Agency
Department of Labor

Subject
Eligibility for Unemployment Compensation

Inclusive Sections
§§ 31-236-1—31-236-58

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Eligibility for Unemployment Compensation

Sec. 31-236-1. Refusal of work general

(a) An individual shall be ineligible for benefits if the Administrator finds that the individual failed without sufficient cause either:

(1) to apply for available, suitable work when so directed by the Administrator or by the public employment bureau; or

(2) to accept suitable employment when offered to the individual by the public employment bureau or by an employer.

(b) Ineligibility pursuant to subsection (a) shall continue until the individual has returned to work and earned at least six times the individual's benefit rate.

(c) (1) Suitable work means either work in the individual's occupation or field or other work for which such individual is reasonably fitted, provided such work is within a reasonable distance of the individual's residence. In determining whether or not any work is suitable for an individual, the Administrator shall consider the degree of risk to the individual's health, safety and morals, the individual's physical and mental fitness and prior training and experience, the individual's skills, the individual's previous wage level and the individual's length of unemployment.

(2) Notwithstanding subdivision (1) of this subsection, for an individual who has limited availability to part-time employment while satisfying the eligibility requirements of section 31-235-6a of the Regulations of Connecticut State Agencies, the administrator shall not find work to be suitable unless it is consistent with any medical restrictions imposed by the individual's licensed physician.

(d) The Administrator shall not deem work to be suitable nor deny benefits under Chapter 567 of the Connecticut General Statutes to any otherwise eligible individual for refusing to accept work under any of the following conditions:

(1) The position offered is vacant due directly to a strike, lockout or other dispute;

(2) The wages, hours or other conditions of work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(3) As a condition of being employed the individual would be required to join a company union or resign or refrain from joining any bona fide labor organization;

(4) The position is for work which commences or ends between the hours of one and six o'clock in the morning if the Administrator finds that such work would constitute a high degree of risk to the health, safety or morals of the individual, or would be beyond the physical or mental capabilities or fitness of the individual or there is no suitable transportation available between the individual's home and the individual's place of employment;

(5) As a condition of being employed the individual would be required to agree not to leave such position if recalled by the individual's former employer.

(Effective June 24, 1986; Amended December 7, 2007)

Sec. 31-236-2. Bona fide offer of work or referral to work

(a) In determining whether an individual refused work, or a referral to work, for sufficient cause, the Administrator must first establish that there was a bona fide offer of work or a definite referral to work. A job referral or offer must be for available work, which means a job actually open to a qualified applicant on the date of the job referral or offer, or for a job available in the near future. Telephone logs or other business records shall be admissible as evidence of a bona fide offer of work or referral to work.

(b) An offer of work can be made only by an employer or his authorized agent or the public employment bureau. A referral to work can be made only by the Administrator or the public employment bureau.

(c) In order to establish that a refusal occurred, the Administrator must determine that the individual knew he was being offered a specific job or a referral to a specific job, and did not accept the specific job or referral.

(Effective June 24, 1986; Amended July 28, 1997)

Sec. 31-236-3. Suitable work—usual occupation or work for which one is reasonably fitted

(a) Suitable work means either work in an individual's usual occupation or work for which he is reasonably fitted. Usual occupation is work which the individual has performed for an appreciable period of time. Short-term employment performed sporadically or incidentally shall not be considered by the Administrator in determining an individual's usual occupation.

(b) Work for which the individual is reasonably fitted means work which the individual can do or be readily trained to do considering his prior training, education, experience, and skills.

(Effective June 24, 1986)

Sec. 31-236-4. Reasonable distance of offer of work

In determining whether work offered is within a reasonable distance, the Administrator shall consider:

(1) availability of public transportation;

(2) personal means of transportation available to the individual;

(3) common commuting patterns for individuals similarly situated;

(4) the individual's physical condition;

(5) actual distance in miles between the individual's residence at the time of the offer and the place of employment.

(Effective June 24, 1986)

Sec. 31-236-5. Suitable work—degree of risk to health

In determining whether or not work offered is suitable for an individual, the Administrator shall consider the degree of risk to the individual's health. In determining the degree of risk,

the Administrator may consider the individual's state of health, his physical capabilities, the physical and mental requirements of the job, working conditions and the existence of any medical documentation concerning the individual's limitations. Where an unreasonable risk to the individual's health is established, the Administrator shall find the work to be unsuitable for the individual.

(Effective June 24, 1986)

Sec. 31-236-6. Suitable work—degree of risk to safety

In determining whether or not work offered is suitable for an individual, the Administrator shall consider the degree of risk to the individual's safety. Where an unreasonable risk to the individual's safety is established, given his prior training and experience, the Administrator shall find the work to be unsuitable for the individual.

(Effective June 24, 1986)

Sec. 31-236-7. Suitable work—degree of risk to morals

In determining whether or not work offered is suitable for an individual, the Administrator shall consider the degree of risk to the individual's morals. In determining the degree of risk, the Administrator shall consider the individual's moral or religious principles and beliefs, and any conflicting work requirements. Where an unreasonable risk to the individual's morals is established, the Administrator shall find the work to be unsuitable for the individual.

(Effective June 24, 1986)

Sec. 31-236-8. Suitable work—prior training, experience and skills

The Administrator shall consider an individual's prior training, experience, and skills in determining the suitability of work offered. The Administrator shall afford an individual a reasonable period of time within which to obtain employment at his highest wage and skill level. Where an individual has refused an offer or referral to work which is significantly below his highest wage or skill level before such reasonable period of time has lapsed, the Administrator shall find such work to be unsuitable for the individual.

(Effective June 24, 1986)

Sec. 31-236-9. Suitable work—previous wage level

The Administrator shall consider an individual's previous wage level in determining the suitability of work offered. Previous wage level means wages, salary, or benefits most recently received by the individual prior to the establishment of a claim for benefits, except that in establishing a previous wage level, the Administrator may consider other than the most recent earnings where:

(1) the individual's most recent earnings were received for so short a period or under such unusual conditions that the individual cannot reasonably command such earnings regularly; or

(2) the individual's earnings prior to his most recent earnings are higher and indicate that, considering his experience and training, he can command such higher rates at the present time; or

(3) the individual can command higher wages based on education, training or accomplishment; or

(4) the individual cannot obtain employment at his most recent wage level as a result of his incapacity or inability to perform such work, or where the type of employment he most recently performed is no longer in existence.

(Effective June 24, 1986)

Sec. 31-236-10. Suitable work—length of unemployment

The Administrator shall consider length of unemployment in determining the suitability of an offer of work. An individual is entitled to a reasonable period of time within which to obtain employment at his highest skill and wage level before work requiring less skill or paying lower wages can be deemed suitable.

