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RICHARD S. BROTHERS, COMMISSIONER
DARRELL L. GATES, DEPUTY COMMISSIONER

March 5, 2009

Cheryl Atkinson, Administrator
Office of Workforce Security
200 Constitution Avenue NW
Room S-4231
Washington, DC 20210

Dear Ms. Atkinson:

Please accept this letter as the State of New Hampshire's application toward receiving an incentive payment of \$10,467,073 for this State having an alternate base period as required under Section 2003(a) of Public Law 111-5.

Since April 1, 2001, the New Hampshire Unemployment Law has utilized an alternate base period of the last four completed calendar quarters when an individual is unable to monetarily qualify for benefits under the primary base period of the first four of the last five completed calendar quarters. Found at RSA 282-A:2, the alternate base period is a permanent part of New Hampshire Unemployment Law.

With this letter, I certify that the alternate base period is currently in effect, is a permanent provision in New Hampshire's Unemployment Law, and it is not subject to discontinuation under any circumstances other than by repeal by the New Hampshire legislature. It is the intent of the State of New Hampshire to use these incentive funds for the payment of unemployment compensation.

Please find attached the specific alternate base period provision.

If you have any questions, or need additional information, please feel free to contact me.

Sincerely,

Darrell L. Gates
Deputy Commissioner
(Acting pursuant to RSA 282-A:109)

cc: Governor John Lynch
Grace Kilbane, Regional Administrator

Definitions

282-A:1 Applicability of Definitions

Any word or phrase defined in this subdivision shall have the same meaning throughout RSA 282-A unless the context clearly requires otherwise.

Last Source: 1981, 408:3, eff. Oct. 1, 1981.

282-A:2 Base Periods

I. "Base period" means the first 4 of the last 5 completed calendar quarters immediately preceding the individual's benefit year except as provided in RSA 282-A:2, II.

II. "Alternate base period" means for benefit years effective on or after April 1, 2001 for any individual who does not have sufficient wages in the base period as defined in paragraph I to qualify for benefits pursuant to RSA 282-A:25, the individual's base period shall be the last 4 completed calendar quarters immediately preceding the first day of the individual's benefit year if such period qualifies the individual for benefits under RSA 282-A:25. The commissioner shall establish rules for obtaining wage information if wage information for the most recent quarter of the alternate base period is not available to the department from regular quarterly reports of wage information that is systematically accessible.

- (a) Wages that fall within the base period of claims established under this paragraph are not available for reuse in qualifying for any subsequent benefit years.
- (b) In the case of a combined-wage claim pursuant to the arrangement approved by the United States Secretary of Labor, the base period is that base period applicable under the unemployment compensation law of the paying state.

Last Source: 1998, 87:1, eff. April 1, 2001.

282-A:3 Benefits

"Benefits" means the money payable to an individual as compensation for his wage losses due to unemployment as provided in this chapter.

Last Source: 1981, 408:3, eff. Oct. 1, 1981.