

1 SB224
2 216773-1
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

SYNOPSIS: Under existing law, an unemployed individual must make a reasonable and active effort to secure work for which he or she is qualified to be eligible to receive unemployment benefits.

This bill would require an unemployed individual to search for work a certain number of times per week to be eligible to receive unemployment benefits.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT

Relating to unemployment compensation; to amend Section 25-4-77, Code of Alabama 1975, to require an unemployed individual to search for work a certain number of times per week to be eligible to receive unemployment

1 benefits; and to make nonsubstantive, technical revisions to
2 update the existing code language to current style.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 "§25-4-77.

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

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

15 "(2) ~~He has registered~~ Registered for work at, and
16 ~~thereafter~~ subsequently continued to report at, a state
17 employment office in accordance with ~~such regulations as rules~~
18 adopted by the secretary may prescribe; except, that the
19 ~~secretary may by regulation waive or alter either or both of~~
20 ~~the requirements of this subdivision (2) as to individuals~~
21 ~~attached to regular jobs and as to such other types of cases~~
22 ~~or situations with respect to which he finds that compliance~~
23 ~~with such requirements would be oppressive, or would be~~
24 ~~inconsistent with purposes of this chapter.~~

25 "(3) ~~He is~~ Is physically and mentally able to
26 perform work of a character which he or she is qualified to
27 perform by past experience or training, and ~~he~~ is available

1 for ~~such~~ the work either at a locality at which he or she
2 earned wages for insured work during his or her base period or
3 at a locality where it may reasonably be expected that ~~such~~
4 the work may be available. ~~Notwithstanding any of the~~
5 ~~provisions of this subdivision, no otherwise eligible~~
6 ~~individual shall be denied benefits for any week because he or~~
7 ~~she is:~~

8 "a. ~~Enrolled in a course of training with the~~
9 ~~approval of the secretary. Such approval shall be conditioned~~
10 ~~upon the following:~~

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

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

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

17 "4. ~~The individual possesses aptitudes or skills~~
18 ~~which can be supplemented by retraining within a reasonable~~
19 ~~time; or~~

20 "5. ~~The individual produces satisfactory evidence of~~
21 ~~continued attendance and satisfactory progress;~~

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

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

3 ~~"2. Because of the application to any such week in~~
4 ~~training of provisions in this chapter (or any applicable~~
5 ~~federal unemployment compensation law) relating to~~
6 ~~availability for work, active search for work or refusal to~~
7 ~~accept work.~~

8 ~~"c. For purposes of paragraph b. of this subdivision~~
9 ~~(3), and only therefor, the term "suitable employment" means~~
10 ~~with respect to an individual, work of a substantially equal~~
11 ~~or higher skill level than the individual's past adversely~~
12 ~~affected employment (as defined for purposes of the Trade Act~~
13 ~~of 1974), and wages for such work at not less than 80 percent~~
14 ~~of the individual's average weekly wage as determined for the~~
15 ~~purposes of the Trade Act of 1974.~~

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

18 ~~"(5) He has made~~ Made a reasonable and active effort
19 to secure work which he or she is qualified to perform by past
20 experience and training, unless ~~such~~ the failure is because
21 the individual is before any court of the United States or any
22 state pursuant to a lawfully issued summons to appear for jury
23 duty. Reasonable and active effort shall mean engaging in
24 systematic and sustained efforts to find work, including
25 contacting at least five prospective employers for each week
26 of unemployment claimed. The department shall require the
27 claimant to provide proof of work search efforts when filing

1 his or her weekly certification. A claimant's subsequent proof
2 of work search efforts may not include the same prospective
3 employer, unless the employer has indicated since the time of
4 the initial contact that the employer is hiring. The
5 department shall conduct random reviews of at least 10 percent
6 of the work search proof provided by claimants each week. The
7 Governor by executive order may suspend the work search
8 requirement during a state of emergency. For the purposes of
9 this subdivision ~~(5)~~, the entitlement to regular or extended
10 benefits of any individual who is determined not to be
11 actively engaged in seeking work during any week ~~for the~~
12 ~~aforsaid reason~~ because of jury duty, shall be determined
13 pursuant to the provisions of subdivision (3) ~~of this~~
14 ~~subsection (a)~~ without regard to the disqualification
15 provisions otherwise applicable under ~~paragraph b. of~~
16 ~~subdivision (i)(1) of Section 25-4-75(i)(1)b. and subdivision~~
17 ~~(i)(2) of Section 25-4-75(i)(2). Further, for the purposes of~~
18 ~~this subdivision (5), the~~ The term "jury duty" as used in this
19 subdivision means the performance of service as a juror,
20 during all periods of time an individual is engaged in ~~such~~
21 service as a juror, in any court of a state or the United
22 States pursuant to the law of the state or the United States
23 and the rules of the court in which the individual is engaged
24 in the performance of ~~such~~ service as a juror.

25 "(6) ~~He has during~~ During his or her base period,
26 been paid wages for insured work equal to or exceeding one and
27 one-half times the total of the wages for insured work paid to

1 him or her in that quarter of ~~such~~ the base period in which
2 ~~such~~ the total wages were the highest and in addition,
3 qualifies for benefits under the provisions of Section
4 25-4-72; provided, however, that no otherwise eligible
5 individual who shall have received benefits in a preceding
6 benefit year shall be eligible to receive benefits in a
7 succeeding benefit year unless and until ~~such~~ the otherwise
8 eligible individual, subsequent to the beginning date of the
9 preceding benefit year, shall have worked in insured
10 employment for which work he or she earned wages equal to at
11 least eight times the weekly benefit amount established for
12 ~~such~~ the individual in the preceding benefit year.

13 " (7) ~~He has pursuant~~ Pursuant to Section 4 of Public
14 Law 103-152, been selected and referred to reemployment
15 services and participates in reemployment services, such as
16 job search assistance services, if the individual has been
17 determined to be likely to exhaust regular benefits and need
18 reemployment services pursuant to a profiling system
19 established by the secretary unless ~~it is determined by~~ the
20 secretary determines that: the claimant has completed
21 reemployment services or there is justifiable cause for his or
22 her failure to participate in reemployment services.

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

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

26 "(b) Notwithstanding any of the provisions of
27 subdivision (a) (3), no otherwise eligible individual shall be

1 denied benefits for any week because he or she has met any of
2 the following criteria:

3 "(1) Enrolled in a course of training with the
4 approval of the secretary. The approval of the secretary shall
5 be conditioned upon the following:

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

8 "b. Training is for an occupation for which there is
9 a substantial and recurring demand.

10 "c. Training is not a course of education for credit
11 toward a degree.

12 "d. The individual possesses aptitudes or skills
13 which can be supplemented by retraining within a reasonable
14 time.

15 "e. The individual produces satisfactory evidence of
16 continued attendance and satisfactory progress.

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

19 "(3) Left work to enter training pursuant to
20 subdivision (2), provided that the work left is not suitable
21 employment. For purposes of this subdivision, the term
22 "suitable employment" means with respect to an individual,
23 work of a substantially equal or higher skill level than the
24 individual's past adversely affected employment, as defined
25 for purposes of the Trade Act of 1974, and wages for such work
26 at not less than 80 percent of the individual's average weekly
27 wage as defined by the Trade Act of 1974.

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

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

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

11 Section 2. This act shall become effective on July
12 1, 2022, following its passage and approval by the Governor,
13 or its otherwise becoming law.