(Effective June 24, 1986)

Sec. 31-236-11. Sufficient cause for refusal of work or refusal of job referral

An individual may refuse suitable work or a job referral to suitable work for sufficient cause. Sufficient cause for a refusal of suitable work or a job referral to suitable work exists when there is a reasonable basis for such refusal. A reasonable basis for such refusal may include present employment, risk to safety resulting from the geographic location of the work, personal illness or disability, domestic responsibilities of a compelling nature, confinement, or attendance at a training course approved by the Administrator.

(Effective June 24, 1986)

Sec. 31-236-12. Refusal of work—labor dispute

The Administrator shall not find any work suitable if the position offered is vacant due directly to a strike, lockout, or other labor dispute.

(Effective June 24, 1986)

Sec. 31-236-13. Suitable work—prevailing wages, hours, conditions

(a) The Administrator shall not deny benefits to an individual solely for refusing to accept work if the wages, hours or other conditions of work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

(b) Where the Administrator has good cause to believe, or where the individual alleges that the wages, hours or other conditions of work offered are substantially less favorable to the individual than those prevailing for similar work in the locality, the Administrator shall contact a sufficient number of area employers engaged in similar work to establish with reasonable certainty what wages, hours or conditions are prevailing.

(Effective June 24, 1986)

Sec. 31-236-14. Refusal of work—union affiliation

(a) The Administrator shall not deny benefits to an individual solely on the basis of refusing to accept work if, as a condition of being employed, the individual would be required to join a company union, or resign or refrain from joining a bona fide labor organization.

(b) For the purposes of this section, a company union means any committee, employee representation plan or association of employees which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms and conditions of employment which the employer has initiated or created or whose initiation or creation he has suggested or participated in or the formulation of whose governing rules or policies or the conduct of whose management, policies or elections the employer participates in or supervises or which the employer manages, finances, controls, dominates, or assists in maintaining or financing.

(Effective June 24, 1986)

Sec. 31-236-15. Effect of union or non-union status on suitability of work

Except as provided in section 31-236-14, the union or non-union character of work offered does not alone render such work unsuitable.

(Effective June 24, 1986)

Sec. 31-236-16. Refusal of work commencing between 1 and 6 a.m.

The Administrator shall not deny benefits to an individual solely for refusing to accept work if the position is for work which commences or ends between one and six o'clock in the morning and the Administrator finds that:

(1) such work or the surrounding conditions would constitute a high degree of risk to the health, safety or morals of the individual; or

(2) such work would be beyond the physical capabilities or fitness of the individual; or

(3) there is no suitable transportation available between the individual's home and his place of employment.

(Effective June 24, 1986)

Sec. 31-236-16a. Refusal of work—temporary help service/temporary employees

(a) Where the Administrator finds that a temporary employee of a temporary help service has refused to accept suitable employment when it is offered to him by such service upon completion of an assignment, the individual shall be ineligible for benefits until the individual has returned to work and earned six times his benefit rate.

(b) In determining whether work offered by a temporary help service is suitable, the Administrator shall consider all of the factors in section 31-236-1 through 31-236-16, inclusive. The Administrator shall consider the temporary nature of the work as a factor in determining suitability, unless the individual has been employed by one or more temporary help services and has worked for one or more temporary help services for more than thirty

calendar days.

(c) For purposes of this section, "temporary help service" means any person conducting a business which consists of employing individuals directly for the purpose of part-time or temporary help to others.

(d) For purposes of this section, "temporary employee" means an employee assigned to work for a client of a temporary help service.

(Adopted effective July 28, 1997)

Sec. 31-236-17. Voluntary leaving—general

(a) Except as provided in section 31-236-58 of the Regulations of Connecticut State Agencies, an individual shall be ineligible for benefits until the individual has earned at least ten times the individual's benefit rate if the Administrator finds that the individual has left suitable work voluntarily, as defined in section 31-236-18 of the Regulations of Connecticut State Agencies, and without good cause attributable to the employer, as defined in section 31-236-19 of the Regulations of Connecticut State Agencies.

(b) No individual shall be ineligible for benefits as a result of a voluntary leaving of work under any of the following circumstances:

(1) where the individual leaves suitable work for good cause attributable to the employer, including leaving as a result of changes in conditions created by the individual's employer;

(2) where the individual leaves work to care for the individual's spouse, child, or parent with an illness or disability, as defined in section 31-236(a)(16) of the Connecticut General Statutes and 31-236-23 of the Regulations of Connecticut State Agencies;

(3) where the individual leaves work due to the discontinuance of transportation, other than the individual's personally owned vehicle, used to get to and from work, provided no reasonable alternative transportation is available;

(4) where while on layoff from the individual's regular work the individual accepts other employment and leaves such other employment when recalled by the individual's former employer;

(5) where the individual leaves work which is outside the individual's regular apprenticeable trade to return to work in the individual's regular apprenticeable trade;

(6) where the individual leaves work solely by reason of governmental regulation or statute;

(7) where the individual leaves part-time work to accept full-time work;

(8) Where the individual leaves work to protect the individual, the individual's child, the individual's spouse or the individual's parent from becoming or remaining a victim of domestic violence, as defined in section 17b-112a of the Connecticut General Statutes, provided such individual has made reasonable efforts to preserve the employment; and

(9) Where the individual leaves work to accompany the individual's spouse to a place from which it is impractical for such individual to commute due to a change in location of the spouse's employment.

(Effective June 24, 1986; Amended July 28, 1997; Amended April 3, 2001; Amended November 9,

2010)

Sec. 31-236-18. Voluntary leaving defined

In order to establish that an individual left suitable work voluntarily, the Administrator must find that the individual committed the specific intentional act of terminating his own employment. The Administrator may not find that an individual left suitable work voluntarily if:

(1) upon notification by his employer of a future layoff or discharge, the individual exercised an option, expressly given by his employer, to leave his employment immediately; or

(2) the individual left work as the result of a demand by his employer to either quit or be discharged; or

(3) the individual tendered a notice of resignation to his employer and that employer discharged the individual before the expiration of the notice, except where the employer simultaneously paid the individual in full for the period of notice; or

(4) The individual attempted to rescind a notice of resignation tendered to his employer prior to the expiration of the notice period and the employer had not yet taken substantial steps to replace him.

(Effective June 24, 1986; Amended July 28, 1997)

Sec. 31-236-19. Good cause attributable to the employer

In determining whether an individual's reason for leaving suitable work is for good cause attributable to the employer, the Administrator must find that the reason relates to wages, hours or working conditions which comprise the employment that the individual voluntarily left.

