

State of Arkansas  
89th General Assembly  
Regular Session, 2013

# A Bill

SENATE BILL 1112

By: Senator R. Thompson

## For An Act To Be Entitled

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

## Subtitle

TO RESTORE THE LANGUAGE OF THE ARKANSAS  
CODE AS IT EXISTED BEFORE PASSAGE ACT  
1040 OF 2011 CONCERNING UNEMPLOYMENT  
BENEFITS.

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

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

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

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

(2) There is a contract or a reasonable assurance that the  
individual will perform services in any such capacity ~~as an employee of~~ for



1 any educational institution in the second of the academic years or terms.

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

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

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

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

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

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

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

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

36 (C) Misconduct includes violation of any behavioral

1 policies of the employer as distinguished from deficiencies in meeting  
2 production standards or accomplishing job duties.

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

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

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

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

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

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

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