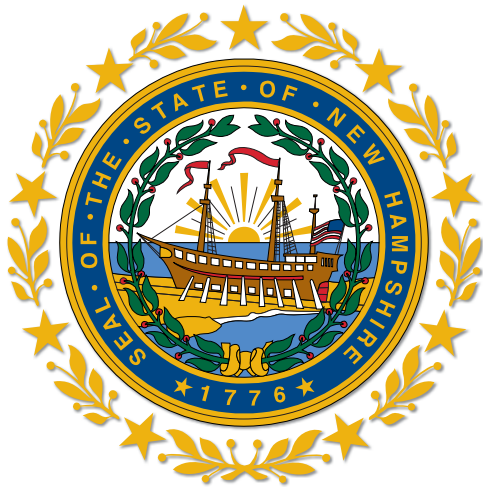


**State of New Hampshire
Department of Employment Security
Seasonal Workers Report**



July 2011
Preliminary

Background

To be eligible for unemployment compensation, the individual filing for benefits must be able to work, be available for work, and must conduct a search for work that is reasonable and prudent based on the individual's prior skills and abilities. Prior to 2002, there were few exceptions to the requirement to conduct an active search for work. Limited work search exemptions were allowed if the individual had a bona fide offer of work within two weeks or if the individual was enrolled in full-time training.

For years, individuals who worked for seasonal employers were required to conduct a search for work during the off-season. Over time, the department questioned whether requiring seasonally attached workers to search for work during the off season was an effective use of resources. Year after year these seasonal workers conducted the required search but typically remained unemployed throughout the entire off season. A growing number of non-seasonal employers were also frustrated by the number of seasonal workers who were reporting to their establishments in order to fulfill the work search requirement. These employers contended the work search requirement amounted to a complete waste of their time accepting applications from seasonal workers who had no intention of remaining employed with them once the seasonal employer recalled them to work. There were also enough non-seasonal workers the department could focus its reemployment efforts on.

As a result of the growing sentiment, the department adopted an administrative rule, on December 30, 2011, which exempted seasonal workers from the work search requirement. Emp 501.12 (d)(7) was added effective June 26, 2010 to clarify that the services offered by the claimant must be seasonal in nature, not just that the services were last performed for a seasonal employer.

The specific conditions for exempting work search requirements of seasonal workers in New Hampshire are defined in Administrative Rule, Emp 501.12(d) as follows:

Emp 501.12 Work Search.

- (a) Unless exempted under RSA 282-A:31, III, Emp 501.11 or Emp 501.12 (c), no benefits shall be paid to any individual for a week of unemployment unless the individual is searching for suitable work.
- (b) Suitability of work shall be determined utilizing the criteria listed in RSA 282-A:32, I(d)(1) and limitations listed at RSA 282-A:32, I(d)(2)
- (c) The commissioner shall waive the requirement that a claimant must be actively seeking work if the commissioner finds that based on the economic conditions, seeking suitable work is not likely to decrease the length of the claimant's unemployment.
- (d) In making a determination pursuant to (c), above, the commissioner shall consider whether:
 - (1) The claimant is involved in a mass temporary layoff;
 - (2) The claimant is partially employed;
 - (3) The claimant is involved in a strike, lockout or other labor dispute;
 - (4) The claimant is likely to find work through a union hiring hall;

- (5) The claimant has been laid off from work due to a lack of work and has reasonable assurance of recall to work with that same employer within:
 - a. Four weeks if the employer is not a seasonal employer; or
 - b. Sixteen weeks if the employer is a seasonal employer;
 - (6) The claimant has accepted a confirmable offer of permanent full time employment with reasonable assurance of it commencing within 4 weeks; and
 - (7) Work which is suitable for the claimant pursuant to RSA 282-A:32, I(d) is not reasonably available during the time period when the seasonal employer is closed for business.
- (e) For purposes of (d)(6) above, “reasonable assurance” shall mean that it is more likely than not that employment shall commence within the required time frame.
- (f) Factors to be considered by the commissioner in determining whether employment is more likely than not shall include but not be limited to information which is available concerning:
- (1) The existence of a contract;
 - (2) A written or oral communication from the employer stating that the claimant will be provided an opportunity to perform services;
 - (3) Whether the time frame within which the employment is to be provided is determined;
 - (4) Whether the offer of employment is contingent;
 - (5) The employer’s industry;
 - (6) The seasonal nature of the offered employment;
 - (7) The employer’s financial strength; and
 - (8) The employer’s past performance in providing offered employment.

Source. #7620, eff 12-30-01; ss by #9627, Interim, eff 12-30-09, EXPIRES: 6-28-10; ss by 9741, eff 6-26-10

For a number of years, the work search exemption appeared to have little effect on the amount of benefit payouts as the average length of unemployment for seasonal workers remained under 16 weeks. The downturn in the economy in 2009 and 2010 resulted in less work for many seasonal employers. As a result, these employers were forced to layoff a number of seasonal workers earlier than usual. Once the expected duration of unemployment exceeded 16 weeks, the work search requirement was reinstated.

Seasonal employment would be that type of employment that is only available during a specific season or seasons.

If similar work provided by a seasonal employer is not reasonably available during the time period when the seasonal employer is closed for business, then the claimant would be considered a seasonal employee.

For example, a paving equipment operator is laid off when the weather conditions prohibit paving activities. Since there is not similar work available in the area because of these seasonal weather patterns, the paver would be considered a seasonal worker.

Whereas, a short order cook at a beachside diner who is laid off after Labor Day, when the diner closes for the season, would not be considered a seasonal worker because there is a reasonable availability of work for short order cooks at other types of restaurants.

Brief shutdowns, such as those experienced in the *Manufacturing* industry, are considered to be more like vacation shutdowns during which the facility retools its equipment. These generally last about a week and don't normally exceed a four week period. These layoffs would not be considered seasonal in nature.

