

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 481

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1366, IDAHO CODE, TO REQUIRE CERTAIN WORK SEARCH ACTIONS, TO PROVIDE ACCEPTABLE WORK SEARCH ACTIONS, TO REQUIRE CERTAIN REPORTING, TO REQUIRE THAT SUITABLE WORK BE ACCEPTED WITHIN A CERTAIN AMOUNT OF TIME, TO PROVIDE FOR THE REPORTING OF VIOLATIONS, TO REVISE A PROVISION REGARDING REESTABLISHMENT OF ELIGIBILITY, TO REVISE A PROVISION REGARDING ELIGIBILITY IN TWO SUCCESSIVE BENEFIT YEARS, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 72-1366, Idaho Code, be, and the same is hereby amended to read as follows:

72-1366. PERSONAL ELIGIBILITY CONDITIONS. The personal eligibility conditions of a benefit claimant are that:

(1) The claimant shall have made a claim for benefits and provided all necessary information pertinent to eligibility.

(2) The claimant shall have registered for work and thereafter reported to a job service office or other agency in a manner prescribed by the director.

(3) The claimant shall have met the minimum wage requirements in his base period as provided in section 72-1367, Idaho Code.

(4) (a) During the whole of any week with respect to which he claims benefits or credit to his waiting period, the claimant was:

(i) Able to work, available for suitable work, and seeking work by conducting five (5) work search actions per week; provided, however, that no claimant shall be considered ineligible for failure to comply with the provisions of this subsection if:

1. Such failure is due to a claimant's illness or disability of ~~not~~ no more than four (4) weeks that arises after filing a claim, provided that during such illness or disability, the claimant does not refuse or miss suitable work that would have provided wages greater than one-half (1/2) of the claimant's weekly benefit amount; or

2. Such failure is due to compelling personal circumstances, provided that such failure does not exceed a minor portion of the claimant's workweek and during which time the claimant does not refuse or miss suitable work that would have provided wages greater than one-half (1/2) of the claimant's weekly benefit amount; and

(ii) Living in a state, territory, or country that is included in the interstate benefit payment plan or that is a party to an agree-

1 ment with the United States or the director with respect to unem-
2 ployment insurance.

3 **(b) A claimant must report his work search actions at least weekly to**
4 **the department. An action shall be considered an acceptable work search**
5 **action pursuant to paragraph (a) of this subsection if it consists of**
6 **one (1) or more of the following actions in any week, except that in the**
7 **third week of benefit eligibility and during every subsequent week,**
8 **at least four (4) of the five (5) required work search actions shall be**
9 **the actions provided for in subparagraphs (i) through (x) of this para-**
10 **graph:**

11 **(i) Completing an online or in-person job search workshop;**

12 **(ii) Completing a job search assessment, including but not lim-**
13 **ited to a personality, skills, or interests assessment;**

14 **(iii) Completing career direction research or work such as a job**
15 **search plan or job search counseling;**

16 **(iv) Completing job search branding and marketing activities such**
17 **as completing a resume, cover letter, master application, eleva-**
18 **tor pitch, LinkedIn profile, or uploading a completed resume to a**
19 **job board allowing visibility to employers;**

20 **(v) Completing an online or in-person mock interview;**

21 **(vi) Taking a civil service exam;**

22 **(vii) Submitting a resume to an employer;**

23 **(viii) Completing and submitting a job application to an employer;**

24 **(ix) Attending and completing an interview or skills test with an**
25 **employer; or**

26 **(x) Attending a job fair.**

27 ~~(b)~~ **(c) If a claimant who is enrolled in an approved job training course**
28 **pursuant to subsection (8) of this section fails to attend or otherwise**
29 **participate in the job training course during any week with respect to**
30 **which he claims benefits or credit to his waiting period, the claimant**
31 **shall be ineligible for that week if he was not able to work nor avail-**
32 **able for suitable work, to be determined as follows: The claimant shall**
33 **be ineligible unless he is making satisfactory progress in the training**
34 **and his failure to attend or otherwise participate was due to:**

35 **(i) The claimant's illness or disability that occurred after he**
36 **had filed a claim and the claimant missed fewer than one-half (1/2)**
37 **of the classes available to him that week; or**

