

RHODE ISLAND DEPARTMENT OF LABOR AND TRAINING

RULE 24

PAYMENT OF BENEFITS TO INTERSTATE CLAIMANTS

A. This Rule shall govern the R.I. Department of Labor and Training in its administrative cooperation with other states adopting a similar Rule for the payment of benefits to interstate claimants.

B. Definitions

As used in this Rule the following terms shall have the following meanings, unless the context clearly requires otherwise:

- (1) "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.
- (2) "Interstate Claimant" means an individual who claims benefits under the unemployment insurance law of one or more liable States through the facilities of an agent State. The term "interstate claimant" shall not include any commuter; provided, however, that the R.I. Department of Labor and Training may, by arrangement with any adjoining State Employment Security Agency, treat certain commuters as interstate claimants if they reside in geographical areas from which the liable State finds that requiring commuters to file their benefit claims in the State of their last employment would cause undue hardship to such claimants. As herein used, the term "commuter" applies to each individual who, immediately before becoming unemployed, customarily commuted from his/her residence in the agent State to his/her work in the liable State.
- (3) "State" includes Puerto Rico, Virgin Islands and the District of Columbia.
- (4) "Agent State" means any State in which an individual files a claim for benefits from another State or States.
- (5) "Liable State" means any State against which an individual files, through another State, a claim for benefits.
- (6) "Benefits" means the compensation payable to an individual, with respect to his/her unemployment, under the unemployment insurance law of any State.

- (7) "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.

C. Registration for Work

- (1) Each interstate claimant shall be registered for work, through any public employment office in the agent State when and as required by the law, rules, and procedures of the agent State. Such registration shall be accepted as meeting the registration requirements of the liable State.
- (2) Each agent State shall duly report, to the liable State in question, whether each interstate claimant meets the registration requirements of the agent State.

D. Benefit Rights of Interstate Claimants

- (1) 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, then claims shall be filed only against such 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 Rule 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 seasonable restriction.

E. Claims for Benefits

- (1) Claims for benefits or waiting period shall be interstate claimants on uniform interstate claims forms and in accordance with uniform procedures developed pursuant to the interstate Benefits Payment Plan. Claims shall be filed in accordance with the type of week in use in the agent State. Any adjustments required to fit the type of week used by the liable State shall be made by the liable State on the basis of consecutive claims filed.
- (2) Claims shall be filed by contacting the department's Call Center, in local offices, or by mail in accordance with agent State rule for interstate mail claims, or in accordance with the schedule provided by itinerant services.
 - (a) With respect to claims for weeks of unemployment in which an individual was not working for his/her regular employer, the liable

State shall, under circumstances which it considers good cause, accept a continued claim filed up to one week, or one reporting period, late. If a claimant files more than one reporting period late, an initial claim must be used to begin a claim series and no continued claim for a past period shall be accepted.

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

F. Determination of Claims

- (1) The agent State shall, in connection with each claim filed by an interstate claimant, ascertain and report to the liable State in question such facts relating to the claimant's availability for work and eligibility for benefits as are readily determinable in and by the agent State.
- (2) The agent State's responsibility and authority in connection with the determination on interstate claim shall be limited to investigation and reporting of relevant facts. The agent State shall not refuse to take an interstate claim.

G. Appellate Procedure

- (1) 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.
- (2) 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 when it is received by any qualified officer of the agent State.

H. Extension of Interstate Benefit Payments to Include Claims Taken in and for Canada

- (1) This Rule shall apply in all its provisions to claims taken in and for Canada.

[Reference to Employment Security Act: Section 28-42-59]