

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.

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

A Bill

HOUSE BILL 1054

4
5 By: Representative D. Altes
6

For An Act To Be Entitled

8 AN ACT TO REQUIRE THE DEPARTMENT OF WORKFORCE
9 SERVICES TO CONDUCT REEMPLOYMENT INTERVIEWS TO
10 DETERMINE ELIGIBILITY FOR UNEMPLOYMENT BENEFITS; AND
11 FOR OTHER PURPOSES.
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Subtitle

14 TO REQUIRE THE DEPARTMENT OF WORKFORCE
15 SERVICES TO CONDUCT REEMPLOYMENT
16 INTERVIEWS TO DETERMINE ELIGIBILITY FOR
17 UNEMPLOYMENT BENEFITS.
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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 § 11-10-507 is amended to read as follows:
24 11-10-507. Eligibility – Conditions.

25 (a) An insured worker shall be eligible to receive benefits with
26 respect to any week only if the Director of the Department of Workforce
27 Services finds that:

28 (1) Claim for Benefits. He or she has made a claim for
29 benefits with respect to such week in accordance with ~~such~~ regulations as the
30 director may prescribe;

31 (2) Registration and Reporting.

32 (A) He or she has registered for work at ~~and thereafter~~
33 ~~continued to report to~~ a Department of Workforce Services office in
34 accordance with ~~such~~ regulations as the director may prescribe.

35 (B) The claimant is required to report to a department office
36 under subsection (b) of this section.



1 (C) The director, by regulation, may waive or alter ~~either~~
 2 ~~or both of~~ the requirements of this subdivision as to ~~individuals~~ claimants
 3 attached to regular jobs and ~~as to such~~ other types of cases or situations
 4 with respect to which he or she finds that compliance with these requirements
 5 would be oppressive or would be inconsistent with the purpose of this
 6 chapter. However, no such regulations shall conflict with § 11-10-501;

7 (3) Able to Work and Available for Work.

8 (A) The ~~worker~~ claimant is unemployed, is physically and
 9 mentally able to perform suitable work, and is available for such work. Mere
 10 registration and reporting at a ~~local employment~~ department office shall not
 11 be conclusive evidence of ability to work, availability for work, or
 12 willingness to accept work unless the ~~individual~~ claimant is doing those
 13 things ~~which~~ that a reasonably prudent individual would be expected to do to
 14 secure work. In determining suitable work under this section and for refusing
 15 to apply for or accept suitable work under § 11-10-515, part-time work shall
 16 be considered suitable work unless the majority of weeks of work in the
 17 period used to determine monetary eligibility is from full-time work.

18 (B) ~~Persons~~ Claimants who are on layoff and who are
 19 attending a state vocational school ~~for the purpose of upgrading or improving~~
 20 to upgrade or improve their job skills shall be considered available for
 21 employment so long as they make reasonable efforts to secure employment
 22 unless, or until, they refuse suitable employment or referral or recall to
 23 suitable work. However, no otherwise eligible ~~individual~~ claimant shall be
 24 denied benefits with respect to any week in which he or she is in training
 25 with the approval of the director by reason of the application of ~~the~~
 26 ~~provisions of~~ subdivision (a)(3)(A) of this section relating to availability
 27 for work.

28 (C) For the purpose of this subdivision (a)(3), the
 29 approval by the director of training for ~~an individual~~ a claimant shall be
 30 based on the following considerations:

31 (i) The claimant's skills must be obsolete, or the
 32 demands for his or her skills in his or her labor market must be minimal and
 33 not likely to improve;

34 (ii) The claimant must possess aptitudes or skills
 35 ~~which~~ that can be usefully supplemented within a short time by retraining;

36 (iii) The training must be for an occupation for

1 which there is a substantial and recurring demand; and

2 (iv) The claimant must produce evidence of continued
3 attendance and satisfactory progress.

4 (D) In the event of the death of ~~an individual's~~ a
5 claimant's immediate family member, the eligibility requirements of
6 availability for that ~~individual~~ claimant shall be waived for the day of the
7 death and for six (6) consecutive calendar days thereafter. For the purposes
8 of this subdivision (a)(3), "immediate family member" means a spouse, child,
9 parent, brother, sister, grandchild, or grandparent of the ~~individual~~
10 claimant.

11 (E) ~~An individual~~ A claimant on short-term layoff who
12 expects to be recalled by his or her employer to a full-time job and whose
13 employer intends to recall the ~~individual~~ claimant to a full-time job within
14 ten (10) weeks after the initial date of his or her layoff shall not be
15 required during the layoff to register for work at a department office or to
16 seek other work.