38 **(ii) Compelling personal circumstances, provided that the**
39 **claimant missed fewer than one-half (1/2) of the classes available**
40 **to him that week.**

41 ~~(c)~~ **(d) A claimant shall not be denied regular unemployment benefits**
42 **under any provision of this chapter relating to availability for work,**
43 **active search for work or refusal to accept work solely because the**
44 **claimant is seeking only part-time work,** if the department determines
45 that a majority of the weeks of work in the claimant's base period were
46 for less than full-time work. For the purpose of this subsection,
47 "seeking only part-time work" is defined as seeking work that has com-
48 parable hours to the claimant's part-time work experience in the base
49 period, except that a claimant must be available for at least twenty
50 (20) hours of work per week.

1 (5) The claimant's unemployment is not due to the claimant voluntar-
2 ily leaving employment without good cause connected with the claimant's em-
3 ployment or because of the claimant's discharge for misconduct in connection
4 with the claimant's employment. The requirement that good cause for a vol-
5 untary leaving of employment be in connection with employment does not apply
6 and good cause is shown where a claimant demonstrates that:

7 (a) (i) The leaving was necessary to protect the claimant or any
8 minor child of the claimant from domestic violence or the leaving
9 was due to domestic violence that caused the claimant to rea-
10 sonably believe that the claimant's continued employment would
11 jeopardize the safety of the claimant or any minor child of the
12 claimant; and

13 (ii) The claimant made all reasonable efforts to preserve the em-
14 ployment; or

15 (b) The claimant is a military spouse who voluntarily left the
16 claimant's most recent employment to relocate with the claimant's
17 spouse who, because of a permanent change of station orders, was re-
18 quired to move to a location from which the commute to the claimant's
19 most recent employment was impractical, but only if, before leav-
20 ing, the claimant took reasonable actions to maintain the employment
21 relationship through accommodation discussions with the claimant's
22 employer.

23 (c) The following definitions apply to this subsection:

24 (i) "Domestic violence" is as defined in section 39-6303, Idaho
25 Code, and also includes the crime of stalking in the second degree
26 pursuant to section 18-7906, Idaho Code;

27 (ii) "Military spouse" means the spouse of a member of the armed
28 forces of the United States or a reserve component of the armed
29 forces of the United States stationed in this state in accordance
30 with military orders or stationed in this state before a reassign-
31 ment to duties outside this state; and

32 (iii) "Permanent change of station orders" means the assignment,
33 reassignment, or transfer of a member of the armed forces of the
34 United States or a reserve component of the armed forces of the
35 United States from the member's present duty station or location
36 without return to the previous duty station or location.

37 (6) (a) The claimant's unemployment is not due to his failure without
38 good cause to apply for available suitable work or to accept suitable
39 work when offered to him within three (3) business days of when it is of-
40 fered to him unless a condition specified in subsection (8) of this sec-
41 tion applies. The longer a claimant has been unemployed, the more will-
42 ing he must be to seek other types of work and accept work at a lower rate
43 of pay.

44 (b) The department shall establish an email address and web portal that
45 allows employers to report suspected violations of this subsection. As
46 part of its regular communication with employers, the department shall
47 at least annually inform them of this subsection and the mechanism to
48 report suspected violations.

49 (7) In determining whether or not work is suitable for an individual,
50 the degree of risk involved to his health, safety, morals, physical fitness,

1 experience, training, past earnings, length of unemployment and prospects
2 for obtaining local employment in his customary occupation, the distance of
3 the work from his residence, and other pertinent factors shall be consid-
4 ered. No employment shall be deemed suitable and benefits shall not be de-
5 nied to any otherwise eligible individual for refusing to accept new work or
6 to hold himself available for work under any of the following conditions:

7 (a) If the vacancy of the position offered is due directly to a strike,
8 lockout, or other labor dispute;

9 (b) If the wages, hours, or other conditions of the work offered are
10 below those prevailing for similar work in the locality of the work of-
11 ferred;

12 (c) If, as a condition of being employed, the individual would be re-
13 quired to join a company union or to resign from or refrain from joining
14 any bona fide labor organization.

