

HB29 INTRODUCED



1 HB29
2 AU4T7QS-1
3 By Representative Oliver
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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. Reasonable and active effort includes contacting at least three prospective employers for each week of unemployment claimed.

This bill would increase the number of prospective employers an unemployed individual must contact for each week of unemployment claimed.

Also under existing law, an individual may be disqualified for total or partial unemployment benefits if the individual fails to apply for or accept available suitable work.

This bill would provide for the meaning of "failure to seek or accept suitable work."

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

A BILL
TO BE ENTITLED
AN ACT



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

36 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

39 "§25-4-77

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

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

47 (2) Registered for work at, and subsequently continued
48 to report at, a state employment office in accordance with
49 rules adopted by the secretary as he or she may prescribe;
50 except, that the secretary may by rule waive or alter either
51 or both of the requirements of this subdivision as to
52 individuals attached to regular jobs and as to such other
53 types of cases or situations with respect to which he or she
54 finds that compliance with such requirements would be
55 oppressive or would be inconsistent with purposes of this
56 chapter.



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57 (3) Is physically and mentally able to perform work of
58 a character which he or she is qualified to perform by past
59 experience or training, and is available for the work either
60 at a locality at which he or she earned wages for insured work
61 during his or her base period or at a locality where it may
62 reasonably be expected that the work may be available.

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

64 (5) Made a reasonable and active effort to secure work
65 which he or she is qualified to perform by past experience and
66 training, unless the failure is because the individual is
67 before any court of the United States or any state pursuant to
68 a lawfully issued summons to appear for jury duty. "Reasonable
69 and active effort" means engaging in systematic and sustained
70 efforts to find work, including contacting at least ~~three~~five
71 prospective employers for each week of unemployment claimed.
72 The department shall require the claimant to provide proof of
73 work search efforts when filing his or her weekly
74 certification. A claimant's subsequent proof of work search
75 efforts may not include the same prospective employer, unless
76 the employer has indicated since the time of the initial
77 contact that the employer is hiring. The department shall
78 conduct random reviews of at least five percent of the work
79 search proof provided by claimants each week. The Governor by
80 executive order may suspend the work search requirement during
81 a state of emergency to the extent permissible by federal law.
82 For the purposes of this subdivision, the entitlement to
83 regular or extended benefits of any individual who is
84 determined not to be actively engaged in seeking work during



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85 any week because of jury duty, shall be determined pursuant to
86 the provisions of subdivision (3) without regard to the
87 disqualification provisions otherwise applicable under Section
88 25-4-75(i)(1)b. and Section 25-4-75(i)(2). The term "jury
89 duty" as used in this subdivision means the performance of
90 service as a juror, during all periods of time an individual
91 is engaged in service as a juror, in any court of a state or
92 the United States pursuant to the law of the state or the
93 United States and the rules of the court in which the
94 individual is engaged in the performance of service as a
95 juror.

96 (6) During his or her base period, been paid wages for
97 insured work equal to or exceeding one and one-half times the
98 total of the wages for insured work paid to him or her in that
99 quarter of the base period in which the total wages were the
100 highest and in addition, qualifies for benefits under the
101 provisions of Section 25-4-72; provided, however, that no
102 otherwise eligible individual who has received benefits in a
103 preceding benefit year shall be eligible to receive benefits
104 in a succeeding benefit year unless and until the otherwise
105 eligible individual, subsequent to the beginning date of the
106 preceding benefit year, has worked in insured employment for
107 which work he or she earned wages equal to at least eight
108 times the weekly benefit amount established for the individual
109 in the preceding benefit year.

110 (7) Pursuant to Section 4 of Public Law 103-152, has
111 been selected and referred to reemployment services and
112 participates in reemployment services, such as job search



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113 assistance services, if the individual has been determined to
114 be likely to exhaust regular benefits and needs reemployment
115 services pursuant to a profiling system established by the
116 secretary, unless the secretary determines that the claimant
117 has completed reemployment services or there is justifiable
118 cause for his or her failure to participate in reemployment
119 services.