The analysis which follows provides a variety of data on the relationship between the employment provided by the individual industries and the number of unemployment compensation claims filed by the industries.

The analysis also attempts to answer the following questions:

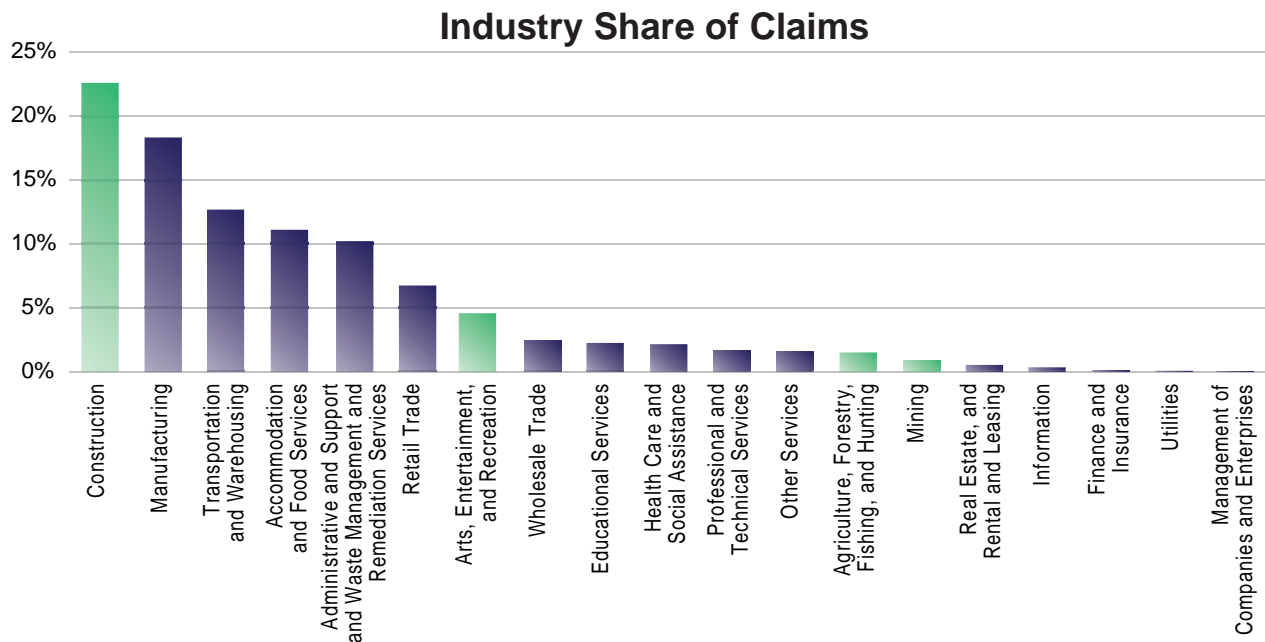
1. Which industries have a higher proportion of claims filed by their workers?
2. What proportion of claims are filed by workers with a seasonal attachment?
3. What is the average duration of unemployment by industry?
4. Is a seasonal worker unemployed for a longer period of time than a non-seasonal worker?
5. Has requiring a non-exempted seasonal worker to look for work resulted in any shortening of their unemployment duration?

Claims Activities

Only certain industries meet the conditions of seasonal employment, which is employment that is significantly reduced or cannot be performed during a time of year due to weather and/or season change. The majority of seasonal employment is found in the *Construction* industry, which includes general construction workers and laborers, contractors, flaggers, pavers, roofers and both light and heavy equipment operators. Other industries impacted to a lesser extent by seasonality include *Arts, Entertainment and Recreation* (tourist attractions and ski resorts), *Accommodations and Food Service* (summer hotel/motel/resort workers and restaurant personnel), and *Administrative and Support* (landscapers).

During the selected time period, September 2009 through April 2011, the *Construction* industry was responsible for 22.6 percent of all unemployment compensation initial claims. Of that 22.6 percent, 93.3 percent of the claims were filed between November and March, during the off-season.

Manufacturing accounts for 18.3 percent of total initial claims for the same period, however, with the exception of a spike in December and January when many manufacturing facilities close down for Christmas and New Year weeks, the claims load is spread over the entire year. Employment would be considered fluctuating rather than seasonal in *Manufacturing*.



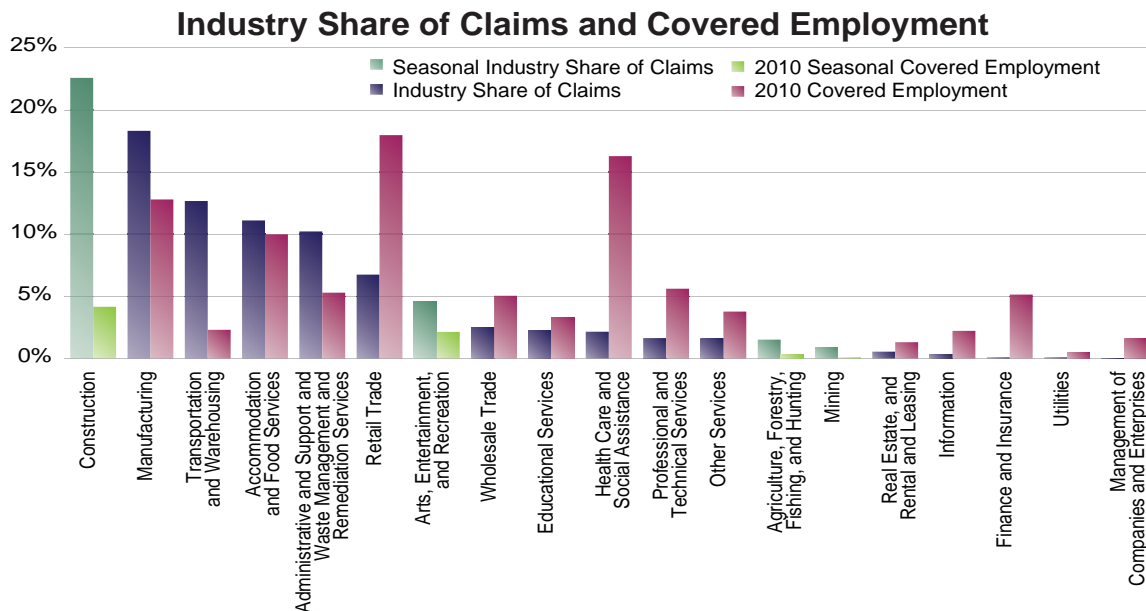
Transportation and Warehousing is third in industry share of initial claims with 12.7 percent. This industry includes bus drivers and the spikes in December, February and April coincide with school vacation periods.