15 (8) No claimant who is otherwise eligible shall be denied benefits for
16 any week due to an inability to comply with the requirements contained in
17 subsections (4) (a) (i) and (6) of this section if:

18 (a) The claimant is a participant in a program sponsored by title I of
19 the workforce innovation and opportunity act (29 U.S.C. 3101 et seq., as
20 amended) and attends a job training course under that program; or

21 (b) The claimant attends a job training course authorized pursuant to
22 the provisions of section 236(a) (1) of the trade act of 1974 or the North
23 American free trade agreement implementation act.

24 (c) The claimant lacks skills to compete in the labor market and attends
25 a job training course with the approval of the director. The director
26 may approve job training courses that meet the following criteria:

27 (i) The purpose of the job training is to teach the claimant
28 skills that will enhance the claimant's opportunities for employ-
29 ment; and

30 (ii) The job training can be completed within two (2) years, ex-
31 cept that this requirement may be waived pursuant to rules that the
32 director may prescribe.

33 (9) No claimant who is otherwise eligible shall be denied benefits
34 under subsection (5) of this section for leaving employment to attend job
35 training pursuant to subsection (8) of this section, provided that the
36 claimant obtained the employment after enrollment in or during scheduled
37 breaks in the job training course or that the employment was not suitable.
38 For purposes of this subsection, the term "suitable employment" means work
39 of a substantially equal or higher skill level than the individual's past
40 employment, and wages for such work are ~~not~~ no less than eighty percent (80%)
41 of the average weekly wage in the individual's past employment.

42 (10) A claimant shall not be eligible to receive benefits for any week
43 with respect to which it is found that his unemployment is due to a labor dis-
44 pute; provided, that this subsection shall not apply if it is shown that:

45 (a) The claimant is not participating, financing, aiding, abetting, or
46 directly interested in the labor dispute; and

47 (b) The claimant does not belong to a grade or class of workers with mem-
48 bers who are employed at the premises at which the labor dispute occurs
49 and who are participating in or directly interested in the dispute.

1 (11) A claimant shall not be entitled to benefits for any week with re-
2 spect to which or a part of which he has received or is seeking benefits un-
3 der an unemployment insurance law of another state or of the United States;
4 provided, that if the appropriate agency of such other state or of the United
5 States shall finally determine that he is not entitled to such unemployment
6 compensation or insurance benefits, he shall not by the provisions of this
7 subsection be denied benefits. For purposes of this section, a law of the
8 United States providing any payments of any type and in any amounts for pe-
9 riods of unemployment due to involuntary unemployment shall be considered an
10 unemployment insurance law of the United States.

11 (12) A claimant shall not be entitled to benefits for a period of
12 fifty-two (52) weeks if it is determined that he has willfully made a false
13 statement or willfully failed to report a material fact in order to obtain
14 benefits. The period of disqualification shall commence the week the deter-
15 mination is issued. The claimant shall also be ineligible for waiting week
16 credit and shall repay any sums received for any week for which the claimant
17 received waiting week credit or benefits as a result of having willfully
18 made a false statement or willfully failed to report a material fact. The
19 claimant shall also be ineligible for waiting week credit or benefits for any
20 week in which he owes the department an overpayment, civil penalty, or inter-
21 est resulting from a determination that he willfully made a false statement
22 or willfully failed to report a material fact.

23 (13) A claimant shall not be entitled to benefits if his principal occu-
24 pation is self-employment.

25 (14) A claimant who has been found ineligible for benefits under the
26 provisions of subsection (5), (6), (7) or (9) of this section shall reestab-
27 lish his eligibility by having obtained bona fide work and received wages
28 therefor in an amount of at least ~~fourteen (14)~~ twenty-six (26) times his
29 weekly benefit amount.

30 (15) Benefits based on service in employment defined in sections
31 72-1349A and 72-1352(3), Idaho Code, shall be payable in the same amount, on
32 the same terms and subject to the same conditions as benefits payable on the
33 basis of other service subject to this act.

34 (a) If the services performed during one-half (1/2) or more of any con-
35 tract period by an individual for an educational institution as defined
36 in section 72-1322B, Idaho Code, are in an instructional, research, or
37 principal administrative capacity, all the services shall be deemed to
38 be in such capacity.

39 (b) If the services performed during less than one-half (1/2) of any
40 contract period by an individual for an educational institution are in
41 an instructional, research, or principal administrative capacity, none
42 of the services shall be deemed to be in such capacity.