120 (b) Notwithstanding any of the provisions of
121 subdivision (a) (3), no otherwise eligible individual shall be
122 denied benefits for any week because he or she has met any of
123 the following criteria:

124 (1) Enrolled in a course of training with the approval
125 of the secretary. The approval of the secretary shall be
126 conditioned upon the following:

127 a. The individual's skills are obsolete or provide
128 minimal opportunities for employment.

129 b. Training is for an occupation for which there is a
130 substantial and recurring demand.

131 c. Training is not a course of education for credit
132 toward a degree.

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

135 e. The individual produces satisfactory evidence of
136 continued attendance and satisfactory progress.

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

139 (3) Left work to enter training pursuant to subdivision
140 (2), provided that the work left is not suitable employment.



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141 For purposes of this subdivision, the term "suitable
142 employment" means with respect to an individual, work of a
143 substantially equal or higher skill level than the
144 individual's past adversely affected employment, as defined by
145 the Trade Act of 1974, and wages for such work at not less
146 than 80 percent of the individual's average weekly wage as
147 defined by the Trade Act of 1974.

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

151 (c) With respect to any week that begins prior to
152 January 1, 1989, an unemployed individual shall be eligible to
153 receive benefits as provided in this section prior to that
154 date.

155 (d) The provisions of subdivision (a) (5) shall be
156 applied only to any week that begins on or after January 1,
157 2023.

158 (e) The Department of Labor shall provide applicants
159 for unemployment with simple instructions on how to apply and
160 provide all required recurring certifications to continue to
161 receive benefits."

162 "§25-4-78

163 An individual shall be disqualified for total or
164 partial unemployment ~~for~~ under any of the following
165 circumstances:

166 (1) LABOR DISPUTE IN PLACE OF EMPLOYMENT. ~~For any~~ Any
167 week in which an individual's total or partial unemployment is
168 directly due to a labor dispute still in active progress in



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169 the establishment in which he or she is or was last employed.
170 For the purposes of this section~~only~~, the term "labor
171 dispute" includes any controversy concerning terms, tenure, or
172 conditions of employment, or concerning the association or
173 representation of persons in negotiating, fixing, maintaining,
174 changing, or seeking to arrange terms or conditions of
175 employment, regardless of whether the disputants stand in the
176 proximate relation of employer and employee. This definition
177 shall not relate to a dispute between an individual worker and
178 his or her employer.

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

182 a.1. ~~However, an~~An individual shall not be disqualified
183 if he or she was forced to leave work because he or she was
184 sick or disabled, and notified his or her employer of the ~~fact~~
185 sickness or disability as soon as it was reasonably
186 practicable~~so to do~~, and returned to ~~that employer and~~
187 ~~offered himself or herself for~~ work as soon as he or she was
188 ~~again~~ able to work; ~~provided, however, this~~ .

189 2. exception~~Subparagraph 1.~~ shall not apply if the
190 employer had an established leave of absence policy covering
191 sickness or disability and:

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

195 (ii) Upon the expiration of a leave of absence, ~~shall~~
196 ~~fail~~the individual failed to return to the employer and offer



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197 himself or herself for work, if the individual ~~shall then be~~
198 was able to work, or if he or she ~~is~~was not ~~then~~ able to work,
199 he or she ~~fails to so~~ failed to notify his or her employer of
200 ~~that fact~~ his or her inability to work and failed to request
201 an extension of his or her leave of absence as soon as it ~~is~~
202 was reasonably practicable ~~so to do~~.

203 ~~2. In case of doubt that an individual was sick or~~
204 ~~disabled, or as to the duration of any such sickness or~~
205 ~~disability, the~~

206 3. The secretary may, or if the employer requests it,
207 the secretary shall, require a doctor's certificate to
208 establish the ~~fact or facts in doubt~~ sickness or disability of
209 the individual.

