

HB29 ENGROSSED



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3 By Representative Oliver
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HB29 Engrossed

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A BILL
TO BE ENTITLED
AN ACT

Relating to unemployment compensation; to amend Sections 25-4-77 and 25-4-78, Code of Alabama 1975, to increase the number of prospective employers an unemployed individual must contact to remain eligible for unemployment compensation; to define terms; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 25-4-77 and 25-4-78, Code of Alabama 1975, are amended to read as follows:

"§25-4-77

(a) An unemployed individual shall be eligible to receive benefits with respect to any week in a benefit year which begins on or after January 1, 2023, only if the secretary finds that he or she has met all of the following criteria:

(1) Made a claim for benefits with respect to the week in accordance with rules adopted by the secretary.

(2) Registered for work at, and subsequently continued to report at, a state employment office in accordance with



HB29 Engrossed

29 rules adopted by the secretary as he or she may prescribe;
30 except, that the secretary may by rule waive or alter either
31 or both of the requirements of this subdivision as to
32 individuals attached to regular jobs and as to such other
33 types of cases or situations with respect to which he or she
34 finds that compliance with such requirements would be
35 oppressive or would be inconsistent with purposes of this
36 chapter.

37 (3) Is physically and mentally able to perform work of
38 a character which he or she is qualified to perform by past
39 experience or training, and is available for the work either
40 at a locality at which he or she earned wages for insured work
41 during his or her base period or at a locality where it may
42 reasonably be expected that the work may be available.

43 (4) Been totally or partially unemployed in the week.

44 (5) Made a reasonable and active effort to secure work
45 which he or she is qualified to perform by past experience and
46 training, unless the failure is because the individual is
47 before any court of the United States or any state pursuant to
48 a lawfully issued summons to appear for jury duty. "Reasonable
49 and active effort" means engaging in systematic and sustained
50 efforts to find work, including contacting: (i) at least three
51 prospective employers for each week of unemployment claimed if
52 the individual resides in a county with a population of fewer
53 than 20,000 residents; or (ii) at least five prospective
54 employers for each week of unemployment claimed if the
55 individual resides in a county with a population of 20,000 or
56 more residents. The department shall require the claimant to



HB29 Engrossed

57 provide proof of work search efforts when filing his or her
58 weekly certification. A claimant's subsequent proof of work
59 search efforts may not include the same prospective employer,
60 unless the employer has indicated since the time of the
61 initial contact that the employer is hiring. The department
62 shall conduct random reviews of at least five percent of the
63 work search proof provided by claimants each week. The
64 Governor by executive order may suspend the work search
65 requirement during a state of emergency to the extent
66 permissible by federal law. For the purposes of this
67 subdivision, the entitlement to regular or extended benefits
68 of any individual who is determined not to be actively engaged
69 in seeking work during any week because of jury duty, shall be
70 determined pursuant to the provisions of subdivision (3)
71 without regard to the disqualification provisions otherwise
72 applicable under Section 25-4-75(i)(1)b. and Section
73 25-4-75(i)(2). The term "jury duty" as used in this
74 subdivision means the performance of service as a juror,
75 during all periods of time an individual is engaged in service
76 as a juror, in any court of a state or the United States
77 pursuant to the law of the state or the United States and the
78 rules of the court in which the individual is engaged in the
79 performance of service as a juror.

80 (6) During his or her base period, been paid wages for
81 insured work equal to or exceeding one and one-half times the
82 total of the wages for insured work paid to him or her in that
83 quarter of the base period in which the total wages were the
84 highest and in addition, qualifies for benefits under the



HB29 Engrossed

85 provisions of Section 25-4-72; provided, however, that no
86 otherwise eligible individual who has received benefits in a
87 preceding benefit year shall be eligible to receive benefits
88 in a succeeding benefit year unless and until the otherwise
89 eligible individual, subsequent to the beginning date of the
90 preceding benefit year, has worked in insured employment for
91 which work he or she earned wages equal to at least eight
92 times the weekly benefit amount established for the individual
93 in the preceding benefit year.

94 (7) Pursuant to Section 4 of Public Law 103-152, has
95 been selected and referred to reemployment services and
96 participates in reemployment services, such as job search
97 assistance services, if the individual has been determined to
98 be likely to exhaust regular benefits and needs reemployment
99 services pursuant to a profiling system established by the
100 secretary, unless the secretary determines that the claimant
101 has completed reemployment services or there is justifiable
102 cause for his or her failure to participate in reemployment
103 services.

