

2010 -- S 2385

LC00545

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- EMPLOYMENT SECURITY
BENEFITS

Introduced By: Senators Ruggerio, Metts, Jabour, Miller, and C Levesque

Date Introduced: February 11, 2010

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

9 (2) Provided, that the benefit rate shall not be more than sixty-seven percent (67%) of the
10 average weekly wage paid to individuals in employment covered by the Employment Security
11 Act for the preceding calendar year ending December 31. If the maximum weekly benefit rate is
12 not an exact multiple of one dollar (\$1.00), then the rate shall be rounded to the next lower
13 multiple of one dollar (\$1.00).

14 (3) The average weekly wage of individuals in covered employment shall be computed
15 as follows: On or before May 31 of each year, the total annual wages paid to individuals in
16 covered employment for the preceding calendar year by all employers shall be divided by the
17 monthly average number of individuals in covered employment during that preceding calendar
18 year, and the quotient shall be divided by fifty-two (52). That weekly benefit rates shall be

1 effective throughout benefit years beginning on or after July 1 of that year and prior to July 1, of
2 the succeeding calendar year.

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

5 (b) (1) An individual to whom benefits for total or partial unemployment are payable
6 under this chapter with respect to any week shall, in addition to those benefits, be paid with
7 respect to each week a dependents' allowance of ~~ten dollars (\$10.00)~~ fifteen dollars (\$15.00) or
8 five percent (5%) of the individual's benefit rate whichever is greater for each of that individual's
9 children, including adopted and stepchildren, or that individual's court appointed wards who, at
10 the beginning of the individual's benefit year, is under eighteen (18) years of age, and who is at
11 that time in fact dependent on that individual, including individuals who have been appointed the
12 legal guardian of such child by the appropriate court.

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

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

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

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

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

29 (7) This subsection shall be effective for all benefit years beginning on or after July 1,
30 1985.

31 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 weekly dependents' payments from ten dollars (\$10.00) to
- 2 fifteen dollars (\$15.00) for all persons receiving unemployment benefits.
- 3 This act would take effect upon passage.

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