210 ~~3.4.~~ An established leave of absence policy shall be
211 any leave of absence policy covering sickness and disability
212 communicated to the employee by the customary means used by
213 the employer for communicating with his or her employees.

214 4.b. Nothing ~~herein in this section~~ shall be construed
215 or interpreted as authorizing the payment of benefits to any
216 individual during, or for, unemployment due to sickness or
217 disability or during any period in which he or she is on a
218 leave of absence granted in accordance with an established
219 leave of absence policy, the duration of which leave was set
220 in accordance with his or her request or in accordance with a
221 collective bargaining agreement; ~~except, that if such.~~ If the
222 leave of absence is ~~on account of~~ due to pregnancy and extends
223 beyond the tenth week following termination of ~~such the~~
224 pregnancy, the individual shall not be denied benefits under



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225 this subdivision beyond ~~such~~the tenth week if she has given
226 the employer three weeks' notice of her desire to return to
227 work, ~~is then able~~ and ability to work, and has not refused
228 reinstatement to a job which ~~under subdivision (5)~~ would be
229 deemed suitable for her pursuant to subdivision (5).

230 ~~b.~~c.1. When an individual is disqualified under this
231 subdivision~~;~~,

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

235 (i) ~~He or she has reentered~~Reentered insured employment
236 or employment of the nature described in ~~subdivisions (5),~~
237 ~~(6), (7), (8), (9), (10), or (18) of subsection (b) of Section~~
238 25-4-10 (b) (5) through (10) or Section 25-4-10 (b) (18); ~~and~~

239 (ii) ~~For which employment he or she has earned~~Earned
240 wages equal to at least 10 times his or her weekly benefit
241 amount for the benefit year in which ~~such~~the disqualification
242 is assessed; and

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

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

250 3. For ~~the purpose~~ purposes of the experience rating
251 provisions of Section 25-4-54, no portion of the benefits
252 payable to an individual, based upon wages paid to him or her



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253 for the period of employment ending with the separation to
254 which the disqualification applies, shall be charged to the
255 employer's experience rating account. If the individual has
256 been separated from employment other than his or her most
257 recent bona fide work under conditions which would have been
258 disqualifying under this subdivision ~~(2)~~ had the separation
259 been from his or her most recent bona fide work and the
260 employer answers a notice of payment within 15 days after it
261 is mailed to him or her detailing the facts in connection with
262 the separation, then no portion of any benefits paid to him or
263 her based upon wages for the period of employment ending in
264 ~~such~~ the separation shall be charged to the employer's
265 experience rating account.

266 4. ~~Any other provision of this chapter to the contrary~~
267 ~~notwithstanding, effective October 21, 2013~~ Notwithstanding any
268 other provision of law, the unemployment compensation account
269 of an employer shall be charged when the unemployment
270 compensation agency determines that an overpayment has been
271 made to a claimant as a result of both of the following:

272 (i) The overpayment occurred because the employer, or
273 an agent of the employer, failed to respond timely or
274 adequately to a request from the unemployment compensation
275 agency for information relating to an unemployment
276 compensation claim ~~;~~ and

277 (ii) The employer, or an agent of the employer, has
278 established a pattern of failing to respond timely or
279 adequately to a request from the unemployment compensation
280 agency for information relating to an unemployment



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281 compensation claim on two or more occasions.

282 ~~e.d.~~ e.d. An individual shall not be disqualified if he or
283 she left his or her employment and immediately returned to
284 work with his or her regular employer or to employment in
285 which he or she had prior existing statutory or contractual
286 seniority or recall rights. When this exception is applied,
287 any benefits paid to the individual based upon wages paid for
288 ~~that~~ the period of employment immediately preceding the
289 separation to which the exception is applied, which have not
290 been ~~heretofore~~ charged to the employer's experience rating
291 account, shall not be charged to the account of the employer.

