

2014 -- H 8316

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO EMPLOYMENT SECURITY - EMPLOYER CONTRIBUTIONS

Introduced By: Representatives Phillips, Morin, and Casey

Date Introduced: June 12, 2014

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-43-3 of the General Laws in Chapter 28-43 entitled
2 "Employment Security - Contributions" is hereby amended to read as follows:

3 **28-43-3. Employer's accounts -- Credits and charges.** – (a) Subsequent to the
4 establishment of a separate employer's account for each employer subject to chapters 42 -- 44 of
5 this title as set forth in section 28-43-1(4), the credits and charges to each employer's account,
6 exclusive of the state of Rhode Island, its political subdivisions, and their instrumentalities, shall
7 be determined as follows:

8 (1) Credits to each employer's account:

9 (i) After the September 30, 1958 computation date all contributions required under
10 section 28-43-8 and paid by each employer.

11 (ii) All surcharges required and paid under section 28-43-4.

12 (2) Charges to each employer's account:

13 (i) Refunds of overpayments under section 28-43-13, as of the date refunded;

14 (ii) For benefit years beginning subsequent to September 30, 1993, an amount equal to
15 the benefits provided in sections 28-44-6(a) and (b), 28-44-7, and 28-44-8, and paid to each
16 individual with respect to a benefit year, as of the date paid. Those benefits shall be charged to the
17 account of the most recent base period employer, as defined in section 28-43-1(7); provided, that
18 if a claimant works for two (2) or more employers concurrently, either full-time or part-time, and
19 becomes unemployed on the same day from more than one employer, any benefits paid as a result

1 of the unemployment shall be charged to the employers' accounts proportionately based upon the
2 ratio of base period wages paid by each employer to the total base period wages paid by the
3 concurrent employers from whom the claimant became separated from employment. No charge
4 for benefits paid under section 28-44-7 shall be made against the account of any employer who
5 shows to the satisfaction of the director that he or she has continued to employ the individual
6 during the weeks of his or her claim to the same extent that he or she had employed him or her
7 during that individual's base period, and those benefits, if not chargeable to the most recent base
8 period employer, shall be charged to the balancing account.

9 (iii) If any base period employer, whether or not he or she was the most recent, shows to
10 the satisfaction of the director that the individual who is in receipt of benefits became separated
11 from his or her last employment with that employer for reasons which did result or would have
12 resulted in a disqualification under section 28-44-17 or 28-44-18 had that base period employer
13 been his or her most recent, those benefits shall be charged to the balancing account.

14 (iv) The entire amount charged to the employer's account under section 28-43-9 relating
15 to the balancing rate.

16 (v) Whenever the provisions in this section specify that an employer's account shall not
17 be charged, that non-charging shall be limited to benefits paid based on service with an employer
18 required to pay contributions under the provisions of chapters 42 -- 44 of this title.

19 (vi) An amount equal to the benefits provided in section 28-44-62 and paid to each
20 individual with respect to a benefit year as of the date paid minus the proportionate share of those
21 benefits for which the state has been or will be reimbursed by the federal government. The federal
22 share of any payments shall be charged to the balancing account and federal reimbursements shall
23 be credited to the balancing account.

24 (vii) Whenever any benefits are paid for benefit years beginning subsequent to July 7,
25 1996 to an individual unemployed as a result of physical damage to the real property at the
26 employer's usual place of business caused by severe weather conditions, including, but not
27 limited to, hurricanes, snowstorms, ice storms or flooding, or fire except where caused by the
28 employer, those benefits shall be charged to the balancing account.

29 (viii) An employer's account shall not be relieved of charges relating to any benefits
30 payments made if the director establishes on or after October 1, 2013 that the payment was made
31 because the employer, or an agent of the employer, was at fault for failing to respond timely or
32 adequately to the request of the department for information relating to the claim for
33 unemployment benefits that was subsequently overpaid.

34 [\(b\) Notwithstanding any provisions in this chapter to the contrary, no employer may be](#)

1 [charged a higher contribution toward their workers' unemployment compensation benefits](#)
2 [account fund solely because any one of their workers has more than one job.](#)

3 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 EMPLOYMENT SECURITY - EMPLOYER CONTRIBUTIONS

1 This act would prevent employers from paying a higher contribution toward their
2 workers' unemployment compensation benefits account fund if any one of their workers has more
3 than one job.

4 This act would take effect upon passage.

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