

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

# A Bill

HOUSE BILL 1032

5 By: Representative D. Altes  
6

## For An Act To Be Entitled

8 AN ACT TO REQUIRE THE DEPARTMENT OF WORKFORCE  
9 SERVICES TO CONDUCT REEMPLOYMENT INTERVIEWS TO  
10 DETERMINE ELIGIBILITY FOR UNEMPLOYMENT BENEFITS; AND  
11 FOR OTHER PURPOSES.  
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## Subtitle

14 TO REQUIRE THE DEPARTMENT OF WORKFORCE  
15 SERVICES TO CONDUCT REEMPLOYMENT  
16 INTERVIEWS TO DETERMINE ELIGIBILITY FOR  
17 UNEMPLOYMENT BENEFITS.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 11-10-507 is amended to read as follows:  
24 11-10-507. Eligibility – Conditions.

25 (a) An insured worker shall be eligible to receive benefits with  
26 respect to any week only if the Director of the Department of Workforce  
27 Services finds that:

28 (1) Claim for Benefits. He or she has made a claim for benefits  
29 with respect to such week in accordance with ~~such regulations~~ rules as the  
30 director may prescribe;

31 (2) Registration and Reporting.

32 (A) He or she has registered for work at ~~and thereafter~~  
33 ~~continued to report to~~ a Department of Workforce Services office in  
34 accordance with ~~such regulations as~~ rules the director may prescribe.

35 (B) The claimant is required to report to a Department of  
36 Workforce Services office under subsection (b) of this section.



1                   (C) The director, by ~~regulation~~ rule, may waive or alter  
 2 ~~either or both of~~ the requirements of this subdivision (a)(2)(C) as to  
 3 ~~individuals~~ claimants attached to regular jobs and ~~as to such~~ other types of  
 4 cases or situations with respect to which he or she finds that compliance  
 5 with these requirements would be oppressive or would be inconsistent with the  
 6 purpose of this chapter. However, ~~no such regulations~~ rules shall not  
 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 such work.

11                   (ii) Mere registration and reporting at a local  
 12 employment office ~~shall not be~~ is not conclusive evidence of ability to work,  
 13 availability for work, or willingness to accept work unless the individual is  
 14 doing those things which a reasonably prudent individual would be expected to  
 15 do to secure work.

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

21                   (B) ~~Persons~~ A claimant who is on layoff and who ~~are~~ is  
 22 attending a state vocational school ~~for the purpose of upgrading or improving~~  
 23 ~~their~~ his or her job skills shall be considered available for employment so  
 24 long as ~~they make~~ he or she makes reasonable efforts to secure employment  
 25 unless, ~~or until, they refuse~~ he or she refuses suitable employment or  
 26 referral or recall to suitable work. However, ~~no otherwise eligible~~  
 27 ~~individual shall~~ an otherwise eligible claimant shall not be denied benefits  
 28 with respect to any week in which he or she is in training with the approval  
 29 of the director by reason of the application of ~~the provisions of~~  
 30 (a)(3)(A) of this section relating to availability for work.

31                   (C) For the purpose of this subdivision (a)(3), the  
 32 approval by the director of training for ~~an individual~~ a claimant shall be  
 33 based on the following considerations:

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

1 (ii) The claimant must possess aptitudes or skills  
2 ~~which~~ that can be usefully supplemented within a short time by retraining;

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

5 (iv) The claimant must produce evidence of continued  
6 attendance and satisfactory progress.

7 (D)~~(1)~~ In the event of the death of ~~an individual's~~ a  
8 claimant's immediate family member, the eligibility requirements of  
9 availability for that ~~individual~~ claimant shall be waived for the day of the  
10 death and for six (6) consecutive calendar days thereafter.

11 ~~(2) For the purposes of~~ As used in this subdivision  
12 (a)(3), "immediate family member" means a spouse, child, parent, brother,  
13 sister, grandchild, or grandparent of the ~~individual~~ claimant.

14 (E) ~~An individual~~ A claimant on short-term layoff who  
15 expects to be recalled by his or her employer to a full-time job and whose  
16 employer intends to recall the ~~individual~~ claimant to a full-time job within  
17 ten (10) weeks after the initial date of his or her layoff shall not be  
18 required during the layoff to register for work at a ~~department~~ Department of  
19 Workforce Services office or to seek other work.

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

24 (G) ~~No individual~~ A claimant shall not be considered  
25 unavailable for work under this subdivision (a)(3) during the entire week if  
26 he or she is required to withdraw from the labor market for ~~less~~ fewer than  
27 four (4) days of the week because of a compelling personal emergency.

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

34 (i) The ~~individual~~ claimant has completed ~~such~~ the  
35 reemployment services; or

36 (ii) There is justifiable cause for the claimant's

1 failure to participate in ~~such~~ the reemployment services;

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

5 (A) Unless it occurs within the benefit year ~~which that~~  
6 includes the week with respect to which he or she claims payment of benefits;

7 (B) If benefits have been paid with respect ~~thereto to~~  
8 that week; and

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

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

18 (B) Requalifying Wages. For all benefit years, ~~an~~  
19 ~~individual~~ a claimant shall not requalify on a succeeding benefit year claim  
20 unless he or she has been paid wages for insured work equal to not less than  
21 thirty-five (35) times his or her weekly benefit amount and has wages paid  
22 for insured work in at least two (2) calendar quarters of his or her base  
23 period and, subsequent to filing the claim that established his or her  
24 previous benefit year, he or she has had insured work and was paid wages for  
25 work equal to eight (8) times his or her weekly benefit amount.

26 (C)(1) With respect to weeks of unemployment, wages for  
27 insured work shall include wages paid for previously uncovered services.

28 (2) ~~For the purposes of~~ As used in this section, ~~the~~  
29 ~~term~~ “previously uncovered services” means services:

30 (i) ~~Which~~ That were not employment as defined  
31 in § 11-10-210(a) and were not services covered ~~pursuant to~~ under § 11-10-  
32 210(d) at any time during the one-year period; and

33 (ii) ~~Which~~ That are:

34 (a) Agricultural labor, as defined in §  
35 11-10-210(f)(1); or

36 (b) Services performed by an employee of

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

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

11 (b)(1) In order to monitor the progress of the work search efforts of  
12 a claimant and his or her continued eligibility for benefits, the Department  
13 of Workforce Services shall conduct biweekly interviews with claimants,  
14 consisting of the following:

15 (A) A review of the claimant’s work search efforts during  
16 the preceding two-week period; and

17 (B) A discussion of the claimant’s plans for finding work  
18 in the upcoming two-week period.

19 (2) In addition to other requirements under this subchapter,  
20 when making a determination of a claimant’s eligibility or disqualification  
21 for benefits, the director shall consider:

22 (A) The claimant’s attendance and participation in  
23 the biweekly interviews; and

24 (B) Documentation held by the Department of Workforce  
25 Services that shows evidence of the claimant’s work search efforts or lack  
26 thereof.

27 (3) The director shall promulgate regulations to implement this  
28 subsection.

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