

## INTERSTATE BENEFIT PAYMENT PLAN

ICESA records indicate all States are signatory to the Interstate Benefit Payment Plan

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### ET HANDBOOK NO. 392 APPENDIX B - INTERSTATE AGREEMENTS

#### 1. Interstate Benefit Payment Plan -- Effective May 1938

a. Article I - Purpose of Plan. This Plan shall operate as to those administrative State agencies adopting the Plan. The purpose of this Plan shall be to initiate and further a method for the payment of unemployment compensation benefits to those unemployed individuals who have earned uncharged wage credits or who have accumulated uncharged credit weeks under the unemployment compensation laws of one or more States (the administrative agencies of which have subscribed to the Plan), and who otherwise might be deprived of benefits because of their absence from a State (or States) in which their benefit credits had been accumulated.

To effectuate this purpose, the unemployment compensation administrative agencies (hereinafter referred to as State agencies) subscribing hereto shall act as agents for each other in a procedure contemplated by this Plan, to the end that no such individual shall be deprived of said benefit credits by reason of his absence from that State in which such credits were accumulated.

#### b. Article II - Committee -- Creation. Powers and Functions.

Item A - To instrument this Plan there shall be a committee the functions of which are as follows:

(1) To encourage and assist cooperation between the State agencies subscribing to the Plan in furtherance of its purpose.

(2) To issue rules, regulations, instructions, procedural forms, and interpretative decisions relating to this Plan to be utilized by the State agencies.

(3) To aid in adjusting differences between the State agencies.

(4) To do any and all things necessary, consistent with purposes of this Plan, provided that nothing expressed or implied in this Plan shall be construed as affording the committee authority to exercise the powers of the several State agencies or of the Bureau of Employment Security (subsequently renamed - Employment and Training Administration).

Item B - The Committee shall consist of a representative from each region of the National Interstate Conference of Employment Security Agencies (subsequently incorporated as - Interstate Conference of Employment Security Agencies), appointed pursuant to its constitution.

Two technical advisors of the Bureau of Employment Security (subsequently renamed - Employment and Training Administration) may assist the committee in the performance of its duties.

C. Article III - State Agencies - Duties and Privileges.

(1) Each subscribing State agency shall cooperate with each other and with the committee.

(2) Each subscribing State agency shall adopt and put into force and effect each rule, regulation, instruction, procedural form and interpretative decision relating to this plan suggested by said committee except such as a State agency finds to be clearly inconsistent with the statutory provisions of its unemployment compensation law.

(3) Each subscribing State agency shall, insofar as possible, accede to jurisdiction of the committee in adjusting differences between such State agencies.

(4) Each subscribing State agency may call upon the Committee for assistance in any matter relating to the purpose of the Plan.

(5) Nothing in this Plan shall be construed as a prohibition upon the State agencies in modification of such procedure as may be instituted by the committee and otherwise adopting such special arrangements as may appear desirable to further the purpose of this Plan as determined by the Committee. The terms of all modifications and special arrangements shall be filed with the chairman of the committee prior to any action being taken thereon by any subscribing State agency.

d. Article IV - Plan - Commencement and Duration. A State Agency may later subscribe to this Plan by filing a notice of acceptance with the chairman of the committee provided for in this Plan.

Two-thirds of the State agencies subscribing to this Plan may amend any of its provisions.

Any subscribing State agency may cease to participate in this Plan by filing a notice of its intention with the chairman of the committee created under this Plan. In such event, its participation shall cease at the expiration of 6 months from the date of filing such notice.

For purpose of this Plan the term "State agency" shall include the District of Columbia.

**e. NOTICE OF ACCEPTANCE OF INTERSTATE BENEFIT PAYMENT PLAN**

The \_\_\_\_\_ agency  
administering unemployment compensation in and for  
\_\_\_\_\_ hereby gives notice that it accepts the  
Interstate Benefit Payment Plan approved by the Interstate Conference of  
Unemployment Compensation Agencies on October 22, 1937.

Signed \_\_\_\_\_  
(Name of State Administrative Agency)

by \_\_\_\_\_  
Name      Title

is duly authorized to sign this instrument on behalf of said agency.

Date \_\_\_\_\_

**f. Suggested Regulations for Interstate Benefits to be Adopted by Each State.**

(1) The following regulations shall govern the (name of State Agency), in its administrative cooperation with other States adopting a similar regulation for the payment of benefits to interstate claimants.

**(2) Definitions**

As used in this regulation, unless the context clearly requires otherwise:

(a) "Interstate Benefit Payment Plan" means the Plan approved by the Interstate Conference of Employment Security Agencies under which benefits shall be payable to unemployed individuals absent from the State (or States) in which benefit credits have been accumulated.

(b) "Interstate claimant" means an individual who files an interstate claim for benefits under the unemployment insurance law of a liable State from another State, through the facilities of an agent State, or directly with the liable State. The term "interstate claimant" shall not include any individual who customarily commutes across State lines from a residence in one State to work in a liable State unless the (name of State agency) finds that this exclusion would create undue hardship on such claimants in specified areas.

(c) "State" includes the District of Columbia, Puerto Rico and the Virgin Islands.

(d) "Agent State" means any State from or through which an individual files an interstate claim for benefits against another State.

