

CHAPTER 284
FORMERLY
HOUSE BILL NO. 351

AN ACT TO AMEND TITLES 29 AND 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION IN RESPONSE TO THE COVID-19 PANDEMIC.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 19, Chapter 31 of the Delaware Code by making deletions as shown by strike through and additions as shown by underline as follows:

Chapter 31. Unemployment Insurance Appeals Board

Subchapter I. General Provisions

§ 3101 Composition; appointment; term; qualifications; vacancy.

(a) The Employment Security Commission of Delaware, renamed the Unemployment Insurance Appeal Board (hereinafter referred to as the “Board”), is continued. It shall consist of 5 members to be appointed by the Governor, each for a term of 6 years. Two members shall reside in New Castle County, 1 of whom shall reside in the City of Wilmington, 1 member shall reside in Kent County, 1 member shall reside in Sussex County and 1 member to serve in an at large position. Appointed members shall include, but not be limited to representatives from labor, the business community and the public.

(b) During the member’s term of membership on the Board, no member shall serve as an officer or committee member of any political party organization ~~and not more than 3 members of the Board shall be members of the same political party.~~

(c) Any vacancy in the Board occurring during a term shall be filled by appointment by the Governor for the unexpired portion of the term.

(d) Members of the Unemployment Insurance Appeal Board as of June 30, 2012, shall serve out the remaining terms of their appointments as they existed prior to June 30, 2012, and in accordance with the provisions of the statute in existence at the time of their last appointment.

(e) Notwithstanding anything in this section to the contrary, the Governor may appoint additional members to the Board as necessary to respond to an increased volume of appeals of unemployment, pandemic emergency unemployment compensation benefits, extended benefits, or pandemic unemployment assistance claims. Any member appointed pursuant to this subsection may reside in any county of this State, may be a member of any political party, and shall be appointed for a term of one year.

§ 3105. Compensation of Chairperson and other Board members.

The Chairperson of the Board shall be paid \$200 for each meeting attended, ~~not to exceed 80 meetings per year.~~ Each of the other members of the Board shall be paid \$150 for each meeting attended, ~~not to exceed 80 meetings per year,~~ and shall devote to the duties of their office such time as is necessary for the satisfactory execution ~~thereof.~~ The compensation of the Chairperson and other Board members shall be paid from the Unemployment Compensation

Administration Fund provided for in § 3164 of this title, and not from any funds appropriated by the General Assembly.

Section 2. Amend Title 19, Chapter 33 of the Delaware Code by making deletions as shown by strike through and additions as shown by underline as follows:

Chapter 33. Unemployment Compensation

Subchapter II. Compensation Benefits; Determination and Payment

§ 3326 Extended Benefits.

(m) Notwithstanding any other provision of this section, the payment of extended duration benefits under this section is hereby suspended and deferred to the extent necessary to ensure that:

(1) Otherwise eligible individuals are not denied, in whole or in part, the receipt of pandemic emergency unemployment compensation benefits authorized by the federal Coronavirus Aid, Relief and Economic Security Act of 2020 (Public Law 116-136) and any extension of those emergency benefits.

(2) The state receives maximum reimbursement from the federal government for the payment of those emergency benefits.

Section 3. Section 1 of this Act expires on June 30, 2021.

Approved August 25, 2020