WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1974

ENROLLED
Committee Substitute for
SENATE BILL NO. 257

(By Mr. Hubbard)

PASSED March 8, 1974

In Effect July 1, 1974
ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 257
(By Mr. Hubbard, Original Sponsor)

[Passed March 8, 1974; in effect July 1, 1974.]

AN ACT to amend and reenact section five, article two; section five, article four; and sections ten and eleven, article six, all of chapter twenty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the compensation and expenses of the commissioner of employment security and of the members of the board of review of the department of employment security; relating to unemployment compensation; relating to the benefit rate for total unemployment; relating to the annual computation and publication of rates; increasing benefits payable for total unemployment; and relating to computation of benefits payable for partial unemployment.

Be it enacted by the Legislature of West Virginia:

That section five, article two; section five, article four; and sections ten and eleven, article six, all of chapter twenty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2. THE COMMISSIONER OF EMPLOYMENT SECURITY.
§21A-2-5. Compensation; traveling expenses.

1 Notwithstanding the provisions of section two-a, article seven, chapter six of this code, the commissioner of em-
Enr. Com. Sub. for S. B. No. 257] 2

3 ployment security shall receive a yearly salary of twenty-
4 three thousand five hundred dollars and the necessary
5 traveling expenses incident to the performance of his
6 duties. Requisition for traveling expenses shall be ac-
7 companied by a sworn itemized statement which shall be
8 filed with the auditor and preserved as a public record.

ARTICLE 4. BOARD OF REVIEW.
§21A-4-5. Compensation and travel expenses.

1 Notwithstanding the provisions of section two-a, article
2 seven, chapter six of this code, each member of the board
3 shall receive an annual salary of twelve thousand six hun-
4 dred dollars and the necessary traveling expenses in-
5 curred in the performance of his duties.
6 Requisition for traveling expenses shall be accompanied
7 by a sworn and itemized statement which shall be filed
8 with the auditor and preserved as a public record.
9 The salaries and expenses of the members shall be paid
10 from the administration fund.

ARTICLE 6. EMPLOYEE ELIGIBILITY; BENEFITS.
§21A-6-10. Benefit rate—Total unemployment; annual com-
putation and publication of rates.

1 Each eligible individual who is totally unemployed in
2 any week shall be paid benefits with respect to that week
3 at the weekly rate appearing in Column (C) in Table A
4 in this paragraph, on the line on which in Column (A)
5 there is indicated the employee’s wage class, except as
6 otherwise provided under the term “total and partial un-
7 employment” in section three, article one of this chapter.
8 The employee’s wage class shall be determined by his
9 base period wages as shown in Column (B) in Table A.
10 The right of an employee to receive benefits shall not be
11 prejudiced nor the amount thereof be diminished by rea-
12 son of failure by an employer to pay either the wages
13 earned by the employee or the contribution due on such
14 wages. An individual who is totally unemployed but earns
15 in excess of twenty-five dollars as a result of odd-job or
16 subsidiary work in any benefit week shall be paid benefits
17 for such week in accordance with the provisions of this
18 chapter pertaining to benefits for partial unemployment.
### TABLE A