(Effective June 24, 1986; Amended July 28, 1997)

Sec. 31-236-20. Good cause—wages

To determine that an individual voluntarily left suitable work for good cause attributable to the employer, the Administrator must find, with respect to wages, that the individual's employer:

(1) (A) breached the original employment agreement or made a material misrepresentation at the time of hire; or

(B) violated state or federal statute or regulation governing payment of wages and such violation had an adverse effect upon the individual; or

(C) failed to grant the individual a wage increase in violation of his employment contract or a previously established express commitment by his employer; or

(D) unilaterally reduced the individual's rate of pay; or

(E) failed to provide remuneration in the form of cash or negotiable check, unless the employment contract specifically provided otherwise; or

(F) paid compensation based on piece rate, commission or similar method which resulted in a wage significantly lower than that which the individual had reason to expect under the

employment agreement, provided such unsatisfactory wage was not caused by the individual's wilful disregard of the reasonable requirements for proper job performance; and

(2) the individual expressed his dissatisfaction regarding wages to his employer and unsuccessfully sought a remedy through those means reasonably available to him before leaving his employment.

(Effective June 24, 1986; Amended July 28, 1997)

Sec. 31-236-21. Good cause—hours

(a) To determine that an individual voluntarily left suitable work for good cause attributable to the employer, the Administrator must find, with respect to hours, that:

(1) the individual's employer:

(A) during the course of employment, substantially changed the hours established in the employment agreement and such change had a significantly adverse effect upon the individual; or

(B) violated state or federal law governing hours of employment and such violation had an adverse effect upon the individual; or

(C) required the individual to work irregular or excess hours which would endanger the individual's health or safety; and

(2) the individual expressed his dissatisfaction regarding hours to his employer and unsuccessfully sought a remedy through those means reasonably available to him before leaving his employment.

(b) A temporary reduction in working hours to less than full-time due to lack of work does not constitute good cause attributable to the employer for voluntarily leaving employment.

(Effective June 24, 1986; Amended July 28, 1997)

Sec. 31-236-22. Good cause—working conditions

(a) To determine that an individual voluntarily left suitable work for good cause attributable to the employer, the Administrator must find, with respect to working conditions, that:

(1) (A) during the course of employment, the individual's employer substantially changed a working condition established in the employment agreement and such change had a significantly adverse effect upon the individual; or

(B) working conditions endangered the individual's health or safety to a greater degree than is customary for the employer's industry; or

(C) working conditions threatened the individual's health, either by causing illness or by contributing to the aggravation or worsening of the individual's medical condition; or

(D) working conditions violated a state or federal statute or regulation governing worker health or safety and such violation had an actual or potential adverse effect upon the individual; or

(E) the individual's employer acted so as to deprive the individual of equal employment opportunity in violation of state or federal statute, regulation or executive order; or

(F) the individual's employer established and enforced a workplace rule which imposed a new and unreasonable burden on the individual, or was applied to the individual in a discriminatory manner; or

(G) the individual was subjected to conduct that a reasonable individual would consider physical abuse by a fellow employee or his supervisor or any other authorized representative of his employer; or

(H) the individual was subjected to a pattern of verbal abuse which would be offensive to a reasonable person by a fellow employee or his supervisor or any other authorized representative of his employer; or

(I) the individual's employer required the individual to perform an activity which was unlawful, dishonest, or would otherwise pose an undue risk to the morals of a reasonable individual, or would unduly interfere with the individual's free exercise of religious belief; or

(J) the individual was subjected to threat or intimidation as the result of participation in any lawful union activity; or

(K) the individual's employer breached a definite promise to promote the individual after the individual fulfilled the conditions for promotion; and

(2) the individual expressed his dissatisfaction regarding the working condition to his employer and unsuccessfully sought a remedy through those means reasonably available to him before leaving his employment and in the instance of subdivision (1) (C) of this section, the individual shall present competent evidence that:

(A) The medical condition complained of necessitated his leaving such employment; and

(B) The individual advised the employer of his condition; and

(C) The individual unsuccessfully sought a remedy through those means reasonably available to him before leaving employment.

(Effective June 24, 1986; Amended July 28, 1997)

Sec. 31-236-23. Voluntary leaving to care for seriously ill child, spouse or parent

(a) For the purposes of this section, the following definitions shall apply:

(1) "Illness or disability" means an illness or disability diagnosed by a health care provider that necessitates care for the ill or disabled person for a period of time longer than the employer is willing to grant leave, paid or otherwise.

(2) "Spouse" means the individual's partner in a marriage or civil union legally recognized by the state of Connecticut.

(3) "Child" means natural child, adopted child, stepchild, legal ward of the individual, or any child found to be a dependent under section 31-234 of the Connecticut General Statutes.

(4) "Parent" means the individual's natural parent, adoptive parent, step-parent, parent-

in-law or any person who served as the individual's legal guardian through the age of majority.

(5) "Health care provider" means (a) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; (b) a podiatrist, dentist, psychologist, optometrist or chiropractor authorized to practice by the state in which such person practices and performs within the scope of the authorized practice; (c) an advanced practice registered nurse, nurse practitioner, nurse midwife or clinical social worker authorized to practice by the state in which such person practices and performs within the scope of the authorized practice; (d) Christian Science practitioners listed with the first Church of Christ, Scientist in Boston, Massachusetts; (e) any medical practitioner from whom an employer or a group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; (f) a medical practitioner, in a practice enumerated in subparagraphs (a) to (e), inclusive, of this subdivision, who practices in a country other than the United States, who is licensed to practice in accordance with the laws and regulations of that country; or (g) such other health care provider as the labor commissioner approves, performing within the scope of the authorized practice.

(b) In order to determine that an individual is eligible for benefits under this section, the administrator shall find that:

(1) The individual, prior to separating from employment, informed the employer of the illness or disability of the individual's child, spouse or parent and of the need to leave work in order to provide care, unless it would have been futile for the individual to provide such notice;

(2) The employer did not communicate an offer of leave, paid or otherwise, to the individual for the period of time needed to care for the individual's spouse, child, or parent; and

(3) The individual has provided to the administrator documentation, signed by a health care provider, verifying the illness or disability and the period of time for which care is necessary.

(c) The administrator shall prescribe a form for the purpose of satisfying subsection (b)(3) of this section but may accept other documentation from a health care provider so long as it includes the information necessary under this section.

(Effective June 24, 1986; Amended November 9, 2010)

Sec. 31-236-23a. Voluntary leaving to escape domestic violence

(a) For purposes of this section, the following definitions shall apply:

(1) "Abuser" means a family or household member or a current or former sexual partner who engages in the domestic violence, which includes the forms of conduct described in subsection (2) of this section;

(2) "Victim of domestic violence," as defined in section 17b-112a(1) of the Connecticut General Statutes, as amended from time to time, means a person who has been battered or

subjected to extreme cruelty by (A) physical acts that resulted in or were threatened to result in physical injury, (B) sexual abuse, (C) sexual activity involving a child in the home, (D) being forced to participate in nonconsensual sexual acts or activities, (E) threats of or attempts at physical or sexual abuse, (F) mental abuse, or (G) neglect or deprivation of medical care; and

(3) "Family or household member" means an individual who falls within any of the categories, as defined in section 46b-38a(2) of the Connecticut General Statutes, as amended from time to time: (A) spouse, former spouse; (B) parents and their children; (C) persons eighteen years of age or older related by blood or marriage; (D) persons sixteen years of age or older other than those persons in subdivision (C) of this subsection presently residing together or who have resided together; (E) persons who have a child in common regardless of whether they are or have been married or have lived together at any time; and (F) persons in, or who have recently been in, a dating relationship.

