

SUCCESSOR'S RATE OF CONTRIBUTIONS FOR EACH FISCAL YEAR SHALL BE BASED ON HIS EXPERIENCE WITH PAYROLLS AND BENEFITS COMBINED WITH THE EXPERIENCE OF HIS PREDECESSOR OR PREDECESSORS, AS OF THE REGULAR COMPUTATION DATE FOR THAT FISCAL YEAR. A SUCCESSOR EMPLOYER SHALL BE DEEMED TO HAVE MET THE REQUIREMENTS OF SUBSECTION (C)(2) OF THIS SECTION IF HE OR ANY ONE OF HIS PREDECESSORS HAS HAD THE EXPERIENCE WITH BENEFIT CHARGES AND PAYROLLS WHICH IS REQUIRED BY SUBSECTION (C)(2). NO SUCCESSOR EMPLOYER SHALL QUALIFY FOR A REDUCED RATE OF CONTRIBUTIONS FROM THE DATE OF TRANSFER BY VIRTUE OF SUCH TRANSFER UNLESS HE SHALL REPORT THE TRANSFER AND APPLY FOR A REDUCED RATE TO THE EXECUTIVE DIRECTOR WITHIN 120 DAYS OF THE DATE OF THE TRANSFER IN A MANNER AND FORM TO BE PRESCRIBED BY THE EXECUTIVE DIRECTOR. IN THE EVENT THE TRANSFER IS NOT REPORTED WITHIN THIS TIME, THE EARNED RATE SHALL BE ASSIGNED TO THE SUCCESSOR AS OF THE FIRST DAY OF THE FIRST QUARTER AFTER THE TRANSFER IS ACTUALLY REPORTED. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS PREVENTING THE EXECUTIVE DIRECTOR, WHERE A TRANSFER HAS OCCURRED AS DESCRIBED ABOVE, RESULTING IN A HIGHER RATE OF CONTRIBUTION TO THE SUCCESSOR EMPLOYER FROM COMBINING THE EXPERIENCE-RATING RECORD OF THE TWO EMPLOYING UNITS AND FOR PURPOSES OF RATE DETERMINATION TRANSFERRING TO THE SUCCESSOR EMPLOYER THE PAYROLL RECORD AND BENEFIT CHARGES OF THE PREDECESSOR AT ANY TIME.

*(5A) AN EMPLOYER WHO TRANSFERS ALL OR PART OF HIS OPERATIONS FROM ANOTHER STATE TO THIS STATE AND HAS HAD, IN SUCH OTHER STATE, FOR A PERIOD OF NOT LESS THAN FOUR (4) YEARS IMMEDIATELY PRECEDING THE SAID TRANSFER, THE EXPERIENCE WITH BENEFIT CHARGES AND PAYROLLS WHICH IS REQUIRED BY SUBSECTION (C)(2), SHALL BE DEEMED TO HAVE MET THE REQUIREMENTS OF SAID SUBSECTION FOR VARIANCE FROM THE STANDARD RATE, PROVIDED THE EMPLOYER SHALL MAKE APPLICATION TO THE EXECUTIVE DIRECTOR FOR SUCH TREATMENT EFFECTIVE UPON SUCH TRANSFER. THE APPLICATION SHALL INCLUDE SUCH INFORMATION AS WILL ENABLE THE EXECUTIVE DIRECTOR TO ESTABLISH AN EMPLOYER'S BENEFIT RATIO FOR SUCH EMPLOYER IN THE MANNER PRESCRIBED BY SUBSECTION (C)(3) AS IF THE BENEFIT CHARGES AND PAYROLLS IN ANOTHER STATE HAD BEEN PAID IN THIS STATE. SUCH APPLICATION SHALL ALSO BE VERIFIED IN SUCH MANNER AS IS SATISFACTORY TO THE EXECUTIVE DIRECTOR.*

(6) IN THE EVENT THAT IT IS DETERMINED BY THE EXECUTIVE DIRECTOR THAT AN INDIVIDUAL HAS RECEIVED BENEFITS WHICH ARE RECOVERABLE BY THE