

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

*As Engrossed: S3/24/11*  
**A Bill**

HOUSE BILL 1909

5 By: Representative Allen  
6 By: Senator Crumbly  
7

**For An Act To Be Entitled**

9 AN ACT TO AMEND VARIOUS PROVISIONS OF THE DEPARTMENT  
10 OF WORKFORCE SERVICES LAW; TO DECLARE AN EMERGENCY;  
11 AND FOR OTHER PURPOSES.  
12  
13

**Subtitle**

15 AN ACT TO AMEND VARIOUS PROVISIONS OF THE  
16 DEPARTMENT OF WORKFORCE SERVICES LAW AND  
17 TO DECLARE AN EMERGENCY.  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

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

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

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

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



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

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

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

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

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

23  
24 SECTION 2. Arkansas Code § 11-10-514(a)(3), concerning  
25 disqualification for employment benefits, is amended to read as follows:

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

29 (B) However, for a discharge that occurs ~~during the period~~  
30 ~~of July 1, 2009, through June 30, 2011,~~ on or after July 1, 2009, through  
31 June 30, 2013, the disqualification under subdivision (a)(3)(A) of this  
32 section shall continue until, subsequent to filing a claim, he or she has had  
33 at least thirty (30) days of employment covered by an unemployment  
34 compensation law of this state, another state, or the United States.

35  
36 SECTION 3. Arkansas Code § 11-10-532(e), concerning recovery of

1 improper unemployment payments, is amended to read as follows:

2 (e) The federal income tax refund of a person held liable to repay an  
3 amount to the fund ~~as the result of a finding of fraud shall be~~ is subject to  
4 interception ~~pursuant to Pub. L. No. 110-328~~ under Pub. L. No. 111-291 and  
5 any rule ~~or regulation~~ adopted to implement that law.

6  
7 SECTION 4. Arkansas Code § 11-10-706(f)(1) and (2), concerning the  
8 stabilization tax on wages paid, are amended to read as follows:

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

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

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

25 (B) The total amount deposited into the Department of  
26 Workforce Services Unemployment Insurance Administration Fund in any one (1)  
27 fiscal year shall not exceed two million five hundred thousand dollars  
28 (\$2,500,000).

29  
30 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the  
31 General Assembly of the State of Arkansas that eligible persons might lose  
32 unemployment benefits or have benefits delayed without this act; and that  
33 this act is immediately necessary to ensure the prompt determination of  
34 claims for unemployment benefits and the continued provision of unemployment  
35 benefits and services to eligible persons. Therefore, an emergency is  
36 declared to exist and this act being immediately necessary for the

1 preservation of the public peace, health, and safety shall become effective  
2 on:

3 (1) The date of its approval by the Governor;

4 (2) If the bill is neither approved nor vetoed by the Governor,  
5 the expiration of the period of time during which the Governor may veto the  
6 bill; or

7 (3) If the bill is vetoed by the Governor and the veto is  
8 overridden, the date the last house overrides the veto.

9

10 */s/Allen*

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