(4) "Child" means natural child, adopted child, stepchild, legal ward of the individual, or any child found to be a dependent under section 31-234 of the Connecticut General Statutes.

(5) "Parent" means the individual's natural parent, adoptive parent, step-parent, parent-in-law or any person who served as the individual's legal guardian through the age of majority.

(6) "Spouse" means the individual's partner in a marriage or civil union legally recognized by the state of Connecticut.

(b) The Administrator shall not disqualify an individual from receiving benefits because the individual left suitable work to protect the individual, the individual's child, the individual's spouse or the individual's parent from becoming or remaining a victim of domestic violence, as defined in subsection (a) of this section, provided such individual has made reasonable efforts to preserve the employment.

(c) (1) The Administrator shall consider the specific facts and circumstances of the individual, the employment, and the domestic violence involved in determining eligibility under this section. The individual shall provide the Administrator with available evidence necessary to support the individual's claim that he or she left the employment in order to protect the individual, the individual's child, the individual's spouse or the individual's parent from becoming or remaining a victim of domestic violence. Evidence of domestic violence may include, but is not limited to: (A) police, government agency or court records; (B) documentation from a shelter worker, legal, medical, clerical or other professional from whom the individual has sought assistance in dealing with domestic violence; or (C) a statement from an individual with knowledge of the circumstances which provide the basis for the claim of domestic violence.

(2) An individual's allegations of domestic violence, if found credible by the Administrator or trier of fact, may be sufficient to make an affirmative determination of the fact of domestic violence.

(3) The filing of a civil or criminal complaint against the alleged abuser shall not be

required as a prerequisite in order to establish the fact of domestic violence. Nor shall such complaint be required to establish reasonable efforts to preserve the employment.

(4) Upon an affirmative determination of the fact of domestic violence, the Administrator shall determine whether or not the reason the individual left employment was to protect the individual, the individual's child, the individual's spouse or the individual's parent from becoming or remaining a victim of domestic violence.

(d) In assessing whether the individual made reasonable efforts to preserve employment, the Administrator shall consider:

(1) Whether it was feasible under the circumstances for the individual to inform the employer of the domestic violence or threat of domestic violence; and

(2) If so, whether the employer was actually informed; and

(3) Whether the employer responded by offering the individual continuing employment which would not compromise the safety of the individual, the individual's child, the individual's spouse or the individual's parent.

(e) When the individual reasonably believed that preserving employment would, itself, expose the individual, the individual's child, the individual's spouse or the individual's parent to a safety risk, the Administrator may conclude that no efforts to preserve employment would be reasonable.

(f) When the individual reasonably believed that relocation was necessary to ensure the safety of the individual, the individual's child, the individual's spouse or the individual's parent and such relocation interfered with the individual's ability to preserve employment, the Administrator may conclude that no efforts to preserve employment would be reasonable.

(g) A finding of nondisqualification under this Section does not relieve the individual of the responsibility to comply with the eligibility requirements enumerated in section 31-235 of the Connecticut General Statutes during any week for which benefits are claimed.

(Adopted effective April 3, 2001; Amended November 9, 2010)

Sec. 31-236-23b. Voluntary leaving to follow spouse

(a) The Administrator shall not disqualify an individual from receiving benefits because the individual left suitable work to accompany such individual's spouse (1)to a place from which it is impractical for the individual to commute(2)due to a change in location of the spouse's employment.

(b) For purposes of this section, "spouse" means the individual's partner in a marriage or civil union legally recognized in the State of Connecticut.

(c) In determining whether it is impractical for an individual to commute from the new place of residence to the individual's place of employment, the Administrator shall consider:

(1) Availability of public transportation;

(2) Personal means of transportation available to the individual;

(3) Common commuting patterns for individuals similarly situated;

(4) The individual's physical condition; and

(5) Actual distance in miles between the individual's new residence and the place of employment.

(d) The individual shall provide the Administrator with available evidence necessary to support the individual's claim that the individual left the employment in order to accompany the individual's spouse to the place of the spouse's new employment. Such evidence may include, but is not limited to:

(1) A letter of offer provided to the spouse by the new employer or a letter from the spouse's current employer referencing a transfer to a new location;

(2) A paycheck receipt from the spouse's new employer;

(3) Workforce agency wage records, or similar records from other government records; or

(4) Any written communication between the spouse's employer and the spouse verifying the employment.

(e) The Administrator may request the spouse's Social Security number for verification of employment.

(f) In the case of military spouses, the Administrator shall not disqualify an individual from receiving benefits because the individual left suitable work to accompany such individual's spouse who is on active duty with the armed forces of the United States and is required to relocate by the armed forces. Such individual, however, shall provide the Administrator with available evidence necessary to support the individual's claim, such as a documentation verifying the spouse's mandatory military transfer.

(Adopted effective November 9, 2010)

Sec. 31-236-24. Discharge and suspension—general

An individual shall be ineligible for benefits until he has earned at least ten times his benefit rate if the Administrator finds that:

(1) he has been discharged or suspended for felonious conduct, as defined in section 31-236-25, in the course of his employment, as defined in section 31-236-26c; or

(2) he has been discharged or suspended for conduct in the course of his employment constituting larceny of property or service, as defined in section 31-236-25a, whose value exceeds twenty-five dollars or larceny of currency, regardless of the value of such currency; or

(3) he has been discharged or suspended for wilful misconduct in the course of his employment, as defined in section 31-236-26; or

(4) he has been discharged or suspended for just cause, as defined in section 31-236-38; or

(5) he has been discharged or suspended for participation in an illegal strike as determined by state or federal laws or regulations; or

(6) having been sentenced to a term of imprisonment of thirty days or longer and having commenced serving such sentence, he has been discharged or suspended during such period of imprisonment; or

(7) he has been disqualified under state or federal law from performing the work for which he was hired as a result of a drug or alcohol testing program mandated by and conducted in accordance with such law.

(Effective June 24, 1986; Amended July 28, 1997)

Sec. 31-236-25. Felonious conduct

Felonious conduct is any act by an individual in the course of his employment, as defined in section 31-236-26c, which would constitute a felony under the laws of the state of Connecticut or under federal law, regardless of whether or not criminal proceedings have been instituted.

(Effective June 24, 1986; Amended July 28, 1997)

Sec. 31-236-25a. Larceny

(a) An individual is ineligible for benefits if he has been discharged or suspended for conduct in the course of his employment, as defined in Section 31-236-26c, constituting larceny of property or services whose value exceeds twenty-five dollars, or larceny of currency, regardless of the value of such currency.