The growing concern is there are industries that have a higher number of claims than their share of total employment in the state. *Construction*, with the largest share of initial claims for unemployment compensation, was ninth largest employing industry in the state. *Manufacturing*, with the second largest share of initial claims, was the third largest employing industry in 2010.

Additional factors to consider include the average weekly benefit payment amount paid by each industry, and the average length of time claimants expected to be out of work.

Manufacturing and *Construction* had the third and fifth highest average weekly benefit payment amounts (\$303 and \$270 respectively) among all industries for the selected time period between September 2009 and April 2011. The *Information* sector, with \$319, and *Wholesale Trade*, with \$309, were the only two industries to have a higher average weekly benefit payment than *Manufacturing*. *Management of Companies and Enterprises* with \$296 and *Mining* with \$277 were the additional industries with a higher weekly benefit than *Construction*.

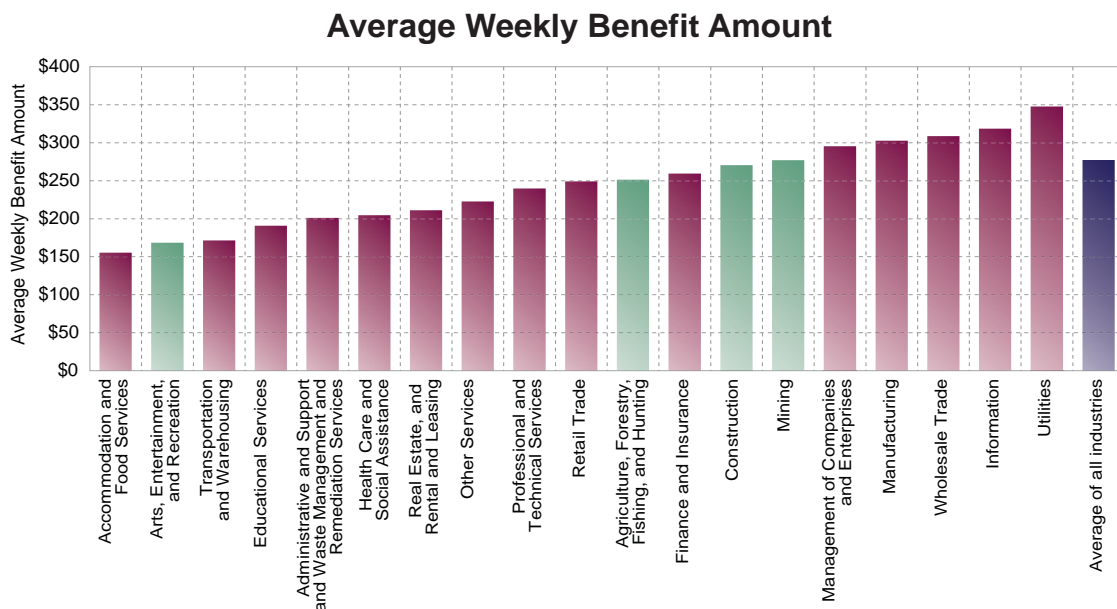
Given this information, the remaining factor that plays a large role in the determination of a seasonal worker is the length of time claimants in each industry have between their last date worked and the recall date, or return to work date.



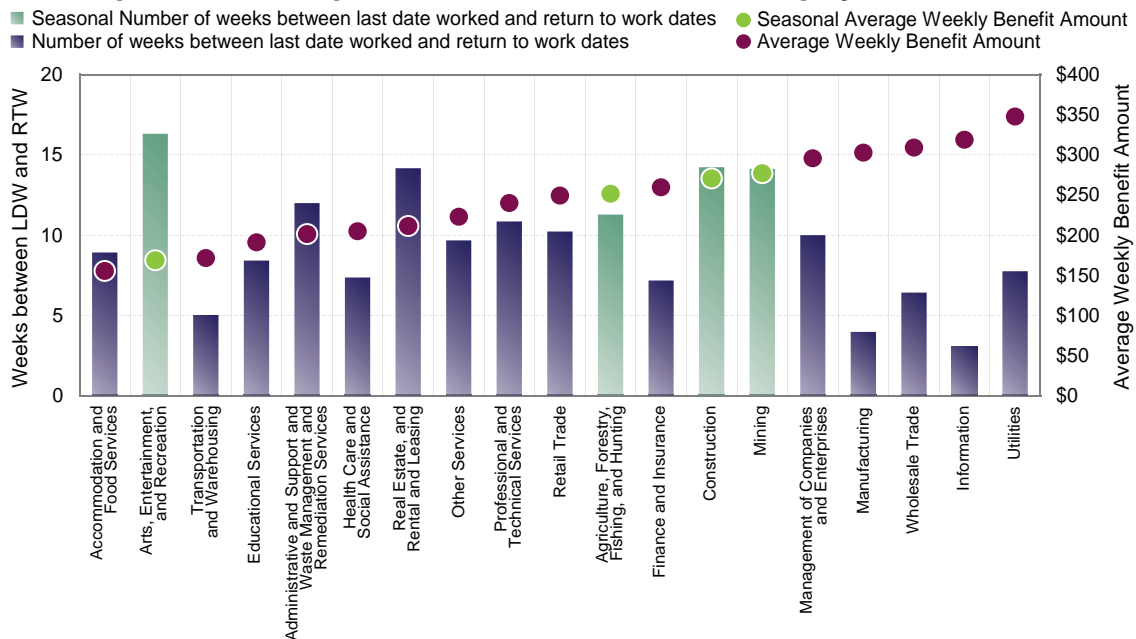
The *Arts and Entertainment* industry sector had the longest average time period, 16 weeks, between the claimants' last late worked and return to work date. Its average weekly benefit amount is the second lowest among all industries at \$169, and this industry had just over 2 percent of 2010 private employment in the state, and is responsible for less than 5 percent of initial claims for benefits.

