49 (1) Twenty weeks if the Missouri average unemployment  
50 rate is nine percent or higher;

51 (2) Nineteen weeks if the Missouri average unemployment  
52 rate is between eight and one-half percent and nine percent;

53 (3) Eighteen weeks if the Missouri average unemployment  
54 rate is eight percent up to and including eight and one-half  
55 percent;

56 (4) Seventeen weeks if the Missouri average unemployment  
57 rate is between seven and one-half percent and eight percent;

58 (5) Sixteen weeks if the Missouri average unemployment  
59 rate is seven percent up to and including seven and one-half  
60 percent;

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

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

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

67 As used in this subsection, the phrase "Missouri average  
68 unemployment rate" means the average of the seasonally adjusted  
69 statewide unemployment rates as published by the United States  
70 Department of Labor, Bureau of Labor Statistics, for the time  
71 periods of January first through March thirty-first and July first  
72 through September thirtieth. The average of the seasonally  
73 adjusted statewide unemployment rates for the time period of  
74 January first through March thirty-first shall be effective on and  
75 after July first of each year and shall be effective through  
76 December thirty-first. The average of the seasonally adjusted  
77 statewide unemployment rates for the time period of July first  
78 through September thirtieth shall be effective on and after January  
79 first of each year and shall be effective through June thirtieth; and

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

82 6. In the event that benefits are due a deceased person and  
83 no petition has been filed for the probate of the will or for the  
84 administration of the estate of such person within thirty days after  
85 his or her death, the division may by regulation provide for the  
86 payment of such benefits to such person or persons as the division

87 finds entitled thereto and every such payment shall be a valid  
88 payment to the same extent as if made to the legal representatives  
89 of the deceased.

90 7. The division is authorized to cancel any benefit warrant  
91 remaining outstanding and unpaid one year after the date of its  
92 issuance and there shall be no liability for the payment of any such  
93 benefit warrant thereafter.

94 8. The division may establish an electronic funds transfer  
95 system to transfer directly to claimants' accounts in financial  
96 institutions benefits payable to them pursuant to this chapter. To  
97 receive benefits by electronic funds transfer, a claimant shall  
98 satisfactorily complete a direct deposit application form authorizing  
99 the division to deposit benefit payments into a designated checking  
100 or savings account. Any electronic funds transfer system created  
101 pursuant to this subsection shall be administered in accordance  
102 with regulations prescribed by the division.

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

105 10. Prior to January 1, 2005, the division shall institute  
106 procedures including, but not limited to, name, date of birth, and  
107 Social Security verification matches for remote claims filing via the  
108 use of telephone or the internet in accordance with such  
109 regulations as the division shall prescribe. At a minimum, the  
110 division shall verify the Social Security number and date of birth  
111 when an individual claimant initially files for unemployment  
112 insurance benefits. If verification information does not match what  
113 is on file in division databases to what the individual is stating, the  
114 division shall require the claimant to submit a division-approved  
115 form requesting an affidavit of eligibility prior to the payment of  
116 additional future benefits. The division of employment security  
117 shall cross-check unemployment compensation applicants and  
118 recipients with Social Security Administration data maintained by  
119 the federal government at least weekly. The division of  
120 employment security shall cross-check at least monthly  
121 unemployment compensation applicants and recipients with  
122 department of revenue drivers license databases.]

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

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

3. Each eligible insured worker who is partially unemployed in any week shall be paid for such week a partial benefit. Such partial benefit shall be an amount equal to the difference between his or her weekly benefit amount and that part of his or her wages for such week in excess of twenty dollars, and, if such partial benefit amount is not a multiple of one dollar, such amount shall be reduced to the nearest lower full dollar amount. For calendar year 2007 and each year thereafter, such partial benefit shall be an amount equal to the difference between his or her weekly benefit amount and that part of his or her wages for such week in excess of twenty dollars or twenty percent of his or her weekly benefit amount, whichever is greater, and, if such partial benefit amount is not a multiple of one dollar, such amount shall be reduced to the nearest lower full dollar amount. Termination pay, severance pay, or pay received by an eligible insured worker who is a member of the organized militia for training or duty authorized by Section 502(a)(1) of Title 32, United States Code, shall not be considered wages for the purpose of this subsection.