(b) To find that an individual has committed larceny, the Administrator must find that, with intent to deprive another of property or services or to appropriate the same to himself or a third person, he wrongfully takes, obtains or withholds such property or services from an owner in the course of his employment.

(c) In determining whether the value of the property or services exceeds twenty-five dollars, the Administrator shall consider the market value of the property or services at the time and place of the larceny or, if such value cannot be satisfactorily ascertained, the cost of the replacement of the property or services within a reasonable time after the larceny.

(Adopted effective July 28, 1997)

Sec. 31-236-26. Wilful misconduct - general

To find that any act or omission is wilful misconduct in the course of employment, as defined in section 31-236-26c of the Regulations of Connecticut State Agencies, the Administrator shall find that:

(1) the individual committed deliberate misconduct in wilful disregard of the employer's interest, as defined in section 31-236-26a of the Regulations of Connecticut State Agencies; or

(2) the individual committed a single knowing violation of a reasonable and uniformly enforced rule or policy of the employer, when reasonably applied, provided such violation is not a result of the employee's incompetence, as defined in section 31-236-26b of the Regulations of Connecticut State Agencies; or

(3) in the case of absence from work, the employee was absent without good cause for absence from work, as defined in section 31-236-26d of the Regulations of Connecticut State Agencies or without notice, as defined in said section 31-236-26d, for three separate

instances, as defined in said section 31-236-26d, within a twelve-month period.

(Effective June 24, 1986; Amended July 27, 1997; Amended June 7, 2005)

Sec. 31-236-26a. Deliberate misconduct

In order to establish that an individual was discharged or suspended for deliberate misconduct in wilful disregard of the employer's interest, the Administrator must find all of the following:

(a) **Misconduct.** To find that any act or omission is misconduct the Administrator must find that the individual committed an act or made an omission which was contrary to the employer's interest, including any act or omission which is not consistent with the standards of behavior which an employer, in the operation of his business, should reasonably be able to expect from an employee.

(b) **Deliberate.** To determine that misconduct is deliberate, the Administrator must find that the individual committed the act or made the omission intentionally or with reckless indifference for the probable consequences of such act or omission.

(c) **Wilful Disregard of the Employer's Interest.** To find that deliberate misconduct is in wilful disregard of the employer's interest, the Administrator must find that:

(1) the individual knew or should have known that such act or omission was contrary to the employer's expectation or interest; and

(2) at the time the individual committed the act or made the omission, he understood that the act or omission was contrary to the employer's expectation or interest and he was not motivated or seriously influenced by mitigating circumstances of a compelling nature. Such circumstances may include:

(A) events or conditions which left the individual with no reasonable alternative course of action; or

(B) an emergency situation in which a reasonable individual in the same circumstances would commit the same act or make the same omission, despite knowing it was contrary to the employer's expectation or interest.

(Adopted effective July 28, 1997)

Sec. 31-236-26b. Knowing violation

In order to establish that an individual was discharged or suspended for a knowing violation of a reasonable and uniformly enforced rule or policy of the employer, when reasonably applied, the Administrator must find all of the following:

(a) **Knowing Violation.** To find that an individual engaged in a single knowing violation of a rule or policy of the employer, the Administrator must find that:

(1) the individual knew of such rule or policy, or should have known of the rule or policy because it was effectively communicated to the individual. In determining whether the rule or policy was effectively communicated to the individual, the Administrator may consider the manner in which the rule or policy was communicated. Evidence of the employer's actions, including but not limited to, posting of the rule or policy within the company at a

place likely to be observed by the employees; explanation of the rule at a training or orientation session; verbal explanation of the rule to the individual; distribution of a document to the individual which contained the rule or policy; warnings or other disciplinary action; and evidence of the individual's receipt of any document containing the rule or policy should be considered in determining whether the rule or policy was effectively communicated by the employer to the individual;

(2) the individual's conduct violated the particular rule or policy; and

(3) the individual was aware he was engaged in such conduct.

(A) If the rule or policy requires an intentional act, the Administrator must inquire into the individual's intent to violate such rule or policy.

(i) An example of a rule or policy that requires an intentional act is a rule prohibiting falsification or deliberate misrepresentation of an employer's business records.

(b) **Reasonable Rule or Policy.** To find that a rule or policy instituted by an employer is reasonable, the Administrator must find that the rule or policy furthers the employer's lawful business interest. The administrator may find an employer rule or policy to be reasonable on its face. For example, a rule prohibiting fighting in the workplace is reasonable on its face. When evidence is offered to demonstrate that the rule or policy is unreasonable, the Administrator may consider whether:

(1) the rule or policy was reasonable in light of the employer's lawful business interest. Examples of reasonable rules or policies that further the employer's lawful business interest may include, but are not limited to, a rule or policy prohibiting eating at the employee's work station to ensure office cleanliness; and a rule or policy requiring employees to wear a hair net or hat while preparing food for customers for health reasons; and

(2) there is a clear relationship between the rule or policy, the conduct regulated and the employer's lawful business interest.

(c) **Uniformly Enforced.** To find that a rule or policy of the employer was uniformly enforced, the Administrator must find that similarly situated employees subject to the workplace rule or policy are treated in a similar manner when a rule or policy is violated.

(d) **Reasonable Application.** To find that a rule or policy of an employer was reasonably applied, the Administrator must find:

(1) that the adverse personnel action taken by the employer is appropriate in light of the violation of the rule or policy and the employer's lawful business interest;

(A) An example of an adverse personnel action that is appropriate in light of the violation of a rule or policy prohibiting tardiness is an individual's discharge or suspension for habitual tardiness without reasonable excuse after warnings.

(B) An example of an adverse personnel action that is not appropriate in light of the violation of the rule or policy is an individual's discharge for violating a dress code policy, one time, by wearing a skirt that is one inch shorter than that allowable by the policy; and

(2) that there were no compelling circumstances which would have prevented the individual from adhering to the rule or policy. Examples of circumstances which are of a compelling nature include, but are not limited to, serious weather-related problems, rules

which are contradictory or require actions that are illegal or improper, rules the adherence to which could result in injury to the health or safety of an individual or other objectively verifiable circumstances which are of a compelling nature.

(e) **Incompetence.** To find that the violation of a rule or policy of the employer is a result of the individual's incompetence and therefore is not wilful misconduct, the Administrator must find that the individual was incapable of adhering to the requirements of the rule or policy due to a lack of ability, skills or training, unless it is established that the individual wilfully performed below his employer's standard and that the standard was reasonable.

(1) Examples of a violation of a rule or policy due to incompetence include, but are not limited to, an employee who is required to perform at a certain level of word processing proficiency, but who fails to perform at such level because he does not have the requisite skills, training or experience; and an employee who is required to meet the employer's standard requiring employees to assemble 20 widgets per hour, but who fails to meet such standard because he is physically unable to meet those requirements.

