

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 4721**

BY DELEGATE MOFFATT

[Introduced February 23, 2016; Referred  
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §21A-6-1a of the Code of West Virginia, 1931, as amended, relating  
 2 to unemployment compensation; providing that individuals working in certain seasonal  
 3 employment are not eligible for benefits.

*Be it enacted by the Legislature of West Virginia:*

1 That §21A-6-1a of the Code of West Virginia, 1931, as amended, be amended and  
 2 reenacted to read as follows:

**ARTICLE 6. EMPLOYEE ELIGIBILITY; BENEFITS.**

**§21A-6-1a. Seasonal employment.**

1 (a) An individual working less than one hundred days during his or her base period in an  
 2 industry recognized as seasonal, such as food processing and canning and those seasonal  
 3 employments described in subsection (b), shall may not be eligible for benefits unless he or she  
 4 has earned wages during his or her base period in other covered employment equal to not less  
 5 than \$100.

6 (b) For the purposes of this article, and notwithstanding any other provision of this code  
 7 or law to the contrary, the term "seasonal employment" includes work or employment that is of  
 8 the kind exclusively performed at certain seasons or periods of the year and which, from its nature,  
 9 may not be continuous or carried on throughout the year. An individual who moves from one  
 10 seasonal activity to another, while employed in agriculture or performing agricultural labor, is  
 11 employed on a seasonal basis even though that individual may continue to be employed during  
 12 a major portion of the year. A seasonal employee is also an individual who is employed for a  
 13 limited time only or that individual's performance is contemplated for a particular piece of work,  
 14 usually of short duration. This includes individuals who are employed seasonally at athletic or  
 15 entertainment venues and arenas.

NOTE: The purpose of this bill is to; provide that individuals working in certain seasonal employment are not eligible for unemployment compensation benefits. Seasonal employee is defined as an individual who is employed for a limited time only or that

individual's performance is contemplated for a particular piece of work, usually of short duration. This includes individuals who are employed seasonally at athletic or entertainment venues and arenas.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.