

2019 -- H 5270

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LC001173  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS - EMPLOYMENT SECURITY -  
BENEFITS

Introduced By: Representatives McKiernan, McEntee, Craven, Millea, and Almeida

Date Introduced: February 01, 2019

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-44-6 of the General Laws in Chapter 28-44 entitled  
2 "Employment Security - Benefits" is hereby amended to read as follows:

3 **28-44-6. Weekly benefits for total unemployment -- Year established -- Dependents'**  
4 **allowance.**

5 (a)(1) The benefit rate payable under this chapter to any eligible individual with respect  
6 to any week of his or her total unemployment, when that week occurs within a benefit year, shall  
7 be, for benefit years beginning on or after October 1, 1989 and prior to July 1, 2012, four and  
8 sixty-two hundredths percent (4.62%) of the wages paid to the individual in that calendar quarter  
9 of the base period in which the individual's wages were highest;

10 (2) The benefit rate payable under this chapter to any eligible individual with respect to  
11 any week of his or her total unemployment, when that week occurs within a benefit year, shall be,  
12 for benefit years beginning on or after July 1, 2012 and prior to July 1, 2013, four and thirty-eight  
13 hundredths percent (4.38%) of the average quarterly wage paid to the individual in the two (2)  
14 calendar quarters of the base period in which the individual's wages were highest;

15 (3) The benefit rate payable under this chapter to any eligible individual with respect to  
16 any week of his or her total unemployment, when that week occurs within a benefit year, shall be,  
17 for benefit years beginning on or after July 1, 2013 and prior to July 1, 2014, four and fifteen  
18 hundredths percent (4.15%) of the average quarterly wage paid to the individual in the two

1 calendar quarters of the base period in which the individual's wages were highest;

2 (4) The benefit rate payable under this chapter to any eligible individual with respect to  
3 any week of his or her total unemployment, when that week occurs within a benefit year, shall be,  
4 for benefit years beginning on or after July 1, 2014, three and eighty-five hundredths percent  
5 (3.85%) of the average quarterly wage paid to the individual in the two calendar quarters of the  
6 base period in which the individual's wages were highest;

7 (5) Provided, that the benefit rate prior to July 1, 2012 shall not be more than sixty-seven  
8 percent (67%) of the average weekly wage paid to individuals in employment covered by the  
9 Employment Security Act for the preceding calendar year ending December 31. Provided, further  
10 that the benefit rate on or after July 1, 2012 shall not be more than fifty-seven and one-half  
11 percent (57.5%) of the average weekly wage paid to individuals in employment covered by the  
12 Employment Security Act for the preceding calendar year ending December 31 ~~or the maximum~~  
13 ~~weekly benefit rate that was in effect as of July 1, 2011~~ or six hundred thirty-six dollars (\$636)  
14 per week, whichever is the highest. If the maximum weekly benefit rate is not an exact multiple  
15 of one dollar (\$1.00), then the rate shall be rounded to the next lower multiple of one dollar  
16 (\$1.00).

17 (6) The average weekly wage of individuals in covered employment shall be computed as  
18 follows: On or before May 31 of each year, the total annual wages paid to individuals in covered  
19 employment for the preceding calendar year by all employers shall be divided by the monthly  
20 average number of individuals in covered employment during that preceding calendar year, and  
21 the quotient shall be divided by fifty-two (52). That weekly benefit rates shall be effective  
22 throughout benefit years beginning on or after July 1 of that year and prior to July 1, of the  
23 succeeding calendar year.

24 (7) The benefit rate of any individual, if not an exact multiple of one dollar (\$1.00), shall  
25 be rounded to the next lower multiple of one dollar (\$1.00).

26 (b)(1) An individual to whom benefits for total or partial unemployment are payable  
27 under this chapter with respect to any week shall, in addition to those benefits, be paid with  
28 respect to each week a dependents' allowance of fifteen dollars (\$15.00) or five percent (5%) of  
29 the individual's benefit rate whichever is greater for each of that individual's children, including  
30 adopted and stepchildren, or that individual's court appointed wards who, at the beginning of the  
31 individual's benefit year, is under eighteen (18) years of age, and who is at that time in fact  
32 dependent on that individual, including individuals who have been appointed the legal guardian  
33 of such child by the appropriate court. The total dependents' allowance paid to any individual  
34 shall not exceed the greater of fifty dollars (\$50) or twenty-five percent (25%) of the individual's

1 benefit rate. Notwithstanding the above, the total amount of the dependents' allowance paid to  
2 individuals receiving partial unemployment benefits for any week shall be based on the  
3 percentage that their partial weekly benefit rate is compared to their full weekly benefit rate.

4 (2) The dependent's allowance shall also be paid to the individual for any child, including  
5 an adopted child or a stepchild, eighteen (18) years of age or over, incapable of earning any  
6 wages because of mental or physical incapacity, and who is dependent on that individual in fact at  
7 the beginning of the individual's benefit year.

8 (3) In no instance shall the number of dependents for which an individual may receive  
9 dependents' allowances exceed five (5) in total.

10 (4) The weekly total of dependents' allowances payable to any individual, if not an exact  
11 multiple of one dollar (\$1.00), shall be rounded to the next lower multiple of one dollar (\$1.00).

12 (5) The number of an individual's dependents, and the fact of their dependency, shall be  
13 determined as of the beginning of that individual's benefit year. Only one individual shall be  
14 entitled to a dependent's allowance for the same dependent with respect to any week. As to two  
15 (2) or more parties making claim for an allowance for the same dependent for the same week, the  
16 benefit shall be provided to the party who has actual custody of the dependent or in the case of  
17 joint custody, to the party who has physical possession of the dependent.

18 (6) Each individual who claims a dependent's allowance shall establish his or her claim to  
19 it to the satisfaction of the director under procedures established by the director.

20 (7) This subsection shall be effective for all benefit years beginning on or after January 1,  
21 2011.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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RELATING TO LABOR AND LABOR RELATIONS - EMPLOYMENT SECURITY -  
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1           This act would increase the maximum weekly unemployment benefit rate to the higher of  
2 fifty-seven and one-half percent (57.5%) of the average weekly wages paid to the workers in the  
3 prior calendar year or six hundred thirty-six dollars (\$636) per week.

4           This act would take effect upon passage.

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