Manufacturing, with the second highest share of initial claims and the third highest average weekly benefit payment amount, had an average of 4 weeks between the last date worked and the return to work date. *Manufacturing* made up almost 13 percent of private employment in the state in 2010.

Construction, *Mining*, and *Real Estate* each had an average of 14 weeks between the last date worked and the return to work dates. *Mining* and *Real Estate* each make up less than one percent of initial claims for unemployment benefits. Together they make up about 1.5 percent of private employment in the state.



Comparison of expected duration and benefit payment amount



Construction made up just over 4 percent of private employment in 2010, and was responsible for almost 23 percent of initial claims for unemployment benefits. The industry also has the fifth highest average weekly benefit payment amount of \$270.

Industry Comparisons Based on Share of Covered Employment

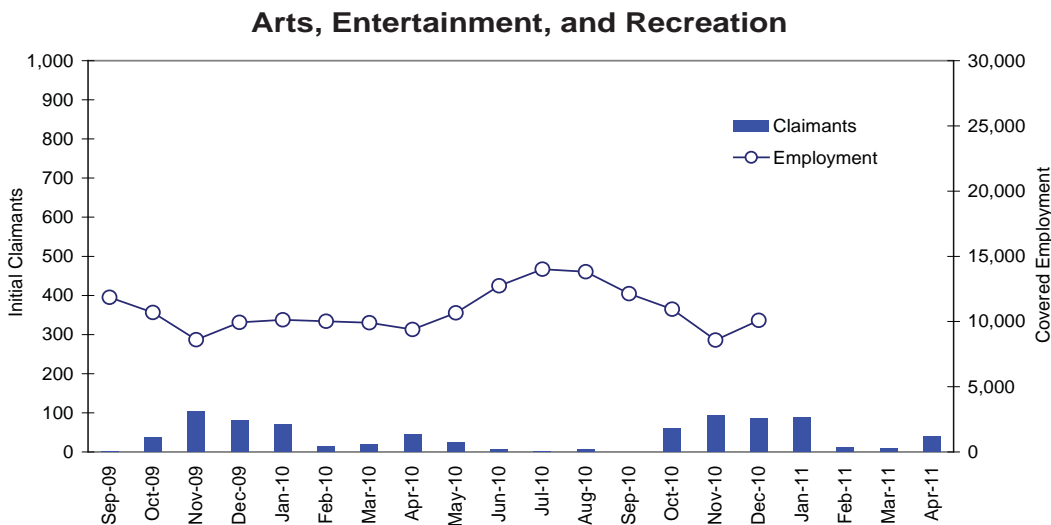
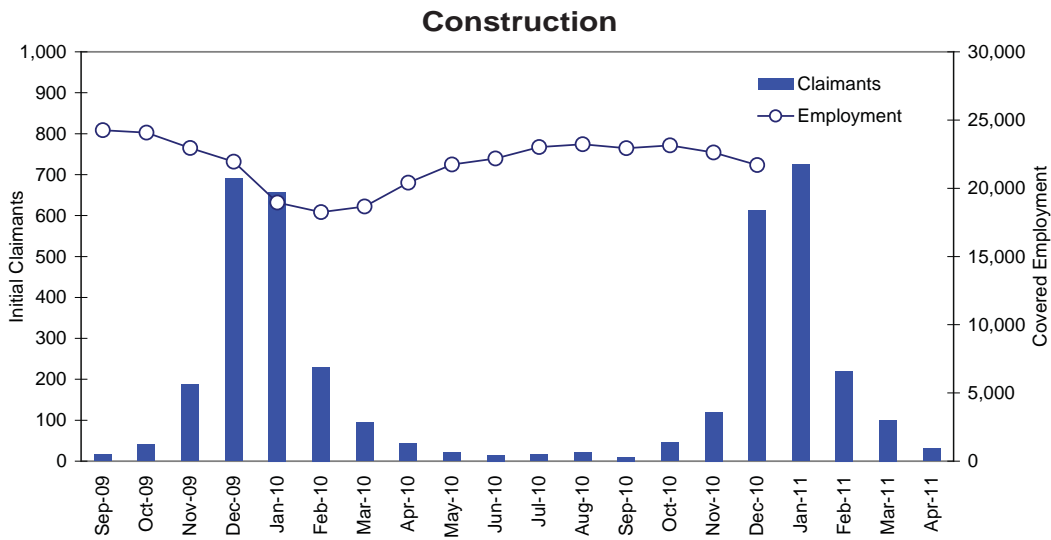
	Industry Share of Claims	Share of 2010 Covered Employment	AWBA	Average # Weeks between Last Date Worked and Expected Return to Work Date	Median # Weeks between Last Date Worked and Expected Return to Work Date
Retail Trade	6.8%	18.0%	\$249	10	8
Health Care and Social Assistance	2.2%	16.3%	\$205	7	4
Manufacturing	18.3%	12.8%	\$303	4	2
Accommodation and Food Services	11.1%	10.0%	\$155	9	6
Professional and Technical Services	1.7%	5.6%	\$240	11	6
Administrative and Support and Waste Management and Remediation Services	10.2%	5.3%	\$201	12	13
Finance and Insurance	0.1%	5.1%	\$260	7	2
Wholesale Trade	2.5%	5.0%	\$309	6	2
Construction	22.6%	4.2%	\$270	14	15
Other Services	1.6%	3.8%	\$223	10	9
Educational Services	2.3%	3.3%	\$191	8	9
Transportation and Warehousing	12.7%	2.3%	\$172	5	2
Information	0.4%	2.2%	\$319	3	1
Arts, Entertainment, and Recreation	4.6%	2.1%	\$169	16	17
Management of Companies and Enterprises	0.0%	1.6%	\$296	10	9.5
Real Estate, and Rental and Leasing	0.6%	1.3%	\$211	14	15
Utilities	0.1%	0.5%	\$348	8	1
Agriculture, Forestry, Fishing, and Hunting	1.5%	0.3%	\$252	11	11
Mining	0.9%	0.1%	\$277	14	15