43 (c) As used in this section, "contract period" means the entire period
44 for which the individual contracts to perform services, pursuant to the
45 terms of the contract.

46 (16) No claimant is eligible to receive benefits in two (2) successive
47 benefit years unless, after the beginning of the first benefit year during
48 which he received benefits, he performed service and earned an amount equal
49 to ~~not no~~ no less than six (6) twenty-six (26) times the weekly benefit amount
50 established during the first benefit year.

1 (17) (a) Benefits based on wages earned for services performed in an
2 instructional, research, or principal administrative capacity for an
3 educational institution shall not be paid for any week of unemployment
4 commencing during the period between two (2) successive academic years,
5 or during a similar period between two (2) terms, whether or not succes-
6 sive, or during a period of paid sabbatical leave provided for in the
7 individual's contract, to any individual who performs such services in
8 the first academic year (or term) and has a contract to perform services
9 in any such capacity for any educational institution in the second aca-
10 demic year or term or has been given reasonable assurance that such a
11 contract will be offered.

12 (b) Benefits based on wages earned for services performed in any other
13 capacity for an educational institution shall not be paid to any indi-
14 vidual for any week that commences during a period between two (2) suc-
15 cessive school years or terms if the individual performs such services
16 in the first school year or term and there is a contract or reasonable
17 assurance that the individual will perform such services in the second
18 school year or term. If benefits are denied to any individual under this
19 paragraph and the individual was not offered an opportunity to perform
20 such services for the educational institution for the second academic
21 year or term, the individual shall be entitled to a retroactive payment
22 of benefits for each week for which the individual filed a timely claim
23 for benefits and for which benefits were denied solely by reason of this
24 paragraph.

25 (c) With respect to any services described in paragraphs (a) and (b) of
26 this subsection, benefits shall not be paid nor "waiting week" credit
27 given to an individual for wages earned for services for any week that
28 commences during an established and customary vacation period or holi-
29 day recess if the individual performed the services in the period imme-
30 diately before the vacation period or holiday recess and there is a rea-
31 sonable assurance the individual will perform such services in the pe-
32 riod immediately following such vacation period or holiday recess.

33 (d) With respect to any services described in paragraphs (a) and (b) of
34 this subsection, benefits shall not be payable on the basis of services
35 in any capacities specified in paragraphs (a), (b) and (c) of this sub-
36 section to any individual who performed such services in an educational
37 institution while in the employ of an educational service agency. For
38 purposes of this paragraph, the term "educational service agency" means
39 a governmental entity that is established and operated exclusively for
40 the purpose of providing such services to one (1) or more educational
41 institutions.

42 (18) Benefits shall not be payable on the basis of services that sub-
43 stantially consist of participating in sports or athletic events or training
44 or preparing to participate for any week that commences during the period be-
45 tween two (2) successive sport seasons (or similar periods) if the individ-
46 ual performed services in the first season (or similar period) and there is
47 a reasonable assurance that the individual will perform such services in the
48 later of such season (or similar period).

49 (19) (a) Benefits shall not be payable on the basis of services per-
50 formed by an alien unless the alien was lawfully admitted for permanent

1 residence at the time such services were performed, was lawfully
 2 present for purposes of performing such services, or was permanently
 3 residing in the United States under color of law at the time the ser-
 4 vices were performed (including an alien who was lawfully present in
 5 the United States as a result of the application of the provisions of
 6 sections 207 and 208 or section 212(d) (5) of the immigration and nation-
 7 ality act).

8 (b) Any data or information required of individuals applying for bene-
 9 fits to determine eligibility under this subsection shall be uniformly
 10 required from all applicants for benefits.

11 (c) A decision to deny benefits under this subsection must be based on a
 12 preponderance of the evidence.

13 (20) An individual who has been determined to be likely to exhaust regu-
 14 lar benefits and to need reemployment services pursuant to a profiling sys-
 15 tem established by the director must participate in those reemployment ser-
 16 vices, unless:

17 (a) The individual has completed such services; or

18 (b) There is justifiable cause, as determined by the director, for the
 19 claimant's failure to participate in such services.

