

# Workforce Watch Update

March 2024

## Claimant Work Search Waiver Guide

Being able to, available for, and actively seeking work are foundational principles of the Unemployment Insurance (UI) program. While a claimant's weekly requirements related to actively seeking work vary widely by state, they exist in some capacity in each. Many states, however, provide for these requirements to be waived during brief periods of unemployment brought about by a temporary lack of work/layoff. Among many benefits to employers, a waiver may mitigate the risk associated with workers "actively seeking," and subsequently accepting, new work during a short, defined furlough period.

**For a waiver to be considered, it is imperative that a definitive Return to Work (RTW) date be known at the time of the layoff.** A RTW date of "sometime in the fall" or "when business picks up soon" is not a definitive RTW date. When applicable, both the Last Day of Work (LDW) and the RTW date should be made available to an impacted worker so he/she can input them when filing a UI claim. Those dates should also be provided to your service team for inclusion in our claim response which will act as verification to the claimant's statement.

Below is a guide to help you better understand the state-specific nuances.

State	Waiver Y/N	Maximum Duration	Initiation Process / Responsibility	Employer
Alabama	Y	Returning to work within 13 weeks	Initiated by the claimant when filing the claim by providing a RTW date. The information is verified by the employer via a claim response containing a RTW date.	
Alaska	Y	Returning to full-time work within 90 days after the date the claimant files the initial claim	Initiated by the claimant during the claim filing process by providing the RTW date. The claimant will then be asked to provide: employer's name, an employer contact name and title, and employer's phone number.	
Arizona	N			
Arkansas	Y	Returning to full-time work within 10 weeks	Initiated by the claimant during claim filing process. A written confirmation is required from the employer. This can be via a claim response with return to work date or via a single letter with a list of employees	
California	Y	Returning to work within 30 days	Initiated by the claimant during the claim filing process. If the claimant does not provide a RTW date, but the employer does via a claim response, a waiver will be granted.	

State	Waiver Y/N	Maximum Duration	Initiation Process / Employer Responsibility
Colorado	Y	Returning to work within 16 weeks. Must be job attached to an employer or job attached via a union	Initiated by the claimant during the claim filing process. The employer verifies it via the response to the claim or form B-432 (Request for Job-Attached Status).
Connecticut	Y	Work search will be waived if the claimant has a definite return to work date with a new employer within 3 weeks or less OR a definite return to work date with a previous employer in 5 weeks or less.	Initiated by the claimant when filing the claim and providing a RTW date.
Delaware	Y	Returning to work within 45 calendar days. The period is extended to 63 calendar days if closure is related to annual model changes or retooling.	Initiated by the claimant when filing the claim by providing a RTW date.
District of Columbia	N		
Florida	Y	Returning to work within 8 weeks	Initiated by the claimant when filing the claim and providing a RTW date.
Georgia	Y	Returning to work within 6 weeks from the date of separation.	Initiated by the claimant when filing the claim by providing a RTW date. The information is verified by the employer via a claim response containing a RTW date.
Hawaii	Y	Returning to work within 16 weeks.	Not available
Idaho	Y	Claimants who are attached to an employer, an industry, or a union are exempt from work search not to exceed 16 weeks.	Initiated by the claimant by providing the RTW date when filing. Employers can provide a listing of impacted associates in advance of the layoff, but the claimant is still required to provide the RTW date when filing.
Illinois	Y	A temporary lay-off not exceeding 10 weeks in duration	Initiated by the claimant when filing the claim by providing a RTW date. The information is verified by the employer via a claim response containing a RTW date.
Indiana	Y	Returning to work within 60 days of the separation.	The claimant enters a RTW date when filing the claim which automatically triggers the waiver (if within 60 days).

