

2 State of Arkansas
3 89th General Assembly
4 Regular Session, 2013

A Bill

SENATE BILL 1112

5
6 By: Senator R. Thompson

7 Filed with: Interim Senate Committee on Public Health, Welfare and Labor
8 pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

9
10 AN ACT TO RESTORE THE LANGUAGE OF THE ARKANSAS CODE
11 AS IT EXISTED BEFORE PASSAGE ACT 1040 OF 2011
12 CONCERNING UNEMPLOYMENT BENEFITS; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16 TO RESTORE THE LANGUAGE OF THE ARKANSAS
17 CODE AS IT EXISTED BEFORE PASSAGE ACT
18 1040 OF 2011 CONCERNING UNEMPLOYMENT
19 BENEFITS.
20
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24
25 SECTION 1. Arkansas Code § 11-10-509(a) and (b), concerning
26 eligibility of employees of educational institutions for unemployment
27 benefits, are amended to read as follows:

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

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

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

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

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

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

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

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

26
27 SECTION 2. Arkansas Code § 11-10-514(a)(3), concerning
28 disqualification for employment benefits, is amended to read as follows:

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

32 (B) However, for a discharge that occurs ~~on or after July~~
33 ~~1, 2009, through June 30, 2013~~ during the period of July 1, 2009, through
34 June 30, 2011, the disqualification under subdivision (a)(3)(A) of this
35 section shall continue until, subsequent to filing a claim, he or she has had

1 at least thirty (30) days of employment covered by an unemployment
2 compensation law of this state, another state, or the United States.

3 (C) Misconduct includes violation of any behavioral
4 policies of the employer as distinguished from deficiencies in meeting
5 production standards or accomplishing job duties.

6
7 SECTION 3. Arkansas Code § 11-10-532(e), concerning recovery of
8 improper unemployment payments, is amended to read as follows:

9 (e) The federal income tax refund of a person held liable to repay an
10 amount to the fund as the result of a finding of fraud is subject to
11 interception under ~~Pub. L. No. 111-291~~ Pub. L. No. 110-328 and any rule
12 adopted to implement that law.

13
14 SECTION 4. Arkansas Code § 11-10-706(f)(1) and (2), concerning the
15 stabilization tax on wages paid, are amended to read as follows:

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

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

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

32 (B) The total amount deposited into the Department of
33 Workforce Services Unemployment Insurance Administration Fund in any one (1)
34 fiscal year shall not exceed two million five hundred thousand dollars
35 (\$2,500,000).

36

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

Referred by the Arkansas Senate

Prepared by: MGF/VJF