Statutes Related to Part-Time Work to date (October, 2009)

This legislative summary sheet was developed to give an overview of the policy and legislation related to part-time work. Statutes and bills can be reviewed individually, but often it is useful to view them in “themes” or “clusters” to:

- Highlight related statutes in one particular state
- Make it easier to compare legislation between states
- Illustrate varying legislation language and content

**Contents in this Summary Sheet:**

- Concerns unemployment compensation for persons seeking part-time work specifically
  - p. 1
- Provides health care coverage to part-time state employees
  - p. 5
- Links part-time work to flexible work schedules and workforce development
  - p. 6

**Concerns unemployment compensation for persons seeking part-time work specifically**

Arkansas

- A.C.A. § 11–10–507
  
  In determining suitable work under this section and for refusing to apply for or accept suitable work under § 11–10–515, part-time work shall be considered suitable work unless the majority of weeks of work in the period used to determine monetary eligibility is from full-time work.

California

- Cal Unemp Ins Code § 1253.8
  
  An unemployed individual shall not be disqualified for eligibility for unemployment compensation benefits solely on the basis that he or she is only available for part-time work.

Colorado

- C.R.S. 8–73–104
  
  Notwithstanding other provisions of this section or section 8–76–103 (1) (a), benefits based upon regular part-time employment may not be charged to the experience rating account of the regular part-time employer until the claimant has become separated from such regular part-time employment and then only for those weeks of unemployment which occur after said separation.

Delaware

- 19 Del. C. § 3315
  
  No individual shall be determined ineligible for the receipt of unemployment insurance benefits for any week in which they are available for and seek only part-time work, if the majority of weeks of work in their base period were in part-time employment. For purposes of this paragraph, "seeking only part-time work" is work meeting any one of the following conditions: (i) the individual is willing to work at least 20 hours per week; (ii) the individual is available for a number of hours per week that are comparable to the individual's part-time work in the base period; or (iii) the individual is available for hours that are comparable to the individual's work at the time of the most recent separation from employment.
Florida

- Fla. Stat. § 443.036
  Unemployment” means an individual is "totally unemployed" in any week during which he or she does not perform any services and for which earned income is not payable to him or her. An individual is "partially unemployed" in any week of less than full-time work if the earned income payable to him or her for that week is less than his or her weekly benefit amount. The Agency for Workforce Innovation may adopt rules prescribing distinctions in the procedures for unemployed individuals based on total unemployment, part-time unemployment, partial unemployment of individuals attached to their regular jobs, and other forms of short-time work.

Georgia

- O.C.G.A. § 34-8-24
  As used in this chapter, the term “bona fide in the labor market” means that any person claiming benefits under this chapter must be available for full-time employment, as that term is generally understood in the trade or work classification involved, without regard to prior work restrictions, provided that no individual who is otherwise eligible shall be deemed ineligible for benefits solely because the individual seeks, applies for, or accepts only part-time work, instead of full-time work, provided the individual claiming benefits worked part-time during a majority of the weeks of work in the base period and the individual is available for part-time work for at least 20 hours per week.

Hawaii

- Hi. Act 171; 2009 Hi. SB 1568
  Notwithstanding any law to the contrary under this chapter, an individual shall not be denied regular unemployment benefits relating to availability for work, active search for work, or for refusal to accept work, solely because the individual is seeking only part-time work; provided that this section shall not apply if a majority of the weeks of work in the individual’s base period does not include part-time work.

Idaho

- Idaho Code § 72-1366
  A claimant shall not be denied regular unemployment benefits under any provision of this chapter relating to availability for work, active search for work or refusal to accept work, solely because the claimant is seeking only part-time work, if the department determines that a majority of the weeks of work in the claimant’s base period were for less than full-time work. For the purpose of this subsection, "seeking only part-time work" is defined as seeking work that has comparable hours to the claimant’s part-time work experience in the base period, except that a claimant must be available for at least 20 hours of work per week.