(e) "Liable State" means any State against which an individual files, from or through another State, an interstate claim for benefits.

(f) "Benefits" means the compensation payable to an individual, with respect to his unemployment under the unemployment insurance law of any State.

(g) "Week of Unemployment" includes any week of unemployment as defined in the law of the liable State from which benefits with respect to such week are claimed.

### (3) Notification of Interstate Claim.

The liable State will notify the agent State of each initial claim, reopened claim, claim transferred to interstate status, and each week claimed filed from the agent State using uniform procedures and record format pursuant to the Interstate Benefit Payment Plan.

### (4) Registration for Work.

(a) The agent State shall register for work each interstate claimant who files through the agent State, or upon notification of a claim filed directly with the liable State, as required by the law, regulations and procedures of the agent State. Such registration shall be accepted as meeting the registration requirements of the liable State.

(b) Each agent State shall duly report to the liable State in question, each interstate claimant who fails to meet registration/reemployment assistance reporting requirements of the agent State.

### (5) Benefit Rights of Interstate Claimant.

(a) If a claimant files a claim against any State, and it is determined by such State that the claimant has available benefit credits in such State, claims for benefits shall be filed only against that State as long as benefit credits are available in that State. Thereafter, the claimant may file claims against any other State in which there are available benefit credits.

For the purposes of this regulation, benefit credits shall be deemed to be unavailable whenever benefits have been exhausted, terminated, or postponed for an indefinite period or for the entire period in which benefits would otherwise be payable, or whenever benefits are affected by the application of a seasonal restriction.

(6) Claim for Benefits.

(a) Claims for benefits or waiting period filed by an interstate claimant directly with the liable State shall be filed in accordance with the liable State's procedures.

(b) With respect to weeks of unemployment during which an individual is attached to his regular employer, the liable State shall accept as timely any claim which is filed through the agent State within the time limit applicable to such claims under the law of the agent State.

(7) Providing Assistance to Interstate Claimants.

(a) Each agent State, upon request by an interstate claimant, shall assist the individual with the understanding and filing of necessary notices and documents.

(b) The liable state shall provide interstate claimants with access to information concerning the status of their claims throughout the normal business day.

(8) Eligibility Review Program.

(a) The liable State shall schedule and conduct eligibility review interviews for interstate claimants.

(9) Determination of Claims.

(a) The agent State shall, in connection with each claim filed by an interstate claimant, identify to the liable State in question, any potential issue relating to the claimant's availability for work and eligibility for benefits detected by the agent State.

(b) The agent State's responsibility and authority in connection with the determination of interstate claims shall be limited to the identification of potential issues identified in connection with initial or weeks claimed filed through the agent State and the reporting of relevant facts pertaining to each claimant's failure to register for work or report for reemployment assistance as required by the agent State.

(10) Appellate Procedure.

(a) The agent State shall afford all reasonable cooperation in the taking of evidence and the holding of hearings in connection with appealed interstate benefit claims when so requested by a liable State.

(b) With respect to the time limits imposed by the law of a liable State upon the filing of an appeal in connection with a disputed benefit claim, an appeal made by

an interstate claimant shall be deemed to have been made and communicated to the liable State on the date it is received by any qualified officer of the agent State.

(c) The liable State shall conduct hearings in connection with appealed interstate benefit claims. The liable State may contact the agent State for assistance in special circumstances.

(11) Extension of Interstate Benefit Payment Plan to Include Claims Taken in and for Canada.

This regulation shall apply in all its provisions to claims taken in and for Canada.

**2. Interstate Reciprocal Coverage Arrangement - Effective January, 1944.**

I. Purpose of Plan

This plan shall operate as to those administrative State agencies which adopt the plan. The purpose of this plan shall be to provide for coverage under the unemployment compensation law of one State of services performed by an individual for a single employing unit for whom such services are customarily performed by such individual in more than one jurisdiction, to the end that duplication of contributions with respect to the same services be avoided and continuity of coverage of services customarily performed in more than one jurisdiction be assured.

To effectuate this purpose, each subscribing unemployment compensation administrative agency enters into this Arrangement with each other agency subscribing thereto.

II. Interstate Benefit Payment Committee - Functions

A. To instrument this plan, the Interstate Benefit Payments Committee (hereafter referred to as the committee) shall:

1. Encourage and assist cooperation between the State agencies subscribing to this plan in furtherance of its purpose.
2. Recommend rules, regulations, instructions, procedural forms, and interpretative decisions relating to this plan be utilized by the State agencies.
3. Aid in adjusting differences between the State agencies.
4. Do any and all things necessary, consistent with purposes of this plan, provided that nothing herein shall be construed as affording the committee authority to exercise the powers of the several State agencies or of the Bureau of

Employment Security (subsequently renamed - Employment and Training Administration).

### III. State Agencies - Duties and Privileges

A. Each subscribing State agency shall cooperate with each other and the committee.

B. Each subscribing State agency shall, so far as it deems practicable, adopt and put into force and effect each rule, regulation, instruction, procedural form and interpretative decision relating to this plan, as suggested by the Committee, except such as a State agency finds to be clearly inconsistent with its State law.

C. Nothing in this plan shall be construed as a prohibition upon the State agencies against modification of such procedures as may be instituted by the committee and otherwise adopting such special arrangements as may appear desirable. The terms of such modifications and special arrangements shall be filed with the committee prior to their being put into effect.