(Adopted effective July 28, 1997)

Sec. 31-236-26c. In the course of employment

(a) In order for the Administrator to find deliberate misconduct, as defined in section 31-236-26a, or a knowing violation of an employer's rule or policy, as defined in section 31-236-26b, he must find that the act or omission occurred in the course of employment. In the course of employment means that the conduct must take place during working hours, at a place the employee may reasonably be, and while the employee is reasonably fulfilling the duties of his employment or otherwise performing any service for the employer's benefit.

(b) Off-duty conduct may be considered to have occurred in the course of employment if it is committed by exploitation of the employment relationship.

(1) Exploitation of the employment relationship may be found in cases where the individual engaged in off-duty conduct which was accomplished by knowledge or access acquired through the employment relationship.

(A) Some examples of exploitation of the employment relationship include, but are not limited to, an individual who utilizes his knowledge of the location of his employer's cash register and the fact that a recently installed security system was not yet operational to burglarize the premises; and an individual who uses a company van after hours for his unauthorized personal use.

(c) Off-duty misconduct may be considered to have occurred in the course of employment if it is committed by a public trust employee.

(1) An individual may be found to be a public trust employee if:

(A) his primary role and job function is to serve as a guardian of the public trust and safety;

(B) his job effectiveness is expressly dependent upon the public's respect and confidence, both on and off-duty;

(C) the individual has explicit written notice of the expected standard of off-duty

conduct; and

(D) the individual has agreed to the expected standard of off-duty conduct.

(2) Public trust employees may include, but are not limited to, police officers, teachers, and correctional officers.

(Adopted effective July 28, 1997)

Sec. 31-236-26d. Absence from work

(a) **Application**. The Administrator shall apply this section to determine eligibility in all cases in which the individual was discharged or suspended due to absence from work.

(b) **Definitions.** For the purposes of this section, the following definitions shall apply:

(1) "Good cause for absence from work" means any compelling personal circumstance which would normally be recognized by the individual's employer as a proper excuse for absence, or which would prevent a reasonable person under the same conditions from reporting for work. Examples of such good cause shall include, but not be limited to: personal illness or injury which prevented the individual from reporting to work; a serious isolated transportation problem over which the individual had no control; or a sudden event which required the individual to address a compelling personal responsibility or family emergency.

(2) "Notice" means notification to the employer of absence from work through any reasonable method and within any reasonable timeframe prescribed by the employer.

(3) "Separate instance" means "separate instance" as defined in section 31-236(a)(16) of the Connecticut General Statutes.

(c) **Elements of wilful misconduct – Absence from work.** In order to establish that an individual was discharged or suspended for absence from work which constituted wilful misconduct in the course of employment under section 31-236-26 of the Regulations of Connecticut State Agencies, the Administrator shall find that all of the following elements have been met:

(1) the individual had three separate instances of absence from work;

(2) with respect to each instance of absence, the individual either –

(A) did not have good cause for absence from work, or

(B) did not provide notice of such absence to the employer which could have been reasonably provided under the circumstances; and

(3) the three separate instances of absence occurred within a twelve-month period.

(d) **Failure to give notice.** Even if the Administrator determines that the individual had good cause for absence from work, such absence shall be counted as a separate instance under this section if the individual failed to give notice of such absence when such notice could have been reasonably provided under the circumstances.

(e) **Compelling personal circumstances.** The Administrator shall not find that an individual could have reasonably provided notice if the individual's failure to provide notice was due to compelling personal circumstances which would have prevented a reasonable person in the same circumstances from providing notice.

(f) **Consecutive days – Separate Instances**. Where an absence without good cause for absence from work or without notice continued for two or more consecutive days, the Administrator shall rely upon the following table to determine the number of separate instances of absence under this section.

Consecutive Days	Instance(s) of Absence
2	1
3	2
4	2
5	3
6	3

(g) **Exclusions**.

(1) Tardiness. An occasion of tardiness is not a separate instance of absence under this section. The Administrator shall determine the eligibility of any individual who was discharged or suspended for tardiness under the provisions of section 31-236-28 of the Regulations of Connecticut State Agencies.

(2) Unauthorized leaving of work. An individual's unauthorized leaving of his work site during scheduled working hours after the individual has reported to work is not a separate instance of absence under this section. The Administrator shall determine the eligibility of any individual who was discharged or suspended for such unauthorized leaving under either section 31-236-26a or section 31-236-26b of the Regulations of Connecticut State Agencies.

(Adopted effective June 7, 2005)

Sec. 31-236-27. Repealed

Repealed July 28, 1997.

Sec. 31-236-28. Discharge or suspension for tardiness

The Administrator shall find that tardiness constitutes wilful misconduct, under section 31-236-26, only if the pattern of tardiness constitutes either wilful disregard of the employer's interest as defined in section 31-236-26a of the regulations or a knowing violation of a reasonable and uniformly enforced rule or policy of the employer, when reasonably applied, as defined in section 31-236-26b of these regulations.

(Effective June 24, 1986; Amended July 28, 1997)

Sec. 31-236-29. Discharge or suspension for falsification of application

The Administrator shall find that an individual committed an act of wilful misconduct, under section 31-236-26, when it is established that the individual intentionally falsified an employment application which created a material misrepresentation of the individual's

qualifications or suitability for the job.

(Effective June 24, 1986; Amended July 28, 1997)

Sec. 31-236-30. Discharge or suspension for garnishment of wages

The Administrator shall not deny benefits to any individual who was discharged or suspended because his wages were garnished by a creditor.

(Effective June 24, 1986)

Sec. 31-236-31—31-236-34. Repealed

Repealed July 28, 1997.

Sec. 31-236-35. Discharge or suspension for union activities

The Administrator shall not find an individual ineligible for benefits if it is established that he was discharged for engaging in lawful union activity, regardless of whether or not proceedings under any applicable federal or state labor laws have been instituted.

(Effective June 24, 1986)

Sec. 31-236-36. Repealed

Repealed July 28, 1997.

Sec. 31-236-37. Discharge—addiction to alcohol or drugs

The Administrator shall consider addiction to alcohol or other drugs to be an illness. Where the Administrator finds that an individual was discharged for misconduct resulting from alcohol or drug usage and it is established, by competent medical or professional evidence or testimony that the individual is physically addicted to alcohol or any other drug, such misconduct shall not be deemed intentional or deliberate or reckless, and therefore shall not constitute wilful misconduct under section 31-236-26a.

(Effective June 24, 1986; Amended July 28, 1997)

Sec. 31-236-38. Discharge—just cause (Repealed)

Repealed June 11, 2014.

(Effective June 24, 1986; Repealed June 11, 2014)

Notes: For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

Sec. 31-236-39. Leaving by reason of governmental regulation or statute

Where the Administrator finds that an individual left work because the enactment or enforcement of a governmental statute or regulation legally precluded him from performing his job, the individual shall not be ineligible for benefits on account of such leaving.