Highlighted industries are seasonal in nature

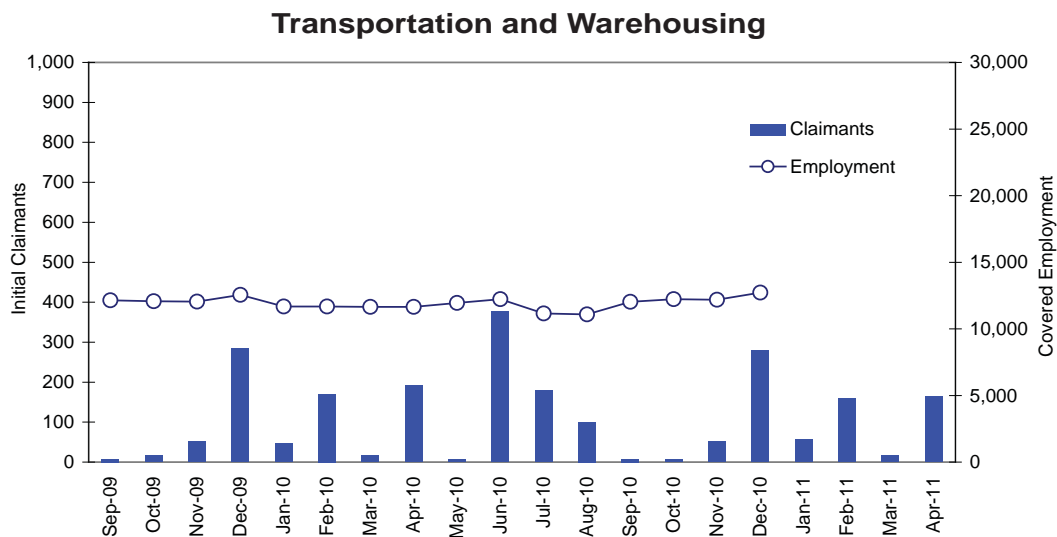
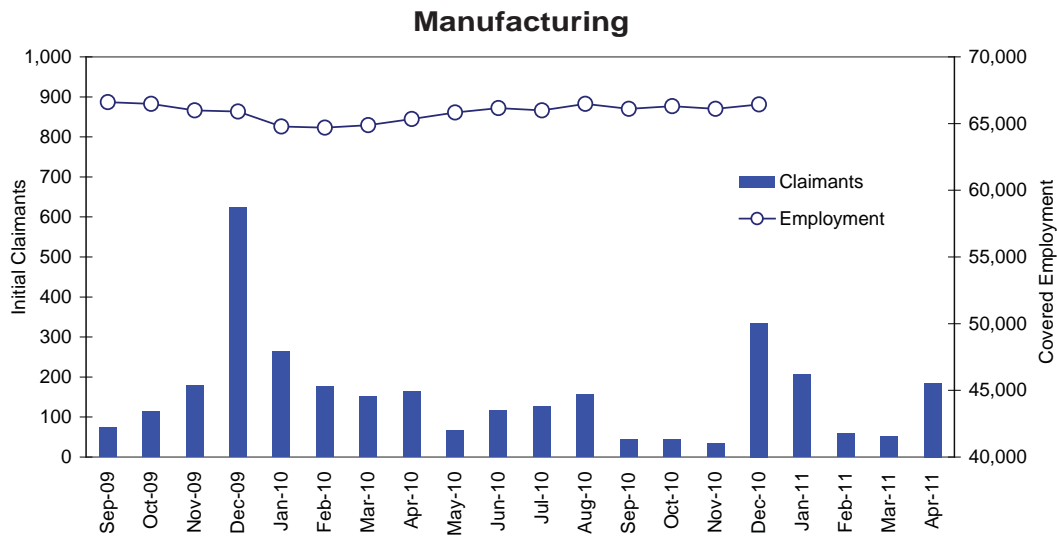
Monthly Comparison

Another way to view the claims is from a monthly perspective in relation to the employment in the industry during the months that claims increase. It also helps to identify which industries follow seasonal patterns as opposed to short-term layoffs.

The *Construction* and the *Arts and Entertainment* industries have distinct seasonal patterns. For both of these industries, employment grows in the warmer months of the year and shrinks during the winter months, while the number of initial claimants in the industries follow the opposite patterns with claims shrinking in the warmer months and increasing in the winter months.



The patterns in the *Manufacturing* and the *Transportation and Warehousing* industries would be examples of fluctuating employment patterns and not seasonal. While there are specific months that claims do increase from short period work shutdowns, the overall monthly employment levels in these industries do not demonstrate the noticeable contractions in number during those same periods as happens with the strong seasonal industries.