<table>
<thead>
<tr>
<th>Wage Class</th>
<th>Wages in Base Period</th>
<th>Weekly Benefit Rate</th>
<th>Maximum Benefit in Benefit Year for Total and/or Partial Unemployment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Column A)</td>
<td>(Column B)</td>
<td>(Column C)</td>
<td>(Column D)</td>
</tr>
<tr>
<td>20</td>
<td>Under $700.00</td>
<td>Ineligible</td>
<td>$312.00</td>
</tr>
<tr>
<td>21 1</td>
<td>700.00—799.99</td>
<td>$12.00</td>
<td>$312.00</td>
</tr>
<tr>
<td>22 2</td>
<td>800.00—899.99</td>
<td>13.00</td>
<td>338.00</td>
</tr>
<tr>
<td>23 3</td>
<td>900.00—999.99</td>
<td>14.00</td>
<td>364.00</td>
</tr>
<tr>
<td>24 4</td>
<td>1000.00—1149.99</td>
<td>15.00</td>
<td>390.00</td>
</tr>
<tr>
<td>25 5</td>
<td>1150.00—1299.99</td>
<td>16.00</td>
<td>416.00</td>
</tr>
<tr>
<td>26 6</td>
<td>1300.00—1449.99</td>
<td>17.00</td>
<td>442.00</td>
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<tr>
<td>27 7</td>
<td>1450.00—1599.99</td>
<td>18.00</td>
<td>468.00</td>
</tr>
<tr>
<td>28 8</td>
<td>1600.00—1749.99</td>
<td>19.00</td>
<td>494.00</td>
</tr>
<tr>
<td>29 9</td>
<td>1750.00—1899.99</td>
<td>20.00</td>
<td>520.00</td>
</tr>
<tr>
<td>30 10</td>
<td>1900.00—2049.99</td>
<td>21.00</td>
<td>546.00</td>
</tr>
<tr>
<td>31 11</td>
<td>2050.00—2199.99</td>
<td>22.00</td>
<td>572.00</td>
</tr>
<tr>
<td>32 12</td>
<td>2200.00—2349.99</td>
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<tr>
<td>34 14</td>
<td>2500.00—2599.99</td>
<td>25.00</td>
<td>650.00</td>
</tr>
<tr>
<td>35 15</td>
<td>2600.00—2699.99</td>
<td>26.00</td>
<td>676.00</td>
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<tr>
<td>36 16</td>
<td>2700.00—2799.99</td>
<td>27.00</td>
<td>702.00</td>
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<tr>
<td>37 17</td>
<td>2800.00—2899.99</td>
<td>28.00</td>
<td>728.00</td>
</tr>
<tr>
<td>38 18</td>
<td>2900.00—2999.99</td>
<td>29.00</td>
<td>754.00</td>
</tr>
<tr>
<td>39 19</td>
<td>3000.00—3099.99</td>
<td>30.00</td>
<td>780.00</td>
</tr>
<tr>
<td>40 20</td>
<td>3100.00—3199.99</td>
<td>31.00</td>
<td>806.00</td>
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<td>41 21</td>
<td>3200.00—3349.99</td>
<td>32.00</td>
<td>832.00</td>
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<tr>
<td>42 22</td>
<td>3350.00—3499.99</td>
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<td>858.00</td>
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<td>43 23</td>
<td>3500.00—3649.99</td>
<td>34.00</td>
<td>884.00</td>
</tr>
<tr>
<td>44 24</td>
<td>3650.00—3799.99</td>
<td>35.00</td>
<td>910.00</td>
</tr>
</tbody>
</table>

Notwithstanding any of the foregoing provisions of this section, on and after July one, one thousand nine hundred sixty-seven, the maximum weekly benefit rate shall be forty percent of the average weekly wage in West Virginia.

Notwithstanding any of the foregoing provisions of this section, on and after July one, one thousand nine hundred seventy, the maximum weekly benefit rate shall be forty-
five percent of the average weekly wage in West Virginia.

Notwithstanding any of the foregoing provisions of this section, on and after July one, one thousand nine hundred seventy-one, the maximum weekly benefit rate shall be fifty percent of the average weekly wage in West Virginia.

Notwithstanding any of the foregoing provisions of this section, on and after July one, one thousand nine hundred seventy-three, the maximum weekly benefit rate shall be fifty-five percent of the average weekly wage in West Virginia.

The commissioner, after he has determined the maximum weekly benefit rate upon the basis of the above formula, shall establish as many additional wage classes as are required, increasing the amount of base period wages required for each class by one hundred fifty dollars, the weekly benefit rate for each class by one dollar, and the maximum benefit by twenty-six dollars. The maximum weekly benefit rate, when computed by the commissioner, in accordance with the foregoing provisions, shall be rounded to the next higher dollar amount, if the computation exceeds forty-nine percent of a dollar amount. Such rounding off to the next higher dollar amount shall result in one additional wage class, with commensurate base period wage requirement of one hundred fifty dollars over the preceding wage class, and with a maximum benefit increase over the preceding wage class of twenty-six dollars. Such an additional wage class shall be published by the commissioner with the table required to be published by the foregoing provisions of this section.