### IV. Plan - Commencement and Duration

A. The Plan shall be operative, solely as to those State agencies subscribing thereto, upon adoption by the Interstate Conference and upon the subscription thereto of two agencies, and may be amended by the action of two-thirds of the agencies subscribing to this plan.

B. Any subscribing State agency may cease to participate in this plan by filing notice of its intention with the committee and its participation shall cease at the close of the next calendar quarter, which starts after the date of filing such notice.

C. For the purpose of this plan, the term "State agency" shall include the District of Columbia.

### V. Suggested Regulation For Reciprocal Coverage To Be Adopted By Each State

1. The following regulation shall govern the (State) employment security agency in its administrative cooperation with other States subscribing to the Interstate Reciprocal Coverage Arrangement, hereinafter referred to as "the Arrangement".

2. As used in this regulation, unless the context clearly indicates otherwise:

(a) "Jurisdiction" means any State of the United States, the District of Columbia, Canada (The inclusion of Canada is optional but recommended) or, with respect to the Federal government, the coverage of any Federal Unemployment Insurance Law;



(b) "Participating jurisdiction" means a jurisdiction whose administrative agency has subscribed to the arrangement and whose adherence thereto has not terminated;

(c) "Agency" means any officer, board, commission, or other authority charged with the administration of the unemployment compensation law of a participating jurisdiction;

(d) "Interested jurisdiction" means any participating jurisdiction to which an election submitted under this regulation is sent for its approval; and "interested agency" means the agency of such jurisdiction;

(e) "Services" 'customarily performed' by an individual in more than one jurisdiction means services performed in more than one jurisdiction during a reasonable period, if the nature of the services gives reasonable assurance that they will continue to be performed in more than one jurisdiction or if such services are required or are expected to be performed in more than one jurisdiction under the election.

### 3. Submittal and approval of coverage elections under the Interstate reciprocal coverage arrangement

(a) Any employing unit may file an election, on Form \_\_\_\_ , to cover under the law of a single participating jurisdiction all of the services performed for him by any individual who customarily works for him in more than one participating jurisdiction.

Such an election may be filed, with respect to an individual, with any participating jurisdiction in which (1) any part of the individual's services are performed; (2) the individual has his residence; or (3) the employing unit maintains a place of business to which the individual's services bear a reasonable relation.

(b) The agency of the elected jurisdiction (thus selected and determined) shall initially approve or disapprove the election.

If such agency approves the election, it shall forward a copy thereof to the agency of each other participating jurisdiction specified thereon, under whose unemployment compensation law the individual or individuals in question might, in the absence of such election, be covered. Each such interested agency shall approve or disapprove the election, as promptly as practicable, and shall notify the agency of the elected jurisdiction accordingly.

In case its law so required, any such interested agency may, before taking such action, require from the electing employing unit satisfactory evidence that the affected employees have been notified of, and have acquiesced in, the election.



(c) If the agency of the elected jurisdiction, or the agency of any interested jurisdiction, disapproves the election, the disapproving agency shall notify the elected jurisdiction and the electing employing unit of its action and of its reasons therefor.

(d) Such an election shall take effect as to the elected jurisdiction only if approved by its agency and by one or more interested agencies.

(e) An election thus approved shall take effect, as to any interested agency, only if it is approved by such agency.

(f) In case any such election is approved only in part or is disapproved by some of such agencies, the electing employing unit may withdraw its election within ten days after being notified of such action.

#### 4. Effective Period of Elections

(a) Commencement. An election duly approved under this regulation shall become effective at the beginning of the calendar quarter in which the election was submitted, unless the election, as approved, specifies the beginning of a different calendar quarter.

If the electing unit requests an earlier effective date than the beginning of the calendar quarter in which the election is submitted, such earlier date may be approved solely as to those **interested jurisdictions** in which the employer had no liability to pay contributions for the earlier period in question.

#### (b) Termination

(1) The application of an election to any individual under this regulation shall terminate if the agency of the elected jurisdiction finds that the nature of the services customarily performed by the individual for the electing unit has changed, so that they are no longer customarily performed in more than one participating jurisdiction. Such termination shall be effective as of the close of the calendar quarter in which notice of such findings is mailed to all parties affected.

(2) Except as provided in subparagraph (1), each election approved hereunder shall remain in effect through the close of the calendar year in which it is submitted, and thereafter until the close of the calendar quarter in which the electing unit gives written notice of its termination to all affected agencies.

(3) Whenever an election under this regulation ceases to apply to any individual, under subparagraph (1) or (2), the electing unit shall notify the affected individual accordingly.

#### 5. Reports and Notices by the Electing Unit

(a) The electing unit shall promptly notify each individual affected by its approved election, on Form \_\_ , supplied by the elected jurisdiction, and shall furnish the elected agency a copy of such notice.

(b) Whenever an individual covered by an election under this regulation is separated from his employment, the electing unit shall again notify him, forthwith, as to the jurisdiction **under whose** unemployment compensation law his/her services have been covered. If at the time of termination the individual is not located in the elected jurisdiction, the electing unit shall notify him as to the procedure for filing interstate benefit claims.