Work Search (methodology)

In an attempt to verify if there was a difference in the work search results of claimants with a return to work date and required to look for work and those claimants whose work search requirements were waived, a sample of claims was pulled to examine. All claimants selected were from the Construction industry. The first table of 15 claims is from the time frame between October and November 2010, who had filed their claim either in person at a local office or through the web site and were not waived from work search requirements. The second table of 10 was selected from December 2010 with similar qualifications. The third table detailed claimants who filed their claims by telephone and were not excused from work search requirements. The fourth table, with five claims, provides examples of claimants who initially had no work search requirements.

These were the reasons behind the adoption of rules Emp 501.11 and 501.12 effective December 30, 2001.

Claimant not waived - Filed through web/claimant between October and November 2010

Occupation	Number Weeks Between LDW and RTW	Number of Work Search Contacts	Expected Return to Work Date (RTW)	Denied because of Work Search?	Actual Return to Work Date	Comments	First week Claimed	Last Week Filed for Benefits	Returned to Same Employer?	Detailed Industry
Flogger	18	48	3/15/2011		5/11/2011	7 year history Work search mostly for truck driver	12/4/2010	5/21/2011	yes	Highway, Street, and Bridge Construction
Fencer	17	52	3/1/2011		Exhausted EUC	Most contacts have no employer name	5/14/2011	11/20/2010	unknown	Specialty Trade Contractors
Truck Driver	19	1		Only filed 1 week			1/8/2011	1/8/2011	unknown	Specialty Trade Contractors
Laborer	20	18	4/1/2011		5/6/2011	one contact/wk - accepted job with new employer	11/27/2010	5/21/2011	no	Highway, Street, and Bridge Construction
Truck Driver	20	4	4/1/2011			Only filed one week	12/4/2010	12/11/2010	unknown	Specialty Trade Contractors
Equipment (roller) Operator	21	43	4/1/2011		5/2/2011	Types of W/s varied	12/4/2010	5/21/2011	yes	Highway, Street, and Bridge Construction
Truck Driver	22	0	4/18/2011	Only filed 1 week		Quit filling when told of work search requirement	12/4/2010	12/4/2010	unknown	Specialty Trade Contractors
Concrete Finisher	24	44	4/1/2011			contacts were for finisher work (seasonal)	11/13/2010	4/16/2011	unknown	Specialty Trade Contractors
Truck Driver	24	38	5/1/2011		Collects Partial	W/s consisted of two seasonal employers skiing/asphalt	11/27/2010	5/7/2011	unknown	Specialty Trade Contractors
Painter	25	8	4/30/2011	yes-failure to attend ERI and BRI 12/20		Varied W/s efforts	11/13/2010	1/8/2011	unknown	Specialty Trade Contractors
Carpenter	28	54	5/15/2011			previous experience as CNC machinist - ftw as machinist from WS	11/6/2010	5/14/2011	no	Highway, Street, and Bridge Construction
Construction	20	69	4/1/2011			All w/s efforts consisted of Construction companies	11/27/2010	5/21/2011	no	Specialty Trade Contractors
Grounds Maintenance	22	65	4/1/2011			Sought work in building/ground maintenance & warehousing	11/13/2010	4/2/2011	unknown	Residential Remodeler
Foreman	21		4/15/2011	No weeks claimed					unknown	Specialty Trade Contractors
Laborer	18	16	4/1/2011			one contact per week - varied types	12/4/2010	4/2/2011		Highway, Street, and Bridge Construction

Abbreviations

- RTW Return to Work
- W/S Work Search
- LDW Last Date Worked
- IC Initial Claim
- EUC Emergency Unemployment Compensation
- ERI Eligibility Review Interview
- BRI Benefit Review Interview

Claimant not waived - Filed December 2010

Occupation	Number Weeks Between LDW and RTW	Number of Work Search Contacts	Expected Return to Work Date (RTW)	Denied because of Work Search?	Actual Return to Work Date	Comments	First week Claimed	Last Week Filed for Benefits	Returned to Same Employer?	Detailed Industry
Painter	4	9	2/1/2011				12/18/2010	1/8/2011	Unknown	Specialty Trade Contractors
Truck Driver	3	15	4/4/2011			Letter in imaging/ filed and paid through 5/14/11/ didn't seek work between 1/9/11 and 4/23/11/ w/s was waived 1/9/11 -4/16/11	1/1/2011	5/21/2011	Unknown	Highway, Street, and Bridge Construction
Plant operator	waved	waved	2/14/2011				12/25/2010	2/12/2011	Yes	Highway, Street, and Bridge Construction
Pipe Laborer		1	3/15/2011			w/s waived from 19/19/10 on	12/18/2010	2/19/2011	Yes	Specialty Trade Contractors
Driver			3/16/2011			w/s waved 12/12/10 to 3/26/11	12/11/2010	3/26/2011		Highway, Street, and Bridge Construction
Painter		17	3/28/2011			all internet or e-mail	12/25/2010	3/26/2011	No return	Specialty Trade Contractors
Equipment Operator			4/1/2011			w/s waved 12/12/10-1/1/11: No history with employer	12/11/2010	12/11/2010		Highway, Street, and Bridge Construction
Laborer	20	23	Did not RTW			didn't rtw on 5/9/11 and has not responded to emp. calls	12/25/2010	6/11/2011	no	Specialty Trade Contractors
Laborer	24	7	4/11/2011			as of w/e 6/25 still filing EUC, w/s waved until 4/2/11	1/1/2011	6/25/2011		Specialty Trade Contractors
Equipment Operator	20	1	4/18/2011			filed via phone no w/s entry	12/18/2010	4/16/2011	returned to work full-time 4/18/11	Highway, Street, and Bridge Construction