Iowa

- Iowa Code § 96.3
  As used in this subsection the term "part-time worker" means an individual whose normal work is in an occupation in which the individual's services are not required for the customary scheduled full-time hours prevailing in the establishment in which the individual is employed, or who, owing to personal circumstances, does not customarily work the customary scheduled full-time hours prevailing in the establishment in which the individual is employed. The director shall prescribe fair and reasonable general rules applicable to part-time workers, for determining their full-time weekly wage, and the total wages in employment by employers required to qualify such workers for benefits.
Kansas

2009 Kan. HB 2374
An unemployed individual shall be eligible to receive benefits with respect to any week only if the secretary, or a person or persons designated by the secretary, finds that...the claimant is able to perform the duties of such claimant's customary occupation or the duties of other occupations for which the claimant is reasonably fitted by training or experience, and is available for work, as demonstrated by the claimant's pursuit of the full course of action most reasonably calculated to result in the claimant's reemployment except that, notwithstanding any other provisions of this section, an unemployed claimant otherwise eligible for benefits shall not become ineligible for benefits...solely because such individual is seeking only part-time employment if the individual is available for a number of hours per week that are comparable to the individual's part-time work experience in the base period.

Louisiana

La. R.S. 23:1595
Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to twenty-six times his weekly benefit amount as determined pursuant to R.S. 23:1592 provided that such total amount of benefits, if not a multiple of one dollar, shall be computed to the nearest multiple of one dollar. No claimant shall receive a benefit check for any week beyond the number of weeks computed on his initial claim unless that claimant is participating in a program providing partial unemployment as set forth in R.S. 23:1472(19)(a), or a Shared-Work Plan as set forth in R.S. 23:1750, or has been paid wages for part-time or full-time work.

Maine

26 M.R.S. § 1192
Notwithstanding this subsection, beginning January 1, 2004, an individual who is not available for full-time work as required in this subsection is not disqualified from receiving benefits if: 1) the individual worked less than full-time for a majority of the weeks during that individual's base period and the individual is able and available for and actively seeking part-time work for at least the number of hours in a week comparable to those customarily worked in part-time employment during that individual's base period; or 2) the individual worked full-time for a majority of the weeks during that individual's base period, but is able and available for and actively seeking only part-time work because of the illness or disability of an immediate family member or because of limitations necessary for the safety or protection of the individual or individual's immediate family member.

Maryland

2009 Md. Chap. 5; 2009 Md. SB 270
The secretary may consider a part-time worker as meeting the requirements of this section if the part-time worker: 1) is eligible for benefits under section 8-803 of this title based on wages that are predominantly earned from part-time work; 2) is actively seeking part-time work; 3) is available for part-time work for at least the number of hours worked at the part-time worker's previous employment; 4) does not impose any other restrictions on the part-time worker's ability to work or availability for work; and 5) is in a labor market in which a reasonable demand exists for part-time work.

Minnesota

Minn. Stat. § 268.035
If a majority of the applicant's wage credits were earned from part-time employment, part-time employment in a position with comparable skills and comparable hours that pays average gross weekly wages equal to or
more than 150 percent of the applicant’s weekly unemployment benefit amount is considered suitable employment.

Montana

Mont. Code Anno., § 39-51-2115
Except as provided in subsection (2), an individual may not be denied regular unemployment compensation benefits solely because the individual is seeking only part-time work, as that term is defined in rules adopted by the department. In order to be qualified for benefits under subsection (1), the majority of the individual’s workweeks in the base period must have been part-time.

New Hampshire

RSA 282-A:31
An unemployed individual shall be eligible to receive benefits with respect to any week only if the commissioner finds that: a) he or she has been classified in accordance with his experience and abilities and so registered for employment with and by the commissioner and has reported and continues thereafter to report at an employment office in accordance with such rules as the commissioner may adopt; b) he or she has made a claim for benefits in accordance with the provisions of RSA 282-A:43; c) he or she is ready, willing, and able to accept and perform suitable full-time or part-time work on all the shifts and during all the hours for which there is a market for the services he or she offers and that he or she has exposed himself or herself to employment to the extent commensurate with the economic conditions and the efforts of a reasonably prudent person seeking work; d) he or she is available for and seeking permanent, full-time or part-time work for which he or she is qualified provided that, if availability is limited to part-time work, the claim for unemployment benefits is based on wages earned in part-time work.