104 (b) Notwithstanding any of the provisions of
105 subdivision (a)(3), no otherwise eligible individual shall be
106 denied benefits for any week because he or she has met any of
107 the following criteria:

108 (1) Enrolled in a course of training with the approval
109 of the secretary. The approval of the secretary shall be
110 conditioned upon the following:

111 a. The individual's skills are obsolete or provide
112 minimal opportunities for employment.



HB29 Engrossed

113 b. Training is for an occupation for which there is a
114 substantial and recurring demand.

115 c. Training is not a course of education for credit
116 toward a degree.

117 d. The individual possesses aptitudes or skills that
118 can be supplemented by retraining within a reasonable time.

119 e. The individual produces satisfactory evidence of
120 continued attendance and satisfactory progress.

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

123 (3) Left work to enter training pursuant to subdivision
124 (2), provided that the work left is not suitable employment.
125 For purposes of this subdivision, the term "suitable
126 employment" means with respect to an individual, work of a
127 substantially equal or higher skill level than the
128 individual's past adversely affected employment, as defined by
129 the Trade Act of 1974, and wages for such work at not less
130 than 80 percent of the individual's average weekly wage as
131 defined by the Trade Act of 1974.

132 (4) Become unavailable to work, failed to actively seek
133 work, or refused to accept work because he or she was in
134 training pursuant to subdivision (2).

135 (c) With respect to any week that begins prior to
136 January 1, 1989, an unemployed individual shall be eligible to
137 receive benefits as provided in this section prior to that
138 date.

139 (d) The provisions of subdivision (a) (5) shall be
140 applied only to any week that begins on or after January 1,



HB29 Engrossed

141 2023.

142 (e) The Department of Labor shall provide applicants
143 for unemployment with simple instructions on how to apply and
144 provide all required recurring certifications to continue to
145 receive benefits."

146 "§25-4-78

147 An individual shall be disqualified for total or
148 partial unemployment ~~for~~ under any of the following
149 circumstances:

150 (1) LABOR DISPUTE IN PLACE OF EMPLOYMENT. ~~For any~~ Any
151 week in which an individual's total or partial unemployment is
152 directly due to a labor dispute still in active progress in
153 the establishment in which he or she is or was last employed.
154 For the purposes of this section ~~only~~, the term "labor
155 dispute" includes any controversy concerning terms, tenure, or
156 conditions of employment, or concerning the association or
157 representation of persons in negotiating, fixing, maintaining,
158 changing, or seeking to arrange terms or conditions of
159 employment, regardless of whether the disputants stand in the
160 proximate relation of employer and employee. This definition
161 shall not relate to a dispute between an individual worker and
162 his or her employer.

163 (2) VOLUNTARILY QUITTING WORK. ~~If an~~ An individual has
164 left his or her most recent bona fide work voluntarily without
165 good cause connected with such work.

166 a.1. ~~However,~~ an individual shall not be disqualified
167 if he or she was forced to leave work because he or she was
168 sick or disabled, and notified his or her employer of the ~~fact~~



HB29 Engrossed

169 sickness or disability as soon as it was reasonably
170 practicable ~~so to do~~, and returned to ~~that employer~~ and
171 ~~offered himself or herself for work~~ as soon as he or she was
172 again able to work; ~~provided, however, this.~~

173 2. exception Subparagraph 1. shall not apply if the
174 employer had an established leave of absence policy covering
175 sickness or disability and:

176 (i) The individual ~~fails~~ failed to comply with the
177 ~~same policy~~ as soon as it ~~is~~ was reasonably practicable ~~to do~~
178 ~~so~~; or

179 (ii) Upon the expiration of a leave of absence, ~~shall~~
180 ~~fail~~ the individual failed to return to the employer and offer
181 himself or herself for work, if the individual ~~shall then be~~
182 was able to work, or if he or she ~~is~~ was not ~~then~~ able to work,
183 he or she ~~fails to so~~ failed to notify his or her employer of
184 ~~that fact~~ his or her inability to work and failed to request
185 an extension of his or her leave of absence as soon as it ~~is~~
186 was reasonably practicable ~~so to do~~.

187 ~~2. In case of doubt that an individual was sick or~~
188 ~~disabled, or as to the duration of any such sickness or~~
189 ~~disability, the~~

190 3. The secretary may, or if the employer requests it,
191 the secretary shall, require a doctor's certificate to
192 establish the ~~fact or facts in doubt~~ sickness or disability of
193 the individual.