State	Waiver Y/N	Maximum Duration	Initiation Process / Employer Responsibility
Iowa	Y	Returning to work within 4 consecutive weeks (per Administrative Rule)	The process is initiated by either the claimant when filing and providing a RTW date or by the employer when responding to a request for information and providing a RTW date.
Kansas	Y	Returning to work within 4 weeks.	Employers can initiate the process by providing a spreadsheet. Information can be found at: <a href="https://www.kansasemployer.gov/uitax/Tax/LayoffSelect.aspx">https://www.kansasemployer.gov/uitax/Tax/LayoffSelect.aspx</a> OR simply via the response to the claim that includes the LDW and RTW dates.
Kentucky	Y	Temporary layoff with a definite recall date within 16 weeks of the initial claim filing date.	Note: claimants will be required to provide documentation from the employer with the RTW date. Failure to provide documentation, will result in being subject to work search requirements.
Louisiana	Y	Returning within 6 weeks of layoff date.	Initiated by the claimant when filing the claim by providing a RTW date. The information is verified by the employer via a claim response containing a RTW date.
Maine	Y	Returning within 6 weeks of layoff date. The maximum is 6 weeks of waiver per benefit year. An extension beyond 6 weeks can be requested by the employer for extenuating circumstances such as closure due to flooding, fire, or remodel	If within 6 weeks, the process is initiated by the claimant by providing the RTW date when filing. It is verified by the employer via the claim response. Requests for waivers longer than 6 weeks must be initiated by the employer and are coordinated through the UI agency.
Maryland	Y	Laid off for 10 weeks or less and have a definite return-to-work date	Initiated by the claimant when filing the claim by providing a RTW date. The information is verified by the employer via a claim response containing a RTW date.
Massachusetts	Y	Returning to work within 28 days of the date the claimant is requesting benefits	Both the claimant and employer can initiate the waiver through the normal claim filing/responding process.
Michigan	Y	Returning to work within 28 days of the date the claimant is requesting benefits	Both the claimant and employer can initiate the waiver through the normal claim filing/responding process.

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Minnesota	Y	Returning to work within 28 days of the date the claimant is requesting benefits	Both the claimant and employer can initiate the waiver through the normal claim filing/responding process.
Mississippi	Y	Returning to work within 28 days of the date the claimant is requesting benefits	Both the claimant and employer can initiate the waiver through the normal claim filing/responding process.
Missouri	Y	Returning within 8 weeks. Can be extended to 16 weeks if requested by employer.	If returning within 8 weeks, the process is initiated by the claimant when filing the claim. For layoffs lasting between 8-16 weeks, employers must call 573/751-2290 or complete the form found at <a href="https://apps.labor.mo.gov/forms/RecallDates">https://apps.labor.mo.gov/forms/RecallDates</a> at least 2 weeks prior to the layoff.
Montana	Y	No statutory/regulatory maximum. It is determined case by case not to exceed current benefit year.	The process is initiated by the claimant when filing the claim. The employer will then verify the information during the investigation process. The employer can approve/reject the job attached status
Nebraska	Y	Returning within 16 weeks (112 days) of layoff date.	Initiated by the claimant during the claim filing process. The LDW and RTW entered by the claimant must match that provided by the employer via a spreadsheet or individual claim responses. When entering the first day of work, claimants returning from layoff should provide the most recent RTW date as the first day of work - not the original DOH.
Nevada	Y	Returning within 4 weeks	Initiated by the claimant when filing his/her claim (either online or on the phone). If the employer/TPA is making the request for a group of employees, that must be approved by our Unemployment Insurance Support Services group.
New Hampshire	Y	Reasonably expected to return within 11 weeks/77 days	Initiated by the claimant when filing the claim.
New Jersey	Y	Returning to work within 8 weeks	Initiated by the claimant when filing his/her claim. Claimants can answer "no" on their weekly pay certification to the "are you actively seeking work" question.
New Mexico	Y	Returning to work within 4 weeks.	The agency prefers a list of laid off associates with LDW and RTW date ahead of the layoff, but the process can be initiated by the claimant when filing and providing a RTW date. The employer verifies the information via the claim response.
New York	Y	Returning to work within 8 weeks.	Waiver is automatically granted if the RTW date provided by the claimant when filing and by the employer via the claim response is not more than 8 weeks from the LDW.

