

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

SENATE BILL 1112

By: Senator R. Thompson

For An Act To Be Entitled

AN ACT TO RESTORE THE LANGUAGE OF THE ARKANSAS CODE
AS IT EXISTED BEFORE PASSAGE ACT 1040 OF 2011
CONCERNING UNEMPLOYMENT BENEFITS; AND FOR OTHER
PURPOSES.

Subtitle

TO RESTORE THE LANGUAGE OF THE ARKANSAS
CODE AS IT EXISTED BEFORE PASSAGE ACT
1040 OF 2011 CONCERNING UNEMPLOYMENT
BENEFITS.

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

SECTION 1. Arkansas Code § 11-10-509(a) and (b), concerning eligibility of employees of educational institutions for unemployment benefits, are amended to read as follows:

(a) With respect to service performed in an instructional, research, or principal administrative capacity ~~as an employee of~~ for an educational institution, benefits shall not be paid based on services for any week of unemployment commencing during the period between two (2) successive academic years or terms, during a similar period between two (2) regular but not successive terms, or during a period of paid sabbatical leave provided for in the individual's contract to any individual if:

(1) The individual performs the services in the first of the academic years or terms; and

(2) There is a contract or a reasonable assurance that the individual will perform services in any such capacity ~~as an employee of~~ for



any educational institution in the second of the academic years or terms.

(b)(1) With respect to services performed in any other capacity ~~as an employee of~~ for an educational institution, benefits shall not be paid on the basis of services to any individual for any week of unemployment that commences during a period between two (2) successive academic years or terms if:

(A) The individual performs the services in the first of the academic years or terms; and

(B) There is a reasonable assurance that the individual will perform the services in the second of the academic years or terms.

(2)(A) If compensation is denied to an individual under subdivision (b)(1) of this section and the individual was not offered an opportunity to perform the services ~~as an employee of~~ for the educational institution for the second of the academic years or terms, the individual, if otherwise eligible, is entitled to a retroactive payment of compensation for each week for which the individual filed a timely claim for compensation and for which compensation was denied solely by reason of subdivision (b)(1) of this section.

(B) The individual shall apply for the retroactive payment described in subdivision (b)(2)(A) of this section within two (2) weeks after receipt of notification from the educational institution that he or she will not have an opportunity to perform the services at that educational institution in the second academic year or term.

SECTION 2. Arkansas Code § 11-10-514(a)(3), concerning disqualification for employment benefits, is amended to read as follows:

(3)(A) Except as otherwise provided in this section, an individual's disqualification for misconduct shall be for eight (8) weeks of unemployment as defined in § 11-10-512.

(B) However, for a discharge that occurs ~~on or after July 1, 2009, through June 30, 2013~~ during the period of July 1, 2009, through June 30, 2011, the disqualification under subdivision (a)(3)(A) of this section shall continue until, subsequent to filing a claim, he or she has had at least thirty (30) days of employment covered by an unemployment compensation law of this state, another state, or the United States.

(C) Misconduct includes violation of any behavioral

policies of the employer as distinguished from deficiencies in meeting production standards or accomplishing job duties.

SECTION 3. Arkansas Code § 11-10-532(e), concerning recovery of improper unemployment payments, is amended to read as follows:

(e) The federal income tax refund of a person held liable to repay an amount to the fund as the result of a finding of fraud is subject to interception under ~~Pub. L. No. 111-291~~ Pub. L. No. 110-328 and any rule adopted to implement that law.

SECTION 4. Arkansas Code § 11-10-706(f)(1) and (2), concerning the stabilization tax on wages paid, are amended to read as follows:

(f)(1)(A) Provided, however, the proceeds of the stabilization tax in the amount of two and one-half hundredths of one percent (.025%) of taxable wages collected during the period July 1, 2007, through June 30, ~~2015~~ 2011, shall be deposited and credited to the Department of Workforce Services Training Trust Fund, there to be used for worker training.

(B) The total amount deposited into the Department of Workforce Services Training Trust Fund in any one (1) fiscal year shall not exceed two million five hundred thousand dollars (\$2,500,000).

(2)(A) However, the proceeds of the stabilization tax in the amount of two and one-half hundredths of one percent (.025%) of taxable wages collected during the period July 1, 2007, through June 30, ~~2015~~ 2011, shall be deposited and credited to the Department of Workforce Services Unemployment Insurance Administration Fund, there to be used for operating expenses of the unemployment insurance program necessary for the proper administration of § 11-10-101 et seq., as determined by the Director of the Department of Workforce Services.

(B) The total amount deposited into the Department of Workforce Services Unemployment Insurance Administration Fund in any one (1) fiscal year shall not exceed two million five hundred thousand dollars (\$2,500,000).