

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 115

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1367, IDAHO CODE,
2 TO REVISE PROVISIONS REGARDING BENEFIT ENTITLEMENT; AND DECLARING AN
3 EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
4

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 72-1367, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 72-1367. BENEFIT FORMULA. (1) To be eligible, an individual shall have
9 the minimum qualifying amount of wages in covered employment in at least one
10 (1) calendar quarter of his base period, and shall have total base period
11 wages of at least one and one-quarter (1 1/4) times his high quarter wages.
12 The minimum qualifying amount of wages shall be determined each January 1 and
13 shall equal fifty percent (50%) of the product of the state minimum wage, as
14 defined by section 44-1502, Idaho Code, multiplied by five hundred twenty
15 (520) hours, rounded to the lowest multiple of twenty-six (26).

16 (2) The weekly benefit amount shall be one twenty-sixth (1/26) of high-
17 est quarter wages, except that it shall not exceed the applicable maximum
18 weekly benefit amount. The maximum weekly benefit amount shall be estab-
19 lished by the director, who shall determine the state average weekly wage
20 paid by covered employers for the preceding calendar year and the maximum
21 weekly benefit amount to be effective for new claims filed in the first full
22 week of the following January and filed thereafter until a new maximum weekly
23 benefit amount becomes effective under this subsection. The maximum weekly
24 benefit amount shall be fifty-five percent (55%) of the state average weekly
25 wage paid by covered employers for the preceding calendar year.

26 ~~(3) Any eligible individual shall be entitled during any benefit year~~
27 ~~to a total amount of benefits equal to his weekly benefit amount times the~~
28 ~~number of full weeks of benefit entitlement appearing in the following table~~
29 ~~based on his ratio of total base period earnings to highest quarter base pe-~~
30 ~~riod earnings. The maximum weeks of entitlement are based on a sliding scale~~
31 ~~of the official forecasted, seasonally adjusted unemployment rate for the~~
32 ~~state for a minimum of ten (10) weeks to a maximum of twenty-six (26) weeks~~
33 ~~depending on the unemployment rate in effect for the months of February, May,~~
34 ~~August and November as follows:~~

35 ~~(a) For any benefit week commencing in January through March of a calen-~~
36 ~~dar year, the maximum allowed number of benefit weeks shall be based on~~
37 ~~the unemployment rate for the preceding month of November;~~

38 ~~(b) For any benefit week commencing in April through June of a calendar~~
39 ~~year, the maximum allowed number of benefit weeks shall be based on the~~
40 ~~unemployment rate for the preceding month of February;~~

~~(c) For any benefit week commencing in July through September of a calendar year, the maximum allowed number of benefit weeks shall be based on the unemployment rate for the preceding month of May; and~~
~~(d) For any benefit week commencing in October through December of a calendar year, the maximum allowed number of benefit weeks shall be based on the unemployment rate for the preceding month of August.~~

Ratio of Total Base Period Earnings to Highest Quarter Earnings	Full Weeks of Benefit Entitlement Adjusted By the Unemployment Rate								
	At Least	Up To	8% or Higher	7% to 7.9%	6% to 6.9%	5% to 5.9%	4% to 4.9%	3% to 3.9%	2.9% or Lower
1.25	1.60	10	10	10	10	10	10	10	10
1.6001	1.80	11	10	10	10	10	10	10	10
1.8001	1.92	12	11	10	10	10	10	10	10
1.9201	2.01	13	12	11	10	10	10	10	10
2.0101	2.08	14	13	12	11	10	10	10	10
2.0801	2.14	15	14	13	12	11	10	10	10
2.1401	2.21	16	15	14	13	12	11	10	10
2.2101	2.29	17	16	15	14	13	12	11	10
2.2901	2.38	18	17	16	15	14	13	12	11
2.3801	2.49	19	18	17	16	15	14	13	12
2.4901	2.61	20	19	18	17	16	15	14	13
2.6101	2.75	21	20	19	18	17	16	15	14
2.7501	2.91	22	21	20	19	18	17	16	15
2.9101	3.10	23	22	21	20	19	18	17	16
3.1001	3.32	24	23	22	21	20	19	18	17
3.3201	3.56	25	24	23	22	21	20	19	18
3.5601	4.00	26	25	24	23	22	21	20	19

(3) During the benefit year, an otherwise eligible individual shall be entitled to benefits not to exceed the weekly benefit amount multiplied by the maximum number of weeks of benefit entitlement under subsection (4) of this section.

(4) The number of full weeks of benefit entitlement during a benefit year shall be:

(a) Twelve (12) weeks when the average unemployment rate is five percent (5%) or less;

(b) Thirteen (13) weeks when the average unemployment rate is more than five percent (5%) but not more than five and one-half percent (5.5%);

(c) Fourteen (14) weeks when the average unemployment rate is more than five and one-half percent (5.5%) but not more than six percent (6%);

1 (d) Fifteen (15) weeks when the average unemployment rate is more than
 2 six percent (6%) but not more than six and one-half percent (6.5%);

3 (e) Sixteen (16) weeks when the average unemployment rate is more than
 4 six and one-half percent (6.5%) but not more than seven percent (7%);

5 (f) Seventeen (17) weeks when the average unemployment rate is more
 6 than seven percent (7%) but not more than seven and one-half percent
 7 (7.5%);

8 (g) Eighteen (18) weeks when the average unemployment rate is more than
 9 seven and one-half percent (7.5%) but not more than eight percent (8%);

10 (h) Nineteen (19) weeks when the average unemployment rate is more than
 11 eight percent (8%) but not more than eight and one-half percent (8.5%);
 12 and

13 (i) Twenty (20) weeks when the average unemployment rate is more than
 14 eight and one-half percent (8.5%).

15 (5) As used in this section, "average unemployment rate" means the av-
 16 erage seasonally adjusted unemployment rate reported by the United States
 17 department of labor for the state of Idaho for the third quarter of the most
 18 recently completed calendar year. The Idaho department of labor shall pub-
 19 lish on its website annually the average unemployment rate and the maximum
 20 number of weeks of benefit entitlement for each calendar year.

21 ~~(4)~~ (6) If the total wages payable to an individual for less than full-
 22 time work performed in a week claimed exceed one-half (1/2) of his weekly
 23 benefit amount, the amount of wages that exceed one-half (1/2) of the weekly
 24 benefit amount shall be deducted from the benefits payable to the claimant.
 25 For purposes of this subsection, severance pay shall be deemed wages, even if
 26 the claimant was required to sign a release of claims as a condition of re-
 27 ceiving the pay from the employer. "Severance pay" means a payment or pay-
 28 ments made to a claimant by an employer as a result of the severance of the
 29 employment relationship.

30 ~~(5)~~ (7) Benefits payable to an individual shall be rounded to the next
 31 lower full dollar amount.

32 SECTION 2. An emergency existing therefor, which emergency is hereby
 33 declared to exist, this act shall be in full force and effect on and after
 34 July 1, 2023.