194 ~~3.4.~~ An established leave of absence policy shall be
195 any leave of absence policy covering sickness and disability
196 communicated to the employee by the customary means used by



HB29 Engrossed

197 the employer for communicating with his or her employees.

198 ~~4.b.~~ Nothing herein in this section shall be construed
199 or interpreted as authorizing the payment of benefits to any
200 individual during, or for, unemployment due to sickness or
201 disability or during any period in which he or she is on a
202 leave of absence granted in accordance with an established
203 leave of absence policy, the duration of which leave was set
204 in accordance with his or her request or in accordance with a
205 collective bargaining agreement; ~~except, that if such.~~ If the
206 leave of absence is on account of due to pregnancy and extends
207 beyond the tenth week following termination of ~~such the~~
208 pregnancy, the individual shall not be denied benefits under
209 this subdivision beyond ~~such the~~ tenth week if she has given
210 the employer three weeks' notice of her desire to return to
211 work, ~~is then able~~ and ability to work, and has not refused
212 reinstatement to a job which ~~under subdivision (5)~~ would be
213 deemed suitable for her pursuant to subdivision (5).

214 ~~b.c.1.~~ When an individual is disqualified under this
215 subdivision,

216 ~~1. He~~ he or she shall not be entitled to benefits for
217 the week in which the disqualifying event occurs or for any
218 subsequent week thereafter until he or she has:

219 (i) ~~He or she has reentered~~ Reentered insured employment
220 or employment of the nature described in ~~subdivisions (5),~~
221 ~~(6), (7), (8), (9), (10), or (18) of subsection (b) of Section~~
222 25-4-10(b) (5) through (10) or Section 25-4-10(b) (18); and

223 (ii) ~~For which employment he or she has earned~~ Earned
224 wages equal to at least 10 times his or her weekly benefit



HB29 Engrossed

225 amount for the benefit year in which ~~such~~ the disqualification
226 is assessed; and

227 (iii) ~~He or she has been separated~~ Separated from ~~such~~
228 the employment under nondisqualifying conditions.

229 2. The total amount of benefits to which an individual
230 may otherwise be entitled as determined in accordance with
231 Sections 25-4-74 and 25-4-75 shall be reduced by an amount
232 equal to not less than three nor more than nine times his or
233 her weekly benefit amount.

234 3. For ~~the purpose~~ purposes of the experience rating
235 provisions of Section 25-4-54, no portion of the benefits
236 payable to an individual, based upon wages paid to him or her
237 for the period of employment ending with the separation to
238 which the disqualification applies, shall be charged to the
239 employer's experience rating account. If the individual has
240 been separated from employment other than his or her most
241 recent bona fide work under conditions which would have been
242 disqualifying under this subdivision ~~(2)~~ had the separation
243 been from his or her most recent bona fide work and the
244 employer answers a notice of payment within 15 days after it
245 is mailed to him or her detailing the facts in connection with
246 the separation, then no portion of any benefits paid to him or
247 her based upon wages for the period of employment ending in
248 ~~such~~ the separation shall be charged to the employer's
249 experience rating account.

250 4. ~~Any other provision of this chapter to the contrary~~
251 ~~notwithstanding, effective October 21, 2013~~ Notwithstanding any
252 other provision of law, the unemployment compensation account



HB29 Engrossed

253 of an employer shall be charged when the unemployment
254 compensation agency determines that an overpayment has been
255 made to a claimant as a result of both of the following:

256 (i) The overpayment occurred because the employer, or
257 an agent of the employer, failed to respond timely or
258 adequately to a request from the unemployment compensation
259 agency for information relating to an unemployment
260 compensation claim; and

261 (ii) The employer, or an agent of the employer, has
262 established a pattern of failing to respond timely or
263 adequately to a request from the unemployment compensation
264 agency for information relating to an unemployment
265 compensation claim on two or more occasions.

266 ~~e.d.~~ e.d. An individual shall not be disqualified if he or
267 she left his or her employment and immediately returned to
268 work with his or her regular employer or to employment in
269 which he or she had prior existing statutory or contractual
270 seniority or recall rights. When this exception is applied,
271 any benefits paid to the individual based upon wages paid for
272 ~~that~~ the period of employment immediately preceding the
273 separation to which the exception is applied, which have not
274 been ~~heretofore~~ charged to the employer's experience rating
275 account, shall not be charged to the account of the employer.

