

State of Arkansas  
89th General Assembly  
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# A Bill

HOUSE BILL 1032

By: Representative D. Altes

## For An Act To Be Entitled

AN ACT TO REQUIRE THE DEPARTMENT OF WORKFORCE SERVICES TO CONDUCT REEMPLOYMENT INTERVIEWS TO DETERMINE ELIGIBILITY FOR UNEMPLOYMENT BENEFITS; AND FOR OTHER PURPOSES.

### Subtitle

TO REQUIRE THE DEPARTMENT OF WORKFORCE SERVICES TO CONDUCT REEMPLOYMENT INTERVIEWS TO DETERMINE ELIGIBILITY FOR UNEMPLOYMENT BENEFITS.

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

SECTION 1. Arkansas Code § 11-10-507 is amended to read as follows:  
11-10-507. Eligibility – Conditions.

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

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

(2) Registration and Reporting.

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

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



(C) The director, by ~~regulation~~ rule, may waive or alter ~~either or both of~~ the requirements of this subdivision (a)(2)(C) as to ~~individuals~~ claimants attached to regular jobs and ~~as to such~~ other types of cases or situations with respect to which he or she finds that compliance with these requirements would be oppressive or would be inconsistent with the purpose of this chapter. However, ~~no such regulations~~ rules shall not conflict with § 11-10-501;

(3) Able to Work and Available for Work.

(A)(i) The worker is unemployed, is physically and mentally able to perform suitable work, and is available for such work.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) ~~Which~~ That are:

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

(b) Services performed by an employee of

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

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

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

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

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

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

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

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

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