WEST VIRGINIA CODE CHAPTER 21a ARTICLE 6

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§21A-6-1. Eligibility qualifications.

An unemployed individual shall be eligible to receive benefits only if the commissioner finds that:

(1) He or she has registered for work at and thereafter continues to report at an employment office in accordance with the regulations of the commissioner;

(2) He or she has made a claim for benefits in accordance with the provisions of article seven of this chapter §21A-7-1 *et seq*. of this code and has furnished his or her Social Security number, or numbers if he or she has more than one such number;

(3) He or she is able to work and is available for full-time work for which he or she is fitted by prior training or experience and is actively seeking work as defined in §21A-6-1d of this code;

(4) He or she has been totally or partially unemployed during his or her benefit year for a waiting period of one-week prior to the week for which he or she claims benefits for total or partial unemployment;

(5) He or she has within his or her base period been paid wages for employment equal to not less than $2,200 and must have earned wages in more than one quarter of his or her base period or, if he or she is not eligible under his or her base period, has within his or her alternative base period been paid wages for employment equal to not less than $2,200 and must have earned wages in more than one quarter of his or her alternative base period; and

(6) He or she participates in reemployment services as defined in §21A-6-1d of this code, such as job search assistance services, if the individual has been determined to be likely to exhaust regular benefits and needs reemployment services pursuant to a profiling system established by the commissioner, unless the commissioner determines that:

(A) The individual has completed such services; or

(B) There is justifiable cause for the claimant's failure to participate in such services.

The amendments made to this section during the 2024 Regular Session shall become effective July 1, 2024.

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§21A-6-1a. Seasonal employment.

An individual working less than one hundred days during his base period in an industry recognized as seasonal, such as food processing and canning, shall not be eligible for benefits unless he has earned wages during his base period in other covered employment equal to not less than $100.

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§21A-6-1b. Requalification requirement.

An individual filing a claim for benefits which, if otherwise valid, would establish a subsequent benefit year, in order to be eligible for benefits for such subsequent benefit year, must have returned to work and earned wages in covered employment after the beginning of his previous benefit year equal to or exceeding an amount eight times his weekly benefit rate amount established for the previous benefit year, and be otherwise eligible under the provisions of this article and of this chapter.

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§21A-6-1c. Voluntary withholding program.

(a) An individual filing a new claim for unemployment compensation shall, at the time of filing the claim, be advised by the appropriate bureau employee that:

(1) Unemployment compensation is subject to federal and state income tax;

(2) Requirements exist pertaining to estimated tax payments;

(3) The individual may elect to have federal and state income tax deducted and withheld from the individual's payment of unemployment compensation at the appropriate federal and state withholding rate; and

(4) The individual may change a previously elected withholding status.

(b) Amounts deducted and withheld from unemployment compensation shall remain in the unemployment fund until transferred to the appropriate federal or state taxing authority as payment of income tax.

(c) The commissioner shall follow all procedures specified by the United States Department of Labor, federal Internal Revenue Service and the West Virginia State Tax Division pertaining to the deducting and withholding of income tax.

(d) Amounts shall be deducted and withheld in accordance with the priorities established in rules developed by the commissioner.

(e) Effective date. -- The amendments made to this section regarding withholding for state income tax shall be effective for payments made on and after January 1, 2010.

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§21A-6-1d. Jobs and Reemployment Act.

(a) In addition to compliance with all other eligibility requirements, an individual shall be eligible, and shall remain eligible, for unemployment benefits only if he or she actively seeks, and continues to seek, work by conducting at least four work search activities weekly, defined as:

(1) Registering for work with the state's labor exchange system, placement firm, temporary work agencies, or educational institution with job placement offices;

(2) Logging on and looking for work in the state's labor exchange or other online job matching system;

(3) Using reemployment services in job centers or completing similar online or self-service activities, including, but not limited to, obtaining and using labor market and career information, participating in Reemployment Services and Eligibility Assessment activities, participating in skills assessment for occupational matching, instructional workshops, or other specialized activities;

(4) Completing job applications for employers that have, or are reasonably expected to have, job openings, or following through on job referrals or job development attempts, as directed by Workforce West Virginia staff;

(5) Applying for or participating in employment and training services provided by partner programs in job centers;

(6) Participating in work-related networking events, such as job clubs, job fairs, industry association events, or networking groups;

(7) Making contacts with, or in-person visits to, employers that have, or are reasonably expected to have, job openings;

(8) Taking a civil service examination;

(9) Going on interviews with employers, either in-person or virtually; or

(10) Performing any other work search activities prescribed or allowed by rules promulgated by Workforce West Virginia.

(b) The commissioner may:

(1) Require an individual, at the time of application for unemployment benefits and weekly thereafter, to provide proof of all his or her work search activities;

(2) Verify submissions of proof of work search activities by individuals applying for or receiving unemployment benefits; and

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(3) Determine any individual who fails to perform work search activities or provide proof of work search activities as required by this section, ineligible to receive unemployment benefits unless the individual can reasonably explain his or her failure to do so or timely remedy the failure to provide proof of his or her work search activity.

(c) The commissioner shall have discretion to determine the sufficiency of the proof of work search activities submitted, the explanation of a failure to submit such proof, the provision of such proof after an inaccuracy in the proof provided is identified, and whether an individual has otherwise complied with the requirements of this section.

(d) The commissioner shall, utilizing existing resources:

(1) Establish a process by which Workforce West Virginia will share open positions submitted to, or posted by, the Division of Personnel or any other state-administered job board by employers directly with individuals applying for or receiving unemployment benefits; and

(2) Establish a process by which, for the purpose of helping individuals applying for or receiving unemployment benefits secure suitable work, Workforce West Virginia shall refer individuals applying for or receiving unemployment benefits to such open positions, including facilitating contact between employers and those individuals, and monitoring whether those individuals are sufficiently responsive to a referral.

(e) An individual applying for or receiving unemployment benefits who receives referrals from Workforce West Virginia to a job or jobs considered to be suitable, as that term is defined in this chapter, shall apply for that job or those jobs within one-week of receiving the referrals and accept employment in suitable work if offered.

(f) Employers shall report the refusal of any individual who is receiving unemployment benefits and who receives job referrals from Workforce West Virginia to accept an offer of employment to the commissioner and also report those that accept employment and either leave or are dismissed from that employment within six weeks of the start date of that employment. The report shall be made in writing in a manner prescribed by the commissioner and shall be signed by the employer. The report shall become part of the file of the individual’s claim for benefits.

(g) Individuals receiving unemployment benefits who accept a referral to a part-time open position or otherwise accept part-time employment for which the wages are less than his or her weekly benefit rate, shall continue to receive unemployment benefits without reduction for those wages for the duration of his or her benefits period.

(h) With the exception of individuals who have received or been served with a summons for jury duty or are serving on a jury in any court of this state, the United States, or any state of the United States; are receiving vocational training as described in the provisions of §21A-6-4 of this code; are partially unemployed and are receiving low-earnings reports from

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their employer; are eligible to receive short-time compensation under a work-sharing plan as described in §21A-6B-5 of this code; or who are members in good standing of a union that refers its members to employment from a union hall; all individuals applying for or receiving unemployment benefits shall be subject to the requirements of this section, including, but not limited to, individuals who are seasonally unemployed or laid off subject to recall by their employer.