292 ~~d.e.~~ d.e. For separation occurring on or after August 1,
293 2012, an individual shall not be disqualified if he or she
294 left his or her employment to permanently relocate as a result
295 of his or her active duty military-connected spouse's
296 permanent change of station orders, activation orders, or unit
297 deployment orders. When this exception is applied, any
298 benefits paid to the individual based upon wages paid for that
299 period of employment immediately preceding the separation to
300 which the exception is applied, which have not been ~~heretofore~~
301 charged to the employer's experience rating account, shall not
302 be charged to the account of the employer.

303 ~~e.f.~~ e.f. For ~~the~~ purposes of ~~this subdivision~~ determining
304 the most recent bona fide work under this subdivision and
305 subdivision (3) ~~of this section~~, the secretary ~~in determining~~
306 ~~the most recent bona fide work~~ shall only consider employment
307 of the nature described in ~~subsection (a) of~~ Section
308 25-4-10 (a). The secretary shall also consider the duration of



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309 the most recent job or jobs, the intent of the individual and
310 his or her employer as to the permanence of ~~such~~the work, and
311 whether separation from the immediately preceding employment
312 was under conditions which would be disqualifying in the event
313 ~~such~~the immediately preceding employment should be determined
314 to be the most recent bona fide work.

315 (3) DISCHARGE FOR MISCONDUCT.

316 a. ~~If~~An individual was discharged or removed from
317 his or her work for a dishonest or criminal act committed in
318 connection with his or her work~~or for~~, sabotage~~or~~, an act
319 endangering the safety of others~~or for~~, the use of illegal
320 drugs after previous warning, or ~~for~~the refusal to submit to
321 or cooperate with a blood or urine test after previous
322 warning. Disqualification under this paragraph may be applied
323 to separations prior to separation from the most recent bona
324 fide work ~~only~~if the employer has filed a notice with the
325 secretary alleging that the separation was under conditions
326 described in this paragraph in ~~such~~a manner and within ~~such~~
327 the time ~~as prescribed by~~ the secretary~~may prescribe~~.

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

334 (i) No unemployment compensation benefits shall be
335 allowed to an employee having a confirmed positive drug test
336 if the employee ~~had been warned~~received a warning that ~~such~~a



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337 positive test could result in dismissal pursuant to a
338 reasonable drug policy. A warning shall mean that the employee
339 has been advised in writing of the provisions of the
340 employer's drug policy and that either testing positive or the
341 refusal to submit to or cooperate with a blood or urine test
342 could result in termination of employment.

343 (ii) A drug policy shall be deemed reasonable if the
344 employer shows that all employees of the employer, regardless
345 of position or classification, are subject to testing under
346 the policy, and in those instances in which the employer
347 offers as the basis for disqualification from unemployment
348 compensation benefits the results obtained pursuant to
349 additional testing imposed on some but not all
350 classifications, if the employer can also offer some rational
351 basis for conducting such additional testing.

352 (iii) ~~Further, no~~ No unemployment compensation benefits
353 shall be allowed if the employee refuses to submit to or
354 cooperate with a blood or urine test ~~as set forth above~~, or if
355 the employee knowingly alters or adulterates the blood or
356 urine specimen.

357 ~~(ii) For purposes of paragraph a. and item (i) of~~
358 ~~paragraph a. of this subdivision, warning shall mean that the~~
359 ~~employee has been advised in writing of the provisions of the~~
360 ~~employer's drug policy and that either testing positive~~
361 ~~pursuant to the standards referenced above or the refusal to~~
362 ~~submit to or cooperate with a blood or urine test as set out~~
363 ~~in the above referenced standards could result in termination~~
364 ~~of employment. This written notification as herein described~~



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365 ~~shall constitute a warning as used in paragraph a. and item~~
366 ~~(i) of paragraph a. of this subdivision.~~

367 ~~(iii) To the extent that the issue is~~ 2. If an employee
368 has a confirmed positive drug test or ~~the refusal~~ refuses to
369 submit to or cooperate with a blood or urine test, or if the
370 employee knowingly alters or adulterates the blood or urine
371 sample, ~~as distinguished from some other aspect of the~~
372 ~~employer's drug policy, this~~ disqualification under paragraph
373 ~~a. and item (i) of this~~ paragraph a. shall be the only
374 disqualification to apply, in connection with an individual's
375 separation from employment. Other non-separation
376 disqualifications may apply.

