

1 SB224  
2 216773-2  
3 By Senators Orr, Allen, Elliott, Gudger, Stutts, Barfoot,  
4 Chesteen, Butler, McClendon, Sessions, Reed, Roberts, Weaver,  
5 Jones, Livingston and Holley  
6 RFD: Fiscal Responsibility and Economic Development  
7 First Read: 16-FEB-22

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to unemployment compensation; to amend  
12 Section 25-4-77, Code of Alabama 1975, to require an  
13 unemployed individual to search for work a certain number of  
14 times per week to be eligible to receive unemployment  
15 benefits; and to make nonsubstantive, technical revisions to  
16 update the existing code language to current style.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Section 25-4-77, Code of Alabama 1975, is  
19 amended to read as follows:

20 "§25-4-77.

21 "(a) An unemployed individual shall be eligible to  
22 receive benefits with respect to any week in a benefit year  
23 which begins on or after ~~January 1, 1989~~ July 1, 2022, only if  
24 the secretary finds that he or she has met all of the  
25 following criteria:

1           "~~He has made~~ Made a claim for benefits with  
2 respect to ~~such the~~ week in accordance with ~~such regulations~~  
3 ~~as rules adopted by~~ the secretary ~~may prescribe~~.

4           "~~He has registered~~ Registered for work at, and  
5 ~~thereafter~~ subsequently continued to report at, a state  
6 employment office in accordance with ~~such regulations as~~ rules  
7 adopted by the secretary ~~may prescribe; except, that the~~  
8 ~~secretary may by regulation waive or alter either or both of~~  
9 ~~the requirements of this subdivision (2) as to individuals~~  
10 ~~attached to regular jobs and as to such other types of cases~~  
11 ~~or situations with respect to which he finds that compliance~~  
12 ~~with such requirements would be oppressive, or would be~~  
13 ~~inconsistent with purposes of this chapter.~~

14           "~~He is~~ Is physically and mentally able to  
15 perform work of a character which he or she is qualified to  
16 perform by past experience or training, and ~~he~~ is available  
17 for ~~such the~~ work either at a locality at which he or she  
18 earned wages for insured work during his or her base period or  
19 at a locality where it may reasonably be expected that ~~such~~  
20 the work may be available. ~~Notwithstanding any of the~~  
21 ~~provisions of this subdivision, no otherwise eligible~~  
22 ~~individual shall be denied benefits for any week because he or~~  
23 ~~she is:~~

24           "~~a. Enrolled in a course of training with the~~  
25 ~~approval of the secretary. Such approval shall be conditioned~~  
26 ~~upon the following:~~

1                   ~~"1. The individual's skills are obsolete or such~~  
2 ~~that there are minimal opportunities for employment;~~

3                   ~~"2. Training is for an occupation for which there is~~  
4 ~~a substantial and recurring demand;~~

5                   ~~"3. Training is not a course of education for credit~~  
6 ~~toward a degree;~~

7                   ~~"4. The individual possesses aptitudes or skills~~  
8 ~~which can be supplemented by retraining within a reasonable~~  
9 ~~time; or~~

10                   ~~"5. The individual produces satisfactory evidence of~~  
11 ~~continued attendance and satisfactory progress;~~

12                   ~~"b. In training approved by the secretary under~~  
13 ~~Section 236 (a) (1) of the Trade Act of 1974, nor shall such~~  
14 ~~individual be denied benefits (any other provision of this~~  
15 ~~chapter requiring denial notwithstanding) by reason of leaving~~  
16 ~~work to enter such training; provided,~~

17                   ~~"1. The work left is not suitable employment as~~  
18 ~~defined in paragraph c. of this subdivision (3), or~~

19                   ~~"2. Because of the application to any such week in~~  
20 ~~training of provisions in this chapter (or any applicable~~  
21 ~~federal unemployment compensation law) relating to~~  
22 ~~availability for work, active search for work or refusal to~~  
23 ~~accept work.~~

24                   ~~"c. For purposes of paragraph b. of this subdivision~~  
25 ~~(3), and only therefor, the term "suitable employment" means~~  
26 ~~with respect to an individual, work of a substantially equal~~  
27 ~~or higher skill level than the individual's past adversely~~

1 ~~affected employment (as defined for purposes of the Trade Act~~  
2 ~~of 1974), and wages for such work at not less than 80 percent~~  
3 ~~of the individual's average weekly wage as determined for the~~  
4 ~~purposes of the Trade Act of 1974.~~

5 "(4) ~~He has been~~ Been totally or partially  
6 unemployed in ~~such~~ the week.