(i) Workforce West Virginia shall notify individuals seeking benefits, at the time an initial claim is filed and at any other time during the benefit year that the requirements substantively change, of the obligation to actively seek work. Delivery of the notification shall be made by the method selected by the individual seeking benefits, and may include United States mail, email, online mailbox, or text message. The notification shall include, at a minimum, the types of work search activities that are acceptable; the number of work search activities that are required in any week; the requirement that work search activities be documented; and the requirement to apply, and accept if offered, suitable jobs referred by the agency.

(j) The commissioner shall promulgate rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq*. of this code.

(k) The provisions of this section shall become effective July 1, 2024.

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§21A-6-2. Waiting period construed.

If the benefit year ends during a period of total unemployment for any individual, such individual shall serve a new waiting period of one week before benefits accruing in the new benefit year shall be payable.

During the waiting period, the individual must be eligible in all respects, except for the requirements of subsection (2) of section one of this article. No week shall be counted as the waiting period week if benefits have been paid with respect to such week.

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§21A-6-3. Disqualification for benefits.

Upon the determination of the facts by the commissioner, an individual is disqualified for benefits:

(1) For the week in which he or she left his or her most recent work voluntarily without good cause involving fault on the part of the employer and until the individual returns to covered employment and has been employed in covered employment at least 30 working days.

For the purpose of this subdivision, an individual has not left his or her most recent work voluntarily without good cause involving fault on the part of the employer if the individual leaves his or her most recent work with an employer and if he or she in fact, within a 14-day calendar period, does return to employment with the last preceding employer with whom he or she was previously employed within the past year prior to his or her return to work, and which last preceding employer, after having previously employed the individual for 30 working days or more, laid off the individual because of lack of work, which layoff occasioned the payment of benefits under this chapter or could have occasioned the payment of benefits under this chapter had the individual applied for benefits. It is the intent of this paragraph to cause no disqualification for benefits for an individual who complies with the foregoing set of requirements and conditions. Further, for the purpose of this subdivision, an individual has not left his or her most recent work voluntarily without good cause involving fault on the part of the employer, if the individual was compelled to leave his or her work for his or her own health-related reasons and notifies the employer prior to leaving the job or within two business days after leaving the job or as soon as practicable and presents written certification from a licensed physician within 30 days of leaving the job that his or her work aggravated, worsened, or will worsen the individual's health problem.

(2) For the week in which he or she was discharged from his or her most recent work for misconduct and the six weeks immediately following that week; or for the week in which he or she was discharged from his or her last 30-day employing unit for misconduct and the six weeks immediately following that week. The disqualification carries a reduction in the maximum benefit amount equal to six times the individual's weekly benefit. However, if the claimant returns to work in covered employment for 30 days during his or her benefit year, whether or not the days are consecutive, the maximum benefit amount is increased by the amount of the decrease imposed under the disqualification; except that:

If he or she were discharged from his or her most recent work for one of the following reasons, or if he or she were discharged from his or her last 30 days employing unit for one of the following reasons: Gross misconduct consisting of willful destruction of his or her employer's property; assault upon the person of his or her employer or any employee of his or her employer; if the assault is committed at the individual's place of employment or in the course of employment; reporting to work in an intoxicated condition, or being intoxicated while at work; reporting to work under the influence of any controlled substance, as defined in chapter 60A of this code without a valid prescription, or being under the influence of any controlled substance, as defined in said chapter without a valid prescription, while at work;

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adulterating or otherwise manipulating a sample or specimen in order to thwart a drug or alcohol test lawfully required of an employee; refusal to submit to, or failure of, random testing for alcohol or illegal controlled substances for employees in an employment position where alcohol or drug use creates an inherent risk to the health and safety of the employee or others, or employees in safety-sensitive positions as defined in §21-1D-2 of this code; violation of an employer's drug-free workplace program; violation of an employer's alcohol-free workplace program; arson, theft, larceny, fraud, or embezzlement in connection with his or her work; or any other gross misconduct, he or she is disqualified for benefits until he or she has thereafter worked for at least 30 days in covered employment: *Provided*, That for the purpose of this subdivision, the words "any other gross misconduct" includes, but is not limited to, any act or acts of misconduct where the individual has received prior written warning that termination of employment may result from the act or acts.

(3) For the week in which he or she failed without good cause to apply for available, suitable work, accept suitable work when offered, or return to his or her customary self-employment when directed to do so by the commissioner, and for the four weeks which immediately follow for such additional period as any offer of suitable work shall continue open for his or her acceptance. The disqualification carries a reduction in the maximum benefit amount equal to four times the individual's weekly benefit amount.

(4) For any week or portion thereof in which he or she did not work as a result of:

(a) A strike or other bona fide labor dispute which caused him or her to leave or lose his or her employment.

(b) A lockout is not a strike or a bona fide labor dispute and no individual may be denied benefits by reason of a lockout. However, the operation of a facility by nonstriking employees of the company, contractors, or other personnel is not a reason to grant employees of the company on strike unemployment compensation benefit payments. If the operation of a facility is with workers hired to permanently replace the employees on strike, the employees would be eligible for benefits.

(c) For the purpose of this subsection, an individual shall be determined to leave or lose his or her employment by reason of a lockout where the individual employee has established that: (i) The individual presented himself or herself physically for work at the workplace on the first day of such lockout or on the first day he or she is able to present himself at the workplace or herself; and (ii) the employer denied the individual the opportunity to perform work.

(d) For purposes of this subsection, an individual is determined to be permanently replaced where the individual employee establishes that: (i) He or she is currently employed by an employer who is the subject of a strike or other bona fide labor dispute; and (ii) the position of the employee has been occupied by another employee who has been notified they are permanently replacing the employee who previously occupied the position. Employees or contractors who are hired to perform striking employees' work on a temporary basis, such as

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the duration of a strike or other bona fide labor dispute, or a shorter period of time, may not be determined to have permanently replaced a striking employee.

(5) For a week with respect to which he or she is receiving or has received:

(a) Wages in lieu of notice;

(b) Compensation for temporary total disability under the workers' compensation law of any state or under a similar law of the United States; or

(c) Unemployment compensation benefits under the laws of the United States or any other state.

(6) For the week in which an individual has voluntarily quit employment to marry or to perform any marital, parental, or family duty, or to attend to his or her personal business or affairs and until the individual returns to covered employment and has been employed in covered employment at least 30 working days: *Provided*, That an individual who has voluntarily quit employment to accompany a spouse serving in active military service who has been reassigned from one military assignment to another is not disqualified for benefits pursuant to this subdivision: *Provided, however*, That the account of the employer of an individual who leaves the employment to accompany a spouse reassigned from one military assignment to another may not be charged.

(7) Benefits may not be paid to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two successive sport seasons (or similar periods) if the individual performed the services in the first of the seasons (or similar periods) and there is a reasonable assurance that the individual will perform the services in the later of the seasons (or similar periods).