New Mexico

An unemployed individual shall be eligible to receive benefits with respect to any week only if the individual is able to work and is available for work and is actively seeking permanent full-time work or part-time work in accordance with Subsection I of Section 51-1-42 NMSA 1978 and in accordance with the terms, conditions and hours common in the occupation or business in which the individual is seeking work, except that the secretary may, by rule, waive this requirement for individuals who are on temporary layoff status from their regular employment with an assurance from their employers that the layoff shall not exceed four weeks or who have an express offer in writing of substantially full-time work that will begin within a period not exceeding four weeks.

The secretary shall prescribe by rule what constitutes part-time and intermittent employment, partial employment and the conditions under which individuals engaged in such employment are eligible for partial unemployment benefits, but no individual who is otherwise eligible shall be deemed ineligible for benefits solely for the reason that the individual seeks, applies for or accepts only part-time work, instead of full-time work, if the part-time work is for at least 24 hours per week.

New York

NY CLS Labor § 596
Notwithstanding any other provisions of this article, a claimant who for reasons personal to himself or herself is unable or unwilling to work full-time and who customarily worked less than the full-time prevailing in his or her place of employment for a majority of the weeks worked during the applicable base period, shall not be denied unemployment insurance solely because the claimant is only seeking part-time work. For purposes of
this subdivision, "seeking part-time work" shall mean the claimant is willing to work for a number of hours per week that are comparable to the claimant's part-time work during the majority of time in the base period.

North Carolina

  An unemployed individual shall not be disqualified for eligibility for unemployment compensation benefits solely on the basis that the individual is only available for part-time work. If an individual restricts his or her eligibility to part-time work, the individual may be considered able and available to work if it is determined that all the following conditions exist: a) the claimant's monetary eligibility is based predominately on wages from part-time work; b) the claimant is actively seeking and is willing to accept work under essentially the same conditions as existed while the claimant's reported wages were accrued; c) the claimant imposes no other restriction and is in a labor market in which a reasonable demand exists for part-time service.

Oklahoma

- 2009 OK. Ch. 460; 2009 OK. SB 1175
  If the majority of the weeks of work in an individual’s base period includes part-time work, the individual shall not be denied unemployment benefits under any provisions of this act relating to availability for work, active search for work, or failure to accept work, solely because the individual is seeking only part-time work. The phrase “seeking only part-time work”, as used in this subsection, means the individual claiming unemployment benefits is available for a number of hours per week that are comparable to the individual's part-time work experience in the base period.

Vermont

- Vt. ACT 54; 2009 Vt. H. 313
  The state already meets one expanded-coverage requirement: namely, coverage of part-time workers. It is the intent of the general assembly to adopt one additional expanded-coverage requirement, namely the training program specified in Sec. 34 of this act, and to apply to the Secretary of the United States Department of Labor for certification of UI modernization so that the state may receive it's remaining allotment of incentive payments.

Wyoming

  Benefits shall not be charged to an employer’s account if...the base period employer provided part-time employment and during the individual's current benefit year provides the same number of hours and wages provided during the base period. If the hours or wages are reduced during the current benefit year or the individual is terminated from part-time employment for reasons other than those specified under paragraph (ii) of this subsection, the employer’s account shall be charged pursuant to this section.

Provides health care coverage to part-time state employees

Florida

- Fla. Stat. § 110.123
  Concerning payment of premiums and contribution by state. The state contribution for a part-time permanent state employee who elects to participate in the program shall be prorated so that the amount of the cost contributed for the part-time permanent employee bears that relation to the amount of cost contributed for a similar full-time employee that the part-time employee's normal workday bears to a full-time employee's normal workday.
New Jersey

N.J. Stat. § 52:14-17.33a

Notwithstanding any provision of P.L.1961, c.49 (C.52:14-17.25 et seq.) to the contrary, a part-time state employee, or a part-time faculty member, including part-time lecturers and adjunct faculty members, at a state public institution of higher education in this state if the public institution of higher education participates in the program, who is enrolled in a state-administered retirement system shall be eligible to participate in the State Health Benefits Program and may purchase health benefits coverage under the program in the state managed care plan as defined in section 2 of P.L.1961, c.49 (C.52:14-17.26) for the employee or faculty member and the dependents of the employee or faculty member.