Claimants not waived filed by phone between October and November 2010

Occupation	Number Weeks Between LDW and RTW	Number of Work Search Contacts*	Expected Return to Work Date (RTW)	Denied because of Work Search?	Actual Return to Work Date	Comments	First week Claimed	Last Week Filed for Benefits	Returned to Same Employer?	Detailed Industry
1- Claimant not waived - phone	17		4/4/2011			Required Claimant filed their initial IC claim	1/1/2011	2/19/2011		Highway, Street, and Bridge Construction
2- Claimant not waived - phone	17		3/20/2011			Required Claimant filed their initial IC claim	11/27/2010	12/4/2010		Commercial and Institutional Building Construction
3- Claimant not waived - phone	17		3/1/2011			Staff filed initial EUC claim, system set required/ Staff intervention remained required/ Required Claimant filed their initial IC claim	11/13/2010	6/25/2011		Highway, Street, and Bridge Construction
4- Claimant not waived - phone	17		4/1/2011			Claimant filed initial EUC claim/ Staff intervention - no note/ Staff field Reopen for claimant status remains/ Staff filed IC claim for claimant, system set required	12/4/2010	6/25/2011		Specialty Trade Contractors
5- Claimant not waived - phone	19		4/1/2011			Staff intervention - no notes/ Claimant filed initial claim, system set required	11/27/2010	3/26/2011		Specialty Trade Contractors
6- Claimant not waived - phone	19		4/4/2011			Claimant filed Addl claim/ Claimant filed initial IC claim, system set required	12/4/2010	3/26/2011		Specialty Trade Contractors
7- Claimant not waived - phone	21		5/1/2011			Claimant filed Addl claim/ Claimant filed initial IC claim, system set required	12/4/2010	4/2/2011		Highway, Street, and Bridge Construction
8- Claimant not waived - phone	21		4/1/2011			Staff intervention - no notes/ Claimant filed initial IC claim, system set required	12/4/2010	4/23/2011		Highway, Street, and Bridge Construction
9- Claimant not waived - phone	22		4/15/2011			Staff intervention/ Claimant filed initial IC claim, system set required	12/4/2010	4/23/2011		Highway, Street, and Bridge Construction
10- Claimant not waived - phone	22		4/1/2011			Staff filed Reopen claim, W/S stays the same, Claimant filed initial IC claim, system set required	11/6/2010	5/7/2011		Specialty Trade Contractors

* Phone filings do not verify work search

Claimants waived filing between October and November 2010

Occupation	Number Weeks Between LDW and RTW	Number of Work Search Contacts	Expected Return to Work Date (RTW)	Denied because of Work Search?	Actual Return to Work Date	Comments	First week Claimed	Last Week Filed for Benefits	Returned to Same Employer?	Detailed Industry
Driver	10	n/a				Job attached waived w/s	11/20/2010	12/25/2010		Highway, Street, and Bridge Construction
Field Clerk	11	n/a				w/s waived until 2/5/11, filed through 6/18/11 currently on EUC	11/27/2010	6/18/2011		Highway, Street, and Bridge Construction
Manager	14	n/a				w/s waived through 2/26/11, filed partials, 22 w/s contacts when required	12/4/2010	4/2/2011		New Single-Family Housing Construction
Crane Operator	15	n/a				12/3 told w/s waived; 11/30 told w/s not waived; 12/17 told w/s exempt; 3/21/11 told must look for work	12/4/2010	4/16/2011		Highway, Street, and Bridge Construction
Supervisor	16	n/a				12/2 told not waived- no job attachment; 12/22 waived seasonal; told not waived filed after rtw	12/4/2010	4/9/2011		Water and Sewer line and Related Structures Construction

Results of Work Search Activities

Based on a review of these specific claimants in *Construction* industry who were required to search for work during the most recent off-season, there appears to be little difference in the actual length of unemployment when compared to previous years when work search was waived. It should be noted that this is the first year in several where the work search waiver requirements were strictly enforced. Situations identified during review:

- Individuals chose not to file at all or stopped filing because they were advised of the work search requirement.
- Individuals chose to file by phone presumably because they did not have to provide work search records using this method. Using the internet to file requires input of work search efforts.
- While not administratively feasible to verify every claimant's work search efforts, the majority of those reviewed during the preparation of this report showed minimal effort to truly find off-season temporary or new full-time work.
- Work search records reviewed were incomplete, with no valid employer name and/or contact information.
- Work search efforts were confined to closed seasonal businesses.
- A few individuals, who made a reasonable search for work, did find work with a different company, but did not start that work before their original return to work date.

Should the work search requirement remain in force, it is expected that reviews in future years would show different results, with more individuals complying, but not significantly reduce the overall length of seasonal unemployment in the industry.

Top Ten Companies

The following tables offer statistical information regarding the total benefits paid to claimants compared to the total contributions received from two different top ten company groups.

The first table shows the top ten companies whose claimants entered a "return-to-work" date when filing their initial claim. The individuals were on a temporary layoff and expected to go back to work for the same employer. Eight of the nine companies were from the *Construction* industry and, as previously noted, the majority of benefits paid were during the off-season. The company that paid out the fourth highest in benefits was from the *Manufacturing* industry and has had rolling layoffs due to the economy, not seasonal work. The other non-*Construction* company also had non-seasonal temporary layoffs and has since closed.

