

103^D CONGRESS
2^D SESSION

H. R. 4868

To amend the Railroad Unemployment Insurance Act to reduce the waiting period for benefits payable under that Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 1994

Mr. SWIFT (for himself and Mr. OXLEY) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Railroad Unemployment Insurance Act to reduce the waiting period for benefits payable under that Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Railroad Unemploy-
5 ment Insurance Amendments Act of 1994”.

6 **SEC. 2. WAITING PERIOD FOR UNEMPLOYMENT BENEFITS.**

7 Section 2(a)(1)(A) of the Railroad Unemployment In-
8 surance Act is amended to read as follows:

9 “(A) WAITING PERIOD.—

1 “(i) GENERALLY.—Except as other-
2 wise provided in this subparagraph, bene-
3 fits shall be payable to any qualified em-
4 ployee for each day of unemployment in ex-
5 cess of 4 during any registration period
6 within a period of continuing unemploy-
7 ment.

8 “(ii) FIRST REGISTRATION PERIOD.—
9 Benefits shall be payable to any qualified
10 employee for each day of unemployment in
11 excess of 7 during that employee’s first
12 registration period in a period of continu-
13 ing unemployment if—

14 “(I) such registration period in-
15 cludes more than 4 days of unemploy-
16 ment; and

17 “(II) such period of continuing
18 unemployment is the employee’s initial
19 period of continuing unemployment in
20 the benefit year.

21 “(iii) STRIKES.—

22 “(I) INITIAL 14-DAY WAITING PE-
23 RIOD.—If the Board finds that a
24 qualified employee has a period of
25 continuing unemployment that in-

1 cludes days of unemployment due to a
2 stoppage of work because of a strike
3 in the establishment, premises, or en-
4 terprise at which such employee was
5 last employed, no benefits shall be
6 payable for such employee's first 14
7 days of unemployment due to such
8 stoppage of work.

9 “(II) SUBSEQUENT DAYS OF UN-
10 EMPLOYMENT.—For subsequent days
11 of unemployment due to the same
12 stoppage of work, benefits shall be
13 payable as provided in clause (i) of
14 this subparagraph.

15 “(III) SUBSEQUENT PERIODS OF
16 CONTINUING UNEMPLOYMENT.—If
17 such period of continuing unemploy-
18 ment ends by reason of clause (v) but
19 the stoppage of work continues, the
20 waiting period established in clause
21 (ii) shall apply to the employee's first
22 registration period in a new period of
23 continuing unemployment based upon
24 the same stoppage of work.

1 “(iv) DEFINITION OF PERIOD OF CON-
2 TINUING UNEMPLOYMENT.—Except as lim-
3 ited by clause (v), for the purposes of this
4 subparagraph, the term ‘period of continu-
5 ing unemployment’ means—

6 “(I) a single registration period
7 that includes more than 4 days of un-
8 employment;

9 “(II) a series of consecutive reg-
10 istration periods, each of which in-
11 cludes more than 4 days of unemploy-
12 ment; or

13 “(III) a series of successive reg-
14 istration periods, each of which in-
15 cludes more than 4 days of unemploy-
16 ment, if each succeeding registration
17 period begins within 15 days after the
18 last day of the immediately preceding
19 registration period.

20 “(v) SPECIAL RULE REGARDING END
21 OF PERIOD.—For purposes of applying
22 clause (ii), a period of continuing unem-
23 ployment ends when an employee exhausts
24 rights to unemployment benefits under
25 subsection (c) of this section.

1 “(vi) LIMIT ON AMOUNT OF BENE-
2 FITS.—No benefits shall be payable to an
3 otherwise eligible employee for any day of
4 unemployment in a registration period
5 where the total amount of the remunera-
6 tion (as defined in section 1(j) of this Act)
7 payable or accruing to him for days within
8 such registration period exceeds the
9 amount of the base year monthly com-
10 pensation base. For this purpose, an em-
11 ployee’s remuneration shall be deemed to
12 include the gross amount of any remunera-
13 tion that would have become payable to
14 that employee but did not become payable
15 because that employee was not ready or
16 willing to perform suitable work available
17 to that employee on any day within such
18 registration period.”.