Oregon

2009 OR H.B. 2557, chaptered No. 773

A part-time faculty member at a public institution of higher education is eligible for the same health care benefits as full-time faculty members if the part-time faculty member is eligible for membership in the public employees retirement system by teaching either at a single public institution of higher education or in aggregate at multiple public institutions of higher education during the prior year.

Virginia

Va. Code Ann. § 2.2–2818

The Department of Human Resource Management shall establish a plan, subject to the approval of the Governor, for providing health insurance coverage, including chiropractic treatment, hospitalization, medical, surgical and major medical coverage, for state employees and retired state employees with the Commonwealth paying the cost thereof to the extent of the coverage included in such plan. The same plan shall be offered to all part-time state employees, but the total cost shall be paid by such part-time employees. The Department of Human Resource Management shall administer this section. The plan chosen shall provide means whereby coverage for the families or dependents of state employees may be purchased. Except for part-time employees, the Commonwealth may pay all or a portion of the cost thereof, and for such portion as the Commonwealth does not pay, the employee, including a part-time employee, may purchase the coverage by paying the additional cost over the cost of coverage for an employee.

Va. Code Ann. § 2.2–2820

Any part-time state employee employed by the Commonwealth and working twenty or more hours per week for a period of at least six months may, upon proper application to the Department of Human Resource Management (the Department), to purchase health insurance coverage for himself through a health insurance plan administered by the Department. This plan for part-time employees may differ from the other plans sponsored by the Department for state employees and shall be exempt from all mandates contained in § 2.2–2818.

Washington

Rev. Code Wash. (ARCW) § 41.05.053

Part-time academic employees, as defined in RCW 288.50.489, who have established eligibility as determined from the payroll records of the employing community or technical college districts, for employer contributions for benefits under this chapter and who have worked an average of half-time or more in each of the two preceding academic years, through employment at one or more community or technical college districts, are eligible for continuation of employer contributions for the subsequent summer quarter period including the break between summer and fall quarters. Once a part-time academic employee meets the criteria in subsection (1) of this section, the employee shall continue to receive uninterrupted employer contributions for
benefits if the employee works at least two quarters of the academic year with an average academic workload of half-time or more for three quarters of the academic year.

Links part-time work to flexible work schedules and workforce development

Arkansas
  In order to foster and promote useful part-time employment opportunities in community service activities for low-income persons who 55 years of age or older and who have poor employment prospects, the Older Worker Community Service Employment Program is created.

California
- Cal Ed Code § 22713
  Notwithstanding any other provision of this chapter, the governing board of a school district or a community college district or a county superintendent of schools may establish regulations that allow an employee who is a member of the Defined Benefit Program to reduce his or her workload from full-time to part-time, and receive the service credit the member would have received if the member had been employed on a full-time basis and have his or her retirement allowance, as well as other benefits that the member is entitled to under this part, that the member would have been entitled to if the member had been employed on a full-time basis.
- Cal Gov Code § 20900
  Notwithstanding any other provision of this part, a member employed on a part-time basis on and after January 1, 1976, shall, for the period of part-time employment, receive the credit the member would receive if he or she was employed on a full-time basis and have his or her retirement allowance, as well as any other benefits the member is entitled to under this part, based upon the salary that he or she would have received if employed on a full-time basis, if the member and his or her employer both elect to contribute to the retirement fund the amount that would have been contributed if the member was employed on a full-time basis. Prior to the reduction of an employee's workload under this section, the district personnel responsible for the administration of this program, in conjunction with the administrative staff of the State Teachers' Retirement System and this system, shall verify the eligibility of the applicant for the reduced workload program. This section shall be applicable only to members who are academic employees of the California State University or who are certificated employees of school districts and who have met the criteria provided in Sections 44922 and 87483 of the Education Code or Section 89516 of the Education Code and are not older than 70 years and is limited to a period of five years of part-time status. The employer shall maintain the necessary records to separately identify each employee receiving credit pursuant to this section.
- Cal Gov Code § 20905
  Notwithstanding any other provision of this part, a school member employed on a part-time basis on and after January 1, 1991, shall, for that period of part-time employment, receive the credit he or she would receive if he or she was employed on a full-time basis and shall have his or her retirement allowance, as well as any other benefits he or she is entitled to under this part, based upon the salary that he or she would have received if employed on a full-time basis if he or she and his or her employer both contribute to the retirement fund the amount that would have been contributed if the member was employed on a full-time basis. Prior to the reduction of a classified employee's workload under this section, the school employer personnel responsible for the administration of this program shall verify the eligibility of the applicant for the
reduced workload program. This section shall be applicable only to school members who are classified employees of school employers or community college districts and who have met the criteria provided in Sections 45139 and 88038 of the Education Code.