(c) The electing unit shall immediately report to the elected jurisdiction any change which occurs in the conditions of employment pertinent to its election, such as cases where an individual's services for the employer cease to be customarily performed in more than one participating jurisdiction or where a change in the work assigned to an individual requires him to perform services in a new participating jurisdiction.

#### 6. Approval of Reciprocal Coverage Elections

The (name of State agency) hereby delegates to its (title of officer selected) authority to approve or disapprove reciprocal coverage elections in accordance with this regulation.

### **3. INTERSTATE MARITIME RECIPROCAL ARRANGEMENT -- Effective July 1, 1946**

WHEREAS, the unemployment compensation laws of some of the participating jurisdictions provide for the coverage of maritime service on a compulsory basis while the laws of participating jurisdictions permit the coverage of such services on a voluntary basis; and

WHEREAS, it is desirable that such coverage be coordinated and integrated as between the jurisdictions so that the coverage of persons engaged in maritime services be as extensive as possible, and the duplication of contributions, with respect to such services, be avoided and continuity of coverage of services of individuals engaged in maritime service be assured, each subscribing jurisdiction hereby enters into the Arrangement herein below set forth with each other jurisdiction subscribing hereto.

#### Section 1

This agreement shall be known and may be cited as the Interstate Maritime Reciprocal Arrangement.

#### Section 2

As used in this Arrangement, unless the context clearly requires otherwise:

- (a) "Jurisdiction" means any State of the United States and the District of Columbia;
- (b) "Participating Jurisdiction" means a jurisdiction which has subscribed to this Arrangement and has not terminated its adherence thereto in accordance with the provisions hereof;
- (c) "Agency" means any officer, board, commission or other authority charged with the administration of the unemployment compensation law of a participating jurisdiction;
- (d) "American Vessel" means any vessel documented or numbered under the laws of the United States; and includes any vessel which is neither documented nor numbered under the laws of the United States nor documented under the laws of any foreign country, if its crew is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any State.
- (e) "Maritime Service" means service rendered on or in connection with any American vessel engaged in interstate foreign operations by an officer or member of its crew entirely performed within the United States, or performed under a contract of service which is entered into within the United States or during the performance of which the vessel touches at a port in the United States, if the employee is employed on and in connection with such vessel outside the United States, except services performed by any person on vessels in the categories set forth below:
  - 1. Vessels plying and operating wholly within the territorial limits of a single jurisdiction.
  - 2. Vessels which enter or traverse waters outside the territorial limits of a single jurisdiction only as an incident to navigation within such jurisdiction.
  - 3. Vessels which do not provide full subsistence facilities, including sleeping quarters for the entire crew and which traverse or travel on waters both within and without a single jurisdiction provided they dock nightly or regularly at dock or piers of such single jurisdiction.
  - 4. Fishing vessels starting from and returning to a port within a single jurisdiction without touching ports of another jurisdiction or touching such ports solely to dispose of catch or for emergency purposes.
  - 5. Yachts not used for commercial purposes.

(f) "Jurisdiction of coverage" with respect to a vessel operated by an employing unit means that participating jurisdiction in regard to which it is determined, in accordance with the provisions of this Arrangement, that maritime service rendered on or in connection with such vessel by persons for such employing unit is deemed performed entirely within such participating jurisdiction.

### Section 3

(a) The jurisdiction of coverage in regard to maritime services rendered on a vessel operated by an employing unit shall be that participating jurisdiction in which the employing unit maintains the operating office from which the operations of the vessel are ordinarily and regularly supervised, managed and controlled.

(b) The maritime services of all persons for an employing unit under the conditions set forth under (a) above shall be deemed performed entirely within the jurisdiction of coverage, including services which are performed wholly or partially without that jurisdiction, but excluding services covered on a compulsory basis in a nonparticipating jurisdiction.

### Section 4

Whenever an employing unit changes the operating office for a vessel with the result that a jurisdiction other than the existing jurisdiction of coverage becomes the jurisdiction of coverage under the terms of Section 3 of this Arrangement in regard to maritime services on such vessel, such employing unit shall notify the agencies of both jurisdictions not later than six weeks after such change occurs. Maritime services on such vessel shall be deemed performed in the jurisdiction of coverage for the new operating office beginning with the first voyage commencing after such transfer took place.

### Section 5

(a) Each employing unit shall notify the agency of each participating jurisdiction of the names of those of its vessels regarding services on which, in its opinion, such participating jurisdiction has become the jurisdiction of coverage under this Arrangement. The agency of each such jurisdiction shall make a proper investigation in order to ascertain whether it has been correctly designated as the jurisdiction of coverage and shall give prompt notice of its findings to the agencies of all other participating jurisdictions. If it finds that the designation was correct and if none of the agencies of the other jurisdictions takes exceptions thereto within 20 days after notice, such agency shall give final notice of its findings to the employing unit and to the agencies of all other jurisdictions.

(b) If the agency of any participating jurisdiction raises objections against such findings within the specified time, or if the agency of that jurisdiction which was

designated by the employing unit as the jurisdiction of coverage holds that such designation was erroneous, an Umpire shall be selected by the agencies of the jurisdictions involved who shall ascertain the facts and establish the identity of the jurisdiction of coverage.