276 ~~d.e.~~ d.e. For separation occurring on or after August 1,
277 2012, an individual shall not be disqualified if he or she
278 left his or her employment to permanently relocate as a result
279 of his or her active duty military-connected spouse's
280 permanent change of station orders, activation orders, or unit



HB29 Engrossed

281 deployment orders. When this exception is applied, any
282 benefits paid to the individual based upon wages paid for that
283 period of employment immediately preceding the separation to
284 which the exception is applied, which have not been ~~heretofore~~
285 charged to the employer's experience rating account, shall not
286 be charged to the account of the employer.

287 ~~e.f.~~ For the purposes of ~~this subdivision~~ determining
288 the most recent bona fide work under this subdivision and
289 ~~subdivision (3) of this section~~, the secretary ~~in determining~~
290 ~~the most recent bona fide work~~ shall only consider employment
291 of the nature described in ~~subsection (a) of~~ Section
292 25-4-10 (a). The secretary shall also consider the duration of
293 the most recent job or jobs, the intent of the individual and
294 his or her employer as to the permanence of ~~such~~ the work, and
295 whether separation from the immediately preceding employment
296 was under conditions which would be disqualifying in the event
297 ~~such~~ the immediately preceding employment should be determined
298 to be the most recent bona fide work.

299 (3) DISCHARGE FOR MISCONDUCT.

300 a. ~~If an~~ An individual was discharged or removed from
301 his or her work for a dishonest or criminal act committed in
302 connection with his or her work ~~or for~~, sabotage ~~or~~, an act
303 endangering the safety of others ~~or for~~, the use of illegal
304 drugs after previous warning, ~~or for~~ the refusal to submit to
305 or cooperate with a blood or urine test after previous
306 warning. Disqualification under this paragraph may be applied
307 to separations prior to separation from the most recent bona
308 fide work ~~only~~ if the employer has filed a notice with the



HB29 Engrossed

309 secretary alleging that the separation was under conditions
310 described in this paragraph in ~~such a manner~~ and within ~~such~~
311 ~~the time as prescribed by the secretary may prescribe.~~

312 ~~(i)1.~~ A confirmed positive drug test that is conducted
313 and evaluated according to standards set forth ~~for the conduct~~
314 ~~and evaluation of such tests~~ by the U.S. Department of
315 Transportation in 49 C.F.R. Part 40 or standards shown by the
316 employer to be otherwise reliable shall be a conclusive
317 presumption of impairment by illegal drugs.

318 (i) No unemployment compensation benefits shall be
319 allowed to an employee having a confirmed positive drug test
320 if the employee ~~had been warned~~ received a warning that such a
321 positive test could result in dismissal pursuant to a
322 reasonable drug policy. A warning shall mean that the employee
323 has been advised in writing of the provisions of the
324 employer's drug policy and that either testing positive or the
325 refusal to submit to or cooperate with a blood or urine test
326 could result in termination of employment.

327 (ii) A drug policy shall be deemed reasonable if the
328 employer shows that all employees of the employer, regardless
329 of position or classification, are subject to testing under
330 the policy, and in those instances in which the employer
331 offers as the basis for disqualification from unemployment
332 compensation benefits the results obtained pursuant to
333 additional testing imposed on some but not all
334 classifications, if the employer can also offer some rational
335 basis for conducting such additional testing.

336 (iii) ~~Further, no~~ No unemployment compensation benefits



HB29 Engrossed

337 shall be allowed if the employee refuses to submit to or
338 cooperate with a blood or urine test ~~as set forth above~~, or if
339 the employee knowingly alters or adulterates the blood or
340 urine specimen.

341 ~~(ii) For purposes of paragraph a. and item (i) of~~
342 ~~paragraph a. of this subdivision, warning shall mean that the~~
343 ~~employee has been advised in writing of the provisions of the~~
344 ~~employer's drug policy and that either testing positive~~
345 ~~pursuant to the standards referenced above or the refusal to~~
346 ~~submit to or cooperate with a blood or urine test as set out~~
347 ~~in the above referenced standards could result in termination~~
348 ~~of employment. This written notification as herein described~~
349 ~~shall constitute a warning as used in paragraph a. and item~~
350 ~~(i) of paragraph a. of this subdivision.~~

351 ~~(iii) To the extent that the issue is~~2. If an employee
352 has a confirmed positive drug test or the refusal refuses to
353 submit to or cooperate with a blood or urine test, or if the
354 employee knowingly alters or adulterates the blood or urine
355 sample, ~~as distinguished from some other aspect of the~~
356 ~~employer's drug policy, this disqualification under paragraph~~
357 ~~a. and item (i) of this paragraph a. shall be the only~~
358 disqualification to apply, in connection with an individual's
359 separation from employment. Other non-separation
360 disqualifications may apply.