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North Carolina	Y	Not defined	ONLY applies to individuals in Commissioned Approved Training (normally WIOA and TAA) and those filing for UI as a direct result of a declared disaster. No other times are waivers granted. The claimant nor employer would request a waiver; it is initiated by either a caseworker at the Career Center or by a staff person with the agency.
North Dakota	Y	Not defined (short-term only)	Initiated by the claimant when filing the claim and verified by the employer. Verification by the employer can occur via a spreadsheet or individual claim responses with LDW and RTW dates
Ohio	Y	Returning to work within 45 days	Initiated by the claimant. It must be verified by the employer within 10 days of the layoff. The verification can be satisfied via a response to the claim that includes a RTW date.
Oklahoma	Y	Returning to work within 8 weeks	Initiated by the claimant when filing the claim by providing a RTW date. The information is verified by the employer via a claim response containing a RTW date.
Oregon	Y	Returning to work within 4 weeks.	Initiated by the claimant when filing the claim. If a claimant was not employed full time and is not returning to full time work, they may not meet the requirements for a waiver.
Pennsylvania	Y	Not defined	PA refers to this as an "exemption." The process is initiated by the claimant when filing. Employers are encouraged to provide claimants with a written document that includes that actual RTW date. When the claimant completes the online application, they can say "Yes", I have a return to work date and it is in writing. This will give the claimant an exemption.
Puerto Rico	N		
Rhode Island	Y	Returning to work within 12 weeks	Initiated by the employer when RTW date within 12 weeks is provided by the employer in the claim response.
South Carolina	Y	Returning to work within 6 weeks	A waiver is only applicable if the employer files claims on behalf of temporarily furloughed employees for a maximum duration of 6 weeks.
South Dakota	Y	Returning to work within 10 weeks	Initiated by the claimant when filing the claim. A recall verification notice is then automatically sent to the employer. An agency-specific spreadsheet is available for employers who wish to utilize it. If received prior to the claim filing, the recall verification notices can be avoided.
Tennessee	Y	Returning to work within 16 weeks	A spreadsheet from the employer must be provided to the agency prior to the LDW.
Texas	Y	Returning to work within 8 weeks. It can be extended to a maximum of 12 weeks.	Initiated by the claimant when filing the claim. If the RTW date is within 8 weeks, the waiver is automatically granted. If it is more than 8 weeks, but no more than 12, the claimant must request at the time of filing which will then be verified by the employer via the claim response. A request for a waiver exceeding 12 weeks can be made by the employer in writing to TWC, UI Operations & Customer Support, PO Box 149137, Austin, TX, 78714-9137. The request must include the name, SSN, location, LDW, RTW date, and reason for the layoff.
Utah	Y	Returning to work within 10 weeks	Initiated by the claimant when filing the claim. If the furlough exceeds 10 weeks, the employer will need to request an extension via phone, email, or fax.

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Vermont	Y	Returning to work within 10 weeks; the claimant is a member in good standing of a union; the claimant is filing as part of a Short Time Compensation Program (STC); or the claimant is actively working with a Vocational Rehabilitation Counselor in order to become employed.	Initiated by the claimant and verified by the employer via the claim response.
Virgin Islands	Y	Not defined	The work search is triggered by a claim response from the employer noting temporary lack of work and a RTW date.
Virginia	Y	Returning to work within 6 weeks to the employer with which they have been employed a minimum of 30 working days/240 hours	Initiated by the claimant when filing the claim. The waiver will cease on the date provided by the claimant and cannot be extended should the employer have a change in circumstances.
Washington	Y	Claimants can request 4 weeks. Employers can request an additional 4 week extension or request the maximum 8 weeks at the time of claim filing. Maximum not to exceed 8 weeks.	Claimants can request "standby" through an agent at any point during their filing via phone or on their own online (eServices). When the claimant requests standby, the department will verify standby status through a letter that is sent to the employer. The employer can respond to this inquiry by confirming standby or providing additional information. The employer can also utilize the request-for-separation form to request standby for the claimant; there is a specific section on the form for this request.
West Virginia	Y	Returning to work within 4 weeks. This can be extended an additional 2 weeks (for a total of 6) if the employer experiences extenuating circumstances.	Initiated by the claimant when filing the claim and verified by the employer via the claim response. The employer must make the request for the 2-week extension (when applicable).
Wisconsin	Y	Returning to work within 8 weeks. It can be extended to a maximum of 12 weeks.	The 8 week waiver is initiated by the claimant when filing the claim and verified with the employer. For waiver requests between 8-12 weeks, the employer must call the Employer Assistance Line 414/438-7705

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Wyoming	Y	Returning to work within 12 weeks to the employer who paid at least 50% of the base period wages.	Initiated by the claimant when filing the claim. The employer must verify the information which can be done via the claim response. If the employer fails to verify the information, the waiver may be denied.

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