(Effective June 24, 1986)

Sec. 31-236-40. Labor dispute—general

An individual shall be ineligible for benefits during any week for which the Administrator finds that his total or partial unemployment is due to the existence of a labor dispute other than a lockout at the factory, establishment or other premises at which he is or has been employed, provided the provisions of this subsection shall not apply if it is shown to the satisfaction of the Administrator that:

(1) he is not participating in or financing or directly interested in the labor dispute which caused the unemployment, and

(2) he does not belong to a trade, class or organization of workers, members of which, immediately before the commencement of the labor dispute, were employed at the premises at which the labor dispute occurred, and are participating in or financing or directly interested in the dispute; or

(3) his unemployment is due to the existence of a lockout.

(Effective June 24, 1986)

Sec. 31-236-41. Labor dispute—lockout

(a) A lockout exists whether or not such action is to obtain for the employer more advantageous terms when

(1) an employer fails to provide employment to his employees with whom he is engaged in a labor dispute, either by physically closing his plant or informing his employees that there will be no work until the labor dispute has terminated, or

(2) an employer makes an announcement that work will be available after the expiration of the existing contract only under terms and conditions which are less favorable to the employees than those current immediately prior to such announcement; provided, in either event, the recognized or certified bargaining agent shall have advised the employer that the employees with whom he is engaged in the labor dispute are ready, able and willing to continue working pending the negotiation of a new contract under the terms and conditions current immediately prior to such announcement.

(b) For purposes of this regulation, "recognized or certified" means authorized to represent employees:

(1) in accordance with state or federal labor law, or

(2) by the employer's express or implied acknowledgement, or

(3) by any informal process by a majority of employees involved in the labor dispute.

(Effective June 24, 1986)

Sec. 31-236-42. Discharge during the course of a labor dispute

An individual's unemployment ceases to be due to the existence of a labor dispute when his employer notifies the individual that he is discharged and indicates an unwillingness to consider reinstatement of the individual at the end of the labor dispute. In determining whether an individual's employment continues to be due to the existence of a labor dispute or is the result of a discharge by his employer, the Administrator may consider the date of

the discharge and any employer actions signifying permanent severance of employment, including payment of severance or vacation pay, or any other accrued benefits, or any other payment customarily associated with separation.

(Effective June 24, 1986)

Sec. 31-236-43. Labor dispute—voluntary leaving

An individual who is ineligible for benefits because his unemployment was due to the existence of a labor dispute, whether or not he subsequently obtains other employment, remains ineligible due to the existence of a labor dispute unless he can demonstrate that he severed his relationship with the employer engaged in the labor dispute, or that the labor dispute has ended.

(Effective June 24, 1986)

Sec. 31-236-44. Effect of retirement during the course of a labor dispute

An individual whose ineligibility for benefits is based originally on the existence of a labor dispute, and who subsequently retires, either voluntarily or involuntarily, shall be considered by the Administrator to be unemployed due to retirement rather than to the existence of a labor dispute.

(Effective June 24, 1986)

Sec. 31-236-45. Employer remuneration-general

(a) An individual shall be ineligible for benefits during any week with respect to which the individual has received or is about to receive remuneration from his employer or his employer's agent in any of the following forms:

(1) wages in lieu of notice, including any payment made under the federal worker adjustment and retraining notification act; or dismissal payments, including severance or separation payment by an employer to an employee beyond the employee's wages upon termination of the employment relationship, except as provided in section 31-236-46(c); or

(2) any payment by way of compensation for loss of wages or any other state or federal unemployment benefits.

(b) When an individual receives or is about to receive a payment, described within this section, corresponding to a given week in an amount less than his weekly benefit rate, the Administrator shall deduct such payment from his entitlement for that week dollar for dollar.

(c) This section shall not apply to remuneration in the form of mustering out pay, terminal leave pay or any allowance or compensation granted by the United States under an Act of Congress to an ex-serviceperson in recognition of his former military service, or any service-connected pay or compensation earned by an ex-serviceperson paid before or after separation or discharge from active military service.

(Effective June 24, 1986; Amended July 28, 1997)

Sec. 31-236-46. Dismissal payments; wages in lieu of notice

(a) The Administrator shall allocate any wages in lieu of notice or dismissal payments to the week or weeks immediately following separation from employment, except that where an individual's separation occurs before the end of his scheduled work week, the allocation of such payment shall be effective with the day immediately following separation.

(b) Where the Administrator finds that all the terms essential to the computation and distribution of a payment described within this section have not been agreed upon, allocation of such payment shall be effective with the week of receipt.

(c) Where a condition is attached by an employer to the receipt of a payment described within this section which requires the individual to waive or forfeit a right or claim independently established by statute or common law against the employer, the administrator shall find such payment to be non-allocable.

(d) For the purposes of this section, statutory rights or claims include but are not limited to rights established under or claims relative to Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Civil Rights Act of 1991, the Employee Retirement Income Security Act of 1974, the Americans With Disabilities Act of 1990, the state or federal Family Medical Leave Act and any other local, state or federal law, regulation or ordinance. For the purposes of this section, common law claims include but are not limited to claims relative to wrongful discharge under Connecticut law. Contractual recall rights do not constitute statutory or common law rights.

(e) For the purposes of this section, "dismissal payments" means any severance or separation payment, by an employer to an employee beyond his wages upon termination of the employment relationship.

(Effective June 24, 1986; Amended July 28, 1997)

Sec. 31-236-47. Payment by way of compensation for loss of wages

(a) In order to determine that a payment is a payment by way of compensation for loss of wages with respect to a given week or weeks, the Administrator must find that the payment is provided for by the employment agreement and represents compensation in an amount substantially equivalent to the pay an individual would have received for services rendered if he had actually worked.

(b) The Administrator shall find vacation pay to be a payment by way of compensation for loss of wages when the vacation pay relates to an identifiable week or weeks, either designated as a vacation period by arrangement between the individual, or his representative, and his employer or which is the customary vacation period in the employer's industry. Where the vacation pay relates to an identifiable week or weeks, the Administrator shall allocate the vacation payment to the identifiable week or weeks.

(c) Except as provided in subsection (d) of this section, where the Administrator finds that a vacation payment does not relate to an identifiable week or weeks, the payment shall be allocated effective with the week of receipt or the individual's first day of unemployment not otherwise compensated, whichever is later.

(d) Where an employer has closed a Connecticut facility and as a result, an individual has no substantive reemployment rights with that employer, the payment of accrued vacation pay shall not be allocable.

(e) Where an individual is not required to take equivalent vacation time in order to receive vacation pay for a given period under his employment agreement, the Administrator shall not consider such payment to be a payment by way of compensation for loss of wages, but instead shall find it to be a non-allocable bonus payment.