(8) (a) Benefits may not be paid on the basis of services performed by an alien unless the alien is an individual who was lawfully admitted for permanent residence at the time the services were performed, was lawfully present for purposes of performing the services or was permanently residing in the United States under color of law at the time the services were performed (including an alien who is lawfully present in the United States as a result of the application of the provisions of Section 203(a)(7) or Section 212(d)(5) of the Immigration and Nationality Act): *Provided*, That any modifications to the provisions of Section 3304(a)(14) of the federal Unemployment Tax Act as provided by Public Law 94-566 which specify other conditions or other effective date than stated in this subdivision for the denial of benefits based on services performed by aliens and which modifications are required to be implemented under state law as a condition for full tax credit against the tax imposed by the federal Unemployment Tax Act are applicable under the provisions of this section.

(b) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly

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required from all applicants for benefits.

(c) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to the individual are not payable because of his or her alien status may be made except upon a preponderance of the evidence.

(9) For each week in which an individual is unemployed because, having voluntarily left employment to attend a school, college, university, or other educational institution, he or she is attending that school, college, university, or other educational institution, or is awaiting entrance thereto or is awaiting the starting of a new term or session thereof, and until the individual returns to covered employment.

(10) For each week in which he or she is unemployed because of his or her request, or that of his or her duly authorized agent, for a vacation period at a specified time that would leave the employer no other alternative but to suspend operations.

(11) In the case of an individual who accepts an early retirement incentive package, unless he or she: (i) Establishes a well-grounded fear of imminent layoff supported by definitive objective facts involving fault on the part of the employer; and (ii) establishes that he or she would suffer a substantial loss by not accepting the early retirement incentive package.

(12) For each week with respect to which he or she is receiving or has received benefits under Title II of the Social Security Act or similar payments under any Act of Congress, or remuneration in the form of an annuity, pension, or other retirement pay from a base period employer or chargeable employer or from any trust or fund contributed to by a base period employer or chargeable employer or any combination of the above, the weekly benefit amount payable to the individual for that week shall be reduced (but not below zero) by the prorated weekly amount of those benefits, payments, or remuneration: *Provided*, That if the amount of benefits is not a multiple of $1, it shall be computed to the next lowest multiple of $1: *Provided, however*, That there is no disqualification if in the individual's base period there are no wages which were paid by the base period employer or chargeable employer paying the remuneration, or by a fund into which the employer has paid during the base period: *Provided further*, That notwithstanding any other provision of this subdivision to the contrary, the weekly benefit amount payable to the individual for that week may not be reduced by any retirement benefits he or she is receiving or has received under Title II of the Social Security Act or similar payments under any Act of Congress. A claimant may be required to certify as to whether or not he or she is receiving or has been receiving remuneration in the form of an annuity, pension, or other retirement pay from a base period employer or chargeable employer or from a trust fund contributed to by a base period employer or chargeable employer.

(13) For each week in which and for 52 weeks thereafter, beginning with the date of the decision, if the commissioner finds the individual who within 24 calendar months immediately preceding the decision, has made a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, to obtain or increase any benefit or

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payment under this article: *Provided*, That disqualification under this subdivision does not preclude prosecution under §21A-10-7 of this code.

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§21A-6-4. Individual not denied benefits by receiving vocational training.

Notwithstanding any other provision in this article, no individual shall be denied unemployment compensation benefits because of his receiving training as part of an area vocational program, or similar program, which has as its object the training of unemployed individuals in new occupational skills: Provided, That such individual's training and training institution are approved by the commissioner, and such individual produces evidence of his continued attendance and satisfactory progress at such training institution when requested to do so by the commissioner.

Notwithstanding any other provisions of this chapter, no otherwise eligible individual shall be denied benefits for any week because he or she is in training approved under section 236(a)(1) of the Federal Trade Act of 1974, nor shall such individual be denied benefits by reason of leaving work to enter such training, if the work left is not suitable employment, or because of the application of the provisions of this chapter or any applicable federal unemployment compensation law relating to availability for work, active search for work or refusal to work to any such week in training.

For purposes of this section, the term "suitable employment" means with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment as defined for purposes of the Federal Trade Act of 1974 and wages for such work at not less than eighty percent of the individual's average weekly wage as determined for the purposes of the Federal Trade Act of 1974.

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§21A-6-4a. National guard or reserve training not to be considered employment; such individual not unavailable for work; remuneration for training not to be deducted from unemployment compensation benefit.

Notwithstanding any other provision of this chapter to the contrary, the following provisions apply to an individual who is a member of the state National Guard or other reserve component of the United States Armed Forces:

(1) If such individual is otherwise unemployed under the provisions of this chapter, he may not be considered to be employed because he is engaged in inactive duty for training;

(2) Such individual may not be considered unavailable for work by reason of his inactive duty for training; and

(3) Remuneration which the individual receives for participating in inactive duty for training may not be deducted from the unemployment compensation benefit to which he is otherwise entitled.

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§21A-6-5. Considerations in determining if work is suitable.

In determining whether work is suitable for an individual, the commissioner shall consider:

(1) The degree of risk involved to the individual's health, safety, and morals.

(2) The individual's physical fitness and prior training.

(3) His experience and prior earnings.

(4) His length of unemployment.

(5) His prospects of securing local work in his customary occupation.

(6) The distance of the available work from his residence: Provided, however, That the distance from his new residence shall not be considered in determining suitable work if such distance from available work was created as the result of the individual voluntarily changing his residence to a locality other than that locality in which he resided at the time he voluntarily quit his last employment without good cause involving fault on the part of the employer.

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§21A-6-6. New work not deemed suitable.

Notwithstanding any other provisions of this chapter, no work shall be deemed suitable and benefits shall not be denied to an individual, otherwise eligible, for refusing to accept new work under any of the following conditions:

(1) If the position offered is vacant due directly to a strike, lockout, or other labor dispute.

(2) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

(3) If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

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§21A-6-7. When departments treated as separate establishments with respect to labor disputes.

In case separate branches of work commonly conducted as separate businesses are conducted in separate departments on the same premises, each department shall, for the purposes of subsection four, section three, be treated as a separate establishment.

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§21A-6-8. Payment of benefits.

Benefits shall become payable from the fund twenty-four months after the first day when payments first accrue.

Benefits shall be payable only with respect to unemployment occurring after expiration of such twenty-four months.

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§21A-6-9. Place of payment.

Benefits shall be paid through employment offices or, if the commissioner by rules so prescribes, through the Bureau of Employment Programs' offices, in accordance with such regulations as the commissioner shall prescribe.

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§21A-6-10. Benefit rate — total unemployment;

(a) Each eligible individual who is totally unemployed in any week shall be paid benefits with respect to that week at the weekly rate appearing in Column (C) in the benefit table in this section, on the line on which in Column (A) there is indicated the employee's wage class, except as otherwise provided under the term "total and partial unemployment" in §21A-1A-27 of this code. The employee's wage class shall be determined by his or her base period wages as shown in Column (B) in the benefit table. The right of an employee to receive benefits shall not be prejudiced nor the amount thereof be diminished by reason of failure by an employer to pay either the wages earned by the employee or the contribution due on such wages.