7 "(5) ~~He has made~~ Made a reasonable and active effort  
8 to secure work which he or she is qualified to perform by past  
9 experience and training, unless ~~such~~ the failure is because  
10 the individual is before any court of the United States or any  
11 state pursuant to a lawfully issued summons to appear for jury  
12 duty. Reasonable and active effort shall mean engaging in  
13 systematic and sustained efforts to find work, including  
14 contacting at least three prospective employers for each week  
15 of unemployment claimed. The department shall require the  
16 claimant to provide proof of work search efforts when filing  
17 his or her weekly certification. A claimant's subsequent proof  
18 of work search efforts may not include the same prospective  
19 employer, unless the employer has indicated since the time of  
20 the initial contact that the employer is hiring. The  
21 department shall conduct random reviews of at least 10 percent  
22 of the work search proof provided by claimants each week. The  
23 Governor by executive order may suspend the work search  
24 requirement during a state of emergency. For the purposes of  
25 this subdivision ~~(5)~~, the entitlement to regular or extended  
26 benefits of any individual who is determined not to be  
27 actively engaged in seeking work during any week ~~for the~~

1 ~~aforesaid reason~~ because of jury duty, shall be determined  
2 pursuant to the provisions of subdivision (3) ~~of this~~  
3 ~~subsection (a)~~ without regard to the disqualification  
4 provisions otherwise applicable under ~~paragraph b. of~~  
5 ~~subdivision (i)(1) of~~ Section 25-4-75 (i)(1)b. and ~~subdivision~~  
6 ~~(i)(2) of~~ Section 25-4-75 (i)(2). ~~Further, for the purposes of~~  
7 ~~this subdivision (5), the~~ The term "jury duty" as used in this  
8 subdivision means the performance of service as a juror,  
9 during all periods of time an individual is engaged in ~~such~~  
10 service as a juror, in any court of a state or the United  
11 States pursuant to the law of the state or the United States  
12 and the rules of the court in which the individual is engaged  
13 in the performance of ~~such~~ service as a juror.

14 "(6) ~~He has during~~ During his or her base period,  
15 been paid wages for insured work equal to or exceeding one and  
16 one-half times the total of the wages for insured work paid to  
17 him or her in that quarter of ~~such~~ the base period in which  
18 ~~such~~ the total wages were the highest and in addition,  
19 qualifies for benefits under the provisions of Section  
20 25-4-72; provided, however, that no otherwise eligible  
21 individual who shall have received benefits in a preceding  
22 benefit year shall be eligible to receive benefits in a  
23 succeeding benefit year unless and until ~~such~~ the otherwise  
24 eligible individual, subsequent to the beginning date of the  
25 preceding benefit year, shall have worked in insured  
26 employment for which work he or she earned wages equal to at

1 least eight times the weekly benefit amount established for  
2 ~~such~~ the individual in the preceding benefit year.

3 "~~He has pursuant~~ Pursuant to Section 4 of Public  
4 Law 103-152, been selected and referred to reemployment  
5 services and participates in reemployment services, such as  
6 job search assistance services, if the individual has been  
7 determined to be likely to exhaust regular benefits and need  
8 reemployment services pursuant to a profiling system  
9 established by the secretary unless ~~it is determined by~~ the  
10 secretary ~~determines~~ that: the claimant has completed  
11 reemployment services or there is justifiable cause for his or  
12 her failure to participate in reemployment services.

13 "~~a. Such claimant has completed such services; or~~

14 "~~b. There is justifiable cause for such claimant's~~  
15 ~~failure to participate in such service.~~

16 "(b) Notwithstanding any of the provisions of  
17 subdivision (a) (3), no otherwise eligible individual shall be  
18 denied benefits for any week because he or she has met any of  
19 the following criteria:

20 "(1) Enrolled in a course of training with the  
21 approval of the secretary. The approval of the secretary shall  
22 be conditioned upon the following:

23 "a. The individual's skills are obsolete or provide  
24 minimal opportunities for employment.

25 "b. Training is for an occupation for which there is  
26 a substantial and recurring demand.

1           "c. Training is not a course of education for credit  
2 toward a degree.

3           "d. The individual possesses aptitudes or skills  
4 which can be supplemented by retraining within a reasonable  
5 time.

6           "e. The individual produces satisfactory evidence of  
7 continued attendance and satisfactory progress.

8           "(2) Engaged in training approved by the secretary  
9 under Section 236 (a) (1) of the Trade Act of 1974.

10           "(3) Left work to enter training pursuant to  
11 subdivision (2), provided that the work left is not suitable  
12 employment. For purposes of this subdivision, the term  
13 "suitable employment" means with respect to an individual,  
14 work of a substantially equal or higher skill level than the  
15 individual's past adversely affected employment, as defined  
16 for purposes of the Trade Act of 1974, and wages for such work  
17 at not less than 80 percent of the individual's average weekly  
18 wage as defined by the Trade Act of 1974.

19           "(4) Become unavailable to work, failed to actively  
20 seek work, or refused to accept work because he or she was in  
21 training pursuant to subdivision (2).

22           ~~"(b)~~ (c) With respect to any week which begins prior  
23 to January 1, 1989, an unemployed individual shall be eligible  
24 to receive benefits as provided in this section prior to that  
25 date.



1                   "~~(c)~~ (d) The provisions of subdivision ~~(5)~~ of  
2 ~~subsection (a)~~ (a)(5) shall be applied only to any week which  
3 begins on or after ~~March 22, 1984~~ July 1, 2022."

4                   Section 2. The Department of Labor shall provide  
5 applicants for unemployment with simple instructions on how to  
6 apply and provide all required recurring certifications to  
7 continue to receive benefits.

8                   Section 3. This act shall become effective on July  
9 1, 2022, following its passage and approval by the Governor,  
10 or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate  
committee on Fiscal Responsibility and Economic  
Development..... 16-FEB-22

Read for the second time and placed on the  
calendar..... 23-FEB-22

Read for the third time and passed as amended .... 17-MAR-22

Yeas 23  
Nays 0  
Abstaining 1

Patrick Harris,  
Secretary.