

Introduced by Senator Alarcon

January 8, 2002

An act to amend Section 1252 of the Unemployment Insurance Code, relating to unemployment insurance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1249, as introduced, Alarcon. Unemployment insurance.

For purposes of qualifying for unemployment insurance, existing law provides that an individual is "unemployed" if, among other things, in any week of less than full-time work the wages payable to him or her with respect to that week, when reduced by \$25 or 25% of the wages payable, whichever is greater, do not equal or exceed his or her weekly unemployment compensation benefit amount.

This bill would instead provide that an individual is "unemployed" in any week of less than full-time work if the wages payable to him or her with respect to that week, when reduced by \$50 or 40% of the wages payable, whichever is greater, do not equal or exceed his or her weekly unemployment compensation benefit amount.

Because this provision would increase the amount of unemployment compensation paid, it would increase the amount payable from the Unemployment Fund, a continuously appropriated special fund, and thereby would make an appropriation.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1252 of the Unemployment Insurance
2 Code is amended to read:

3 1252. (a) An individual is “unemployed” in any week in
4 which he or she meets any of the following conditions:

5 (1) Any week during which he or she performs no services and
6 with respect to which no wages are payable to him or her.

7 (2) Any week of less than full-time work, if the wages payable
8 to him or her with respect to the week, when reduced by
9 ~~twenty-five dollars (\$25)~~ *fifty dollars (\$50)* or ~~25 40~~ percent of the
10 wages payable, whichever is greater, do not equal or exceed his or
11 her weekly benefit amount.

12 (3) Any week for which, except for the requirements of
13 subdivision (d) of Section 1253, he or she would be eligible for
14 benefits under Section 1253.5.

15 (4) Any week during which he or she performs full-time work
16 for five days as a juror, or as a witness under subpoena.

17 (b) Authorized regulations shall be prescribed making ~~such~~ *any*
18 distinctions as may be necessary in the procedures applicable to
19 unemployed individuals as to total unemployment, part-total
20 employment, partial unemployment of individuals attached to
21 their regular jobs, and other forms of short-time work.

22 (c) For the purpose of this section only, “wages” includes any
23 ~~and all~~ compensation for personal services whether performed as
24 an employee or as an independent contractor, or as a juror or as a
25 witness, but does not include any payment received by a member
26 of the National Guard or reserve component of the armed forces
27 for inactive duty training, annual training, or emergency state
28 active duty.

29 SEC. 2. This act is an urgency statute necessary for the
30 immediate preservation of the public peace, health, or safety
31 within the meaning of Article IV of the Constitution and shall go
32 into immediate effect. The facts constituting the necessity are:

33 In order to immediately revise the anachronistic statutory
34 definition of “unemployed” to enable those agencies that provide
35 unemployment relief to help those most in need, it is necessary that
36 this act take effect immediately.

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