361 3. When an individual is disqualified under this
362 paragraph:

363 ~~1.~~(i) He or she shall not be entitled to benefits for
364 the week in which the disqualifying event occurs or for any



HB29 Engrossed

365 subsequent week thereafter until he or she has reentered
366 insured employment or employment of the nature described in
367 ~~subdivisions (5), (6), (7), (8), (9), (10), or (18) of~~
368 ~~subsection (b) of Section 25-4-10~~ (b) (5) through (10) or
369 Section 25-4-10(b) (18), has earned wages equal at least to 10
370 times his or her weekly benefit amount, ~~and~~ or has been
371 separated from ~~such~~ the employment for a nondisqualifying
372 reason.

373 2. (ii) He or she shall not thereafter be entitled to
374 any benefits under this chapter on account of wages paid to
375 him or her for the period of employment by the employer by
376 whom he or she was employed when the disqualifying event
377 occurred.

378 3. (iii) For ~~the~~ purposes of the experience rating
379 provisions of Section 25-4-54 ~~÷~~ 1

380 ~~(i) No~~ no portion of any benefits based upon wages paid
381 to the individual for the period of employment by the employer
382 by whom he or she was employed when the disqualifying event
383 occurred shall be charged to the employer's experience rating
384 account.

385 ~~(ii)~~ (iv) In the case of a separation prior to the
386 separation from the most recent bona fide work, if the only
387 reason disqualification under this paragraph ~~a.~~ was not
388 assessed was the failure of the employer to properly file a
389 timely separation report with the secretary and the employer
390 files ~~such a~~ the report within 15 days after the mailing of a
391 notice of payment, then no portion of any benefits paid based
392 upon the wages paid for the period of employment ending in



HB29 Engrossed

393 ~~such the~~ prior separation shall be charged to the employer's
394 experience rating account.

395 b. If an individual was discharged from his or her most
396 recent bona fide work for actual or threatened misconduct
397 committed in connection with his or her work, ~~for reasons~~
398 ~~other than acts mentioned in paragraph a. of this~~
399 ~~subdivision)~~ those provided in paragraph a., repeated after
400 previous warning to the individual. When an individual is
401 disqualified under this paragraph, or exempt from
402 disqualification for a separation under such conditions prior
403 to his or her most recent bona fide work, the effect shall be
404 the same as provided in paragraph ~~b. of subdivision (2)~~ d. for
405 disqualification or exemption from disqualification
406 respectively.

407 c. If an individual was discharged from his or her most
408 recent bona fide work for misconduct connected with his or her
409 work ~~other than acts mentioned~~ for reasons other than those
410 provided in paragraphs a. and b. of this subdivision]:

411 1. He or she shall be disqualified from receipt of
412 benefits for the week in which he or she was discharged and
413 for not less than the following week nor more than the four
414 next following weeks, as determined by the secretary in each
415 case according to the seriousness of the conduct.

416 2. The total amount of benefits to which an individual
417 may otherwise be entitled as determined in accordance with
418 Sections 25-4-74 and 25-4-75 shall be reduced by an amount
419 equal to the product of the number of weeks for which an
420 individual shall be disqualified multiplied by his or her



HB29 Engrossed

421 weekly benefit amount.

422 3. Only one-half of the benefits paid to an individual
423 based upon wages for that period of employment immediately
424 preceding the separation to which the disqualification applies
425 shall be charged to the employer for the purposes of the
426 experience rating provisions of Section 25-4-54. If the
427 individual has been separated from employment, other than his
428 or her most recent bona fide work, under conditions which
429 would have been disqualifying under this paragraph, had the
430 separation been from his or her most recent bona fide work and
431 the employer answers a notice of payment within 15 days after
432 it is mailed to him or her detailing the facts in connection
433 with the separation, then only one-half of the benefits paid
434 to him or her for that period of employment immediately
435 preceding the separation shall be charged to the employer for
436 the purposes of the experience rating provisions of Section
437 25-4-54, unless the employer, or an agent of the employer,
438 failed to respond timely or adequately to written requests
439 pursuant to subparagraph (2)c.4. ~~of paragraph b. of~~
440 ~~subdivision (2).~~

441 d. If an individual has been suspended as a
442 disciplinary measure connected with his or her work, or for
443 misconduct connected with his or her work, he or she shall be
444 disqualified from benefits for the week or weeks (not to
445 exceed four weeks) in which, or for which, he or she is so
446 suspended and the total amount of benefits to which he or she
447 may otherwise be entitled shall be reduced in the same manner
448 and to the same extent as provided in subparagraph c.2. ~~of~~



HB29 Engrossed

449 ~~paragraph c. of this subdivision (3).~~

450 (4) REVOCATION OR SUSPENSION OF REQUIRED LICENSE, ETC.

