



SPONSOR: Rep. B. Short & Rep. Oberle & Sen. Marshall

HOUSE OF REPRESENTATIVES
145th GENERAL ASSEMBLY

HOUSE BILL NO. 170

AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT
COMPENSATION.

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

1 Section 1: Amend Section 3302 (2), Chapter 33, Title 19 of the Delaware Code by adding a second sentence to
2 this subsection to read as follows:

3 “However, if the claimant has earned insufficient wages in the first four of the last five completed calendar
4 quarters to become eligible for benefits, then such claimant's ‘base period’ shall be the four most recent completed calendar
5 quarters immediately preceding the first day of the claimant's benefit year.”.

6 Section 2: Amend Section 3314 (1), Chapter 33, Title 19 of the Delaware Code by deleting, “family;” and
7 “family.” as it appears after the word “individual’s” in (ii) and (iii) respectively therein, and inserting the following
8 “spouse, child under the age of 18, or parent;” and “spouse, child under the age of 18, or parent.” after the word
9 “individual’s” as it appears in (ii) and (iii) respectively therein.

10 Section 3. Amend Section 3314 (1), Chapter 33, Title 19 of the Delaware Code by adding a third paragraph to this
11 subsection to read as follows:

12 “An individual, who quits work in order to accompany their spouse to a place from which it is impractical for such
13 individual to commute and due to a change in location of their spouse’s employment, will not be considered to have left
14 work voluntarily without good cause attributable to such work. Wage credits earned in such work, if from employment
15 under this title in the employ of any employer liable for assessments under § 3348 of this title, shall not constitute
16 employer's benefits wages in connection with §§ 3349-3356 of this title. Any employer liable for reimbursement payments
17 in lieu of assessments shall reimburse the Unemployment Compensation Fund in accordance with § 3345 of this title when
18 an individual becomes eligible for benefits upon separation from a subsequent employer.”.

19 Section 4. Amend Section 3314 (1), Chapter 33, Title 19 of the Delaware Code by adding a fourth paragraph to
20 this subsection to read as follows:

21 “An individual, who quits work to care for their spouse, child under the age of 18, or parent with a verified illness
22 or disability, will not be considered to have left work voluntarily without good cause attributable to such work. For the

purposes of this paragraph, a 'verified illness or disability' is defined as one that necessitates the care of the individual's ill or disabled spouse, child under the age of 18, or parent that lasts longer than the individual's employer is willing to grant leave for. Wage credits earned in such work, if from employment under this title in the employ of any employer liable for assessments under § 3348 of this title, shall not constitute employer's benefits wages in connection with §§ 3349-3356 of this title. Any employer liable for reimbursement payments in lieu of assessments shall reimburse the Unemployment Compensation Fund in accordance with § 3345 of this title when an individual becomes eligible for benefits upon separation from a subsequent employer.”.

Section 5. Amend Section 3314 (2), Chapter 33, Title 19 of the Delaware Code by adding a second paragraph to this subsection to read as follows:

“An individual, who is discharged from work because the individual has provided notice to their employer of the intent to quit work to accompany their spouse to a place from which it is impractical for such individual to commute and due to a change in location of their spouse's employment, will not be considered to have been discharged from work for good cause attributable to such work. Wage credits earned in such work, if from employment under this title in the employ of any employer liable for assessments under § 3348 of this title, shall constitute employer's benefits wages in connection with §§ 3349-3356 of this title. Any employer liable for reimbursement payments in lieu of assessments shall reimburse the Unemployment Compensation Fund in accordance with § 3345 of this title.”.

Section 6. Amend Section 3314 (2), Chapter 33, Title 19 of the Delaware Code by adding a third paragraph to this subsection to read as follows:

“An individual, who is discharged from work because the individual is providing care for their spouse, child under the age of 18, or parent with a verified illness or disability, will not be considered to have been discharged from work for good cause attributable to such work. For the purposes of this paragraph, a 'verified illness or disability' is defined as one that necessitates the care of the individual's ill or disabled spouse, child under the age of 18, or parent that lasts longer than the individual's employer is willing to grant leave for. Wage credits earned in such work, if from employment under this title in the employ of any employer liable for assessments under § 3348 of this title, shall constitute employer's benefits wages in connection with §§ 3349-3356 of this title. Any employer liable for reimbursement payments in lieu of assessments shall reimburse the Unemployment Compensation Fund in accordance with § 3345 of this title.”.

