

AMENDED IN SENATE MARCH 18, 1999

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SENATE BILL

No. 1303

Introduced by Senator Solis

March 10, 1999

An act to add Sections 1252.3 and 1279.1 to the Unemployment Insurance Code, relating to unemployment compensation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1303, as amended, Solis. Unemployment compensation benefits: freezing weather.

Existing law provides that an individual is considered "unemployed" for the purpose of eligibility for unemployment compensation benefits if for any week of less than full-time work, the wages payable to the individual for that week, when reduced by \$25 or 25% of the wages payable, whichever is greater, do not equal or exceed the individual's unemployment weekly benefit amount. Existing law provides for the calculation of unemployment benefits.

This bill would provide that an individual who has been laid off from work or who is unable to commence work as a direct result of the freezing weather conditions in December 1998, as specified, shall be considered "unemployed" for the purpose of eligibility for unemployment compensation benefits if for any week of less than full-time work, the wages payable to the individual for that week, when reduced by

\$200, do not equal or exceed the individual’s unemployment weekly benefit amount. This bill would require the payment of unemployment compensation to an individual under these circumstances in a weekly amount equal to his or her weekly benefit amount less the amount of wages in excess of \$200 payable for that week, with benefits subject to the regular one-week waiting period. *This bill would be limited to residents of a county with an unemployment rate in excess of 13% that is covered by a specified order of the Federal Emergency Management Agency.*

This bill would provide for repeal of these provisions on August 7, 1999.

Existing law provides that unemployment compensation benefits are paid from the Unemployment Fund, a continuously appropriated special fund. By expanding benefits payable from the fund, this bill would make an appropriation.

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

Vote: 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 1252.3 is added to the
2 Unemployment Insurance Code, to read:
3 1252.3. (a) Notwithstanding Section 1252, an
4 individual is also “unemployed,” as determined by the
5 director, if (1) the individual has been laid off from work
6 or is unable to commence work as a direct result of
7 freezing weather conditions that occurred in this state
8 from December 20, 1998, to December 28, 1998, inclusive,
9 at the individual’s most recent workplace or regular
10 seasonal workplace, (2) the individual’s continuing
11 unemployment is a direct result of the freezing weather,
12 (3) the wages payable to the individual for any week of
13 less than full-time work, when reduced by two hundred
14 dollars (\$200), do not equal or exceed the individual’s
15 weekly benefit amount, ~~and (4)~~ (4) *the individual resides*
16 *in a county that has an unemployment rate in excess of 13*



1 *percent and that is covered under the terms of Order*
2 *1267-DR of the Federal Emergency Management Agency*
3 *relative to the freezing weather of December, 1998, and*
4 (5) the individual is otherwise eligible to receive benefits
5 under this part.

6 (b) This section shall become inoperative and shall be
7 repealed on August 7, 1999.

8 SEC. 2. Section 1279.1 is added to the Unemployment
9 Insurance Code, to read:

10 1279.1. (a) Notwithstanding Section 1279, an
11 individual who is unemployed for any week pursuant to
12 Section 1252.3 shall be paid with respect to that week an
13 unemployment compensation benefit in an amount
14 equal to his or her weekly benefit amount less the amount
15 of wages in excess of two hundred dollars (\$200) payable
16 to him or her for work performed during that week.
17 Benefits shall be payable for weeks of unemployment
18 after allowing for the waiting period required by
19 subdivision (d) of Section 1253. The benefit payment, if
20 not a multiple of one dollar (\$1), shall be computed to the
21 next higher multiple of one dollar (\$1).

22 (b) For the purposes of this section, “wages” includes
23 any and all compensation for personal services whether
24 performed as an employee, an independent contractor,
25 or a juror or witness, but does not include any payments,
26 regardless of their designation, made by a city in this state
27 to an elected official of the city as an incident to that
28 public office, or any payment made to a member of the
29 National Guard or reserve component of the armed
30 forces for inactive duty training, annual training, or
31 emergency state active duty.

32 (c) This section shall become inoperative and shall be
33 repealed on August 7, 1999.

34 SEC. 3. This act is an urgency statute necessary for the
35 immediate preservation of the public peace, health, or
36 safety within the meaning of Article IV of the
37 Constitution and shall go into immediate effect. The facts
38 constituting the necessity are:

39 Because workers of low- and moderate-income are in
40 need of financial support as soon as possible as a result of



- 1 an unforeseen natural disaster, it is necessary for this act
- 2 to take effect immediately.

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