451 ~~For the~~ a. Any week in which an individual has become
452 unemployed because a license, certificate, permit, bond,
453 surety, or insurability which is necessary for the performance
454 of his or her employment and which he or she is responsible to
455 maintain or supply has been revoked, suspended, or otherwise
456 become lost to him or her for a ~~cause~~ reason other than one
457 which would fall within the meaning of subdivision (3), but
458 ~~one~~ a reason which was within his or her power to control,
459 guard against, or prevent, and for each subsequent week
460 ~~thereafter~~ until:

461 ~~a. The~~ the license, certificate, permit, bond, or
462 surety, or insurability, has been restored to him or her and
463 he or she has reapplied to his or her employer for
464 employment, or

465 ~~b. He~~ he or she has reentered insured employment or
466 employment of the nature described in ~~subdivisions (5), (6),~~
467 ~~(7), (8), (9), (10), or (18) of subsection (b) of Section~~
468 25-4-10(b) (5) through (10) or Section 25-4-10(b) (18),
469 whichever is the earlier.

470 ~~e.b.~~ b. Nothing in this subdivision shall be construed as
471 a basis for disqualification of an individual who is without
472 fault and who has made a reasonable effort to obtain his or
473 her initial license, certificate, permit, bond, surety, or
474 insurability required for the performance of assigned duties.

475 (5) FAILURE TO ACCEPT AVAILABLE SUITABLE WORK, ETC. ~~if~~
476 ~~an~~ a. An individual fails, without good cause, either to apply



HB29 Engrossed

477 for or to accept available suitable work or to return to his
478 or her customary self-employment when so directed by the
479 secretary or when an individual is notified of suitable work
480 or it is offered him or her through a state employment office
481 or the United States Employment Service, or directly or by
482 written notice or offer to any such employment office or
483 employment service by an employer by whom the individual was
484 formerly employed. ~~Such~~ The disqualification shall be for a
485 period of ~~not less than one nor more than five~~ weeks from the
486 date of failure.

487 ~~b. This disqualification~~ Disqualification under
488 paragraph a. shall not apply unless the individual has an
489 established benefit year, or is seeking to establish one or is
490 seeking extended benefits at the time he or she fails without
491 good cause, to do any of the acts set out in this subdivision.

492 ~~a.c.~~ In determining whether or not any work is suitable
493 for an individual, the secretary shall consider:

494 1. The degree of risk involved to his or her health,
495 safety, and morals, his or her physical fitness, and his or
496 her prior training.

497 2. His or her experience and prior earnings.

498 3. His or her length of unemployment.

499 4. His or her prospects for securing local work in his
500 or her customary occupation.

501 5. The distance of the available work from his or her
502 residence; provided, that no work or employment shall be
503 deemed unsuitable because of its distance from the
504 individual's residence, if ~~such~~ the work or employment is in



HB29 Engrossed

505 the same or substantially the same locality as was his or her
506 last previous regular place of employment and if the employee
507 left ~~such~~ the employment voluntarily without good cause
508 connected with ~~such~~ the employment.

509 d. Failure to appear for a previously scheduled
510 interview or skills test without notifying the prospective
511 employer of the need to delay or reschedule the interview or
512 test, unless there is good cause for the failure to notify,
513 shall be deemed a failure to seek or accept suitable work. A
514 claimant who fails to respond to an offer to return to work or
515 an offer of suitable employment within 72 hours of the offer
516 being made shall be deemed a rejection of an offer of suitable
517 employment.

518 b.e. Notwithstanding any other provisions of this
519 chapter, no work shall be deemed suitable and benefits shall
520 not be denied under this chapter to any otherwise eligible
521 individual for refusing to accept new work under any of the
522 following conditions:

523 1. If the position offered is vacant due directly to a
524 strike, lockout, or other labor dispute.

525 2. If the wages, hours, or other conditions of the work
526 offered are substantially less favorable to the individual
527 than those prevailing for similar work in the locality.

528 3. If, as a condition of being employed, the individual
529 would be required to join a company union, or to resign from
530 or refrain from joining any bona fide labor organization.

