

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H3/13/23
A Bill

HOUSE BILL 1575

By: Representatives Burkes, Underwood
By: Senator C. Penzo

For An Act To Be Entitled

AN ACT TO AMEND THE DIVISION OF WORKFORCE SERVICES LAW; TO CREATE THE ARKANSAS REEMPLOYMENT ACT; TO REQUIRE AT LEAST FIVE WORK SEARCH CONTACTS PER WEEK AN INDIVIDUAL SUBMITS A CLAIM FOR UNEMPLOYMENT BENEFITS; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE ARKANSAS REEMPLOYMENT ACT.

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

SECTION 1. DO NOT CODIFY. Title.

This act shall be known and may be cited as the "Arkansas Reemployment Act".

SECTION 2. Arkansas Code § 11-10-507 is amended to read as follows:

11-10-507. Eligibility – Conditions – Definitions.

(a) An insured worker shall be eligible to receive benefits with respect to any week only if the Director of the Division 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 rules as the director may prescribe;

(2) Registration and Reporting. He or she has registered for work at and thereafter continued to report to a Division of Workforce Services office in accordance with such rules as the director may prescribe.



The director, by rule, may waive or alter either or both of the requirements of this subdivision (a)(2) as to individuals 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 rules shall 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 the work. Mere registration and reporting at a local employment office shall not be 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.

(ii) 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 are from full-time work.

(iii) In determining suitable work under this section or under § 11-10-515 for a worker who is on an approved medical leave from his or her last employer due to the unavailability of light-duty work, light-duty work shall be considered suitable work unless the majority of the number of weeks of work within the period used to determine monetary eligibility were weeks spent performing work that the worker is currently unable to perform due to his or her medical restrictions.

(B) Persons who are on layoff and who are attending a state vocational school for the purpose of upgrading or improving their job skills shall be considered available for employment so long as they make reasonable efforts to secure employment unless, or until, they refuse suitable employment or referral or recall to suitable work. However, no otherwise eligible individual shall 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 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 labor market must be minimal and not likely to improve;

(ii) The claimant must possess aptitudes or skills which 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) In the event of the death of an individual's immediate family member, the eligibility requirements of availability for that individual shall be waived for the day of the death and for six (6) consecutive calendar days thereafter. For the purposes of this subdivision (a)(3), "immediate family member" means a spouse, child, parent, brother, sister, grandchild, or grandparent of the individual.

(E) An individual 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 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 division office or to seek other work.

(F) Any individual 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 shall 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 than four (4) days of the week because of a compelling personal emergency.

(H) The individual participates in reemployment services, such as job search assistance services, if the individual 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 section 4 of Pub. L. No. 103-152, unless the director determines that:

(i) The individual has completed such services; or

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

failure to participate in such 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 includes the week with respect to which he or she claims payment of benefits;

(B) If benefits have been paid with respect thereto; and

(C) Unless the individual was eligible for benefits with respect thereto 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 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 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 insured work equal to ten (10) times his or her weekly benefit amount.

(C) With respect to weeks of unemployment, wages for insured work shall include wages paid for previously uncovered services. For the purposes of this section, the term “previously uncovered services” means services:

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

(ii) Which 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 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 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) Notwithstanding subdivision (a)(3) of this section, the division shall require at least five (5) work search contacts per week in which an individual submits a claim for benefits.

(2) If an individual fails to complete the number of work search contacts required under subdivision (b)(1) of this section during a week in which he or she submits a claim for benefits, the individual is not eligible for benefits for that week.

(3) The division shall audit at least one hundred (100) of all weekly work search reports for work search verification each week.

(c) As used in this section, "work search contact" is defined by rule as the director may prescribe and includes without limitation the following actions if done for the purposes of securing employment:

(1) Completing and submitting a job application or resume to an employer;

(2) Attending and completing an interview with an employer;

(3) Attending a job fair; or

(4) Participating in job skill training at a workforce center or training in a demand occupation with an eligible training provider.

SECTION 3. DO NOT CODIFY. EFFECTIVE DATE. This act is effective on and after January 1, 2024.

/s/Burkes