Benefit Payouts and Taxes of Top Ten Companies with Claimants that have Return to Work Dates

	Industry	Total payouts for all claimants with a return to work date	Payouts to those claimants with 16 weeks or more before return to work date	Benefits charged from October 2010 to April 2011	Total contributions paid from January 2009 through April 2011
Company #1	Construction	\$1,464,047	\$993,496	\$804,771	\$789,869
Company #2	Construction	\$965,274	\$660,838	\$521,192	\$535,218
Company #3	Construction	\$262,235	\$184,674	\$144,461	\$138,721
Company #4	Construction	\$389,427	\$167,657	\$108,799	\$255,802
Company #5	Manufacturing	\$169,857	\$155,344	\$105,357	\$60,007
Company #6	Construction	\$369,875	\$154,886	\$103,990	\$303,793
Company #7	Construction	\$189,372	\$139,289	\$104,814	\$107,810
Company #8	Construction	\$114,282	\$111,902	\$90,984	\$29,927
Company #9	Wholesale Trade	\$106,042	\$106,042	n/a	\$66,220
Company #10	Construction	\$170,279	\$100,809	\$92,095	\$106,202
Company #11	Construction	\$128,165	\$100,052	\$80,459	\$56,033
Company #12	Construction	\$145,621	\$92,194	\$87,899	\$47,936

The second table shows the top ten companies overall; those companies who paid out the most in benefits during the period under review, regardless of their industry or a return-to-work date indicating temporary layoffs. Two of the companies with the highest benefits charged for claimants with return to work dates are also among the top ten companies statewide. Companies #1 and #2 from the table above are them same as companies #3 and #7, respectively, in the table below.

Benefit Payouts and Taxes of Top Ten Companies Among All Companies

Employer	Industry	Total Benefits Charged From January 2009 through April 2011	Total Taxes Paid From January 2009 through April 2011
Company #1	Retail Trade	\$2,364,037.28	\$4,033,020.44
Company #2	Manufacturing	\$2,144,860.79	\$188,673.82
Company #3	Construction	\$2,128,012.94	\$564,410.65
Company #4	Manufacturing	\$2,030,246.98	\$536,967.76
Company #5	Manufacturing	\$1,804,022.30	\$588,313.30
Company #6	Administrative and Support and Waste Management and Remediation Services	\$1,476,083.46	\$1,095,700.64
Company #7	Construction	\$1,434,522.57	\$396,026.27
Company #8	Transportation and Warehousing	\$1,296,863.60	\$1,199,506.55
Company #9	Finance and Insurance	\$1,255,431.78	\$585,854.62
Company #10	Manufacturing	\$983,337.89	\$632,711.90

Appendix

SEASONALITY PROVISIONS

Sixteen states have special provisions relating to workers employed in seasonal industries. As Table 24 shows, these provisions usually include definitions of "seasonal industry" and

"seasonal worker." Generally benefits based on seasonal work are limited to unemployment occurring during the operating period of the seasonal industry.

Table 24—SEASONALITY PROVISIONS

State (1)	Seasonal Industry (2)	Seasonal Worker (3)	Restriction (4)
	Industry which customarily operates only during regularly recurring periods of less than:	Seasonal wages in operating period of seasonal industry:	Seasonal wage credits available for benefits:
Colorado	26 weeks	Some seasonal wages.	Only during season.
Indiana	26 weeks	Some seasonal wages.	Only during season.
Maine	26 weeks	Some seasonal wages.	Only during season.
Massachusetts	16 weeks	Some seasonal wages.	Only during season.
Michigan	Operates 26 weeks or less, or at least 50% of the employees work 26 weeks or less a year. Excludes the construction industry.	Some seasonal wages.	Only during season.
Ohio	41 weeks	Some seasonal wages.	Only during season.
North Carolina	36 weeks	25% or more of base period wages earned in season with seasonal employer.	Only during season.
South Dakota	7 months	Some seasonal wages.	Only during season.
	Other Industry Definitions		
Arizona	Single employer who qualifies for state agency's transient lodging classification; employer's workforce must be reduced by at least $\frac{2}{3}$ of the average highest 12 wks of employment during one-year period prior to seasonal slowdown.	Some seasonal wages.	Only during season.
Arkansas	Industry which customarily lays off 40% or more workers for at least 4 consecutive months during regularly recurring period each yr.	Off-season wages less than 30 x WBA if season 2-6 months. Off-season wages less than 24 x wba if season is 7-8 months.	Only during season.
Delaware	First processing of agricultural products and/or seafood products	75% or more of base period wages earned in seasonal employment.	Only during season. Benefit payable in any calendar month only if claimant employed in corresponding month of claim base period.

Table 24—SEASONALITY PROVISIONS — Continued

State (1)	Seasonal Industry (2)	Seasonal Worker (3)	Restriction (4)
	Other Industry Definitions	Seasonal wages in operating period of seasonal industry:	Seasonal wage credits available for benefits:
Mississippi	Cotton ginning or professional baseball.	Off-season wages less than 30 x WBA if earned in cotton ginning or professional baseball with season of 6-26 weeks, or less than 24 x WBA if earned in cotton ginning or professional baseball with season of 27-36 weeks.	Only during season.
Pennsylvania	An industry or process, which because of climactic conditions make it impractical or impossible to do or operate otherwise. This is usually commercial canning or commercial freezing of fruits and vegetables operating during regularly recurring period of 180 days or less in a calendar year.	Performs commercial canning or commercial freezing services for less than 180 days in a year.	Only during season. Between seasons benefits based on nonseasonal wages. If there is no opportunity for work next season benefits based on both seasonal and nonseasonal wages payable retroactively.
West Virginia	Industry recognized seasonal: such as food processing and canning.	Some seasonal wages.	Ineligible if less than 100 days in seasonal industry and less than \$100 in other work.
Wisconsin	Seasonal agricultural employers and employers in a tourism, recreational or tourist service industry if at least 75% of the gross wages paid by employer during prior year were paid in 2 cal. quarters. Employers voluntarily elect seasonal designation. An additional 2% solvency tax applies to seasonal employers.	Excluded if received written notice prior to beginning work for employer that the work may be excluded for UI purposes, or if worker was employed for a period less than 90 days and earned less than \$500 for work performed for another covered employer.	None

Source: *Highlights of State Unemployment Compensation Laws*, National Foundation for Unemployment Compensation & Workers' Compensation, Washington D.C., pg. 76-77