377 3. When an individual is disqualified under this
378 paragraph:

379 ~~1.~~ (i) He or she shall not be entitled to benefits for
380 the week in which the disqualifying event occurs or for any
381 subsequent week ~~thereafter~~ until he or she has reentered
382 insured employment or employment of the nature described in
383 ~~subdivisions (5), (6), (7), (8), (9), (10), or (18) of~~
384 ~~subsection (b) of~~ Section 25-4-10 (b) (5) through (10) or
385 Section 25-4-10(b) (18), has earned wages equal at least to 10
386 times his or her weekly benefit amount, ~~and~~ or has been
387 separated from ~~such the~~ employment for a nondisqualifying
388 reason.

389 2. (ii) He or she shall not thereafter be entitled to
390 any benefits under this chapter on account of wages paid to
391 him or her for the period of employment by the employer by
392 whom he or she was employed when the disqualifying event



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393 occurred.

394 ~~3.~~ (iii) For ~~the~~ purposes of the experience rating
395 provisions of Section 25-4-54~~÷~~,.

396 ~~(i)~~ no portion of any benefits based upon wages paid
397 to the individual for the period of employment by the employer
398 by whom he or she was employed when the disqualifying event
399 occurred shall be charged to the employer's experience rating
400 account.

401 ~~(ii)~~ (iv) In the case of a separation prior to the
402 separation from the most recent bona fide work, if the only
403 reason disqualification under this paragraph ~~a.~~ was not
404 assessed was the failure of the employer to properly file a
405 timely separation report with the secretary and the employer
406 files ~~such a~~ the report within 15 days after the mailing of a
407 notice of payment, then no portion of any benefits paid based
408 upon the wages paid for the period of employment ending in
409 ~~such~~ the prior separation shall be charged to the employer's
410 experience rating account.

411 b. If an individual was discharged from his or her most
412 recent bona fide work for actual or threatened misconduct
413 committed in connection with his or her work, for reasons
414 other than ~~acts mentioned in paragraph a. of this~~
415 ~~subdivision)~~ those provided in paragraph a., repeated after
416 previous warning to the individual. When an individual is
417 disqualified under this paragraph, or exempt from
418 disqualification for a separation under such conditions prior
419 to his or her most recent bona fide work, the effect shall be
420 the same as provided in paragraph ~~b. of subdivision (2)~~ d. for



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421 disqualification or exemption from disqualification
422 respectively.

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

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

432 2. The total amount of benefits to which an individual
433 may otherwise be entitled as determined in accordance with
434 Sections 25-4-74 and 25-4-75 shall be reduced by an amount
435 equal to the product of the number of weeks for which an
436 individual shall be disqualified multiplied by his or her
437 weekly benefit amount.

438 3. Only one-half of the benefits paid to an individual
439 based upon wages for that period of employment immediately
440 preceding the separation to which the disqualification applies
441 shall be charged to the employer for the purposes of the
442 experience rating provisions of Section 25-4-54. If the
443 individual has been separated from employment, other than his
444 or her most recent bona fide work, under conditions which
445 would have been disqualifying under this paragraph, had the
446 separation been from his or her most recent bona fide work and
447 the employer answers a notice of payment within 15 days after
448 it is mailed to him or her detailing the facts in connection