Notwithstanding any of the foregoing provisions of this section, including Table A, on and after July one, one thousand nine hundred seventy-four:

1. The maximum weekly benefit rate shall be sixty-six and two-thirds percent of the average weekly wage in West Virginia.

2. The weekly benefit rate [Column (C) of said Table A] in each and every wage class, one through twenty-four, both inclusive [Column (A) of said Table A], shall be increased two dollars, and the maximum
benefit in benefit year for total and/or partial unemploy-
ment [Column (D) of said Table A] in each and
every wage class [Column (A) of said Table A], shall
be increased fifty-two dollars.

(3) The commissioner, after he has determined the
maximum weekly benefit rate upon the basis of the
formula set forth in subdivision (1) above, shall estab-
lish as many additional wage classes as are required,
increasing the amount of the base period wages re-
quired for each wage class by one hundred fifty dol-
lars, establishing the weekly benefit rate for each wage
class by rounded dollar amount to be fifty percent of
one fifty-second of the median dollar amount of wages
in base period for such wage class, and establishing the
maximum benefit for each wage class as an amount
equal to twenty-six times the weekly benefit rate. The
maximum weekly benefit rate, when computed by the
commissioner, in accordance with the foregoing pro-
visions, shall be rounded to the next higher dollar
amount, if the computation exceeds forty-nine percent
of a dollar amount. Such rounding off to the next higher
dollar amount shall result in one additional wage class,
with commensurate base period wage requirement of
one hundred fifty dollars over the preceding wage class,
and with a maximum benefit increase over the pre-
ceding wage class of twenty-six dollars. Such an addi-
tional wage class shall be published by the commis-
sioner with the table required to be published by the
foregoing provisions of this section.

After he has established such additional wage classes,
the commissioner shall prepare and publish a table set-
ning forth such information.

Average weekly wage shall be computed by dividing
the number of employees in West Virginia earning wages
in covered employment into the total wages paid to em-
ployees in West Virginia in covered employment, and
by further dividing said result by fifty-two, and shall be
determined from employer wage and contribution re-
ports for the previous calendar year which are furnished
to the department on or before June one following such
calendar year. The average weekly wage, as determined
by the commissioner, shall be rounded to the next higher dollar.

The computation and determination of rates as aforesaid shall be completed annually before July one, and any such new wage class, with its corresponding wages in base period, weekly benefit rate, and maximum benefit in a benefit year established by the commissioner in the foregoing manner effective on a July one, shall apply only to a new claim established by a claimant on and after said July one, and shall not apply to continued claims of a claimant based on his new claim established before said July one.

§21A-6-11. Same—Partial unemployment.

1 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 to him with respect to such week which is in excess of twenty-five dollars (notwithstanding the reference to fifteen dollars in the definition of partial unemployment contained in section three, article one of this chapter):

Provided, That such amount of benefits if not a multiple of one dollar shall be computed to the next higher multiple of one dollar. Such partial benefits shall be paid to such individual for the week for which he is claiming benefits without regard to the provisions of subdivisions one and four of section one of this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

J. Daniel Dairy
Chairman Senate Committee

Clarence L. Fuster, Jr.
Chairman House Committee

Originated in the Senate.

Takes effect July 1, 1974.

Howard W. Carson
Clerk of the Senate

A. Battleship
Clerk of the House of Delegates

W. P. Bostwick
President of the Senate

Lewis F. Mann
Speaker House of Delegates

The within _______ approved _______ this the _______ day of _______ March _______ 1974.

Aub A. Marshall
Governor
PRESENTED TO THE
GOVERNOR

Date   3/14/74
Time    2:15 P.M.