- Cal Ed Code § 44922
  Notwithstanding any other provision, the governing board of a school district or a county superintendent of schools may establish regulations, which allow their certificated employees to reduce their workload from full-time to part-time duties. The regulations shall include, but shall not be limited to, the following, if the employees wish to reduce their workload and maintain retirement benefits pursuant to Section 22713 of this code or Section 20815 of the Government Code: a) the employee shall have reached the age of 55 prior to reduction in workload; b) the employee shall have been employed full-time in a position requiring certification for at least 10 years of which the immediately preceding five years were full-time employment; c) during the period immediately preceding a request for a reduction in workload, the employee shall have been employed full-time in a position requiring certification for a total of at least five years without a break in service; d) the option of part-time employment shall be exercised at the request of the employee and can be revoked only with the mutual consent of the employer and the employee.

- Cal Ed Code § 45139
  Notwithstanding any other provision of this part, the governing board of a school district or county superintendent of schools may establish regulations, which allow their classified employees to reduce their workload from full-time to part-time duties.

- Cal Ed Code § 87483
  Notwithstanding any other provision, the governing board of a community college district may establish regulations that allow academic employees to reduce their workload from full-time to part-time duties.

- Cal Ed Code § Cal Ed Code § 88038
  Notwithstanding any other provision of this part, the governing board of a community college district may establish regulations, which allow their classified employees to reduce their workload from full-time to part-time duties.

- Cal Ed Code § 89516
  The trustees may establish rules and regulations, which allow academic teaching employees, librarians, counselors, and student affairs officers to reduce their workload from full-time to part-time duties.

Florida

- Fla. Stat. § 110.1522
  The Department of Management Services shall develop a model rule establishing family support personnel policies for all executive branch agencies, excluding the State University System. “Family support personnel policies,” for purposes of ss. 110.1521–110.1523, means personnel policies affecting employees’ ability to both work and devote care and attention to their families and includes policies on flexible hour work schedules, compressed time, job sharing, part-time employment, maternity or paternity leave for employees with a newborn or newly adopted child, and paid and unpaid family or administrative leave for family responsibilities.

Illinois

- 20 ILCS 415/9
  The Director, as executive head of the Department, shall direct and supervise all its administrative and technical activities. In addition to the duties imposed upon him elsewhere in this law, it shall be his duty... to authorize in every department or agency subject to Jurisdiction C the use of flexible hours positions. A flexible hours position is one that does not require an ordinary work schedule as determined by the Department and
includes but is not limited to: 1) a part time job of 20 hours or more per week, 2) a job which is shared by 2 employees or a compressed work week consisting of an ordinary number of working hours performed on fewer than the number of days ordinarily required to perform that job. The Department may define flexible time to include other types of jobs that are defined above.... Each department shall develop a plan for implementation of flexible work requirements designed to reduce the need for day care of employees' children outside the home.