19 **SEC. 3. WAITING PERIOD FOR SICKNESS BENEFITS.**

20 Section 2(a)(1)(B) of the Railroad Unemployment
21 Insurance Act is amended to read as follows:

22 “(B) WAITING PERIODS.—

23 “(i) GENERALLY.—Except as other-
24 wise provided in this subparagraph, bene-
25 fits shall be payable to any qualified em-

1 ployee for each day of sickness after the
2 fourth consecutive day of sickness in a pe-
3 riod of continuing sickness but excluding 4
4 days of sickness in any registration period
5 in such period of continuing sickness.

6 “(ii) FIRST REGISTRATION PERIOD.—
7 Benefits shall be payable to any qualified
8 employee for each day of sickness in excess
9 of 7 during that employee’s first registra-
10 tion period in a period of continuing sick-
11 ness if such registration period begins with
12 4 consecutive days of sickness and includes
13 more than 4 days of sickness, except that
14 the waiting period established in this
15 clause shall not apply to the first registra-
16 tion period in any subsequent period of
17 continuing sickness that begins in the
18 same benefit year.

19 “(iii) DEFINITION OF PERIOD OF CON-
20 TINUING SICKNESS.—For the purposes of
21 this subparagraph, a period of continuing
22 sickness means—

23 “(I) a period of consecutive days
24 of sickness, whether from 1 or more
25 causes; or

1 “(II) a period of successive days
2 of sickness due to a single cause with-
3 out interruption of more than 90 con-
4 secutive days which are not days of
5 sickness.

6 For purposes of applying clause (ii), a pe-
7 riod of continuing sickness ends when an
8 employee exhausts rights to sickness bene-
9 fits under subsection (c) of this section.”.

10 **SEC. 4. MAXIMUM DAILY BENEFIT RATE.**

11 Section 2(a)(3) of the Railroad Unemployment Insur-
12 ance Act is amended as follows:

13 “(3) The maximum daily benefit rate computed
14 by the Board under section 12(r)(2) shall be the
15 product of the monthly compensation base, as com-
16 puted under section 1(i)(2) for the base year imme-
17 diately preceding the beginning of the benefit year,
18 multiplied by 5 percent. If the maximum daily bene-
19 fit rate so computed is not a multiple of \$1.00, it
20 shall be rounded down to the nearest multiple of
21 \$1.00.”.

22 **SEC. 5. MAXIMUM NUMBER OF DAYS FOR BENEFITS.**

23 (a) IN GENERAL.—Section 2(c) of the Railroad Un-
24 employment Insurance Act is amended to read as follows:

25 “(c) MAXIMUM NUMBER OF DAYS FOR BENEFITS.—

1 “(1) NORMAL BENEFITS.—

2 “(A) GENERALLY.—The maximum number
3 of days of unemployment within a benefit year
4 for which benefits may be paid to an employee
5 shall be 130, and the maximum number of days
6 of sickness within a benefit year for which bene-
7 fits may be paid to an employee shall be 130.

8 “(B) LIMITATION.—The total amount of
9 benefits that may be paid to an employee for
10 days of unemployment within a benefit year
11 shall in no case exceed the employee’s com-
12 pensation in the base year; and the total
13 amount of benefits that may be paid to an em-
14 ployee for days of sickness within a benefit year
15 shall in no case exceed the employee’s com-
16 pensation in the base year, except that notwith-
17 standing section 1(i), in determining the em-
18 ployee’s compensation in the base year for the
19 purpose of this sentence, any money remunera-
20 tion paid to the employee for services rendered
21 as an employee shall be taken into account
22 that—

23 “(i) is not in excess of \$775 in any
24 month before 1989; and

1 “(ii) in any month in a base year
2 after 1988, is not in excess of an amount
3 that bears the same ratio to \$775 as the
4 monthly compensation base for that year
5 as computed under section 1(i) bears to
6 \$600.

