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Title 22@ Social Security

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Division 1@ Employment Development Department

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Subdivision 1@ Director of Employment Development

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Division 1@ Unemployment and Disability Compensation

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Part 1@ Unemployment Compensation

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Chapter 2@ Administration

455.5-8 Responsibilities of the Paying State - Transfer of

Article 4@ INTERSTATE AND FEDERAL COOPERATION

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Section 455.5-8@ Responsibilities of the Paying State - Transfer of Employment and Wages - Payment of Benefits

(a)

The paying state shall request the transfer of a combined-wage claimant's employment and wages in all states during its base period, and shall determine his or her entitlement to benefits (including additional benefits, extended benefits and dependents' allowances when applicable) under the provisions of its law based on employment and wages in the paying state and all such employment and wages transferred to it hereunder. The paying state shall apply all the provisions of its law to each determination made hereunder, except that the paying state may not determine an issue which has previously been adjudicated by a transferring state. Such exception shall not apply, however, if the transferring state's determination of the issue resulted in making the combined-wage claim possible under paragraph (2) of subdivision (b) of Section 455.5-7 of these regulations. If the paying state fails to establish a benefit year for the combined-wage claimant, or if he or she withdraws his or her claim as provided herein, it shall return to each transferring state all employment and wages.

(b)

Notices of Determination. The paying state shall give to the claimant a notice of each of its determinations on his or her combined-wage claim that he or she is required to receive under the Secretary's Claim Determinations Standard and the

contents of such notice shall meet such Standard. When the claimant is filing his or her combined-wage claims in a state other than the paying state, the paying state shall send a copy of each such notice to the local office in which the claimant filed such claims.

(c)

Redeterminations. (1) Redeterminations may be made by the paying state in accordance with its law based on additional or corrected information received from any source, including a transferring state, except that such information shall not be used as a basis for changing the paying state if benefits have been paid under the combined-wage claim. (2) When a determination is made, as provided in paragraph (a) of this section, which suspends the use of wages earned in employment with an educational institution during a prescribed period between successive academic years or terms or other periods as prescribed in the law of the paying state in accordance with Section 3304(a)(6)(A)(i)-(iv) of the Internal Revenue Code of 1954, the paying state shall furnish each transferring state involved in the combined-wage claim an adjusted determination used to recompute each state's proportionate share of any charges that may accumulate for benefits paid during the period of suspended use of school wages. Wages which are suspended shall be retained by the paying state for possible future reinstatement to the combined-wage claim and shall not be returned to the transferring state.

(1)

Redeterminations may be made by the paying state in accordance with its law based on additional or corrected information received from any source, including a transferring state, except that such information shall not be used as a basis for changing the paying state if benefits have been paid under the combined-wage claim.

(2)

When a determination is made, as provided in paragraph (a) of this section, which suspends the use of wages earned in employment with an educational institution during a prescribed period between successive academic years or terms or other periods as prescribed in the law of the paying state in accordance with Section 3304(a)(6)(A)(i)-(iv) of the Internal Revenue Code of 1954, the paying state shall furnish each transferring state involved in the combined-wage claim an adjusted determination used to recompute each state's proportionate share of any charges that may accumulate for benefits paid during the period of suspended use of school wages. Wages which are suspended shall be retained by the paying state for possible future reinstatement to the combined-wage claim and shall not be returned to the transferring state.

(d)

Appeals. (1) Except as provided in paragraph (3) of this subdivision, where the claimant files his or her combined-wage claim in the paying state, any protest, request for redetermination or appeal shall be in accordance with the law of such state. (2) Where the claimant files his or her combined-wage claim in a state other than the paying state, or under the circumstances described in paragraph (3) of this subdivision, any protest, request for determination or appeal shall be in accordance with the Interstate Benefit Payment Plan. (See Sections 455-1 through 455-9 of these regulations.) (3) To the extent that any protest, request for redetermination or appeal involves a dispute as to the coverage of the employing unit or services in a transferring state, or otherwise involves the amount of employment and wages subject to transfer, the protest, request for redetermination or appeal shall be decided by the transferring state in accordance with its law.

(1)

Except as provided in paragraph (3) of this subdivision, where the claimant files his or her combined-wage claim in the paying state, any protest, request for redetermination or appeal shall be in accordance with the law of such state.