17 (F) ~~Any individual~~ A claimant who is not actively engaged
18 in seeking work because he or she is before any court of the United States or
19 of any state pursuant to a lawfully issued summons to appear for jury duty
20 shall not be disqualified under this subdivision (a)(3).

21 (G) ~~No individual~~ A claimant shall not be considered
22 unavailable for work under this subdivision (a)(3) during the entire week if
23 he or she is required to withdraw from the labor market for less than four
24 (4) days of the week because of a compelling personal emergency.

25 (H) The ~~individual~~ claimant participates in reemployment
26 services, such as job search assistance services, if the ~~individual~~ claimant
27 has been determined to be likely to exhaust regular benefits and to need
28 reemployment services pursuant to a profiling system established by the
29 director, as provided for in § 4 of Pub. L. No. 103-152, unless the director
30 determines that:

31 (i) The ~~individual~~ claimant has completed ~~such the~~
32 reemployment services; or

33 (ii) There is justifiable cause for the claimant's
34 failure to participate in ~~such the~~ reemployment services;

35 (4) Waiting Period. He or she has been unemployed for a
36 waiting period of one (1) week. A week shall not be counted as a week of

1 unemployment for the purposes of this subdivision (a)(4):

2 (A) Unless it occurs within the benefit year ~~which that~~
3 includes the week with respect to which he or she claims payment of benefits;

4 (B) If benefits have been paid with respect ~~thereto to~~
5 that week; and

6 (C) Unless the ~~individual claimant~~ was eligible for
7 benefits with respect ~~thereto to that week~~ as provided in this section and §§
8 11-10-512 – 11-10-519, except for the requirements of this subdivision
9 (a)(4); and

10 (5)(A) Qualifying Wages. For any benefit year, he or she has
11 during his or her base period been paid wages in at least two (2) quarters of
12 his or her base period for insured work, and the total wages paid during his
13 or her base period equal not less than twenty-seven (27) times his or her
14 weekly benefit amount.

15 (B) Requalifying Wages. For all benefit years, no
16 ~~individual claimant~~ may requalify on a succeeding benefit year claim unless
17 he or she has been paid wages for insured work equal to not less than twenty-
18 seven (27) times his or her weekly benefit amount and has wages paid for
19 insured work in at least two (2) calendar quarters of his or her base period
20 and, subsequent to filing the claim ~~which that~~ established his or her
21 previous benefit year, he or she has had insured work and was paid wages for
22 work equal to three (3) times his or her weekly benefit amount.

23 (C) With respect to weeks of unemployment, wages for
24 insured work shall include wages paid for previously uncovered services. For
25 the purposes of this section, ~~the term~~ “previously uncovered services” means
26 services:

27 (i) ~~Which That~~ were not employment as defined in §
28 11-10-210(a) and were not services covered ~~pursuant to~~ under § 11-10-210(d)
29 at any time during the one-year period; and

30 (ii) ~~Which That~~ are:

31 (a) Agricultural labor, as defined in § 11-10-
32 210(f)(1); or

33 (b) Services performed by an employee of a
34 political subdivision of this state, as provided in § 11-10-210(a)(2)(B), or
35 by an employee of a nonprofit educational institution ~~which that~~ is not an
36 institution of higher education, as provided in § 11-10-210(a)(3), except to

1 the extent that assistance under Title II of the Emergency Jobs and
2 Unemployment Assistance Act of 1974 was paid on the basis of such services.

3 (D) For the purpose of this subdivision (a)(5), wages
4 shall be counted as "wages for insured work" for benefit purposes with
5 respect to any benefit year only if the benefit year begins ~~subsequent to~~
6 after the date on which the employing unit by which the wages were paid has
7 satisfied the conditions of § 11-10-209 with respect to becoming an employer.

8 (b)(1) In order to monitor the progress of the work search efforts of
9 a claimant and his or her continued eligibility for benefits, the department
10 shall conduct biweekly interviews with claimants, consisting of the
11 following:

12 (A) A review of the claimant's work search efforts during
13 the preceding two-week period; and

14 (B) A discussion of the claimant's plans for finding work
15 in the upcoming two-week period.

16 (2) In addition to other requirements under this subchapter,
17 when making a determination of a claimant's eligibility or disqualification
18 for benefits, the director shall consider:

19 (A) The claimant's attendance and participation in
20 the biweekly interviews; and

21 (B) Documentation held by the department that shows
22 evidence of the claimant's work search efforts or lack thereof.

23 (3) The director shall promulgate regulations to implement
24 this subsection.

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