## Section 6

(a) If the unemployment compensation law of any participating jurisdictions excludes maritime service from compulsory coverage but allows voluntary coverage thereof by election, the agency of such jurisdiction will cooperate by approving any election filed with it for this purpose by an employing unit in the event that such jurisdiction would be a jurisdiction of coverage under the terms of this Arrangement. The agency of any participating jurisdiction shall refrain from approving any such election in the event that it would not be a jurisdiction of coverage under this Arrangement.

(b) The provisions of this Arrangement shall apply to maritime services performed for any employing unit to the extent that it would not be liable for contributions under the unemployment compensation law of a jurisdiction of coverage by not employing the required number of individuals, including those in maritime service, rendering it liable therefor under the provisions of such law, unless an application by such employing unit for voluntary coverage has been approved by the agency of such jurisdiction.

## Section 7

The terms of this Arrangement shall apply to employing units beginning with the date on which liability in regard to maritime service commences under the Federal Unemployment Tax Act to the extent that the jurisdiction or jurisdictions of coverage subscribe to this Arrangement before or during the year in which such liability commences. The terms of this Arrangement shall apply beginning with the first day of the calendar year in which a jurisdiction subscribes to this Arrangement to the extent that such subscription occurred in a calendar year beginning after such liability commenced.

## Section 8

Each jurisdiction shall indicate its subscription to this Arrangement by filing with the Chairman of the Subcommittee on Maritime Coverage of the Interstate Conference of Employment Security Agencies its duly adopted acceptance thereof, and shall indicate the termination of its subscription thereto by filing with such Chairman 90 days prior to the effective date of such subscription.

## Section 9

This Arrangement may be amended by the action of two-thirds of the participating jurisdictions.

Accepted:

Date \_\_\_\_\_

Name of State \_\_\_\_\_

Name of State Agency \_\_\_\_\_

Signature of Officer authorized to enter into this Arrangement \_\_\_\_\_

Title of Officer \_\_\_\_\_

#### **4. INTERSTATE GREAT LAKES RECIPROCAL ARRANGEMENT -- Effective 1946**

The States subscribing to this document under the authority granted to each of them by the laws of their respective States hereby enter into this Arrangement and mutually agree as follows:

##### Section 1

It is desirable that coverage of maritime employment on or in connection with vessels operating upon the Great Lakes and connected inland waterways which otherwise may be subject to the unemployment compensation law of more than one State be coordinated and integrated as between the States. Persons engaged in such employment should be assured of continuity of coverage and employers engaging such persons should be relieved insofar as possible of duplication and multiplicity in reporting wages and paying contributions. Maritime employment on the Great Lakes and on inland waterways in connection with operations on the Great Lakes differs from that found in other maritime operations, particularly those in coastwise and foreign commerce. The application of this Arrangement, which shall be known and may be cited as the Interstate Great Lakes Reciprocal Arrangement is therefore intended to be limited to operations on the Great Lakes and on connected inland waterways which are incidental to or connected with such operations.

##### Section 2

As used in this Arrangement, unless the context clearly requires otherwise:

(a) "Jurisdiction" means any State of the United States which borders the Great Lakes or inland waterways connected therewith and any State in which there are employers who have vessels in maritime operations on or in connection with the Great Lakes.

(b) "Participating jurisdiction" means a jurisdiction which has subscribed to this Arrangement and has not terminated its adherence thereto in accordance with the provisions thereof.

(c) "Agency" means any officer, board, commission or other authority charged with the administration of the unemployment compensation law of a participating jurisdiction.

(d) "Vessel" means any American vessel operating on the Great Lakes, or operating on other inland waterways in connection with operations on the Great Lakes; and "American vessel" means any vessel documented or numbered under the laws of the United States; and includes any vessel which is neither documented nor numbered under the laws of the United States nor documented under the laws of any foreign country, if its crew is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any State.

(e) "Maritime service" means service rendered on or in connection with any vessel by an officer or a member of its crew, or other seamen, which is performed on the Great Lakes or on inland waterways connected therewith, excepting service performed by any person on or in connection with vessels in the categories set forth below:

1. Vessels plying and operating wholly within the territorial limits of a single jurisdiction.
2. Vessels which enter or traverse waters outside the territorial limits of a single jurisdiction only as an incident to navigation within such jurisdiction.
3. **Vessels which do not** provide full subsistence facilities, including sleeping quarters for the entire crew, and which traverse or travel on waters both within and without a single jurisdiction provided they dock nightly or regularly at docks or piers of such single jurisdiction.
4. Fishing vessels starting from and returning to a port within a single jurisdiction without touching ports of another jurisdiction or touching such ports solely to dispose of catch or for emergency purposes.
5. Yachts not used for commercial purposes.

(f) "Jurisdiction of coverage" with respect to a vessel operated by an employing unit on the Great Lakes or in connection with operations on the Great Lakes means that participating jurisdiction in regard to which it is determined, in accordance with the provisions of this Arrangement, that maritime service rendered on or in connection with such vessel by persons for such employing unit is deemed performed **entirely within such** participating jurisdiction.

### Section 3



(a) The jurisdiction of coverage in regard to maritime services rendered on or in connection with a vessel operated by an employing unit on the Great Lakes or on inland waterways in connection with operations on the Great Lakes shall be that participating jurisdiction in which the employing unit maintains the operating office from which the operations of the vessel are ordinarily and regularly supervised, managed and controlled.

