

Legislative Best Practices for Military Spouse Unemployment Compensation

Introduction: Unemployment compensation is important to military families, who cannot afford to lose income during a military move. Working spouses had an average of 25.2 months on station when surveyed in March 2003 – working spouses lose approximately 6-9 months of salary per relocation. Providing unemployment compensation is both pragmatic and a matter of principle: military family moves to fulfill military requirements and spouses should not be penalized by states for “voluntarily” leaving employment.

State statutes on providing unemployment compensation to military spouses fall into four categories.

- Spouses are eligible as long as they meet other general eligibility criteria.
- Eligibility determination is left up to the commissioner reviewing the spouse’s request.
- Spouses become eligible after a period of ineligibility.
- Spouses are deemed ineligible as a result of a military move.

Best Practice Examples: Some states provide eligibility to all employees who are moving as a result of their spouse relocating to accept a job outside of their current commuting distance. These states include California, Indiana, Kansas, Maine, Oklahoma, and Rhode Island. Other states provide specific eligibility for military spouses who have “voluntarily” left their position as a result of a military move, for example:

- **Florida State Statutes, Section Chapter 443, Section 101. Disqualifications from benefits:** For benefit years beginning on or after July 1, 2004, an individual is not disqualified under this subsection for voluntarily leaving work to relocate as a result of his or her military-connected spouse's permanent change of station orders, activation orders, or unit deployment orders.
- **Georgia Annotated Code, 34-8-194, paragraph (1)** Good cause shall be determined by the Commissioner according to the circumstances in the case; provided, however, that leaving an employer to accompany a spouse who has been reassigned from one military assignment to another shall be deemed to be for good cause; provided, however, that the employer's account shall not be charged for any benefits paid out to the person who leaves to accompany a spouse reassigned from one military assignment to another.

Best Practice: The primary element to clarify in a change to current statutes concerning disqualifications for receiving unemployment compensation is to ensure that a claimant should not be viewed to have voluntarily left a job to accompany his or her spouse as part of a military move. In addition, many states ensure that discrimination in the workplace toward military spouses is minimized by stipulating that claims related to military spouses do not accrue to the employer’s unemployment filing experience.