(b) The maximum benefit for each wage class shall be equal to 26 times the weekly benefit rate.

BENEFIT TABLE

A	B	C	
WAGE CLASS	WAGES IN BASE PERIOD	WEEKLY BENEFIT RATE	MAXIMUM BENEFIT RATE
Under $2,200.00 Ineligible			
1	$2,200.00 - 2,359.99	24.00	624.00
2	2,350.00 - 2,499.99	25.00	650.00
3	2,500.00 - 2,649.99	27.00	702.00
4	2,650.00 - 2,799.99	28.00	728.00
5	2,800.00 - 2,949.99	30.00	780.00
6	2,950.00 - 3,099.99	31.00	806.00
7	3,100.00 - 3,249.99	33.00	858.00
8	3,250.00 - 3,399.99	35.00	910.00
9	3,400.00 - 3,549.99	36.00	936.00
10	3,550.00 - 3,699.99	38.00	988.00
11	3,700.00 - 3,849.99	39.00	1,014.00
12	3,850.00 - 3,999.99	41.00	1,066.00
13	4,000.00 - 4,149.99	43.00	1,118.00
14	4,150.00 - 4,299.99	44.00	1,144.00
15	4,300.00 - 4,449.99	46.00	1,196.00
16	4,450.00 - 4,599.99	47.00	1,222.00
17	4,600.00 - 4,749.99	49.00	1,274.00
18	4,750.00 - 4,899.99	51.00	1,326.00
19	4,900.00 - 5,049.99	52.00	1,352.00

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20	5,050.00 - 5,199.99	54.00	1,404.00
21	5,200.00 - 5,349.99	55.00	1,430.00
22	5,350.00 - 5,499.99	57.00	1,482.00
23	5,500.00 - 5,649.99	58.00	1,508.00
24	5,650.00 - 5,799.99	60.00	1,560.00
25	5,800.00 - 5,949.99	62.00	1,612.00
26	5,950.00 - 6,099.99	63.00	1,638.00
27	6,100.00 - 6,249.99	65.00	1,690.00
28	6,250.00 - 6,399.99	66.00	1,716.00
29	6,400.00 - 6,549.99	68.00	1,768.00
30	6,550.00 - 6,699.99	70.00	1,820.00
31	6,700.00 - 6,849.99	71.00	1,846.00
32	6,850.00 - 6,999.99	73.00	1,898.00
33	7,000.00 - 7,149.99	74.00	1,924.00
34	7,150.00 - 7,299.99	76.00	1,976.00
35	7,300.00 - 7,449.99	78.00	2,028.00
36	7,450.00 - 7,599.99	79.00	2,054.00
37	7,600.00 - 7,749.99	81.00	2,106.00
38	7,750.00 - 7,899.99	82.00	2,132.00
39	7,900.00 - 8,049.99	84.00	2,184.00
40	8,050.00 - 8,199.99	85.00	2,210.00
41	8,200.00 - 8,349.99	87.00	2,262.00
42	8,350.00 - 8,499.99	89.00	2,314.00
43	8,500.00 - 8,649.99	90.00	2,340.00
44	8,650.00 - 8,799.99	92.00	2,392.00
45	8,800.00 - 8,949.99	93.00	2,418.00
46	8,950.00 - 9,099.99	95.00	2,470.00
47	9,100.00 - 9,249.99	97.00	2,522.00
48	9,250.00 - 9,399.99	98.00	2,548.00
49	9,400.00 - 9,549.99	100.00	2,600.00
50	9,550.00 - 9,699.99	101.00	2,626.00
51	9,700.00 - 9,849.99	103.00	2,678.00
52	9,850.00 - 9,999.99	104.00	2,704.00
53	10,000.00 - 10,149.99	106.00	2,756.00
54	10,150.00 - 10,299.99	108.00	2,808.00
55	10,300.00 - 10,449.99	109.00	2,834.00
56	10,450.00 - 10,599.99	111.00	2,886.00
57	10,600.00 - 10,749.99	112.00	2,912.00

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58	10,750.00 - 10,899.99	114.00	2,964.00
59	10,900.00 - 11,049.99	116.00	3,016.00
60	11,050.00 - 11,199.99	117.00	3,042.00
61	11,200.00 - 11,349.99	119.00	3,094.00
62	11,350.00 - 11,499.99	120.00	3,120.00
63	11,500.00 - 11,649.99	122.00	3,172.00
64	11,650.00 - 11,799.99	124.00	3,224.00
65	11,800.00 - 11,949.99	125.00	3,250.00
66	11,950.00 - 12,099.99	127.00	3,302.00
67	12,100.00 - 12,249.99	128.00	3,328.00
68	12,250.00 - 12,399.99	130.00	3,380.00
69	12,400.00 - 12,549.99	131.00	3,406.00
70	12,550.00 - 12,699.99	133.00	3,458.00
71	12,700.00 - 12,849.99	135.00	3,510.00
72	12,850.00 - 12,999.99	136.00	3,536.00
73	13,000.00 - 13,149.99	138.00	3,588.00
74	13,150.00 - 13,299.99	139.00	3,614.00
75	13,300.00 - 13,449.99	141.00	3,666.00
76	13,450.00 - 13,599.99	143.00	3,718.00
77	13,600.00 - 13,749.99	144.00	3,744.00
78	13,750.00 - 13,899.99	146.00	3,796.00
79	13,900.00 - 14,049.99	147.00	3,822.00
80	14,050.00 - 14,199.99	149.00	3,874.00
81	14,200.00 - 14,349.99	150.00	3,900.00
82	14,350.00 - 14,499.99	152.00	3,952.00
83	14,500.00 - 14,649.99	154.00	4,004.00
84	14,650.00 - 14,799.99	155.00	4,030.00
85	14,800.00 - 14,949.99	157.00	4,082.00
86	14,950.00 - 15,099.99	158.00	4,108.00
87	15,100.00 - 15,249.99	160.00	4,160.00
88	15,250.00 - 15,399.99	162.00	4,212.00
89	15,400.00 - 15,549.99	163.00	4,238.00
90	15,550.00 - 15,699.99	165.00	4,290.00
91	15,700.00 - 15,849.99	166.00	4,316.00
92	15,850.00 - 15,999.99	168.00	4,368.00
93	16,000.00 - 16,149.99	170.00	4,420.00
94	16,150.00 - 16,299.99	171.00	4,446.00
95	16,300.00 - 16,449.99	173.00	4,498.00