(b) The maritime services of all persons for an employing unit under the conditions set forth under (a) above shall be deemed performed entirely within the jurisdiction of coverage, including services which are performed wholly or partially without that jurisdiction, but excluding services covered on a compulsory basis in a nonparticipating jurisdiction.

#### Section 4

Whenever an employing unit changes the operating office for a vessel operated on the Great Lakes or on the inland waterways in connection with operations on the Great Lakes with the result that jurisdiction other than the existing jurisdiction of coverage becomes the jurisdiction of coverage under the terms of Section 3 of this Arrangement in regard to maritime services on such vessel, the jurisdiction of coverage will require such employing unit to notify the agencies of both jurisdictions not later than 6 weeks after such change occurs. Maritime services on such vessel shall be deemed performed in the jurisdiction of coverage for the new operating office beginning with the first voyage commencing after such transfer took place.

#### Section 5

(a) Each participating jurisdiction shall require notice from employing units of the names of those of their vessels regarding services on which, in their opinion, such participating jurisdiction has become the jurisdiction of coverage under this Arrangement. The agency of the jurisdiction which receives such notice shall make a proper investigation in order to ascertain whether it has been correctly designated as the jurisdiction of coverage and shall give prompt notice of its findings to the agencies of all **other participating jurisdictions**. If it finds that the designation was correct and if none of the agencies of the other jurisdictions takes exceptions thereto within 20 days after notice, such agency shall give final notice of its findings to the employing unit and to the agencies of the other jurisdictions and such findings shall, in the absence of fraud or misrepresentation, be effective until modified by new findings made pursuant to this section.

(b) If the agency of any participating jurisdiction raises objections against such findings within the specified time, or if the agency of that jurisdiction which was designated by the employing unit as the jurisdiction of coverage holds that such designation was erroneous and thereafter there is not mutual agreement as to

the proper **jurisdiction of coverage, an Umpire** shall be promptly selected by the agencies of the jurisdictions involved who shall ascertain the facts and establish the identity of the jurisdiction of coverage.

## Section 6

(a) If the unemployment compensation law of any participating jurisdiction excludes maritime service from compulsory coverage but allows voluntary coverage thereof by election, the agency of such jurisdiction shall cooperate by approving any election filed with it **for this purpose by an employing** unit in the event that such jurisdiction would be a jurisdiction of coverage under the term of this Arrangement. The agency of any participating jurisdiction shall refrain from approving any such election in the event that it would not be a jurisdiction of cover under this Arrangement.

(b) The provisions of this **Arrangement shall not be** applicable to maritime services performed for any employing unit as to a jurisdiction of coverage under the following conditions:

(1) If such employing unit in respect to the jurisdiction coverage would not, under the unemployment compensation law of that jurisdiction, become a subject employer by reason of its failure to employ the required **number of persons, including** those in maritime service, and

(2) No application by such employing unit for voluntary coverage has been approved by the agency of such jurisdiction.

## Section 7

Each participating jurisdiction shall, as far as it deems practicable, adopt all regulations, procedures, instructions and forms relating to this Arrangement and proposed for uniform application, except such as or to the extent that the participating jurisdiction finds to be clearly inconsistent with its unemployment compensation law.

## Section 8

The terms of this Arrangement shall become operative in respect to a participating jurisdiction beginning with the date of its acceptance, unless otherwise specified in such jurisdiction's subscription to this Arrangement.

## Section 9

Each jurisdiction shall indicate its subscription to this Arrangement by filing with the Chairman of the Subcommittee on Maritime Coverage of the Interstate Conference of Employment Security Agencies its duly adopted acceptance

thereof, and shall indicate the termination of its subscription thereto as of the close of a calendar quarter by filing with such Chairman prior to the beginning of such quarter its duly adopted termination of such subscription.

#### Section 10

Each participating jurisdiction shall require all employing units with respect to which it is a Jurisdiction of coverage:

(a) To notify their employees performing maritime service, at the time of hiring, of the name of the State which is the jurisdiction of coverage with respect to such service, and

(b) To post in a conspicuous place or places on each vessel operated by them on the Great Lakes or on the inland waterways connected therewith, notices informing their employees of the State under whose unemployment compensation law contributions based on wages for services on such vessels are paid.

#### Section 11

This Arrangement may be amended by the action of two-thirds of the participating jurisdictions.

Accepted:

Date \_\_\_\_\_

Name of State \_\_\_\_\_

Name of State Agency \_\_\_\_\_

Signature of officer authorized to enter into this Arrangement \_\_\_\_\_

Title of Officer \_\_\_\_\_

### **5. INTERSTATE RECIPROCAL OVERPAYMENT RECOVERY ARRANGEMENT -- Effective September 1987**

#### I . Purpose of Arrangement

This Arrangement governs State agencies which adopt the Arrangement. The purpose of this Arrangement shall be to provide methods for the recovery of improper payments of State and Federal unemployment compensation benefits from individuals filing under the Interstate Benefit Payment Plan, the Interstate Arrangement for the Combining of Employment and Wages, or Intrastate under any State's law.

To effectuate this purpose, the unemployment compensation administrative agencies (hereinafter referred to as State agencies) subscribing hereto shall act as agents for each other in a reciprocal Arrangement for recovery of overpayments of benefits.

