

CHAPTER 71
FORMERLY
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:

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

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

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

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

“An individual, who quits work in order 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 left work voluntarily without 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 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 4. Amend Section 3314 (1), Chapter 33, Title 19 of the Delaware Code by adding a fourth paragraph to this subsection to read as follows:

“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 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 discharged from work for good cause attributable to such work. An individual's discharge from work shall be treated as due to circumstances directly resulting from the individual's experience of domestic violence if : (i) the individual had reasonable fear of future domestic violence at or en route to or from the individual's place of employment; (ii) the individual relocated to another geographic area in order to avoid future domestic violence against the individual or the individual's spouse, child under the age of 18, or parent; or (iii) any other circumstance in which domestic violence causes the individual to reasonably believe that absence from work is necessary for the future safety of the individual or the individual's spouse, child under the age of 18, or parent. When determining whether an individual has experienced domestic violence for compensation purposes, the Division shall require the individual to provide documentation to the Division of the domestic violence involved, such as a police or court record, or documentation of the domestic violence from a shelter worker, attorney, member of the clergy or medical or other professional from whom the employee has sought assistance in addressing domestic violence and its effects. All evidence of domestic violence experienced by an individual, including the individual's statement and any corroborating evidence shall not be disclosed by the Division of Unemployment Insurance unless consent for disclosure is given by the individual. 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 8. Amend Section 3314 (3), Chapter 33, Title 19 of the Delaware Code by adding a new paragraph (e) to read as follows:

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

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

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

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

Approved July 01, 2009