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449 with the separation, then only one-half of the benefits paid
450 to him or her for that period of employment immediately
451 preceding the separation shall be charged to the employer for
452 the purposes of the experience rating provisions of Section
453 25-4-54, unless the employer, or an agent of the employer,
454 failed to respond timely or adequately to written requests
455 pursuant to subparagraph (2)c.4. ~~of paragraph b. of~~
456 ~~subdivision (2).~~

457 d. If an individual has been suspended as a
458 disciplinary measure connected with his or her work, or for
459 misconduct connected with his or her work, he or she shall be
460 disqualified from benefits for the week or weeks (not to
461 exceed four weeks) in which, or for which, he or she is so
462 suspended and the total amount of benefits to which he or she
463 may otherwise be entitled shall be reduced in the same manner
464 and to the same extent as provided in subparagraph c.2. ~~of~~
465 ~~paragraph c. of this subdivision (3).~~

466 (4) REVOCATION OR SUSPENSION OF REQUIRED LICENSE, ETC.
467 ~~For the~~ a. Any week in which an individual has become
468 unemployed because a license, certificate, permit, bond,
469 surety, or insurability which is necessary for the performance
470 of his or her employment and which he or she is responsible to
471 maintain or supply has been revoked, suspended, or otherwise
472 become lost to him or her for a ~~cause~~ reason other than one
473 which would fall within the meaning of subdivision (3), but
474 ~~one~~ a reason which was within his or her power to control,
475 guard against, or prevent, and for each subsequent week
476 ~~thereafter~~ until ÷



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477 ~~a. The~~ the license, certificate, permit, bond, or
478 surety, or insurability, has been restored to him or her and
479 he or she has reapplied to his or her employer for
480 employment~~,~~ or

481 ~~b. He~~ he or she has reentered insured employment or
482 employment of the nature described in ~~subdivisions (5), (6),~~
483 ~~(7), (8), (9), (10), or (18) of subsection (b) of~~ Section
484 25-4-10 (b) (5) through (10) or Section 25-4-10 (b) (18),
485 whichever is the earlier.

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

491 (5) FAILURE TO ACCEPT AVAILABLE SUITABLE WORK, ETC. ~~If~~
492 ~~and~~ a. An individual fails, without good cause, either to apply
493 for or to accept available suitable work or to return to his
494 or her customary self-employment when so directed by the
495 secretary or when an individual is notified of suitable work
496 or it is offered him or her through a state employment office
497 or the United States Employment Service, or directly or by
498 written notice or offer to any such employment office or
499 employment service by an employer by whom the individual was
500 formerly employed. ~~Such~~ The disqualification shall be for a
501 period of ~~not less than one nor more than~~ five weeks from the
502 date of failure.

503 ~~b. This disqualification~~ Disqualification under
504 paragraph a. shall not apply unless the individual has an



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505 established benefit year, or is seeking to establish one or is
506 seeking extended benefits at the time he or she fails without
507 good cause, to do any of the acts set out in this subdivision.

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

510 1. The degree of risk involved to his or her health,
511 safety, and morals, his or her physical fitness, and his or
512 her prior training.

513 2. His or her experience and prior earnings.

514 3. His or her length of unemployment.

515 4. His or her prospects for securing local work in his
516 or her customary occupation.

517 5. The distance of the available work from his or her
518 residence; provided, that no work or employment shall be
519 deemed unsuitable because of its distance from the
520 individual's residence, if ~~such~~the work or employment is in
521 the same or substantially the same locality as was his or her
522 last previous regular place of employment and if the employee
523 left ~~such~~the employment voluntarily without good cause
524 connected with ~~such~~ the employment.

525 d. Failure to appear for a previously scheduled
526 interview or skills test without notifying the prospective
527 employer of the need to delay or reschedule the interview or
528 test, unless there is good cause for the failure to notify,
529 shall be deemed a failure to seek or accept suitable work. A
530 claimant who fails to respond to an offer to return to work or
531 an offer of suitable employment within 72 hours of the offer
532 being made shall be deemed a rejection of an offer of suitable



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533 employment.