## II. Interstate Benefit Payment Committee -- Powers and Functions

A. To implement this Arrangement, the Interstate Benefit Payment Committee (hereinafter referred to as the Committee) shall:

1. Encourage cooperation between and assist the State agencies subscribing to this Arrangement in the furtherance of its purpose.
2. Recommend rules, regulations, instructions, procedural forms, and interpretative decisions relating to this Arrangement to be utilized by the State agencies.
3. Aid in adjusting differences between the State agencies.
4. Do any and all things necessary, consistent with purposes of this Arrangement, provided that nothing expressed or implied in this Arrangement shall be construed as affording the Committee authority to exercise the powers of the State agencies or of the Employment and Training Administration.

B. The Employment and Training Administration may provide technical assistance to the Committee in the performance of its duties.

## III. State Agencies Duties and Privileges

A. Each participating State agency shall cooperate with each other and with the Committee.

B. Each participating State agency shall adopt and put into effect rules, regulations, instructions, procedural forms and interpretative decisions relating to this Arrangement suggested by said Committee except where found by the State agency to be clearly inconsistent with the statutory provisions of its unemployment compensation law.

C. Each participating State agency shall, insofar as possible, accede to the jurisdiction of the Committee in adjusting differences between such State agencies.

D. Each participating State agency may call upon the Committee for assistance in any matter relating to the purpose of the Arrangement.

E. Nothing in this Arrangement shall be construed as a prohibition upon the State agencies adopting such special arrangements as may appear desirable.

#### IV. Arrangement - Commencement and Duration

A State agency may later subscribe to this Arrangement by filing a notice of acceptance with the chairperson of the Committee provided for in this Arrangement.

Any subscribing State agency may cease to participate in this Arrangement by filing notice of its intention with the chairperson of the committee. In such event, its participation shall cease at the expiration of six (6) months from the date of filing such notice.

For the purpose of this Arrangement the term "State agency" shall include the District of Columbia, Puerto Rico, and the Virgin Islands.

#### VI. NOTICE OF ACCEPTANCE OF INTERSTATE RECIPROCAL OVERPAYMENT RECOVERY ARRANGEMENT

The \_\_\_\_\_ agency administering unemployment compensation to and for \_\_\_\_\_ hereby gives notice that it accepts the Interstate Reciprocal Overpayment Recovery Arrangement approved by the Interstate Conference of Employment Security Agencies on \_\_\_\_\_

Signed \_\_\_\_\_ (Name of State Administrative Agency) \_\_\_\_\_

By \_\_\_\_\_ (Name) \_\_\_\_\_ (Title) \_\_\_\_\_ is duly authorized to sign this instrument on behalf of said agency.

Date \_\_\_\_\_

#### VII. SUGGESTED REGULATIONS FOR INTERSTATE OVERPAYMENT RECOVERY TO BE ADOPTED BY EACH STATE

(1) The following regulation shall govern the (name of State agency), in its administrative cooperation with other States adopting a similar regulation for the recovery of overpayments.

(2) Definitions. As used in this arrangement unless the context clearly requires otherwise:

(a) "State" includes the District of Columbia, Puerto Rico, and the Virgin Islands.

(b) "Offset" means the withholding of the overpaid amount against benefits which would otherwise be payable for a compensable week of unemployment.

(c) "Overpayment" means an improper payment of benefits, from a State or Federal unemployment compensation fund, that has been determined recoverable under the Requesting State's law.

(d) "Participating State" means a State which has subscribed to the Interstate Reciprocal Overpayment Recovery Arrangement.

(e) "Paying State" means the State under whose law a claim for unemployment benefits has been established on the basis of combining wages and employment covered in more than one State.

(f) "Recovering State" means the State that has received a request for assistance from a Requesting State.

(g) "Requesting State" means the State that has issued a final determination of overpayment and is requesting another State to assist it in recovering the outstanding balance from the overpaid individual.

(h) "Transferring State" means a State in which a Combined Wage claimant had covered employment and wages in the base period of a paying State, and which transfers such employment and wages to the paying State for its use in determining the benefit rights of such claimant under its law.

(i) "Liable State" means any State against which an individual files, through another State, a claim for benefits.

### (3) Recovery of State or Federal Benefit Overpayments

(a) Duties of Requesting State. The requesting State shall -

1. Send the recovering State a written request for overpayment recovery assistance which includes:

(A) certification that the overpayment is legally collectable under the requesting State's law;

(B) certification that the determination is final and that any rights to postponement of recoupment have been exhausted or have expired;

(C) a statement as to whether the State is participating in cross-program offset by agreement with the U. S. Secretary of Labor; and,

(D) a copy of the initial overpayment determination and a statement of the outstanding balance.

2. Send notice of this request to the claimant; and,

3. Send to the recovering State a new outstanding overpayment balance whenever the requesting State receives any amount of repayment from a source other than the recovering State (e.g., interception of tax refund, etc.).

b) Duties of Recovering State. The Recovering State shall:

(1) Issue an overpayment recovery determination to the **claimant which includes** at a minimum:

(A) the statutory authority for the offset;

(B) the name of the State requesting recoupment;

(C) the date of the original overpayment determination;

(D) type of overpayment (fraud or nonfraud);

(E) program type (UI, UCFE, UCX, TRA, etc.)

