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2 89th General Assembly
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A Bill

DRAFT ANS/NJR
HOUSE BILL

4 By: Representative D. Altes

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6
7 Filed with: Arkansas Legislative Council
8 pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

9 AN ACT TO REQUIRE THE DEPARTMENT OF WORKFORCE
10 SERVICES TO CONDUCT REEMPLOYMENT INTERVIEWS TO
11 DETERMINE ELIGIBILITY FOR UNEMPLOYMENT BENEFITS; AND
12 FOR OTHER PURPOSES.
13

Subtitle

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16 TO REQUIRE THE DEPARTMENT OF WORKFORCE
17 SERVICES TO CONDUCT REEMPLOYMENT
18 INTERVIEWS TO DETERMINE ELIGIBILITY FOR
19 UNEMPLOYMENT BENEFITS.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24
25 SECTION 1. Arkansas Code § 11-10-507 is amended to read as follows:

26 11-10-507. Eligibility – Conditions.

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

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

33 (2) Registration and Reporting.

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

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

3 (C) The director, by regulation, may waive or alter either
 4 or both of the requirements of this subdivision (a)(2) as to individuals
 5 claimants attached to regular jobs and as to such other types of cases or
 6 situations with respect to which he or she finds that compliance with these
 7 requirements would be oppressive or would be inconsistent with the purpose of
 8 this chapter. However, no such regulations shall not conflict with § 11-10-
 9 501;

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

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

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

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

34 (i) The claimant's skills ~~must be~~ are obsolete, or
 35 the demands for his or her skills in his or her labor market ~~must be~~ are
 36 minimal and not likely to improve;

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

4 (iii) The training ~~must be~~ is for an occupation for
5 which there is a substantial and recurring demand; and

6 (iv) The claimant ~~must produce~~ produces evidence of
7 continued attendance and satisfactory progress.

8 (D)(i) In the event of the death of ~~an individual's a~~
9 claimant's immediate family member, the eligibility requirements of
10 availability for that ~~individual claimant shall be~~ are waived for the day of
11 the death and for six (6) consecutive calendar days thereafter.

12 (ii) ~~For the purposes of As used in~~ this subdivision
13 (a)(3)(D), "immediate family member" means a spouse, child, parent, brother,
14 sister, grandchild, or grandparent of the ~~individual claimant~~.

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

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

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

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

35 (i) The ~~individual claimant~~ claimant has completed ~~such the~~
36 reemployment services; or

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

3 (4) Waiting Period. He or she ~~has been~~ is unemployed for a
4 waiting period of one (1) week. A week ~~shall not be~~ is not counted as a week
5 of unemployment for the purposes of this subdivision (a)(4):

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

8 (B) If benefits have been paid with respect ~~thereto~~ to the
9 week; and

10 (C) Unless the ~~individual~~ claimant was eligible for
11 benefits with respect ~~thereto~~ to the week as provided in this section and §§
12 11-10-512 – 11-10-519, except for the requirements of this subdivision
13 (a)(4); and

14 (5)(A) Qualifying Wages. For any benefit year, he or she has
15 during his or her base period been paid wages in at least two (2) quarters of
16 his or her base period for insured work, and the total wages paid during his
17 or her base period equal ~~not less than~~ at least thirty-five (35) times his or
18 her weekly benefit amount.

19 (B) Requalifying Wages. For all benefit years, ~~an~~
20 ~~individual~~ a claimant ~~shall not~~ may not requalify on a succeeding benefit
21 year claim unless he or she has been paid wages for insured work equal to ~~not~~
22 ~~less than~~ at least thirty-five (35) times his or her weekly benefit amount
23 and has wages paid for insured work in at least two (2) calendar quarters of
24 his or her base period and, subsequent to filing the claim ~~which~~ that
25 established his or her previous benefit year, he or she has had insured work
26 and was paid wages for work equal to eight (8) times his or her weekly
27 benefit amount.

28 (C) With respect to weeks of unemployment, wages for
29 insured work ~~shall~~ include wages paid for previously uncovered services. For
30 the purposes of this section, ~~the term~~ "previously uncovered services" means
31 services:

32 (i) ~~Which~~ That were not employment as defined in §
33 11-10-210(a) and were not services covered ~~pursuant to~~ under § 11-10-210(d)
34 at any time during the one-year period; and

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

1 (a) Agricultural labor, as defined in § 11-10-
2 210(f)(1); or

3 (b) Services performed by an employee of a
4 political subdivision of this state, as provided in § 11-10-210(a)(2)(B), or
5 by an employee of a nonprofit educational institution ~~which~~ that is not an
6 institution of higher education, as provided in § 11-10-210(a)(3), except to
7 the extent that assistance under Title II of the Emergency Jobs and
8 Unemployment Assistance Act of 1974 was paid on the basis of such services.

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

14 (b)(1) In order to monitor the progress of the work search efforts of
15 a claimant and his or her continued eligibility for benefits, the department
16 shall conduct biweekly interviews with a claimant that consist of the
17 following:

18 (A) A review of the claimant’s work search efforts during
19 the preceding two-week period; and

20 (B) A discussion of the claimant’s plans for finding work
21 in the upcoming two-week period.

22 (2) In addition to other requirements under this subchapter,
23 when making a determination of a claimant’s eligibility or disqualification
24 for benefits, the director shall consider:

25 (A) The claimant’s attendance and participation in
26 the biweekly interviews; and

27 (B) Documentation held by the department that shows
28 evidence of the claimant’s work search efforts or lack thereof.

29 (3) The director shall adopt rules to implement this subsection.

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34 Referral requested by: Representative Denny Altus

35 Prepared by: ANS/NJR

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