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96	16,450.00 - 16,599.99	174.00	4,524.00
97	16,600.00 - 16,749.99	176.00	4,576.00
98	16,750.00 - 16,899.99	177.00	4,602.00
99	16,900.00 - 17,049.99	179.00	4,654.00
100	17,050.00 - 17,199.99	181.00	4,706.00
101	17,200.00 - 17,349.99	182.00	4,732.00
102	17,350.00 - 17,499.99	184.00	4,784.00
103	17,500.00 - 17,649.99	185.00	4,810.00
104	17,650.00 - 17,799.99	187.00	4,862.00
105	17,800.00 - 17,949.99	189.00	4,914.00
106	17,950.00 - 18,099.99	190.00	4,940.00
107	18,100.00 - 18,249.99	192.00	4,992.00
108	18,250.00 - 18,399.99	193.00	5,018.00
109	18,400.00 - 18,549.99	195.00	5,070.00
110	18,550.00 - 18,699.99	196.00	5,096.00
111	18,700.00 - 18,849.99	198.00	5,148.00
112	18,850.00 - 18,999.99	200.00	5,200.00
113	19,000.00 - 19,149.99	201.00	5,226.00
114	19,150.00 - 19,299.99	203.00	5,278.00
115	19,300.00 - 19,449.99	204.00	5,304.00
116	19,450.00 - 19,599.99	206.00	5,356.00
117	19,600.00 - 19,749.99	208.00	5,408.00
118	19,750.00 - 19,899.99	209.00	5,434.00
119	19,900.00 - 20,049.99	211.00	5,486.00
120	20,050.00 - 20,199.99	212.00	5,512.00
121	20,200.00 - 20,349.99	214.00	5,564.00
122	20,350.00 - 20,499.99	216.00	5,616.00
123	20,500.00 - 20,649.99	217.00	5,642.00
124	20,650.00 - 20,799.99	219.00	5,694.00
125	20,800.00 - 20,949.99	220.00	5,720.00
126	20,950.00 - 21,099.99	222.00	5,772.00
127	21,100.00 - 21,249.99	223.00	5,798.00
128	21,250.00 - 21,399.99	225.00	5,850.00
129	21,400.00 - 21,549.99	227.00	5,902.00
130	21,550.00 - 21,699.99	228.00	5,928.00
131	21,700.00 - 21,849.99	230.00	5,980.00
132	21,850.00 - 21,999.99	231.00	6,006.00
133	22,000.00 - 22,149.99	233.00	6,058.00

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134	22,150.00 - 22,299.99	235.00	6,110.00
135	22,300.00 - 22,449.99	236.00	6,136.00
136	22,450.00 - 22,599.99	238.00	6,188.00
137	22,600.00 - 22,749.99	239.00	6,214.00
138	22,750.00 - 22,899.99	241.00	6,266.00
139	22,900.00 - 23,049.99	243.00	6,318.00
140	23,050.00 - 23,199.99	244.00	6,344.00
141	23,200.00 - 23,349.99	246.00	6,396.00
142	23,350.00 - 23,499.99	247.00	6,422.00
143	23,500.00 - 23,649.99	249.00	6,474.00
144	23,650.00 - 23,799.99	250.00	6,500.00
145	23,800.00 - 23,949.99	252.00	6,552.00
146	23,950.00 - 24,099.99	254.00	6,604.00
147	24,100.00 - 24,249.99	255.00	6,630.00
148	24,250.00 - 24,399.99	257.00	6,682.00
149	24,400.00 - 24,549.99	258.00	6,708.00
150	24,550.00 - 24,699.99	260.00	6,760.00
151	24,700.00 - 24,849.99	262.00	6,812.00
152	24,850.00 - 24,999.99	263.00	6,838.00
153	25,000.00 - 25,149.99	265.00	6,890.00
154	25,150.00 - 25,299.99	266.00	6,916.00
155	25,300.00 - 25,449.99	268.00	6,968.00
156	25,450.00 - 25,599.99	269.00	6,994.00
157	25,600.00 - 25,749.99	271.00	7,046.00
158	25,750.00 - 25,899.99	273.00	7,098.00
159	25,900.00 - 26,049.99	274.00	7,124.00
160	26,050.00 - 26,199.99	276.00	7,176.00
161	26,200.00 - 26,349.99	277.00	7,202.00
162	26,350.00 - 26,499.99	279.00	7,254.00
163	26,500.00 - 26,649.99	281.00	7,306.00
164	26,650.00 - 26,799.99	282.00	7,332.00
165	26,800.00 - 26,949.99	284.00	7,384.00
166	26,950.00 - 27,099.99	285.00	7,410.00
167	27,100.00 - 27,249.99	287.00	7,462.00
168	27,250.00 - 27,399.99	289.00	7,514.00
169	27,400.00 - 27,549.99	290.00	7,540.00
170	27,550.00 - 27,699.99	292.00	7,592.00
171	27,700.00 - 27,849.99	293.00	7,618.00

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172	27,850.00 - 27,999.99	295.00	7,670.00
173	28,000.00 - 28,149.99	296.00	7,696.00
174	28,150.00 - 28,299.99	298.00	7,748.00
175	28,300.00 - 28,449.99	300.00	7,800.00
176	28,450.00 - 28,599.99	301.00	7,826.00
177	28,600.00 - 28,749.99	303.00	7,878.00
178	28,750.00 - 28,899.99	304.00	7,904.00
179	28,900.00 - 29,049.99	306.00	7,956.00
180	29,050.00 - 29,199.99	308.00	8,008.00
181	29,200.00 - 29,349.99	309.00	8,034.00
182	29,350.00 - 29,499.99	311.00	8,086.00
183	29,500.00 - 29,649.99	312.00	8,112.00
184	29,650.00 - 29,799.99	314.00	8,164.00
185	29,800.00 - 29,949.99	315.00	8,190.00
186	29,950.00 - 30,099.99	317.00	8,242.00
187	30,100.00 - 30,249.99	319.00	8,294.00
188	30,250.00 - 30,399.99	320.00	8,320.00
189	30,400.00 - 30,549.99	322.00	8,372.00
190	30,550.00 - 30,699.99	323.00	8,398.00
191	30,700.00 - 30,849.99	325.00	8,450.00
192	30,850.00 - 30,999.99	327.00	8,502.00
193	31,000.00 - 31,149.99	328.00	8,528.00
194	31,150.00 - 31,299.99	330.00	8,580.00
195	31,300.00 - 31,449.99	331.00	8,606.00
196	31,450.00 - 31,599.99	333.00	8,658.00
197	31,600.00 - 31,749.99	335.00	8,710.00
198	31,750.00 - 31,899.99	336.00	8,736.00
199	31,900.00 - 32,049.99	338.00	8,788.00
200	32,050.00 - 32,199.99	339.00	8,814.00
201	32,200.00 - 32,349.99	341.00	8,866.00
202	32,350.00 - 32,499.99	342.00	8,892.00
203	32,500.00 - 32,649.99	344.00	8,944.00
204	32,650.00 - 32,799.99	346.00	8,996.00
205	32,800.00 - 32,949.99	347.00	9,022.00
206	32,950.00 - 33,099.99	349.00	9,074.00
207	33,100.00 - 33,249.99	350.00	9,100.00
208	33,250.00 - 33,399.99	352.00	9,152.00
209	33,400.00 - 33,549.99	354.00	9,204.00

