



SPONSOR: Rep. Osienski & Sen. Walsh
Rep. Seigfried

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

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:

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

3 Chapter 31. Unemployment Insurance Appeals Board

4 Subchapter I. General Provisions

5 § 3101 Composition; appointment; term; qualifications; vacancy.

6 (a) The Employment Security Commission of Delaware, renamed the Unemployment Insurance Appeal Board
7 (hereinafter referred to as the "Board"), is continued. It shall consist of 5 members to be appointed by the Governor, each
8 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
9 member shall reside in Kent County, 1 member shall reside in Sussex County and 1 member to serve in an at large position.
10 Appointed members shall include, but not be limited to representatives from labor, the business community and the public.

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

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

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

19 (e) Notwithstanding anything in this section to the contrary, the Governor may appoint additional members to the
20 Board as necessary to respond to an increased volume of appeals of unemployment, pandemic emergency unemployment
21 compensation benefits, extended benefits, or pandemic unemployment assistance claims. Any member appointed pursuant

22 to this subsection may reside in any county of this State, may be a member of any political party, and shall be appointed for
23 a term of one year.

24 § 3105. Compensation of Chairperson and other Board members.

25 The Chairperson of the Board shall be paid \$200 for each meeting attended, ~~not to exceed 80 meetings per year.~~
26 Each of the other members of the Board shall be paid \$150 for each meeting attended, ~~not to exceed 80 meetings per year,~~
27 and shall devote to the duties of their office such time as is necessary for the satisfactory execution thereof. The
28 compensation of the Chairperson and other Board members shall be paid from the Unemployment Compensation
29 Administration Fund provided for in § 3164 of this title, and not from any funds appropriated by the General Assembly.

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

32 Chapter 33. Unemployment Compensation

33 Subchapter II. Compensation Benefits; Determination and Payment

34 § 3326 Extended Benefits.

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

37 (1) Otherwise eligible individuals are not denied, in whole or in part, the receipt of pandemic emergency
38 unemployment compensation benefits authorized by the federal Coronavirus Aid, Relief and Economic Security Act of
39 2020 (Public Law 116-136) and any extension of those emergency benefits.

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

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

SYNOPSIS

Prior to the pandemic occasioned by the novel coronavirus (COVID-19), approximately 500 initial unemployment claims were filed in Delaware each week. Between March 15 and May 30, 2020, the Department of Labor received over 100,000 initial claims, bringing the average number of pandemic related unemployment, extended and new federal benefit claims to an average of 10,000 per week. Although it is too early to know the total amount of pandemic-related claims that will be appealed to the Board, the massive increase in overall claims is expected to generate a commensurate increase in the number of appeals.

Section 1 of this Act authorizes the expansion of the Unemployment Insurance Appeals Board and authorizes it to hold more hearings if and when necessary to hear unemployment insurance appeals and will sunset on June 30, 2021.

Section 2 of this Act defers extended benefits under state law until after the payment of pandemic emergency unemployment compensation, as is required by the Federal Coronavirus Aid, Relief and Economic Security Act (CARES Act) (Public Law 116-136), Section 2107(a)(5).