

103<sup>D</sup> CONGRESS  
2<sup>D</sup> 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.

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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

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## 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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