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210	33,550.00 - 33,699.99	355.00	9,230.00
211	33,700.00 - 33,849.99	357.00	9,282.00
212	33,850.00 - 33,999.99	358.00	9,308.00
213	34,000.00 - 34,149.99	360.00	9,360.00
214	34,150.00 - 34,299.99	361.00	9,386.00
215	34,300.00 - 34,449.99	363.00	9,438.00
216	34,450.00 - 34,599.99	365.00	9,490.00
217	34,600.00 - 34,749.99	366.00	9,516.00
218	34,750.00 - 34,899.99	368.00	9,568.00
219	34,900.00 - 35,049.99	369.00	9,594.00
220	35,050.00 - 35,199.99	371.00	9,646.00
221	35,200.00 - 35,349.99	373.00	9,698.00
222	35,350.00 - 35,499.99	374.00	9,724.00
223	35,500.00 - 35,649.99	376.00	9,776.00
224	35,650.00 - 35,799.99	377.00	9,802.00
225	35,800.00 - 35,949.99	379.00	9,854.00
226	35,950.00 - 36,999.99	381.00	9,906.00
227	36,100.00 - 36,249.99	382.00	9,932.00
228	36,250.00 - 36,399.99	384.00	9,984.00
229	36,400.00 - 36,549.99	385.00	10,010.00
230	36,550.00 - 36,699.99	387.00	10,062.00
231	36,700.00 - 36,849.99	388.00	10,088.00
232	36,850.00 - 36,999.99	390.00	10,140.00
233	37,000.00 - 37,149.99	392.00	10,192.00
234	37,150.00 - 37,299.99	393.00	10,218.00
235	37,300.00 - 37,449.99	395.00	10,270.00
236	37,450.00 - 37,599.99	396.00	10,296.00
237	37,600.00 - 37,749.99	398.00	10,348.00
238	37,750.00 - 37,899.99	400.00	10,400.00
239	37,900.00 - 38,049.99	401.00	10,426.00
240	38,050.00 - 38,199.99	403.00	10,478.00
241	38,200.00 - 38,349.99	404.00	10,504.00
242	38,350.00 - 38,499.99	406.00	10,556.00
243	38,500.00 - 38,649.99	408.00	10,608.00
244	38,650.00 - 38,799.99	409.00	10,634.00
245	38,800.00 - 38,949.99	411.00	10,686.00
246	38,950.00 - 39,099.99	412.00	10,712.00
247	39,100.00 - 39,249.99	414.00	10,764.00

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248	39,250.00 - 39,399.99	415.00	10,790.00
249	39,400.00 - 39,549.99	417.00	10,842.00
250	39,550.00 - 39,699.99	419.00	10,894.00
251	39,700.00 - 39,849.99	420.00	10,920.00
252	39,850.00 - 39,999.99	422.00	10,972.00
253	40,000.00 - 40,149.99	423.00	10,998.00
254	40,150.00 - and above	424.00	11,024.00
254	40,150.00 - 40,299.99	425.00	11,050.00
255	40,300.00 - 40,449.99	427.00	11,102.00
256	40,450.00 - 40,599.99	428.00	11,128.00
257	40,600.00 - 40,749.99	430.00	11,180.00
258	40,750.00 - 40,899.99	431.00	11,206.00
259	40,900.00 - 41,049.99	433.00	11,258.00
260	41,050.00 - 41,199.99	434.00	11,284.00
261	41,200.00 - 41,349.99	436.00	11,336.00
262	41,350.00 - 41,499.99	438.00	11,388.00
263	41,500.00 - 41,649.99	439.00	11,414.00
264	41,650.00 - 41,799.99	441.00	11,466.00
265	41,800.00 - 41,949.99	442.00	11,492.00
266	41,950.00 - 42,099.99	444.00	11,544.00
267	42,100.00 - 42,249.99	446.00	11,596.00
268	42,250.00 - 42,399.99	447.00	11,622.00
269	42,400.00 - 42,549.99	449.00	11,674.00
270	42,550.00 - 42,699.99	450.00	11,700.00
271	42,700.00 - 42,849.99	452.00	11,752.00
272	42,850.00 - 42,999.99	454.00	11,804.00
273	43,000.00 - 43,149.99	455.00	11,830.00
274	43,150.00 - 43,299.99	457.00	11,882.00
275	43,300.00 - 43,449.99	458.00	11,908.00
276	43,450.00 - 43,599.99	460.00	11,960.00
277	43,600.00 - 43,749.99	461.00	11,986.00
278	43,750.00 - 43,899.99	463.00	12,038.00
279	43,900.00 - 44,049.99	465.00	12,090.00
280	44,050.00 - 44,199.99	466.00	12,116.00
281	44,200.00 - 44,349.99	468.00	12,168.00
282	44,350.00 - 44,499.99	469.00	12,194.00
283	44,500.00 - 44,649.99	471.00	12,246.00
284	44,650.00 - 44,799.99	473.00	12,298.00

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285	44,800.00 - 44,949.99	474.00	12,324.00
286	44,950.00 - 45,099.99	476.00	12,376.00
287	45,100.00 - 45,249.99	477.00	12,402.00
288	45,250.00 - 45,399.99	479.00	12,454.00
289	45,400.00 - 45,549.99	480.00	12,480.00
290	45,550.00 - 45,699.99	482.00	12,532.00
291	45,700.00 - 45,849.99	484.00	12,584.00
292	45,850.00 - 45,999.99	485.00	12,610.00
293	46,000.00 - 46,149.99	487.00	12,662.00
294	46,150.00 - 46,299.99	488.00	12,688.00
295	46,300.00 - 46,449.99	490.00	12,740.00
296	46,450.00 - 46,599.99	492.00	12,792.00
297	46,600.00 - 46,749.99	493.00	12,818.00
298	46,750.00 - 46,899.99	495.00	12,870.00
299	46,900.00 - 47,049.99	496.00	12,896.00
300	47,050.00 - 47,199.99	498.00	12,948.00
301	47,200.00 - 47,349.99	500.00	13,000.00
302	47,350.00 - 47,499.99	501.00	13,026.00
303	47,500.00 - 47,649.99	503.00	13,078.00
304	47,650.00 - 47,799.99	504.00	13,104.00
305	47,800.00 - 47,949.99	506.00	13,156.00
306	47,950.00 - 48,099.99	507.00	13,182.00
307	48,100.00 - 48,249.99	509.00	13,234.00
308	48,250.00 - 48,399.99	511.00	13,286.00
309	48,400.00 - 48,549.99	512.00	13,312.00
310	48,550.00 - 48,699.99	514.00	13,364.00
311	48,700.00 - 48,849.99	515.00	13,390.00
312	48,850.00 - 48,999.99	517.00	13,442.00
313	49,000.00 - 49,149.99	519.00	13,494.00
314	49,150.00 - 49,299.99	520.00	13,520.00
315	49,300.00 - 49,449.99	522.00	13,572.00
316	49,450.00 - 49,599.99	523.00	13,598.00
317	49,600.00 - 49,749.99	525.00	13,650.00
318	49,750.00 - 49,899.99	526.00	13,676.00
319	49,900.00 - 50,049.99	528.00	13,728.00
320	50,050.00 - 50,199.99	530.00	13,780.00
321	50,200.00 - 50,349.99	531.00	13,806.00
322	50,350.00 - 50,499.99	533.00	13,858.00

