

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 454 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/8/07

A Bill

HOUSE BILL 2374

5 By: Representative Rogers
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7

For An Act To Be Entitled

9 AN ACT TO DISQUALIFY FROM UNEMPLOYMENT BENEFITS
10 AN INDIVIDUAL WHO TESTS POSITIVE FOR DRUGS WHEN
11 APPLYING FOR NEW EMPLOYMENT; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14 AN ACT TO DISQUALIFY FROM UNEMPLOYMENT
15 BENEFITS AN INDIVIDUAL WHO TESTS
16 POSITIVE FOR DRUGS WHEN APPLYING FOR NEW
17 EMPLOYMENT.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 11-10-514(b), concerning disqualification
24 for unemployment benefits after discharge for misconduct, is amended to read
25 as follows:

26 (b)(1) If he or she is discharged from his or her last work for
27 misconduct in connection with the work on account of dishonesty, drinking on
28 the job, reporting for work while under the influence of intoxicants,
29 including a controlled substance, ~~testing positive for illegal drugs pursuant~~
30 ~~to a United States Department of Transportation-qualified drug screen~~
31 ~~conducted in accordance with the employer's bona fide written drug policy,~~ or
32 willful violation of bona fide rules or customs of the employer pertaining to
33 the safety of fellow employees, persons, or company property, he or she shall
34 be disqualified from the date of filing the claim until he or she shall have
35 ten (10) weeks of employment in each of which he or she shall have earned



1 wages equal to at least his or her weekly benefit amount.

2 (2)(A) If an individual is discharged for testing positive for
 3 an illegal drug pursuant to a United States Department of Transportation-
 4 qualified drug screen conducted in accordance with the employer's bona fide
 5 written drug policy, the individual is disqualified:

6 (i) From the date of filing the claim until he or
 7 she shall have ten (10) weeks of employment in each of which he or she shall
 8 have earned wages equal to at least his or her weekly benefit amount; and

9 (ii) Until he or she passes a United States
 10 Department of Transportation-qualified drug screen by testing negative for
 11 illegal drugs.

12 (B) If an individual is disqualified under subdivision
 13 (b)(2)(A) of this section, no benefit paid to the individual with respect to
 14 any week of unemployment after the discharge shall be charged to the account
 15 of the employer that discharged the individual if the benefit is based upon
 16 wages paid to the individual for employment before the discharge by the
 17 employer that discharged the individual.

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 19 SECTION 2. Arkansas Code § 11-10-515(a), concerning disqualification
 20 for unemployment benefits for failure or refusal to apply for or accept
 21 suitable work, is amended to read as follows:

22 (a)(1)~~(A)~~ If so found by the Director of the ~~Arkansas Employment~~
 23 ~~Security Department~~ Department of Workforce Services, an individual shall be
 24 disqualified for benefits if he or she has failed without good cause:

25 ~~(A)(i)~~ To apply for available suitable work when so
 26 directed by an ~~Arkansas Employment Security Department~~ Department of
 27 Workforce Services office; or

28 ~~(B)(ii)~~ To accept available suitable work when
 29 offered~~+~~.

30 ~~(C)~~ To appear for a United States Department of
 31 Transportation-qualified drug screen after having received a bona fide job
 32 offer of suitable work subject to passage of the drug screen; or

33 ~~(D)~~ To pass a department-qualified drug screen by
 34 testing positive for illegal drugs after having received a bona fide job
 35 offer of suitable work.

36 ~~(2)(B)~~ The disqualification under subdivision (a)(1)(A) of

1 this section shall be for eight (8) weeks of unemployment as defined in § 11-
2 10-512 and shall begin with the week in which the failure to apply for or
3 accept available suitable work occurred.

4 (2)(A) An individual who applies for benefits after the
5 effective date of this act is disqualified for benefits if he or she was
6 rejected for offered employment as the direct result of a failure:

7 (i) To appear for a United States Department of
8 Transportation-qualified drug screen after having received a bona fide job
9 offer of suitable work subject to passage of the drug screen; or

10 (ii) To pass a United States Department of
11 Transportation-qualified drug screen by testing positive for an illegal drug
12 after having received a bona fide job offer of suitable work.

13 (B) The disqualification under subdivision (a)(2)(A) of
14 this section shall continue until the disqualified individual passes a United
15 States Department of Transportation-qualified drug screen by testing negative
16 for illegal drugs.

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18 /s/ Rogers

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20 APPROVED: 3/22/2007