4. The division shall compute the wage credits for each individual by crediting him or her with the wages paid to him or her for insured work during each quarter of his or her base period or twenty-six times his or her weekly benefit amount, whichever is the lesser. In addition, if a claimant receives wages in the form of termination pay or severance pay and such payment appears in a base period established by the filing of an initial claim, the claimant may, at his or her option, choose to have such payment included in the calendar quarter in which it was paid or choose to have it prorated equally among the quarters comprising the base period of the claim. [The maximum total amount of benefits payable to any insured worker during any benefit year shall not exceed twenty times his or her weekly benefit amount, or thirty-three and one-third percent of his or her wage credits, whichever is the lesser.] For the purpose of this section, wages shall be counted as wage credits for any benefit year, only if such benefit year begins subsequent to the date on which the employing unit by whom such wages were paid has become an employer. The wage credits of an individual earned during the period commencing with the end of a prior base period and ending on the date on which he or she filed an allowed initial claim shall not be

37 available for benefit purposes in a subsequent benefit year unless, in addition  
38 thereto, such individual has subsequently earned either wages for insured work  
39 in an amount equal to at least five times his or her current weekly benefit  
40 amount or wages in an amount equal to at least ten times his or her current  
41 weekly benefit amount.

42 **5. (1) The duration of benefits payable to any insured worker**  
43 **during any benefit year shall be limited to:**

44 **(a) Twenty weeks if the Missouri average unemployment rate is**  
45 **nine percent or higher;**

46 **(b) Nineteen weeks if the Missouri average unemployment rate**  
47 **is between eight and one-half percent and nine percent;**

48 **(c) Eighteen weeks if the Missouri average unemployment rate**  
49 **is eight percent up to and including eight and one-half percent;**

50 **(d) Seventeen weeks if the Missouri average unemployment rate**  
51 **is between seven and one-half percent and eight percent;**

52 **(e) Sixteen weeks if the Missouri average unemployment rate is**  
53 **seven percent up to and including seven and one-half percent;**

54 **(f) Fifteen weeks if the Missouri average unemployment rate is**  
55 **between six and one-half percent and seven percent;**

56 **(g) Fourteen weeks if the Missouri average unemployment rate**  
57 **is six percent up to and including six and one-half percent;**

58 **(h) Thirteen weeks if the Missouri average unemployment rate**  
59 **is between five and one-half percent and six percent; and**

60 **(i) Twelve weeks if the Missouri average unemployment rate is**  
61 **at or below five and one-half percent.**

62 **(2) As used in this subsection, the phrase "Missouri average**  
63 **unemployment rate" means the average of the seasonally adjusted**  
64 **statewide unemployment rates as published by the United States**  
65 **Department of Labor, Bureau of Labor Statistics, for the time periods**  
66 **of January first through March thirty-first and July first through**  
67 **September thirtieth. The average of the seasonally adjusted statewide**  
68 **unemployment rates for the time period of January first through March**  
69 **thirty-first shall be effective on and after July first of each year and**  
70 **shall be effective through December thirty-first. The average of the**  
71 **seasonally adjusted statewide unemployment rates for the time period**  
72 **of July first through September thirtieth shall be effective on and after**  
73 **January first of each year and shall be effective through June thirtieth.**

74           **(3) The provisions of this subsection shall become effective**  
75 **January 1, 2021.**

76           **6.** In the event that benefits are due a deceased person and no petition  
77 has been filed for the probate of the will or for the administration of the estate  
78 of such person within thirty days after his or her death, the division may by  
79 regulation provide for the payment of such benefits to such person or persons as  
80 the division finds entitled thereto and every such payment shall be a valid  
81 payment to the same extent as if made to the legal representatives of the  
82 deceased.

83           **[6.] 7.** The division is authorized to cancel any benefit warrant remaining  
84 outstanding and unpaid one year after the date of its issuance and there shall be  
85 no liability for the payment of any such benefit warrant thereafter.

86           **[7.] 8.** The division may establish an electronic funds transfer system to  
87 transfer directly to claimants' accounts in financial institutions benefits payable  
88 to them pursuant to this chapter. To receive benefits by electronic funds transfer,  
89 a claimant shall satisfactorily complete a direct deposit application form  
90 authorizing the division to deposit benefit payments into a designated checking  
91 or savings account. Any electronic funds transfer system created pursuant to this  
92 subsection shall be administered in accordance with regulations prescribed by the  
93 division.

94           **[8.] 9.** The division may issue a benefit warrant covering more than one  
95 week of benefits.

96           **[9.] 10.** Prior to January 1, 2005, the division shall institute procedures  
97 including, but not limited to, name, date of birth, and Social Security verification  
98 matches for remote claims filing via the use of telephone or the internet in  
99 accordance with such regulations as the division shall prescribe. At a minimum,  
100 the division shall verify the Social Security number and date of birth when an  
101 individual claimant initially files for unemployment insurance benefits. If  
102 verification information does not match what is on file in division databases to  
103 what the individual is stating, the division shall require the claimant to submit  
104 a division-approved form requesting an affidavit of eligibility prior to the payment  
105 of additional future benefits. The division of employment security shall  
106 cross-check unemployment compensation applicants and recipients with Social  
107 Security Administration data maintained by the federal government at least  
108 weekly. The division of employment security shall cross-check at least monthly  
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110 revenue drivers license databases.

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