(F) total amount to be offset;

(G) the **amount** to be offset weekly;

(H) the right to request redetermination and appeal of the determination to recover the overpayment by offset.

(2) Offset benefits payable for each week claimed in the amount determined under State law; and,

(3) Provide the claimant with a notice of the amount offset; and,

(4) Prepare and forward, no less than once a month, a check representing the amount recovered made payable to the requesting State, except as provided in section (c) below.

(5) Retain a record of the overpayment balance in its files no later than the exhaustion of benefits, end of the benefit year, exhaustion or end of an additional or extended benefits period, or other extensions of benefits, whichever is later.

(6) The recovering State shall not redetermine the original overpayment determination.

(c) Combined Wage Claims

(1) Recovery of Outstanding Overpayment in Transferring State. The paying State shall:



(A) Offset any outstanding overpayment in a transferring State(s) prior to honoring a request from any other "participating State" under this arrangement.

(B) Credit the deductions against the Statement Of Benefits Paid To Combined Wage Claimants, Form IB-6, or forward a check to the transferring State as described in (b)(4).

(2) Withdrawal of Combined Wage Claim After Benefits Have Been Paid.

Withdrawal of a combined wage claim after benefits have been paid shall be honored only if the combined wage claimant has repaid any benefits paid or authorizes the new liable State to offset of the overpayment.

(A) The Paying State shall issue an overpayment determination and forward a copy, together with an overpayment recovery request and an authorization to offset, with the initial claim to the liable State.

(B) The Recovering State shall:

(1) Offset the total amount of any overpayment, resulting from the withdrawal of a Combined Wage Claim, prior to the release of any payments to the claimant;

(2) Offset the total amount of any overpayment, resulting from the withdrawal of a Combined Wage Claim prior to honoring a request from any other participating State under this arrangement;

(3) Provide the claimant with a notice for the amount offset; and,

(4) Prepare and forward a check representing the amount recovered to the requesting State as described in (b)(4).

(d) Cross-program Offset. The Recovering State shall offset benefits payable under a State unemployment compensation program to recover any benefits overpaid under a Federal unemployment compensation program (as described in the Recovering State's Agreement with the Secretary of Labor) and vice versa, in the same manner as required under subsection 3(b) and (c), as appropriate, when both the Recovering State and Requesting State have entered into an Agreement with the U.S. Secretary of Labor to implement Section 303(a) of the Social Security Act.

## **6. Interstate Information Exchange Agreement**

### **Section I: Purpose of Agreement and Definitions**

When individuals file claims for unemployment benefits from a State other than the one(s) where their base period wages were earned, immediate access to

information about their wages and prior claims in other States can reduce delays and errors in benefit determinations.

In order to provide prompt and accurate claims services to these individuals, State agencies which accept the terms and conditions of the agreement may participate in an electronic exchange of wage and claim information through a telecommunications network designated by the Interstate Benefits Committee of the Interstate Conference of Employment Security Agencies in cooperation with the U.S. Department of Labor.

For purposes of this agreement: "State" includes the District of Columbia, Puerto Rico, and the Virgin Islands; "State Agency" means the agency charged with administration of the State unemployment compensation law; Interstate Conference of Employment Security Agencies is the national organization of State agencies; "Interstate Benefits Committee" is the committee created by the Interstate Benefit Payment Plan effective May 1938.

#### Section II: Information To Be Released

Each participating State shall make available upon request to all other participating States information contained in its files about the wages and unemployment claims of individuals and shall use the record formats for requests and replies prescribed by the Interstate Benefits Committee. Each participating State agrees to abide by the conditions and procedures for participation set by the Interstate Benefits Committee.

#### Section III: Confidentiality Of Information

Each participating State agrees that 1) information obtained pursuant to Section II shall be used solely for administration of State and Federal unemployment compensation laws; and 2) access to such information shall be limited to authorized employees of the State agency.

Information obtained pursuant to Section II is not subject to disclosure provisions of the law of the Requesting State.

#### Section IV: Security of Information

Each participating State agrees to 1) safeguard information obtained pursuant to Section II from unauthorized access or disclosure in the same manner and to the same extent as each State safeguards its own wage and claim information; and 2) to apply the same penalties that apply to unauthorized use of its own wage and claim information to unauthorized use of information obtained pursuant to Section II.

#### Section V: Agreement

A State agency may participate in this agreement by filing a Notice of Acceptance with the Interstate Conference of Employment Security Agencies.

Any participating State may withdraw from participation by notifying the Interstate Conference of Employment Security Agencies of its intention to cease to participate. In such event, its participation shall cease 14 days from the date of such notification.

**NOTICE OF ACCEPTANCE  
OF  
INTERSTATE INFORMATION EXCHANGE AGREEMENT**

The State of \_\_\_\_\_ hereby gives notice that it accepts and will abide by the terms and conditions of the Interstate Information Exchange Agreement approved by the Interstate Conference of Employment Security Agencies Board of Directors effective June 1, 1994.

Signed: \_\_\_\_\_

Signature

Name: \_\_\_\_\_  
Name of Official Signing for State (print or type)

Title: \_\_\_\_\_

Agency: \_\_\_\_\_

Name of Agency

Date: \_\_\_\_\_

This Notice should be filed with the Interstate Conference of Employment Security Agencies, Inc., 444 North Capitol Street, N.W., Washington, D.C. 20001.