(Effective June 24, 1986)

Sec. 31-236-48. Other unemployment benefits; workers' compensation

An individual shall be ineligible for benefits during any week with respect to which the individual has received or is about to receive remuneration in the form of:

(1) unemployment benefits under any federal law, except for benefits paid under section 407 (a) of the Disaster Relief Act of 1974; or

(2) unemployment benefits paid by any state other than Connecticut; or

(3) compensation for temporary disability under any worker's compensation law, except that where an individual is being compensated for temporary partial incapacity for a given week in an amount less than his weekly benefit rate, the Administrator shall deduct such payment from his entitlement for that week dollar for dollar.

(Effective June 24, 1986)

Sec. 31-236-49. Allocation of vacation pay during a week in which holiday pay is allocable

In the event that a paid holiday falls during a week in which vacation pay is allocable, the Administrator shall allocate both payments to the same week.

(Effective June 24, 1986)

Sec. 31-236-50. Allocation of strike benefits

Payments rendered by a union to an individual involved in a labor dispute shall have no effect on the individual's benefit entitlement.

(Effective June 24, 1986)

Sec. 31-236-51. Supplemental unemployment benefit (SUB) payments

Any payments made under a contractual or employer-sponsored plan, created for the purpose of supplementing unemployment benefits is not compensation for loss of wages and shall have no effect on the individual's benefit entitlement.

(Effective June 24, 1986)

Sec. 31-236-52. Receipt of welfare benefits

Any payment made under any public welfare or workfare program shall have no effect

on the individual's benefit entitlement.

(Effective June 24, 1986)

Sec. 31-236-53. Sick leave

Where an individual's employment has terminated, the Administrator shall consider any payment for unused sick leave to be a bonus, and as such, non-allocable.

(Effective June 24, 1986)

Sec. 31-236-54. Voluntary leaving to attend school

(a) An individual shall be ineligible for benefits if the Administrator finds that the individual has left employment to attend a school, college or university as a regularly enrolled full-time student for so long as the individual is in attendance.

(b) For purposes of this section, "school" means an established institution of vocational, academic or technical instruction or education, other than a college or university.

(c) For purposes of this section, "regularly enrolled full-time student" means an individual who has registered for sufficient credits to constitute full-time status, as determined by the school, college or university.

(Effective June 24, 1986)

Sec. 31-236-55. Second benefit year

An individual shall be ineligible for benefits if the Administrator finds that, having received benefits in a prior benefit year, the individual has not again become employed and been paid wages since the commencement of said prior benefit year in an amount equal to the greater of three hundred dollars or five times his weekly benefit rate by an employer subject to the provisions of chapter 567 or by an employer subject to the provisions of any other state or federal unemployment compensation law.

(Effective June 24, 1986)

Sec. 31-236-56. Voluntary retirement

(a) Where the Administrator determines that an individual voluntarily retired, the individual shall be ineligible for benefits until he has again become employed and been paid wages at least 40 times his benefit rate, except that an individual shall be eligible for benefits if the Administrator finds that an individual retired because:

(1) his work had become unsuitable considering his physical condition and the degree of risk to his health and safety; and

(2) he had requested of his employer other work which was suitable, provided that it is established that such a request could have provided a reasonable alternative to leaving employment; and

(3) his employer did not offer him suitable work.

(b) The Administrator shall find that an individual voluntarily retired if the individual terminated his employment solely by his own choosing pursuant to a non-compulsory

retirement plan, whether or not pension benefits become payable as a result of such termination.

(c) The Administrator shall not find that an individual voluntarily retired if such termination was primarily induced by efforts of the individual's employer to close his facility or eliminate the individual's position, or if the individual reasonably believed his employment would be severed if he rejected his employer's inducement to retire.

(Effective June 24, 1986)

Sec. 31-236-57. Eligibility of an individual in training approved under the Trade Act of 1974

(a) The Administrator shall not deny benefits to an otherwise eligible individual for any week because he is in training approved under Section 236 (a) (1) of the Trade Act of 1974, or because he left work to enter such training, provided the work left is not suitable work, or because, during any week he was in such training, the Administrator found he was unavailable for work, failed to make reasonable efforts to obtain work or refused to accept work.

(b) For purposes of this regulation, "suitable work" means, with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment, as defined for purposes of the Trade Act of 1974, and wages for such work at not less than eighty percent of the individual's average weekly wage as determined for purposes of the Trade Act of 1974.

(Effective June 24, 1986)

Sec. 31-236-58. Voluntary separations from part-time employment

(a) The Administrator shall find that any individual who has voluntarily left part-time employment under conditions which would otherwise render him ineligible pursuant to Section 31-236 (a) (2) (A) of the General Statutes, who has not earned ten times his weekly benefit rate since such separation and who is otherwise eligible for benefits is eligible to receive benefits only as described in subdivision (1) or (2) of this subsection.

(1) If the individual's separation from part-time employment precedes a compensable separation from his full-time employment, the Administrator shall determine the individual's weekly entitlement for each week of partial eligibility pursuant to this subdivision solely on the basis of those wages paid to him for any employment during the base period of his current benefit year other than such part-time employment.

When an individual is subject to partial eligibility pursuant to this subdivision, his maximum limitation on total benefits during his benefit year shall be reduced to reflect such redetermined weekly entitlement, unless and until the individual earns ten times his weekly benefit rate. Effective with the week in which the individual first earns ten times his weekly benefit rate or the week in which he first files a continuing claim thereafter, the individual's eligibility shall be based on his weekly benefit rate, and his maximum limitation on total benefits shall again be equal to twenty-six times his weekly benefit rate.

(2) If the individual's separation from part-time employment follows a compensable separation from his full-time employment, the Administrator shall find that for each week of partial eligibility pursuant to this subdivision, the individual is entitled to benefits in an amount equal to the lesser of the partial unemployment benefits he would have received pursuant to Section 31-229 of the General Statutes, but for such separation from his part-time employment, or the partial unemployment benefits for which he would be eligible under Section 31-229 based on any subsequent part-time employment. The Administrator shall determine the individual's benefits payable for each week of partial eligibility by deducting from his weekly benefit rate two-thirds, rounded to the next higher whole dollar, of the average weekly wages, rounded to the nearest whole dollar, earned by the individual at the subject part-time employment, except that for any week in which the individual has actually engaged in any part-time employment, the Administrator shall make such determination based on actual earnings if higher than average weekly wages, as determined under this subdivision.

The Administrator shall ascertain the average weekly wages earned by the individual at the part-time employment which the individual left by:

(A) obtaining from such part-time employer (or from the individual, through appropriate documentation such as the individual's pay stubs) certification of the gross wages earned by the individual with respect to each of the six weeks immediately preceding the week in which the individual separated from such part-time employment, and

(B) dividing the total of such wages by six, or by the number of weeks in which the individual engaged in part-time employment, if less than six.

The individual's maximum limitation on total benefits pursuant to Section 31-231b of the General Statutes shall not be affected by a determination of partial eligibility pursuant to this subdivision.

Any determination of partial eligibility pursuant to this subdivision shall extend only until the individual has earned ten times his weekly benefit rate subsequent to his separation from such part-time employment.

(Effective May 30, 1989)