7 “(2) EXTENDED BENEFITS.—

8 “(A) GENERALLY.—With respect to an
9 employee who has 10 or more years of service
10 as defined in section 1(f) of the Railroad Re-
11 tirement Act of 1974, who did not voluntarily
12 retire and (in a case involving exhaustion of
13 rights to normal benefits for days of unemploy-
14 ment) did not voluntarily leave work without
15 good cause, and who had current rights to nor-
16 mal benefits for days of unemployment or days
17 of sickness in a benefit year but has exhausted
18 such rights, the benefit year in which such
19 rights are exhausted shall be deemed not to be
20 ended until the last day of the extended benefit
21 period determined under this paragraph, and
22 extended unemployment benefits or extended
23 sickness benefits (depending on the type of nor-
24 mal benefit rights exhausted) may be paid for
25 not more than 65 days of unemployment or 65

1 days of sickness within such extended benefit
2 period.

3 “(B) BEGINNING DATE.—An employee’s
4 extended benefit period shall begin on the em-
5 ployee’s first day of unemployment or first day
6 of sickness, as the case may be, following the
7 day on which the employee exhausts the em-
8 ployee’s then current rights to normal benefits
9 for days of unemployment or days of sickness
10 and shall continue for 7 consecutive 14-day pe-
11 riods, each of which shall constitute a registra-
12 tion period, but no such extended benefit period
13 shall extend beyond the beginning of the first
14 registration period in a benefit year in which
15 the employee is again qualified for benefits in
16 accordance with section 3 on the basis of com-
17 pensation earned after the first of such con-
18 secutive 14-day periods has begun.

19 “(C) TERMINATION WHEN EMPLOYER
20 REACHES AGE OF 65.—Notwithstanding any
21 other provision of this paragraph, an extended
22 benefit period for sickness benefits shall termi-
23 nate on the day next preceding the date on
24 which the employee attains age 65, except that

1 it may continue for the purpose of paying bene-
2 fits for days of unemployment.

3 “(3) ACCELERATED BENEFITS.—

4 “(A) FIRST YEAR.—With respect to an
5 employee who has 10 or more years of service
6 as defined in section 1(f) of the Railroad Re-
7 tirement Act of 1974, who did not voluntarily
8 retire, and (in a case involving unemployment
9 benefits) did not voluntarily leave work without
10 good cause, who has 14 or more consecutive
11 days of unemployment, or 14 or more consecu-
12 tive days of sickness, and who is not a qualified
13 employee with respect to the general benefit
14 year current when such unemployment or sick-
15 ness commences but is or becomes a qualified
16 employee for the next succeeding general bene-
17 fit year, such succeeding general benefit year
18 shall, in that employee’s case, begin on the first
19 day of the month in which such unemployment
20 or sickness commences.

21 “(B) SUCCEEDING YEAR.—In the case of a
22 succeeding benefit year beginning in accordance
23 with the preceding sentence by reason of sick-
24 ness, such sentence shall not operate to permit
25 the payment of benefits in the period provided

1 for in such sentence for any day of sickness be-
2 ginning with the date on which the employee at-
3 tains age 65, and continuing through the day
4 preceding the first day of the next succeeding
5 general benefit year.

6 “(C) DETERMINATION OF AGE.—For the
7 purposes of this subsection, the Board may rely
8 on evidence of age available in its records and
9 files at the time determinations of age are
10 made.”.

11 (b) REPEAL OF DEADWOOD PROVISION.—Section
12 2(h) of the Railroad Unemployment Insurance Act is re-
13 pealed.

14 (c) REPEAL OF EXPIRED PROVISION.—Section 17 of
15 the Railroad Unemployment Insurance Act (45 U.S.C.
16 368), relating to payment of supplemental unemployment
17 benefits, is repealed.

18 **SEC. 6. EFFECTIVE DATE.**

19 The amendments made by this Act shall take effect
20 on the date of the enactment of this Act.

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