534 ~~b.~~e. Notwithstanding any other provisions of this
535 chapter, no work shall be deemed suitable and benefits shall
536 not be denied under this chapter to any otherwise eligible
537 individual for refusing to accept new work under any of the
538 following conditions:

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

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

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

547 ~~e.~~f. Notwithstanding any other provisions of this
548 section, benefits shall not be denied an individual, by reason
549 of the application of this subdivision~~(5)~~, with respect to
550 any week in which he or she is in training with the approval
551 of the secretary as described in ~~subdivision (a) (3) of~~ Section
552 25-4-77 (a) (3).

553 (6) RECEIPT OF BACK PAY AWARD, ETC. ~~For any~~ a. Any week
554 with respect to which an individual is receiving or has
555 received remuneration in the form of a back pay award.
556 Notwithstanding Section 25-4-91, any benefits previously paid
557 for weeks of unemployment with respect to which back pay
558 awards are made shall constitute an overpayment and ~~such~~the
559 amounts shall be deducted from the award by the employer prior
560 to payment to the employee and shall be transmitted promptly



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561 to the secretary by the employer for application against the
562 overpayment and credit to the claimant's maximum benefit
563 amount and prompt deposit into the fund; ~~provided, however,~~
564 ~~the~~.

565 b. The removal of any charges made against the employer
566 as a result of ~~such~~ previously paid benefits shall be applied
567 to the calendar year and the calendar quarter in which the
568 overpayment is received by the secretary and no attempt shall
569 be made to relate such a credit to the period to which the
570 award applies.

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

574 (7) RECEIPT OF OR APPLICATION FOR UNEMPLOYMENT
575 COMPENSATION FROM ANOTHER STATE, ETC. ~~For any~~Any week with
576 respect to which, or a part of which, an individual has
577 received or is seeking unemployment benefits under an
578 unemployment compensation law of any other state or of the
579 United States; ~~provided, that if.~~ If the appropriate agency of
580 ~~such the~~ other state or ~~of the~~ United States ~~finally~~
581 determines that the individual is not entitled to ~~such~~the
582 unemployment benefits this disqualification shall not apply.

583 (8) RECEIPT OF PENSION PAYMENT. ~~For any~~Any week with
584 respect to which, or a part of which, an individual has
585 received or ~~has~~, except for the determination of an exact or
586 specific amount, has been determined eligible to receive,
587 ~~(during a period for which benefits are being claimed),~~
588 governmental or other pension, retirement or retired pay,



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589 annuity, or similar periodic payment which is based on the
590 previous work of the individual; except, that:

591 a. For weeks of unemployment which begin prior to April
592 26, 1982, as was prescribed by this subsection prior to the
593 date~~;~~; and

594 b. For weeks of unemployment which begin on or after
595 April 26, 1982, the amount of any benefits payable to an
596 individual for any week which begins in a period with respect
597 to which the disqualifying provisions of this subdivision
598 apply, shall be reduced (but not below zero) by an amount
599 equal to the amount of the pension, retirement or retired pay,
600 annuity, or other payment, which is reasonably attributable to
601 the week~~;~~; provided, however, the reduction required by this
602 paragraph shall apply to any pension, retirement or retired
603 pay, annuity, or other similar payment only if:

604 1. The payment is made under a plan that is maintained
605 ~~for contributed to~~ by a base period employer and 100 percent
606 employer-financed and not contributed to by the worker~~;~~; and

607 2. In the case of such a payment not made under the
608 Social Security Act or the Railroad Retirement Act of 1974,
609 ~~for the corresponding provisions of prior law~~, services
610 performed for the employer by the individual after the
611 beginning of his or her base period ~~for remuneration for the~~
612 ~~services~~ affect eligibility for, or increase the amount of,
613 the payment.

