

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1575

5 By: Representatives Burkes, Underwood
6 By: Senator C. Penzo
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE DIVISION OF WORKFORCE SERVICES
10 LAW; TO CREATE THE ARKANSAS REEMPLOYMENT ACT; TO
11 REQUIRE AT LEAST FIVE WORK SEARCH CONTACTS PER
12 BUSINESS DAY DURING A WEEK AN INDIVIDUAL SUBMITS A
13 CLAIM FOR UNEMPLOYMENT BENEFITS; AND FOR OTHER
14 PURPOSES.
15

Subtitle

16 TO CREATE THE ARKANSAS REEMPLOYMENT ACT.
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. DO NOT CODIFY. Title.
22 This act shall be known and may be cited as the "Arkansas Reemployment
23 Act".
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26 SECTION 2. Arkansas Code § 11-10-507 is amended to read as follows:
27 11-10-507. Eligibility – Conditions – Definitions.
28

29 (a) An insured worker shall be eligible to receive benefits with
30 respect to any week only if the Director of the Division of Workforce
31 Services finds that:

32 (1) Claim for Benefits. He or she has made a claim for benefits
33 with respect to such week in accordance with such rules as the director may
34 prescribe;

35 (2) Registration and Reporting. He or she has registered for
36 work at and thereafter continued to report to a Division of Workforce



1 Services office in accordance with such rules as the director may prescribe.
2 The director, by rule, may waive or alter either or both of the requirements
3 of this subdivision (a)(2) as to individuals attached to regular jobs and as
4 to such other types of cases or situations with respect to which he or she
5 finds that compliance with these requirements would be oppressive or would be
6 inconsistent with the purpose of this chapter. However, no such rules shall
7 conflict with § 11-10-501;

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

9 (A)(i) The worker is unemployed, is physically and
10 mentally able to perform suitable work, and is available for the work. Mere
11 registration and reporting at a local employment office shall not be
12 conclusive evidence of ability to work, availability for work, or willingness
13 to accept work unless the individual is doing those things which a reasonably
14 prudent individual would be expected to do to secure work.

15 (ii) In determining suitable work under this section
16 and for refusing to apply for or accept suitable work under § 11-10-515,
17 part-time work shall be considered suitable work unless the majority of weeks
18 of work in the period used to determine monetary eligibility are from full-
19 time work.

20 (iii) In determining suitable work under this
21 section or under § 11-10-515 for a worker who is on an approved medical leave
22 from his or her last employer due to the unavailability of light-duty work,
23 light-duty work shall be considered suitable work unless the majority of the
24 number of weeks of work within the period used to determine monetary
25 eligibility were weeks spent performing work that the worker is currently
26 unable to perform due to his or her medical restrictions.

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

36 (C) For the purpose of this subdivision (a)(3), the

1 approval by the director of training for an individual shall be based on the
2 following considerations:

3 (i) The claimant's skills must be obsolete, or the
4 demands for his or her skills in his or her labor market must be minimal and
5 not likely to improve;

6 (ii) The claimant must possess aptitudes or skills
7 which can be usefully supplemented within a short time by retraining;

8 (iii) The training must be for an occupation for
9 which there is a substantial and recurring demand; and

10 (iv) The claimant must produce evidence of continued
11 attendance and satisfactory progress.

12 (D) In the event of the death of an individual's immediate
13 family member, the eligibility requirements of availability for that
14 individual shall be waived for the day of the death and for six (6)
15 consecutive calendar days thereafter. For the purposes of this subdivision
16 (a)(3), "immediate family member" means a spouse, child, parent, brother,
17 sister, grandchild, or grandparent of the individual.

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

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

27 (G) No individual shall be considered unavailable for work
28 under this subdivision (a)(3) during the entire week if he or she is required
29 to withdraw from the labor market for less than four (4) days of the week
30 because of a compelling personal emergency.

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

36 (i) The individual has completed such services; or

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

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

6 (A) Unless it occurs within the benefit year which
 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; and

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

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

17 (B) Requalifying Wages. For all benefit years, an
 18 individual shall not requalify on a succeeding benefit year claim unless he
 19 or she has been paid wages for insured work equal to not less than thirty-
 20 five (35) times his or her weekly benefit amount and has wages paid for
 21 insured work in at least two (2) calendar quarters of his or her base period
 22 and, subsequent to filing the claim that established his or her previous
 23 benefit year, he or she has had insured work and was paid wages for insured
 24 work equal to ten (10) times his or her weekly benefit amount.

25 (C) With respect to weeks of unemployment, wages for
 26 insured work shall include wages paid for previously uncovered services. For
 27 the purposes of this section, the term “previously uncovered services” means
 28 services:

29 (i) Which were not employment as defined in § 11-10-
 30 210(a) and were not services covered pursuant to § 11-10-210(d) at any time
 31 during the one-year period; and

32 (ii) Which are:

33 (a) Agricultural labor, as defined in § 11-10-
 34 210(f)(1); or

35 (b) Services performed by an employee of a
 36 political subdivision of this state, as provided in § 11-10-210(a)(2)(B), or

1 by an employee of a nonprofit educational institution which is not an
 2 institution of higher education, as provided in § 11-10-210(a)(3), except to
 3 the extent that assistance under Title II of the Emergency Jobs and
 4 Unemployment Assistance Act of 1974 was paid on the basis of such services.

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

10 (b)(1) Notwithstanding subdivision (a)(3) of this section, the
 11 division shall require at least five (5) work search contacts per business
 12 day for a week in which an individual submits a claim for benefits.

13 (2) If an individual fails to complete the number of work search
 14 contacts required under subdivision (b)(1) of this section during a week in
 15 which he or she submits a claim for benefits, the individual is not eligible
 16 for benefits for that week.

17 (3) The division shall audit at least one hundred (100) of all
 18 weekly work search reports for work search verification each week.

19 (c) As used in this section, "work search contact" includes without
 20 limitation the following actions if done for the purposes of securing
 21 employment:

- 22 (1) Completing and submitting a resume to an employer;
- 23 (2) Attending and completing an interview with an employer;
- 24 (3) Attending a job fair; or
- 25 (4) Participating in job skill training at a workforce center.

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 27 SECTION 3. DO NOT CODIFY. EFFECTIVE DATE. This act is effective on
 28 and after January 1, 2024.