

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: S3/24/11

A Bill

HOUSE BILL 1909

5 By: Representative Allen
6 By: Senator Crumbly
7

For An Act To Be Entitled

9 AN ACT TO AMEND VARIOUS PROVISIONS OF THE DEPARTMENT
10 OF WORKFORCE SERVICES LAW; TO DECLARE AN EMERGENCY;
11 AND FOR OTHER PURPOSES.
12
13

Subtitle

15 AN ACT TO AMEND VARIOUS PROVISIONS OF THE
16 DEPARTMENT OF WORKFORCE SERVICES LAW AND
17 TO DECLARE AN EMERGENCY.
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 11-10-509(a) and (b), concerning
23 eligibility of employees of educational institutions for unemployment
24 benefits, are amended to read as follows:

25 (a) With respect to service performed in an instructional, research,
26 or principal administrative capacity ~~for~~ as an employee of an educational
27 institution, benefits shall not be paid based on services for any week of
28 unemployment commencing during the period between two (2) successive academic
29 years or terms, during a similar period between two (2) regular but not
30 successive terms, or during a period of paid sabbatical leave provided for in
31 the individual's contract to any individual if:

32 (1) The individual performs the services in the first of the
33 academic years or terms; and

34 (2) There is a contract or a reasonable assurance that the
35 individual will perform services in any such capacity ~~for~~ as an employee of
36 any educational institution in the second of the academic years or terms.



1 (b)(1) With respect to services performed in any other capacity ~~for~~ as
2 an employee of an educational institution, benefits shall not be paid on the
3 basis of services to any individual for any week of unemployment that
4 commences during a period between two (2) successive academic years or terms
5 if:

6 (A) The individual performs the services in the first of
7 the academic years or terms; and

8 (B) There is a reasonable assurance that the individual
9 will perform the services in the second of the academic years or terms.

10 (2)(A) If compensation is denied to an individual under subdivision
11 (b)(1) of this section and the individual was not offered an opportunity to
12 perform the services ~~for~~ as an employee of the educational institution for
13 the second of the academic years or terms, the individual, if otherwise
14 eligible, is entitled to a retroactive payment of compensation for each week
15 for which the individual filed a timely claim for compensation and for which
16 compensation was denied solely by reason of subdivision (b)(1) of this
17 section.

18 (B) The individual shall apply for the retroactive payment
19 described in subdivision (b)(2)(A) of this section within two (2) weeks after
20 receipt of notification from the educational institution that he or she will
21 not have an opportunity to perform the services at that educational
22 institution in the second academic year or term.

23
24 SECTION 2. Arkansas Code § 11-10-514(a)(3), concerning
25 disqualification for employment benefits, is amended to read as follows:

26 (3)(A) Except as otherwise provided in this section, an
27 individual's disqualification for misconduct shall be for eight (8) weeks of
28 unemployment as defined in § 11-10-512.

29 (B) However, for a discharge that occurs ~~during the period~~
30 ~~of July 1, 2009, through June 30, 2011,~~ on or after July 1, 2009, through
31 June 30, 2013, the disqualification under subdivision (a)(3)(A) of this
32 section shall continue until, subsequent to filing a claim, he or she has had
33 at least thirty (30) days of employment covered by an unemployment
34 compensation law of this state, another state, or the United States.

35
36 SECTION 3. Arkansas Code § 11-10-532(e), concerning recovery of

1 improper unemployment payments, is amended to read as follows:

2 (e) The federal income tax refund of a person held liable to repay an
3 amount to the fund ~~as the result of a finding of fraud shall be~~ is subject to
4 interception ~~pursuant to Pub. L. No. 110-328~~ under Pub. L. No. 111-291 and
5 any rule ~~or regulation~~ adopted to implement that law.

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7 SECTION 4. Arkansas Code § 11-10-706(f)(1) and (2), concerning the
8 stabilization tax on wages paid, are amended to read as follows:

9 (f)(1)(A) Provided, however, the proceeds of the stabilization tax in
10 the amount of two and one-half hundredths of one percent (.025%) of taxable
11 wages collected during the period July 1, 2007, through June 30, ~~2011~~ 2015,
12 shall be deposited and credited to the Department of Workforce Services
13 Training Trust Fund, there to be used for worker training.

14 (B) The total amount deposited into the Department of
15 Workforce Services Training Trust Fund in any one (1) fiscal year shall not
16 exceed two million five hundred thousand dollars (\$2,500,000).

17 (2)(A) However, the proceeds of the stabilization tax in the
18 amount of two and one-half hundredths of one percent (.025%) of taxable wages
19 collected during the period July 1, 2007, through June 30, ~~2011~~ 2015, shall
20 be deposited and credited to the Department of Workforce Services
21 Unemployment Insurance Administration Fund, there to be used for operating
22 expenses of the unemployment insurance program necessary for the proper
23 administration of § 11-10-101 et seq., as determined by the Director of the
24 Department of Workforce Services.

25 (B) The total amount deposited into the Department of
26 Workforce Services Unemployment Insurance Administration Fund in any one (1)
27 fiscal year shall not exceed two million five hundred thousand dollars
28 (\$2,500,000).

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30 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the
31 General Assembly of the State of Arkansas that eligible persons might lose
32 unemployment benefits or have benefits delayed without this act; and that
33 this act is immediately necessary to ensure the prompt determination of
34 claims for unemployment benefits and the continued provision of unemployment
35 benefits and services to eligible persons. Therefore, an emergency is
36 declared to exist and this act being immediately necessary for the

1 preservation of the public peace, health, and safety shall become effective
2 on:

3 (1) The date of its approval by the Governor;

4 (2) If the bill is neither approved nor vetoed by the Governor,
5 the expiration of the period of time during which the Governor may veto the
6 bill; or

7 (3) If the bill is vetoed by the Governor and the veto is
8 overridden, the date the last house overrides the veto.

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10 */s/Allen*

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13 **APPROVED: 04/01/2011**

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