

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

As Engrossed: H3/23/11

A Bill

HOUSE BILL 2127

5 By: Representatives Clemmer, Barnett, Benedict, Branscum, Collins-Smith, J. Dickinson, English,
6 Hickerson, Jean, Lampkin, Sanders, Steel, Vines, Webb, Westerman, Wright
7

For An Act To Be Entitled

9 AN ACT TO EXTEND THE TIME FOR EMPLOYERS TO RESPOND TO
10 APPLICATIONS FOR UNEMPLOYMENT BENEFITS; TO PROVIDE
11 FOR ONLINE NOTICE OF APPLICATIONS FOR UNEMPLOYMENT
12 BENEFITS; AND FOR OTHER PURPOSES.
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Subtitle

15 AN ACT TO EXTEND THE TIME FOR EMPLOYERS
16 TO RESPOND TO APPLICATIONS FOR
17 UNEMPLOYMENT BENEFITS AND TO PROVIDE FOR
18 ONLINE NOTICE OF APPLICATIONS FOR
19 UNEMPLOYMENT BENEFITS.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 11-10-505 is amended to read as follows:

26 11-10-505. Failure of base-period employer to respond.

27 (a)(1)(A) A notice to the base-period employer shall be mailed, posted
28 online, or both, promptly to each employer appearing on the claimant's
29 monetary determination as a base-period employer.

30 (B) Employers may choose to receive and respond to notice
31 under this section through the mail or online, or both.

32 (2)(A) If any base-period employer fails to respond to the
33 notice to the base-period employer within ~~such time as the Director of the~~
34 ~~Arkansas Employment Security Department shall by regulation prescribe~~ fifteen
35 (15) calendar days, the employer shall be deemed to have waived the
36 employer's right to respond.



1 (B) ~~The director~~ Director of the Department of Workforce
2 Services may accept the statement given by the claimant as his or her reason
3 for separation from the base-period employer and may base his or her
4 determination on the statement given by the claimant.

5 (b) ~~The director is authorized to establish such rules and regulations~~
6 ~~as may be~~ shall adopt rules necessary to carry out ~~the provisions of~~ this
7 section.

8 (c) On or before January 1, 2012, the director shall make available on
9 the website of the Department of Workforce Services a program that will allow
10 employers the option to receive and respond to notice under this section.

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12 SECTION 2. *Arkansas Code § 11-10-521 is amended to read as follows:*
13 *11-10-521. Claims – Filing – Notice to last employer.*

14 (a) *Claims for benefits shall be made in accordance with ~~such~~*
15 *regulations ~~as~~ the Director of the ~~Arkansas Employment Security Department~~*
16 *~~may prescribe~~ of Workforce Services prescribes.*

17 (b)(1)(A) ~~In accordance with such regulation as the director may~~
18 ~~prescribe,~~ A notice of the filing of an initial claim shall be immediately
19 mailed or posted online under subsection (c) of this section, or both, to the
20 employing unit known to the claimant as his or her last employer.

21 (B) An employer notified under subdivision (b)(1)(A) of
22 this section may choose to receive and respond to notice under this section
23 through the mail or through the online program under subsection (c) of this
24 section, or both.

25 (2)(A) If a last employer fails to respond within ten (10)
26 calendar days to a notice under this section, the last employer shall be
27 deemed to have waived the right to respond.

28 (B) If a last employer's right to respond has been deemed
29 waived under subdivision (2)(A) of this section, the director may accept the
30 statement given by the claimant as his or her reason for separation from the
31 last employer and may base his or her determination on the statement given by
32 the claimant.

33 (c) On or before January 1, 2012, the director shall make available on
34 the website of the Department of Workforce Services a program that will allow
35 employers the option to receive and respond to notice under this section.

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/s/Clemmer

APPROVED: 04/06/2011