Section 7. Amend Section 3314 (2), Chapter 33, Title 19 of the Delaware Code by adding a fourth paragraph to this subsection to read as follows:

“An individual, who is discharged from work due to circumstances directly resulting from the individual's experience of domestic violence, as that term is defined in § 703A (a) of Title 13, will not be considered to have been

53 discharged from work for good cause attributable to such work. An individual's discharge from work shall be treated as
54 due to circumstances directly resulting from the individual's experience of domestic violence if : (i) the individual had
55 reasonable fear of future domestic violence at or en route to or from the individual's place of employment; (ii) the
56 individual relocated to another geographic area in order to avoid future domestic violence against the individual or the
57 individual's spouse, child under the age of 18, or parent; or (iii) any other circumstance in which domestic violence causes
58 the individual to reasonably believe that absence from work is necessary for the future safety of the individual or the
59 individual's spouse, child under the age of 18, or parent. When determining whether an individual has experienced domestic
60 violence for compensation purposes, the Division shall require the individual to provide documentation to the Division of
61 the domestic violence involved, such as a police or court record, or documentation of the domestic violence from a shelter
62 worker, attorney, member of the clergy or medical or other professional from whom the employee has sought assistance in
63 addressing domestic violence and its effects. All evidence of domestic violence experienced by an individual, including the
64 individual's statement and any corroborating evidence shall not be disclosed by the Division of Unemployment Insurance
65 unless consent for disclosure is given by the individual. Wage credits earned in such work, if from employment under this
66 title in the employ of any employer liable for assessments under § 3348 of this title, shall constitute employer's benefits
67 wages in connection with §§ 3349-3356 of this title. Any employer liable for reimbursement payments in lieu of
68 assessments shall reimburse the Unemployment Compensation Fund in accordance with § 3345 of this title.”.

69 Section 8. Amend Section 3314 (3), Chapter 33, Title 19 of the Delaware Code by adding a new paragraph (e) to
70 read as follows:

71 “(e) The referral or offer was for full-time work and the individual is permitted to seek only part-time work under
72 the provisions of § 3315(3) of this title.”.

73 Section 9. Amend Section 3315 (3), Chapter 33, Title 19 of the Delaware Code by adding a new last paragraph to
74 this subsection to read as follows:

75 “No individual shall be determined ineligible for the receipt of unemployment insurance benefits for any week in
76 which they are available for and seek only part-time work, if the majority of weeks of work in their base period were in
77 part-time employment. For purposes of this paragraph, ‘seeking only part-time work’ is work meeting any one of the
78 following conditions: (1) the individual is willing to work at least 20 hours per week; (2) the individual is available for a
79 number of hours per week that are comparable to the individual’s part-time work in the base period; or (3) the individual is
80 available for hours that are comparable to the individual’s work at the time of the most recent separation from
81 employment.”.

82 Section 10. Upon enactment, all sections of this legislation shall apply to new claims for unemployment insurance
83 benefits filed with an effective date of January 3, 2010 or later.

SYNOPSIS

Section 1 of this Act provides an alternate claim base period for individuals who have not earned sufficient wages in the first four of the last five completed calendar quarters base period to become monetarily eligible for unemployment insurance benefits. The alternate base period will be the four most recent completed calendar quarters immediately preceding the effective date of the claimant's unemployment insurance claim.

Section 2 of this Act clarifies that an individual's "family" means the individual's spouse, child under the age of 18, or parent.

Section 3 of this Act provides that an individual who quits work in order to accompany their spouse to a place from which it is impractical for the individual to commute and due to a change in location of their spouse's employment, will not be disqualified from the receipt of unemployment insurance benefits for this reason.

Section 4 of this Act provides that an individual, who quits work to care for their spouse, child under the age of 18, or parent with a verified illness or disability, will not be disqualified from the receipt of unemployment insurance benefits for this reason.

Section 5 of this Act provides that an individual who is discharged from work as the result of providing notice to their employer of the intent to quit work to accompany their spouse to a place from which it is impractical for such individual to commute and due to a change in location of the spouse's employment will not be disqualified from the receipt of unemployment insurance benefits for this reason.

Section 6 of this Act provides that an individual who is discharged from work as a result of the individual providing care for their spouse, child under the age of 18, or parent with a verified illness or disability will not be disqualified from the receipt of unemployment insurance benefits for this reason.

Section 7 of this Act provides that an individual, who is discharged from work due to circumstances directly resulting from the individual's experience of domestic violence, will not be disqualified from the receipt of unemployment insurance benefits for this reason.

Section 8 of this Act provides that an individual who refuses a referral to or offer of full-time work shall not be disqualified from the receipt of unemployment insurance benefits for this reason if the individual is permitted to seek only part-time work under the provisions of § 3315(3) of Title 19, Delaware Code.

Section 9 of this Act provides that no individual shall be determined ineligible for the receipt of unemployment insurance benefits for any week in which they seek only part-time work, if the majority of weeks of work in their unemployment insurance claim base period were in part-time employment.

Section 10 of this Act establishes the provisions of Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 shall apply to new claims filed for unemployment insurance benefits with an effective date of January 3, 2010 or later.

Upon enactment of this Act, pursuant to the provisions of The Assistance for Unemployed Workers and Struggling Families Act, Title II of Division B of Public Law No. 111-5, enacted February 17, 2009, the state will be eligible to apply for and receive \$21,868,398 from the federal government for Delaware's Unemployment Insurance Trust Fund in Calendar Year 2009.