614 c. The other provisions of this subdivision to the
615 contrary notwithstanding, beginning with the weeks ending
616 October 7, 1995, the amount of any pension, retirement or



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617 retired pay, annuity, or other similar periodic payment under
618 the Social Security Act or the Railroad Retirement Act shall
619 not result in a reduction of benefits under this subdivision.

620 d. If in accordance with this subdivision any
621 individual is awarded pension payments retroactively covering
622 the same period for which the individual received benefits,
623 the retroactive payments shall constitute cause for
624 disqualification and any benefits paid during the period shall
625 be recovered only if the retroactive pension payments were
626 made under a plan that is maintained ~~for contributed to~~ by a
627 base period employer, 100 percent employer-financed, and not
628 contributed to by the worker.

629 (9) RECEIPT OF OR APPLICATION FOR WORKERS'
630 COMPENSATION. ~~For any~~Any week with respect to which, or a part
631 of which, an individual has received or is seeking
632 compensation for temporary disability under any workers'
633 compensation law; ~~provided, that if.~~ If it is ~~finally~~
634 determined that the individual is not entitled to ~~such~~workers'
635 compensation, this disqualification shall not apply. ~~;~~ and
636 ~~provided further, that if such~~ If the workers' compensation is
637 less than the benefits which would otherwise be due under this
638 chapter, the individual shall be entitled to receive for the
639 week, if otherwise eligible, benefits reduced by the amount of
640 the payment.

641 (10) EMPLOYMENT BY PUBLIC WORKS AGENCY, ETC. ~~For any~~Any
642 week that an individual is engaged or employed by the Works
643 Progress Administration, the National Youth Administration, or
644 any federal or state unit, agency, or instrumentality in



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645 charge of public works, assistance through public employment,
646 or work relief.

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

651 (12) RECEIPT OF, OR APPLICATION FOR, TRAINING
652 ALLOWANCE, ETC. ~~For any~~a. Any week with respect to which, or a
653 part of which, an individual who is enrolled in a course of
654 training with the approval of the secretary, within the
655 meaning of ~~subdivision (a) (3) of~~ Section 25-4-77 (a) (3), has
656 applied for, or is entitled to receive, any wage or
657 subsistence or training allowance or other form of
658 remuneration, other than reimbursement for travel expenses,
659 for a course of training under any public or private training
660 program; ~~provided, that if.~~ If it is ~~finally~~ determined that
661 an individual is not entitled to such remuneration, this
662 disqualification shall not apply.

663 b. If the remuneration, the receipt of which is
664 disqualifying under this subdivision, is less than the weekly
665 benefits which he or she would otherwise be due under this
666 chapter, he or she shall be entitled to receive, if otherwise
667 eligible, weekly benefits reduced by the amount of the
668 remuneration.

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

672 (13) PARTICIPATION IN PROFESSIONAL SPORTS. ~~For any~~Any



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673 week which commences during the period between two successive
674 sport seasons, or similar periods, to any individual for which
675 benefits claimed are on the basis of any services,
676 substantially all of which consist of participating in sports
677 or athletic events or training or preparing to so participate,
678 if such individual performed services in the first of such
679 seasons, or similar periods, and there is a reasonable
680 assurance that ~~such~~ the individual will perform such services
681 in the later of such seasons, or similar periods.

682 (14) ALIENS.

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

686 1. The alien is an individual who was lawfully admitted
687 for permanent residence at the time the services were
688 performed, and was lawfully present for purposes of performing
689 the services; ~~or,~~ .

690 2. The alien was permanently residing in the United
691 States under color of law at the time services were performed,
692 including an alien who is lawfully present in the United
693 States as a result of the application of the provisions of
694 Section 203(a) (7) or Section 212(d) (5) of the Immigration and
695 Nationality Act; ~~or,~~ .

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

699 b. Any data or information required of individuals
700 applying for benefits to determine whether benefits are not



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701 payable to them because of their alien status shall be
702 uniformly required from all applicants for benefits.

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

708 Section 2. This act shall become effective on October
709 1, 2025.