

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1957

ENROLLED

SENATE BILL NO. 245

(By Mr. Jackson)

PASSED March 9 1957

In Effect upon Passage



ENROLLED

Senate Bill No. 245

(By MR. JACKSON, OF LINCOLN)

[Passed March 9, 1957; in effect from passage.]

AN ACT to amend and reenact section seven, article five, chapter twenty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and that a new section be enacted and added to article eight of said chapter twenty-one-a, such new section to be designated section fifteen, all relating to separate and joint unemployment compensation accounts.

Be it enacted by the Legislature of West Virginia:

That section seven, article five, chapter twenty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, and that a new section be enacted and added to article eight of said chapter twenty-

one-a, such new section to be designated section fifteen, all to read as follows:

Section 7. *Separate and Joint Accounts.*—(1) The director shall maintain a separate account for each employer, and shall credit his account with all contributions heretofore and hereafter paid by him. He shall also credit to all active employers' accounts which have a credit balance on a computation date in an amount equal to all interest credited to the West Virginia unemployment trust fund deposited with the secretary of the treasury of the United States for all periods prior to the computation date of June thirty, one thousand nine hundred fifty-three, and thereafter for the period that has intervened since the last preceding computation date. The proportionate share to be credited to each employer's account which has a credit balance on the computation date shall be at a ratio of his credit balance to the total of the credit balances of all employers: *Provided*, That any adjustment made in an employer's account after the computation date shall not be used in the computation of the credit balance of an employer until the next following com-

20 putation date: *Provided further*, That nothing in this
21 chapter shall be construed to grant an employer or in-
22 dividual in his service prior claims or rights to the amounts
23 paid by him into the fund, either on his own behalf or on
24 behalf of such individuals. The account of any employer
25 which has been inactive for a period of four consecutive
26 calendar years shall be terminated for all purposes.

27 (2) Benefits paid to an eligible individual for total un-
28 employment beginning after the effective date of this act
29 shall be charged to the account of the last employer with
30 whom he has had as much as three weeks of continuous
31 employment: *Provided*, That no employer's account will
32 be charged with benefits paid to any individual who has
33 been separated from non-covered employment in which
34 he was employed as much as three weeks: *And provided*
35 *further*, That benefits paid to an eligible individual for
36 partial unemployment beginning after the effective date
37 of this act shall be charged to the account of the claim-
38 ant's current employer.

39 (3) The director may prescribe regulations for the es-
40 tablishment, maintenance, and dissolution of joint ac-

41 counts by two or more employers, and shall, in accordance
42 with such regulations and upon application by two or
43 more employers to establish such an account, or to merge
44 their several individual accounts in a joint account, main-
45 tain such joint account as if it constituted a single em-
46 ployer's account.

Article 8. Unemployment Compensation Fund

Section 15. *Administrative Use of Money Credited to*
2 *Account of This State in Unemployment Trust Fund*
3 *Pursuant to Section 903 of the Social Security Act, as*
4 *amended.*—(1) Money credited to the account of this
5 state in the unemployment trust fund by the secretary of
6 the treasury of the United States of America pursuant to
7 section nine hundred three of the Social Security Act, as
8 amended, may be requisitioned and used for the payment
9 of expenses incurred for the administration of this act
10 pursuant to a specific appropriation by the Legislature,
11 provided that the expenses are incurred and the money
12 is requisitioned after the enactment of an appropriation
13 law which:

14 (a) specifies the purposes for which such money is
15 appropriated and the amounts appropriated therefor.

16 (b) limits the period within which such money may
17 be expended to a period ending not more than two years
18 after the date of the enactment of the appropriation law,
19 and

20 (c) limits the amount which may be used during a
21 twelve-month period beginning on July 1 and ending on
22 the next June 30 to an amount which does not exceed the
23 amount by which (i) the aggregate of the amounts
24 credited to the account of this state pursuant to section
25 nine hundred three of the Social Security Act, as amen-
26 ded, during the same twelve-month period and the four
27 preceding twelve-month periods, exceeds (ii) the aggre-
28 gate of the amounts used pursuant to this subsection and
29 charged against the amounts credited to the account of
30 this state during any of such five twelve-month periods.
31 For the purposes of this subsection, amounts used during
32 any such twelve-month period shall be charged against
33 equivalent amounts which were first credited and which
34 are not already so charged; except that no amount used

35 during any such twelve-month period may be charged
36 against any amount credited during such a twelve-month
37 period earlier than the fourth preceding such period.

38 (2) Money credited to the account of this state pur-
39 suant to section nine hundred three of the Social Security
40 Act, as amended, may not be withdrawn or used except
41 for the payment of benefits and for the payment of ex-
42 penses for the administration of this act and of public
43 employment offices pursuant to this section.

44 (3) Money requisitioned for the payment of expenses
45 of administration pursuant to this section shall be de-
46 posited in the employment security administration fund,
47 but, until expended, shall remain a part of the unemploy-
48 ment compensation fund. The director shall maintain a
49 separate record of the deposit, obligation, expenditure,
50 and return of funds so deposited. If any money so de-
51 posited is, for any reason, not to be expended for the pur-
52 pose for which it was appropriated, or, if it remains un-
53 expended at the end of the period specified by the law
54 appropriating such money, it shall be withdrawn and re-
55 turned to the secretary of the treasury of the United

56 States for credit to this state's account in the unemploy-
57 ment trust fund.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

E. W. McCourt
Chairman Senate Committee

W. C. Holloman
Chairman House Committee

Originated in the Senate.

Takes effect from passage.

J. Thomas Myers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Ralph J. Bean
President of the Senate

W. E. Ham
Speaker House of Delegates

The within approved this the 15th
day of March, 1957.

Jeff A. Hudensworth
Governor



Filed In the Office of the Secretary of State
of West Virginia MAR 15 1957

D. PITT O'BRIEN
SECRETARY OF STATE