

State of Arkansas  
86th General Assembly  
Regular Session, 2007

# A Bill

HOUSE BILL 2374

By: Representative Rogers

## For An Act To Be Entitled

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

## Subtitle

AN ACT TO DISQUALIFY FROM UNEMPLOYMENT  
BENEFITS AN INDIVIDUAL WHO TESTS  
POSITIVE FOR DRUGS WHEN APPLYING FOR NEW  
EMPLOYMENT.

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

SECTION 1. Arkansas Code § 11-10-514(b), concerning disqualification for unemployment benefits after discharge for misconduct, is amended to read as follows:

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



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

5           (B) The disqualification under subdivision (b)(2)(A) of  
 6 this section shall continue until the disqualified individual passes a United  
 7 States Department of Transportation-qualified drug screen by testing negative  
 8 for illegal drugs.

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

15  
 16           SECTION 2. Arkansas Code § 11-10-515(a), concerning disqualification  
 17 for unemployment benefits for failure or refusal to apply for or accept  
 18 suitable work, is amended to read as follows:

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

22                   ~~(A)(i)~~ To apply for available suitable work when so  
 23 directed by ~~an Arkansas Employment Security Department~~ a Department of  
 24 Workforce Services office; or

25                   ~~(B)(ii)~~ To accept available suitable work when  
 26 offered~~+~~.

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

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

33           ~~(2)(B)~~ The disqualification under subdivision (a)(1)(A) of  
 34 this section shall be for eight (8) weeks of unemployment as defined in § 11-  
 35 10-512 and shall begin with the week in which the failure to apply for or  
 36 accept available suitable work occurred.

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

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

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

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