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323	50,500.00 - 50,649.99	534.00	13,884.00
324	50,650.00 - 50,799.99	536.00	13,936.00
325	50,800.00 - 50,949.99	538.00	13,988.00
326	50,950.00 - 51,099.99	539.00	14,014.00
327	51,100.00 - 51,249.99	541.00	14,066.00
328	51,250.00 - 51,399.99	542.00	14,092.00
329	51,400.00 - 51,549.99	544.00	14,144.00
330	51,550.00 - 51,699.99	546.00	14,196.00
331	51,700.00 - 51,849.99	547.00	14,222.00
332	51,850.00 - 51,999.99	549.00	14,274.00
333	52,000.00 - 52,149.99	550.00	14,300.00
334	52,150.00 - 52,299.99	552.00	14,352.00
335	52,300.00 - 52,449.99	553.00	14,378.00
336	52,450.00 - 52,599.99	555.00	14,430.00
337	52,600.00 - 52,749.99	557.00	14,482.00
338	52,750.00 - 52,899.99	558.00	14,508.00
339	52,900.00 - 53,049.99	560.00	14,560.00
340	53,050.00 - 53,199.99	561.00	14,586.00
341	53,200.00 - 53,349.99	563.00	14,638.00
342	53,350.00 - 53,499.99	565.00	14,690.00
343	53,500.00 - 53,649.99	566.00	14,716.00
344	53,650.00 - 53,799.99	568.00	14,768.00
345	53,800.00 - 53,949.99	569.00	14,794.00
346	53,950.00 - 54,099.99	571.00	14,846.00
347	54,100.00 - 54,249.99	573.00	14,898.00
348	54,250.00 - 54,399.99	574.00	14,924.00
349	54,400.00 - 54,549.99	576.00	14,976.00
350	54,550.00 - 54,699.99	577.00	15,002.00
351	54,700.00 - 54,849.99	579.00	15,054.00
352	54,850.00 - 54,999.99	580.00	15,080.00
353	55,000.00 - 55,149.99	582.00	15,132.00
354	55,150.00 - 55,299.99	584.00	15,184.00
355	55,300.00 - 55,449.99	585.00	15,210.00
356	55,450.00 - 55,599.99	587.00	15,262.00
357	55,600.00 - 55,749.99	588.00	15,288.00
358	55,750.00 - 55,899.99	590.00	15,340.00
359	55,900.00 - 56,049.99	592.00	15,392.00
360	56,050.00 - 56,199.99	593.00	15,418.00

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361	56,200.00 - 56,349.99	595.00	15,470.00
362	56,350.00 - 56,499.99	596.00	15,496.00
363	56,500.00 - 56,649.99	598.00	15,548.00
364	56,650.00 - 56,799.99	599.00	15,574.00
365	56,800.00 - 56,949.99	601.00	15,626.00
366	56,950.00 - 57,099.99	603.00	15,678.00
367	57,100.00 - 57,249.99	604.00	15,704.00
368	57,250.00 - 57,399.99	606.00	15,756.00
369	57,400.00 - 57,549.99	607.00	15,782.00
370	57,550.00 - 57,699.99	608.00	15,808.00
371	57,700.00 - 57,849.99	611.00	15,886.00
372	57,850.00 - 57,999.99	612.00	15,912.00
373	58,000.00 - 58,149.99	614.00	15,964.00
374	58,150.00 - 58,299.99	615.00	15,990.00
375	58,300.00 - 58,449.99	617.00	16,042.00
376	58,450.00 - 58,599.99	619.00	16,094.00
377	58,600.00 - 58,749.99	620.00	16,120.00
378	58,750.00 - 58,899.99	622.00	16,172.00
379	58,900.00 - 59,049.99	623.00	16,198.00
380	59,050.00 - 59,199.99	625.00	16,250.00
381	59,200.00 - 59,349.99	626.00	16,276.00
382	59,350.00 - 59,499.99	628.00	16,328.00
383	59,500.00 - 59,649.99	630.00	16,380.00
384	59,650.00 - 59,799.99	631.00	16,406.00
385	59,800.00 - 59,949.99	633.00	16,458.00
386	59,950.00 - 60,099.99	634.00	16,484.00
387	60,100.00 - 60,249.99	636.00	16,536.00
388	60,250.00 - 60,399.99	638.00	16,588.00
389	60,400.00 - 60,549.99	639.00	16,614.00
390	60,550.00 - 60,699.99	641.00	16,666.00
391	60,700.00 - 60,849.99	642.00	16,692.00
392	60,850.00 - 60,999.99	644.00	16,744.00
393	61,000.00 - 61,149.99	645.00	16,770.00
394	61,150.00 - 61,299.99	647.00	16,822.00
395	61,300.00 - 61,449.99	649.00	16,874.00
396	61,450.00 - 61,599.99	650.00	16,900.00
397	61,600.00 - 61,749.99	652.00	16,952.00
398	61,750.00 - 61,899.99	653.00	16,978.00

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399	61,900.00 - 62,049.99	655.00	17,030.00
400	62,050.00 - 62,199.99	657.00	17,082.00
401	62,200.00 - 62,349.99	658.00	17,108.00
402	62,350.00 - 62,499.99	660.00	17,160.00
403	62,500.00 - 62,649.99	661.00	17,186.00
404	62,650.00 - and over	662.00	17,212.00

(a) For individuals with base period wages of $62,650 or more, the weekly benefit amount shall be $662.

(b) An individual who is totally unemployed but earns in excess of $60 as a result of an odd job, a non-payrolled job or work from a non-covered employer or is paid a bonus in any benefit week, shall be paid benefits for such week in accordance with the provisions of §21A-6-11 of this code pertaining to benefits for partial unemployment.

(c) If a balance of benefits remains after an individual receives 26 weeks of unemployment benefits, due to partial unemployment as defined in §21A-6-11 of this code, the individual may receive benefit payments at the same weekly benefit rate as the most recent week, until the maximum benefit balance is exhausted.

(f) The right of an employee to receive benefits shall not be prejudiced, nor the amount thereof be diminished by reason of failure by an employer to pay either the wages earned by the employee or the contribution due on such wages.

(g) The amendments made to this section during the 2024 Regular Session shall become effective July 1, 2024.

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§21A-6-11. Benefit rate -- Partial unemployment.

An eligible individual who is partially unemployed in any week shall, upon claim therefor filed within such time and in such manner as the commissioner may by regulation prescribe, be paid benefits for such partial unemployment in an amount equal to his weekly benefit rate, as determined in accordance with section ten of this article, less that part of wages from any source payable or bonus paid to him with respect to such week which is in excess of $60: Provided, That such amount of benefits if not a multiple of $1 shall be computed to the next lowest multiple of $1. Such partial benefits shall be paid to such individual for the week for which he is claiming benefits without regard to the provisions of subdivision (1), section one of this article.

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§21A-6-12. Suspension of partial benefit rights.

