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Amending 82-4-4, 82-4-6, and 82-5-2, Colorado Revised Statutes 1963, as Amended, Concerning Unemployment Insurance.

Colorado General Assembly

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CHAPTER 75

LABOR III — EMPLOYMENT SECURITYUNEMPLOYMENT INSURANCE — BENEFITS — ELIGIBILITY — DISQUALIFICATION

SENATE BILL NO. 37. BY SENATORS Garnsey and Minister; also REPRESENTATIVES Koster, Kirscht, and Wells.

AN ACT

AMENDING 82-4-4, 82-4-6, and 82-5-2, COLORADO REVISED STATUTES 1963, AS AMENDED, CONCERNING UNEMPLOYMENT INSURANCE.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. 82-4-4 (3), Colorado Revised Statutes 1963 (1965 Supp.), is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

82-4-4. Duration of benefits. (3) Notwithstanding other provisions of this section or section 82-6-3 (1) (a), benefits based upon regular part-time employment may not be charged to the experience rating account of the regular part-time employer until the claimant has become separated from such regular part-time employment and then only for those weeks of unemployment which occur after said separation.

Section 2. 82-4-6 (1) (a), Colorado Revised Statutes 1963 (1969 Supp.), is amended to read:

82-4-6. Seasonal workers. (1) (a) As used in this chapter, "seasonal industry" means an industry or establishment or occupation within an industry in which, because of climatic conditions or the seasonal nature of the employment, it is customary to operate only during a regularly recurring period or periods of less than twenty-five weeks in a calendar year; but any employee of a religious, scientific, educational, or cultural organization, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and whose principal function is performed for an aggregate period of less than thirty-six weeks in any calendar year, is a "seasonal worker" within the meaning of this chapter, notwithstanding the fact that the season of the organization is in excess of twenty-five weeks. Any week of the year during which the principal function of such a nonprofit organization is not performed shall not be included as part of the thirty-six week aggregate or as part of the organization's normal seasonal period, but a written application for seasonal determination filed with the division of employment by such a nonprofit employer shall include a statement of the weeks

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

during the year when the principal function is performed, and shall be appropriately amended by the employer if the season is varied in a subsequent year; "normal seasonal period or periods" means the normal seasonal period or periods during which workers are ordinarily employed for the purpose of carrying on seasonal operations in each seasonal industry; "nonseasonal period or periods" means the period or periods within a calendar year other than the normal seasonal period or periods AS DETERMINED BY THE COMMISSION; "seasonal worker" means an individual who has been paid seasonal wages by a seasonal employer for seasonal work during the base period.

Section 3. 82-5-2 (2), Colorado Revised Statutes 1963 (1965 Supp.), is amended, and the said 82-5-2 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

82-5-2. Initial determination. (2) The deputy shall promptly notify the claimant and any other interested parties PARTY of the decision, including the earliest week with respect to which benefits may commence, the weekly benefit amount and the maximum duration thereof, and the reasons for the decision. The deputy, for good cause, may reconsider his decision and, IF HIS ORIGINAL DECISION IS AMENDED, shall promptly notify the claimant and such other interested parties of his amended decision and the reasons therefor. Unless the claimant or any such interested party, within eleven calendar days EITHER after either the delivery of the deputy's notification or after such notification was mailed to his last known address, whichever occurs first, files an appeal from such decision, such decision shall be final, and benefits shall be paid or denied in accordance therewith. A mailed notice shall be deemed served on the date of mailing. If an appeal is duly filed, the department shall give notice thereof to the parties entitled to notice of the original determination. Benefits with respect to the period prior to the final determination of the department shall be paid only after such determination. If a referee affirms a decision of the deputy, or the commission affirms a decision of a referee, allowing benefits, such benefits shall be paid regardless of any appeal which may thereafter be taken; but if such decision is finally reversed, no employer's account shall be charged with benefits so paid.

(3) Notwithstanding any other provision of this article, benefits shall be paid promptly in accordance with a determination or redetermination under this article upon issuance of such determination, redetermination, or decision, as the case may be, regardless of any appeal or petition to review which may have been taken from such determination, redetermination, or decision, unless and until such determination, redetermination, or decision has been modified or reversed by a subsequent redetermination or decision, in which event benefits shall be paid or denied for those weeks of unemployment which occur thereafter in accordance with such modifying or reversing redetermination or decision, but if such decision is finally reversed, no employer's experience rating account shall be charged with benefits so paid.

Section 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 24, 1972