Maine
- 5 M.R.S. § 901
  The Legislature finds that alternative working hours, including part-time work, job sharing and more flexible work schedules will lead to greater efficiency by state employees. There are many qualified and talented Maine citizens of all ages whose personal responsibilities make it difficult to work full-time or during the traditional hours of employment.

New York
- NY CLS Elder § 213
  The office shall from time to time report to the governor, and shall make an annual report to the governor and legislature… Such annual report shall also present in quantitative, as well as in qualitative, terms, a report on the quality of life of the aged in our state, including… a report on unemployment and employment of older persons, including prevalence of age discrimination in the labor market and efforts to provide education, information, and recommendations for legislation, trends toward early or later retirement, duration of unemployment by age groupings, self-employment and partial employment of older persons.

North Carolina
- N.C. Gen. Stat. § 126-76
  The State Personnel Commission shall develop a program to expand the use of work options. This program shall include training sessions for agency personnel to instruct them in the use of work options available to state employees. The State Personnel Commission shall also provide technical assistance to agency personnel in developing a Work Options Program for each agency or expanding existing programs in each agency. The Work Options Coordinator shall also identify personnel positions within the State Personnel System which can effectively be structured in job sharing or permanent part-time employment positions.

Oregon
- ORS § 185.540
  The Commission for Women shall:… a) work for equal opportunity and treatment for women in employment through an analysis of the employment policies and practices of employers, both public and private; b) evaluate the development of methods to assure fuller employment options for women including nontraditional job opportunities, child care, job sharing and flextime and part-time employment; and c) examine methods to develop greater employment opportunities and potentials for women with particular consideration for the needs of minority women, older women, rural women and displaced homemakers.

Rhode Island
  The general assembly finds: that new trends in the use of alternative work schedules in the private sector have proven beneficial to employee and employer alike; that the congress of the United States has recently enacted and the president has signed legislation lending permanence to what had been heretofore an experimental program of alternative work schedules for federal employees; that it has been determined that alternative work schedules provide greater employment opportunities for women with young children; that the fastest growing segment of the work force is the "permanent part-time" work force; that alternative work schedules present
greater job opportunity for the unemployed; that many of the fifty states now offer alternative work schedules to their state employees and that the use of alternative work schedules result in improvement in service to the public, employee morale, and efficiency of agency operations. The general assembly therefore finds that there should be optional alternate working schedules available to state employees.

- R.I. Gen. Laws § 36-3.1-4
  It is the policy of the state to offer alternative working schedules to state employees, thereby enabling the appointing authority to allow for flextime, compressed workweeks, job sharing, permanent part-time, and other alternative work plans, provided work schedule changes allow the maintaining of adequate work coverage and service to the public, in an effort to reduce commuter congestion, conserve energy, increase employee morale, increase productivity, and reduce tardiness and absenteeism. Any alternative work plans to insure compliance shall be jointly agreed to by the appointing authority and the certified bargaining representative.

Wisconsin
- Wis. Stat. § 230.215
  The legislature finds and declares:(a) that employment practices which provide flexibility in scheduling hours of work often result in increased worker productivity, reduced absenteeism, improved employee morale and a more economical and efficient use of energy, highways and other transit systems; (b) that traditional full–time work patterns fail to meet the needs of many potentially productive citizens who, due to age, health or family circumstances, are effectively prevented from engaging in full–time employment; (c) that a greater number of permanent part–time employment opportunities are necessary to allow citizens a higher level of participation in the work force and to permit a greater utilization of the skills, talents and abilities of all citizens who want to work; (d) that it is the intent of the legislature that all agencies of state government participate in developing and creating flexible–time work schedules, additional permanent part–time positions and other alternative work patterns in order to maximize, in a manner consistent with the needs of state service, the employment options available to existing and potential state employees; (e) that it is the intent of the legislature that all agencies of state government make available permanent part–time employment opportunities in classified positions.

The Network has compiled a “Bills by Theme” summary sheet on Part–Time Work to help provide an overview of the bills related to part–time work that have been proposed during the current session in various states. You can find this Part–Time Work Bills by Theme sheet at: http://wfnetwork.bc.edu/pdfs/BillsbyTheme_PartTime.pdf