

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 686

BY WAYS AND MEANS 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 THAT SUITABLE WORK BE ACCEPTED WITHIN A CERTAIN AMOUNT OF TIME, TO PROVIDE THAT A CERTAIN FAILURE TO APPEAR AT A JOB INTERVIEW SHALL CONSTITUTE A FAILURE TO APPLY FOR SUITABLE WORK, TO PROVIDE FOR THE REPORTING OF VIOLATIONS, TO PROVIDE FOR A GOOD CAUSE REASON FOR A FAILURE TO APPLY FOR WORK, 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) An action shall be considered an acceptable work search action pur-**  
4           **suant to paragraph (a) of this subsection if it consists of one (1) or**  
5           **more of the following actions in any week:**

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

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

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

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

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

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

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

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

19           **(ix) Attending and completing an interview or skills test with an**  
20           **employer; or**

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

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

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

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

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

46           (5) The claimant's unemployment is not due to the claimant volun-  
47           tarily leaving employment without good cause connected with the claimant's em-  
48           ployment or because of the claimant's discharge for misconduct in connection  
49           with the claimant's employment. The requirement that good cause for a vol-

1 untary leaving of employment be in connection with employment does not apply  
2 and good cause is shown where a claimant demonstrates that:

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

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

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

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

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

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

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

33 (6) (a) The claimant's unemployment is not due to his failure without  
34 good cause to apply for available suitable work or to accept suitable  
35 work ~~when offered to him~~ within seven (7) days of when it is offered to  
36 him, unless a condition specified in subsection (8) of this section ap-  
37 plies or the job offered does not constitute suitable employment pur-  
38 suant to the provisions of subsection (9) of this section. The longer a  
39 claimant has been unemployed, the more willing he must be to seek other  
40 types of work and accept work at a lower rate of pay. Failure to appear  
41 for a previously scheduled job interview without notifying the employer  
42 of the need to cancel or reschedule shall constitute a failure to apply  
43 for suitable work for that week.

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 employers of the email address and web portal  
48 described in this subsection and the mechanism to report suspected vio-  
49 lations.

1        (c) For the purposes of paragraph (a) of this subsection, a good cause  
 2        reason for not applying for available and suitable work or responding to  
 3        an offer of suitable employment shall be found only if the claimant is  
 4        ill, injured, or delayed by reason of an accident or medical emergency  
 5        involving the claimant or a member of the claimant's immediate family.

6        (7) In determining whether or not work is suitable for an individual,  
 7        the degree of risk involved to his health, safety, morals, physical fitness,  
 8        experience, training, past earnings, length of unemployment and prospects  
 9        for obtaining local employment in his customary occupation, the distance of  
 10       the work from his residence, and other pertinent factors shall be consid-  
 11       ered. No employment shall be deemed suitable and benefits shall not be den-  
 12       ied to any otherwise eligible individual for refusing to accept new work or  
 13       to hold himself available for work under any of the following conditions:

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

16       (b) If the wages, hours, or other conditions of the work offered are  
 17       below those prevailing for similar work in the locality of the work of-  
 18       fered;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (14) A claimant who has been found ineligible for benefits under the  
34 provisions of subsection (5), (6), (7) or (9) of this section shall reestab-  
35 lish his eligibility by having obtained bona fide work and received wages  
36 therefor in an amount of at least fourteen (14) times his weekly benefit  
37 amount.

38 (15) Benefits based on service in employment defined in sections  
39 72-1349A and 72-1352(3), Idaho Code, shall be payable in the same amount, on  
40 the same terms and subject to the same conditions as benefits payable on the  
41 basis of other service subject to this act.

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

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

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

4 (16) No claimant is eligible to receive benefits in two (2) successive  
5 benefit years unless, after the beginning of the first benefit year during  
6 which he received benefits, he performed service and earned an amount equal  
7 to ~~not~~ no less than six (6) times the weekly benefit amount established dur-  
8 ing the first benefit year.

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

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

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

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

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

8 (19) (a) Benefits shall not be payable on the basis of services per-  
9 formed by an alien unless the alien was lawfully admitted for permanent  
10 residence at the time such services were performed, was lawfully  
11 present for purposes of performing such services, or was permanently  
12 residing in the United States under color of law at the time the ser-  
13 vices were performed (including an alien who was lawfully present in  
14 the United States as a result of the application of the provisions of  
15 sections 207 and 208 or section 212 (d) (5) of the immigration and nation-  
16 ality act).

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

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

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

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

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

29 (21) (a) A claimant:

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

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

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

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

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

45 3. Accepts new employment without first contacting the  
46 staffing service for additional work, he will be considered  
47 to have voluntarily quit employment with the staffing ser-  
48 vice.

49 (b) For the purposes of this subsection, the term "staffing service"  
50 means any person who assigns individuals to work for its customers and

1 includes, but is not limited to, professional employers as defined in  
2 chapter 24, title 44, Idaho Code, and the employers of temporary employ-  
3 ees as defined in section 44-2403(7), Idaho Code.

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

8 (i) The claimant is unemployed;

9 (ii) The claimant has exhausted all rights to regular unem-  
10 ployment benefits as defined in section 72-1367A(1) (e), Idaho  
11 Code, and all rights to extended benefits as defined in section  
12 72-1367A(1) (f), Idaho Code, and all rights to benefits under sec-  
13 tion 2002 ("increase in unemployment compensation benefits") of  
14 division B, title II, the assistance for unemployed workers and  
15 struggling families act, of the American recovery and reinvest-  
16 ment act of 2009, P.L. 111-5, as enacted on February 17, 2009;

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

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

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

45 (b) The weekly training extension benefit amount shall equal the  
46 claimant's weekly benefit amount for the most recent benefit year less  
47 any deductible income as determined by the provisions of this chapter.  
48 The total amount of training extension benefits payable to a claimant  
49 shall be equal to twenty-six (26) times the claimant's average weekly  
50 benefit amount for the most recent benefit year. A claimant who is



1 receiving training extension benefits shall not be denied training ex-  
2 tension benefits due to the application of subsections (4) (a) (i) and  
3 (6) of this section, and an employer's account shall not be charged for  
4 training extension benefits paid to the claimant.

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