If at any time the unemployment compensation fund, including the trust fund, clearing account and benefit account, and excluding therefrom an amount, estimated by the commissioner, equal to the sum of the benefit liabilities then accrued and unpaid, shall fall below the sum of $5 million, the commissioner, with the concurrence of a majority of the advisory council, and with the consent and approval of the Governor, may suspend the right to receive benefit for periods of partial unemployment not then completed, and no right to benefit for periods of partial unemployment completed or occurring during the period of such suspension shall then or thereafter accrue. At any time subsequent to such suspension the commissioner, with the concurrence of a majority of the advisory council, and with the consent and approval of the Governor, may rescind, and whenever the unemployment compensation fund, including the trust fund, clearing account and benefit account, and excluding therefrom an amount, estimated by the commissioner, equal to the sum of the benefit liabilities then accrued and unpaid, reaches the sum of $10 million, the commissioner shall rescind such suspension as to periods of partial unemployment not then completed.

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§21A-6-13. Computation of wage credits; determination of maximum benefits.

The commissioner shall compute wage credits for each individual by crediting him with the wages paid to him for employment by employers during his base period. The maximum total amount of benefits payable to any eligible individual during any benefit year shall not exceed the amount appearing in column (D) on line indicating individual's wage class, of Table A, in this article hereinabove contained.

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§21A-6-14. Payment of benefits upon decease of claimant.

Accrued benefits due and unpaid on claims filed prior to decease of a claimant may, in the discretion of the commissioner, be paid, without letters of administration, to the surviving spouse, children, or parents of the deceased, in the order of priority enumerated.

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§21A-6-15. Benefit payments for service with nonprofit organizations, state hospitals, institutions of higher education, educational institutions and governmental entities.

(a) Benefits based on service in employment as defined in subdivisions (9) and (10), section sixteen, article one-a of this chapter, are payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this chapter; except that benefits based on service in an instructional, research or principal administrative capacity in an institution of higher education shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services, in any such capacity for any institution or institutions of higher education for both such academic years or both such terms.

(b) Benefits based on service in employment defined in subdivisions (9) and (10), section sixteen, article one-a of this chapter, are payable in the same amount, on the same terms and subject to the same conditions as benefits payable on the basis of other service subject to this chapter, except that:

(1) With respect to services in an instructional, research or principal administrative capacity for an educational institution, benefits shall not be paid based on such services for any week commencing during the period between two successive academic years or terms, or during a similar period between two regular but not successive terms, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years or terms and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms or after such holiday or vacation period.

(2) With respect to services in any other capacity for an educational institution, benefits shall not be paid on the basis of such services to any individual for any week which commences during a period between two successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms, except that if compensation is denied to any individual under this subsection and such individual was not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, such individual is entitled to a retroactive payment of compensation for each week for which the individual filed a timely claim for compensation and for which compensation was denied solely by reason of this clause.

(3) With respect to services described in subdivisions (1) and (2) of this subsection, benefits shall not be paid to any individual for any week which commences during an established and

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customary vacation period or holiday recess if such individual performs such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess.

(4) Benefits payable on the basis of services in any such capacities as specified in subdivisions (1) and (2) of this subsection shall be denied as specified in subdivisions (1), (2) and (3) of this subsection to any individual who performed such services in an educational institution while in the employ of an educational service agency. For purposes of this subdivision the term "educational service agency" means a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing such services to one or more educational institutions.

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§21A-6-16. Child support intercept of unemployment benefits.

(a) An individual filing a new claim for unemployment compensation shall, at the time of filing such claim, disclose whether or not the individual owes child support obligations as hereafter defined under subsection (g) of this section. If any such individual discloses that he or she owes child support obligations and is determined to be eligible for unemployment compensation, the commissioner shall notify the child support enforcement division of the Department of Human Services that the individual has been determined to be eligible for unemployment compensation.

(b) The commissioner shall deduct and withhold from any unemployment compensation payable to an individual that owes such child support obligations as defined under subsection (g) of this section:

(1) The amount specified by the individual to the commissioner to be deducted and withheld under this subsection, if neither subdivision (2) nor subdivision (3) is applicable;

(2) The amount, if any, determined pursuant to an agreement submitted to the commissioner under section 454 (19)(B)(i) of the Social Security Act, (B)(i), by the Department of Human Services, unless subdivision (3) is applicable; or

(3) Any amount otherwise required to be deducted and withheld from such unemployment compensation pursuant to legal process, as that term is defined in section 459 (i)(5) of the Social Security Act, as codified in 42 U.S.C. §659 (i)(5), properly served upon the commissioner.

(c) Any amount deducted and withheld under subsection (b) of this section shall be paid by the commissioner to the child support enforcement division of the Department of Human Services.

(d) Any amount deducted and withheld under subsection (b) of this section shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by such individual to the child support enforcement division of the Department of Human Services in satisfaction of the individual's child support obligations.

(e) For purposes of subsections (a) through (d) of this section, the term "unemployment compensation" means any compensation payable under this chapter, including amounts payable by the commissioner pursuant to an agreement under any federal law providing for compensation, assistance or allowances with respect to unemployment.

(f) This section applies only if appropriate arrangements have been made for reimbursement by the child support enforcement division of the Department of Human Services for the administrative costs incurred by the commissioner under this section which are attributable to child support obligations being enforced by the state or local child support enforcement agency.

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(g) The term "child support obligations" means, for purposes of these provisions, only obligations which are being enforced pursuant to a plan described in section 454 of the Social Security Act, as codified in 42 U.S.C. §654, which has been approved by the secretary of health and human services under Part D of Title IV of the Social Security Act, as codified in 42 U.S.C. §§651 through 669b.

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§21A-6-17. Food stamp overissuance intercept of unemployment benefits.

(a) Notwithstanding the provisions of section two, article ten of this chapter, the commissioner shall deduct and withhold from any unemployment compensation payable to an individual that owes an uncollected overissuance of food stamp coupons, as defined under subsection (f) of this section:

(1) The amount, if any, determined pursuant to a written agreement between the individual and the Department of Human Services under Section 13(c)(3)(A) of the Food Stamp Act of 1977, as codified in 7 U.S.C. 2022(c)(3)(A), and submitted to the commissioner; or

(2) Any amount otherwise required to be deducted and withheld from such unemployment compensation pursuant to legal process, as that term is used in Section 13(c)(3)(B) of the Food Stamp Act of 1977, as codified in 7 U.S.C. 2022(c)(3)(B) properly served upon the commissioner.

(b) Any amount deducted and withheld under subsection (a) of this section shall be paid by the commissioner to the Department of Human Services.

(c) Any amount deducted and withheld under subsection (a) of this section shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by the individual to the Department of Human Services in satisfaction of the individual's uncollected overissuance.

(d) For purposes of this section, the term "unemployment compensation" means any compensation payable under this chapter, including amounts payable by the commissioner pursuant to an agreement under any federal law providing for compensation, assistance or allowances with respect to unemployment.

(e) This section applies only if appropriate arrangements have been made for reimbursement by the Department of Human Services for the administrative costs incurred by the commissioner under this section which are attributable to uncollected overissuance being enforced by the state or Department of Human Services.

(f) The term "uncollected overissuance" means, for purposes of this section, obligations which are being enforced pursuant to a plan described in Section 13(c)(1) of the Food Stamp Act of 1977, as codified in 7 U.S.C. 2022(c)(1).

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