531 e.f. Notwithstanding any other provisions of this
532 section, benefits shall not be denied an individual, by reason



HB29 Engrossed

533 of the application of this subdivision~~(5)~~, with respect to
534 any week in which he or she is in training with the approval
535 of the secretary as described in ~~subdivision (a) (3) of Section~~
536 25-4-77 (a) (3).

537 (6) RECEIPT OF BACK PAY AWARD, ETC. ~~For any~~ a. Any week
538 with respect to which an individual is receiving or has
539 received remuneration in the form of a back pay award.
540 Notwithstanding Section 25-4-91, any benefits previously paid
541 for weeks of unemployment with respect to which back pay
542 awards are made shall constitute an overpayment and ~~such~~ the
543 amounts shall be deducted from the award by the employer prior
544 to payment to the employee and shall be transmitted promptly
545 to the secretary by the employer for application against the
546 overpayment and credit to the claimant's maximum benefit
547 amount and prompt deposit into the fund; ~~provided, however,~~
548 ~~the~~ .

549 b. The removal of any charges made against the employer
550 as a result of ~~such~~ previously paid benefits shall be applied
551 to the calendar year and the calendar quarter in which the
552 overpayment is received by the secretary and no attempt shall
553 be made to relate such a credit to the period to which the
554 award applies.

555 c. Any amount of overpayment deducted by the employer
556 shall be subject to the same procedures for collection as is
557 provided for contributions by Section 25-4-134.

558 (7) RECEIPT OF OR APPLICATION FOR UNEMPLOYMENT
559 COMPENSATION FROM ANOTHER STATE, ETC. ~~For any~~ Any week with
560 respect to which, or a part of which, an individual has



HB29 Engrossed

561 received or is seeking unemployment benefits under an
562 unemployment compensation law of any other state or of the
563 United States; ~~provided, that if.~~ If the appropriate agency of
564 ~~such the~~ other state or ~~of the~~ United States ~~finally~~
565 determines that the individual is not entitled to ~~such the~~
566 unemployment benefits this disqualification shall not apply.

567 (8) RECEIPT OF PENSION PAYMENT. ~~For any~~ Any week with
568 respect to which, or a part of which, an individual has
569 received or ~~has~~, except for the determination of an exact or
570 specific amount, has been determined eligible to receive,
571 ~~(during a period for which benefits are being claimed),~~
572 governmental or other pension, retirement or retired pay,
573 annuity, or similar periodic payment which is based on the
574 previous work of the individual; except, that:

575 a. For weeks of unemployment which begin prior to April
576 26, 1982, as was prescribed by this subsection prior to the
577 date, i and

578 b. For weeks of unemployment which begin on or after
579 April 26, 1982, the amount of any benefits payable to an
580 individual for any week which begins in a period with respect
581 to which the disqualifying provisions of this subdivision
582 apply, shall be reduced (but not below zero) by an amount
583 equal to the amount of the pension, retirement or retired pay,
584 annuity, or other payment, which is reasonably attributable to
585 the week, i provided, however, the reduction required by this
586 paragraph shall apply to any pension, retirement or retired
587 pay, annuity, or other similar payment only if:

588 1. The payment is made under a plan that is maintained



HB29 Engrossed

589 ~~for contributed to~~ by a base period employer and 100 percent
590 employer-financed and not contributed to by the worker~~;~~ and

591 2. In the case of such a payment not made under the
592 Social Security Act or the Railroad Retirement Act of 1974,
593 ~~for the corresponding provisions of prior law~~, services
594 performed for the employer by the individual after the
595 beginning of his or her base period ~~for remuneration for the~~
596 ~~services~~ affect eligibility for, or increase the amount of,
597 the payment.

598 c. The other provisions of this subdivision to the
599 contrary notwithstanding, beginning with the weeks ending
600 October 7, 1995, the amount of any pension, retirement or
601 retired pay, annuity, or other similar periodic payment under
602 the Social Security Act or the Railroad Retirement Act shall
603 not result in a reduction of benefits under this subdivision.

604 d. If in accordance with this subdivision any
605 individual is awarded pension payments retroactively covering
606 the same period for which the individual received benefits,
607 the retroactive payments shall constitute cause for
608 disqualification and any benefits paid during the period shall
609 be recovered only if the retroactive pension payments were
610 made under a plan that is maintained ~~for contributed to~~ by a
611 base period employer, 100 percent employer-financed, and not
612 contributed to by the worker.