(2)

Where the claimant files his or her combined-wage claim in a state other than the paying state, or under the circumstances described in paragraph (3) of this subdivision, any protest, request for determination or appeal shall be in accordance with the Interstate Benefit Payment Plan. (See Sections 455-1 through 455-9 of these regulations.)

(3)

To the extent that any protest, request for redetermination or appeal involves a dispute as to the coverage of the employing unit or services in a transferring state, or otherwise involves the amount of employment and wages subject to transfer, the protest, request for redetermination or appeal shall be decided by the transferring state in accordance with its law.

(e)

Recovery of Prior Overpayments. If there is an overpayment outstanding in a transferring state and such transferring state so requests, the overpayment shall be deducted from any benefits the paying state would otherwise pay to the claimant on his or her combined-wage claim except to the extent prohibited by the law of the paying state. The paying state shall transmit the amount deducted to the transferring state or credit the deduction against the transferring state's required reimbursement under this arrangement. This subdivision shall apply to overpayments only if the transferring state certifies to the paying state that the determination of overpayment was made within three years before the

combined-wage claim was filed and that repayment by the claimant is legally required and enforceable against him or her under the law of the transferring state.

(f)

Statement of Benefit Charges. (1) At the close of each calendar quarter, the paying state shall send each transferring state a statement of benefits charged during such quarter to such state as to each combined-wage claimant. (2) Except as provided in paragraphs (c)(2), (f)(3), and (f)(5) of this regulation, each such charge shall bear the same ratio to the total benefits paid to the combined-wage claimant by the paying state as his or her wages transferred by the transferring state bear to the total wages used in such determination. Each such ratio shall be computed as a percentage, to three or more decimal places. (3) Charges to the transferring state shall not include the costs of any benefits paid which are funded or reimbursed from the Federal Unemployment Benefits and Allowances account in the U.S. Department of Labor appropriation, including: (A) Benefits paid pursuant to 5 U.S.C. 8501-8525; and (B) Benefits which are reimbursable under Part B of Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 (Pub.L. 93-567). (4) With respect to benefits paid after December 31, 1978, except as provided in paragraphs (3) and (5) of this subdivision, all transferring states will be charged by the paying state for extended benefits in the same manner as for regular benefits. (5) With respect to new claims established a benefit year effective on and after July 1, 1977, the United States shall be charged directly by the paying state, in the same manner as is provided in paragraphs (1) and (2) of this subdivision, in regard to federal civilian service and wages and federal military service and wages assigned or transferred to the paying state and included in combined-wage claims in accordance with Parts 609, 614, and 616 of

Chapter V of Title 20 of the Code of Federal Regulations. With respect to new claims effective before July 1, 1977, prior law shall apply.

(1)

At the close of each calendar quarter, the paying state shall send each transferring state a statement of benefits charged during such quarter to such state as to each combined-wage claimant.

(2)

Except as provided in paragraphs (c)(2), (f)(3), and (f)(5) of this regulation, each such charge shall bear the same ratio to the total benefits paid to the combined-wage claimant by the paying state as his or her wages transferred by the transferring state bear to the total wages used in such determination. Each such ratio shall be computed as a percentage, to three or more decimal places.

(3)

Charges to the transferring state shall not include the costs of any benefits paid which are funded or reimbursed from the Federal Unemployment Benefits and Allowances account in the U.S. Department of Labor appropriation, including: (A) Benefits paid pursuant to 5 U.S.C. 8501-8525; and (B) Benefits which are reimbursable under Part B of Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 (Pub.L. 93-567).

(A)

Benefits paid pursuant to 5 U.S.C. 8501-8525; and

(B)

Benefits which are reimbursable under Part B of Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 (Pub.L. 93-567).

(4)

With respect to benefits paid after December 31, 1978, except as provided in

paragraphs (3) and (5) of this subdivision, all transferring states will be charged by the paying state for extended benefits in the same manner as for regular benefits.

(5)

With respect to new claims established a benefit year effective on and after July 1, 1977, the United States shall be charged directly by the paying state, in the same manner as is provided in paragraphs (1) and (2) of this subdivision, in regard to federal civilian service and wages and federal military service and wages assigned or transferred to the paying state and included in combined-wage claims in accordance with Parts 609, 614, and 616 of Chapter V of Title 20 of the Code of Federal Regulations. With respect to new claims effective before July 1, 1977, prior law shall apply.