20 (21) (a) A claimant:

21 (i) Who has been assigned to work for one (1) or more customers of
 22 a staffing service; and

23 (ii) Who, at the time of hire by the staffing service, signed a
 24 written notice informing him that completion or termination of an
 25 assignment for a customer would not, of itself, terminate the em-
 26 ployment relationship with the staffing service;

27 will not be considered unemployed upon completion or termination of an
 28 assignment until such time as he contacts the staffing service to deter-
 29 mine if further suitable work is available. If the claimant:

30 1. Contacts the staffing service and refuses a suitable work
 31 assignment that is offered to him at that time, he will be
 32 considered to have voluntarily quit that employment; or

33 2. Contacts the staffing service and the service does not
 34 have a suitable work assignment for him, he will be consid-
 35 ered unemployed due to a lack of work; or

36 3. Accepts new employment without first contacting the
 37 staffing service for additional work, he will be considered
 38 to have voluntarily quit employment with the staffing ser-
 39 vice.

40 (b) For the purposes of this subsection, the term "staffing service"
 41 means any person who assigns individuals to work for its customers and
 42 includes, but is not limited to, professional employers as defined in
 43 chapter 24, title 44, Idaho Code, and the employers of temporary employ-
 44 ees as defined in section 44-2403(7), Idaho Code.

45 (22) (a) A claimant who is otherwise eligible for regular benefits as
 46 defined in section 72-1367A(1)(e), Idaho Code, shall be eligible for
 47 training extension benefits if the department determines that all of
 48 the following criteria are met:

49 (i) The claimant is unemployed;

1 (ii) The claimant has exhausted all rights to regular unem-
2 ployment benefits as defined in section 72-1367A(1)(e), Idaho
3 Code, and all rights to extended benefits as defined in section
4 72-1367A(1)(f), Idaho Code, and all rights to benefits under sec-
5 tion 2002 ("increase in unemployment compensation benefits") of
6 division B, title II, the assistance for unemployed workers and
7 struggling families act, of the American recovery and reinvest-
8 ment act of 2009, P.L. 111-5, as enacted on February 17, 2009;

9 (iii) The claimant is enrolled in a training program approved by
10 the department or in a job training program authorized under the
11 workforce innovation and opportunity act; except that the train-
12 ing program must prepare the claimant for entry into a high-demand
13 occupation if the department determines that the claimant sepa-
14 rated from a declining occupation or has been involuntarily and
15 indefinitely separated from employment as a result of a permanent
16 reduction of operations at the claimant's place of employment.
17 For the purposes of this subsection, a "declining occupation"
18 is one where there is a lack of sufficient current demand in the
19 claimant's labor market area for the occupational skills for which
20 the claimant is qualified by training and experience or current
21 physical or mental capacity and the lack of employment opportuni-
22 ties is expected to continue for an extended period of time, or the
23 claimant's occupation is one for which there is a seasonal vari-
24 ation in demand in the labor market and the claimant has no other
25 skills for which there is current demand. For the purposes of this
26 subsection, a "high-demand occupation" is an occupation in a labor
27 market area where work opportunities are available and qualified
28 applicants are lacking as determined by the use of available labor
29 market information;

30 (iv) The claimant is making satisfactory progress to complete the
31 training as determined by the department; and

32 (v) The claimant is not receiving similar stipends or other train-
33 ing allowances for nontraining costs. For the purposes of this
34 subsection, "similar stipend" means an amount provided under a
35 program with similar aims, such as providing training to increase
36 employability, and in approximately the same amounts.

37 (b) The weekly training extension benefit amount shall equal the
38 claimant's weekly benefit amount for the most recent benefit year less
39 any deductible income as determined by the provisions of this chapter.
40 The total amount of training extension benefits payable to a claimant
41 shall be equal to twenty-six (26) times the claimant's average weekly
42 benefit amount for the most recent benefit year. A claimant who is
43 receiving training extension benefits shall not be denied training ex-
44 tension benefits due to the application of subsections (4)(a)(i) and
45 (6) of this section, and an employer's account shall not be charged for
46 training extension benefits paid to the claimant.

47 SECTION 2. An emergency existing therefor, which emergency is hereby
48 declared to exist, this act shall be in full force and effect on and after
49 July 1, 2024.