613 (9) RECEIPT OF OR APPLICATION FOR WORKERS'
614 COMPENSATION. ~~For any~~Any week with respect to which, or a part
615 of which, an individual has received or is seeking
616 compensation for temporary disability under any workers'



HB29 Engrossed

617 compensation law; ~~provided, that if.~~ If it is ~~finally~~
618 determined that the individual is not entitled to ~~such~~ workers'
619 compensation, this disqualification shall not apply. ~~;~~ ~~and~~
620 ~~provided further, that if such~~ If the workers' compensation is
621 less than the benefits which would otherwise be due under this
622 chapter, the individual shall be entitled to receive for the
623 week, if otherwise eligible, benefits reduced by the amount of
624 the payment.

625 (10) EMPLOYMENT BY PUBLIC WORKS AGENCY, ETC. ~~For any~~ Any
626 week that an individual is engaged or employed by the Works
627 Progress Administration, the National Youth Administration, or
628 any federal or state unit, agency, or instrumentality in
629 charge of public works, assistance through public employment,
630 or work relief.

631 (11) SELF-EMPLOYMENT. ~~For any~~ Any week in which an
632 individual is self-employed and each subsequent week
633 ~~thereafter~~ until he or she shall establish that he or she is
634 no longer self-employed.

635 (12) RECEIPT OF, OR APPLICATION FOR, TRAINING
636 ALLOWANCE, ETC. ~~For any~~ Any week with respect to which, or a
637 part of which, an individual who is enrolled in a course of
638 training with the approval of the secretary, within the
639 meaning of ~~subdivision (a) (3) of Section 25-4-77~~ (a) (3), has
640 applied for, or is entitled to receive, any wage or
641 subsistence or training allowance or other form of
642 remuneration, other than reimbursement for travel expenses,
643 for a course of training under any public or private training
644 program; ~~provided, that if.~~ If it is ~~finally~~ determined that



HB29 Engrossed

645 an individual is not entitled to such remuneration, this
646 disqualification shall not apply.

647 b. If the remuneration, the receipt of which is
648 disqualifying under this subdivision, is less than the weekly
649 benefits which he or she would otherwise be due under this
650 chapter, he or she shall be entitled to receive, if otherwise
651 eligible, weekly benefits reduced by the amount of the
652 remuneration.

653 ~~It is further provided that receipt~~ c. Receipt of
654 training allowances under the Trade Readjustment Act shall not
655 be cause for disqualification under this subdivision.

656 (13) PARTICIPATION IN PROFESSIONAL SPORTS. ~~For any~~ Any
657 week which commences during the period between two successive
658 sport seasons, or similar periods, to any individual for which
659 benefits claimed are on the basis of any services,
660 substantially all of which consist of participating in sports
661 or athletic events or training or preparing to so participate,
662 if such individual performed services in the first of such
663 seasons, or similar periods, and there is a reasonable
664 assurance that ~~such the~~ the individual will perform such services
665 in the later of such seasons, or similar periods.

666 (14) ALIENS.

667 a. ~~For any~~ Any week for which benefits claimed are on
668 the basis of services performed by an alien unless any of the
669 following apply:

670 1. The alien is an individual who was lawfully admitted
671 for permanent residence at the time the services were
672 performed, and was lawfully present for purposes of performing



HB29 Engrossed

673 the services;~~or,~~.

674 2. The alien was permanently residing in the United
675 States under color of law at the time services were performed,
676 including an alien who is lawfully present in the United
677 States as a result of the application of the provisions of
678 Section 203(a)(7) or Section 212(d)(5) of the Immigration and
679 Nationality Act;~~or,~~.

680 3. The alien was lawfully admitted for temporary
681 residence as provided for under Section 245A(a) of the
682 Immigration Reform and Control Act of 1986 (PL 99-603).

683 b. Any data or information required of individuals
684 applying for benefits to determine whether benefits are not
685 payable to them because of their alien status shall be
686 uniformly required from all applicants for benefits.

687 c. In the case of an individual whose application for
688 benefits would otherwise be approved, no determination that
689 benefits to ~~such~~the individual are not payable because of his
690 or her alien status shall be made except upon a preponderance
691 of the evidence."

692 Section 2. This act shall become effective on October
693 1, 2025.



HB29 Engrossed

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House of Representatives

697 Read for the first time and referred04-Feb-25
698 to the House of Representatives
699 committee on State Government
700
701 Read for the second time and placed05-Feb-25
702 on the calendar:
703 0 amendments
704
705 Read for the third time and passed11-Feb-25
706 as amended
707 Yeas 76
708 Nays 25
709 Abstains 1
710
711

712
713
714

John Treadwell
Clerk