

REFERENCE TITLE: employment security; federal stimulus options

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

HB 2712

Introduced by
Representatives Sinema, Farley, Meza: Ableser, Bradley, Campbell CH,
Chabin, Deschene, Lujan, Pancrazi, Schapira, Tovar

AN ACT

AMENDING SECTIONS 23-605 AND 23-775, ARIZONA REVISED STATUTES; AMENDING TITLE 23, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 23-795; RELATING TO EMPLOYMENT SECURITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 23-605, Arizona Revised Statutes, is amended to
3 read:

4 23-605. Base period

5 A. "Base period" means EITHER:

6 1. The first four of the last five completed calendar quarters
7 immediately preceding the first day of an individual's benefit year, except
8 that the base period of an individual whose new benefit year overlaps his
9 last preceding benefit year shall consist of those four completed calendar
10 quarters immediately following his previous base period.

11 2. THE LAST FOUR COMPLETED CALENDAR QUARTERS IMMEDIATELY PRECEDING THE
12 FIRST DAY OF THE INDIVIDUAL'S BENEFIT YEAR.

13 B. FOR THE PURPOSES OF ESTABLISHING A BENEFIT YEAR, THE DEPARTMENT
14 SHALL INITIALLY USE THE FIRST FOUR OF THE LAST FIVE COMPLETED CALENDAR
15 QUARTERS AS THE BASE PERIOD. IF A BENEFIT YEAR IS NOT ESTABLISHED USING THE
16 FIRST FOUR OF THE LAST FIVE CALENDAR QUARTERS AS THE BASE PERIOD, THE
17 DEPARTMENT SHALL USE THE LAST FOUR COMPLETED CALENDAR QUARTERS AS THE BASE
18 PERIOD.

19 C. COMPUTATIONS USING THE LAST FOUR COMPLETED CALENDAR QUARTERS SHALL
20 BE BASED ON AVAILABLE WAGE ITEMS PROCESSED AS OF THE CLOSE OF BUSINESS ON THE
21 DAY PRECEDING THE DATE OF APPLICATION. THE DEPARTMENT SHALL PROMPTLY CONTACT
22 EMPLOYERS TO REQUEST ASSISTANCE IN OBTAINING WAGE INFORMATION FOR THE LAST
23 COMPLETED CALENDAR QUARTER IF IT HAS NOT BEEN REPORTED AT THE TIME OF INITIAL
24 APPLICATION.

25 Sec. 2. Section 23-775, Arizona Revised Statutes, is amended to read:

26 23-775. Disqualification from benefits

27 An individual shall be disqualified for benefits:

28 1. For the week in which the individual has left work voluntarily
29 without good cause in connection with the employment, and in addition to the
30 waiting week, for the duration of the individual's unemployment and until the
31 individual has earned wages in an amount equivalent to five times the
32 individual's weekly benefit amount otherwise payable. If a person leaves
33 because of transportation difficulties, the individual shall be disqualified
34 unless the individual can show the individual's travel requirements are in
35 excess of the normal practice in the individual's occupation and past
36 practice or that the individual has compelling personal circumstances
37 requiring the individual's leaving. Compelling personal circumstances shall
38 include but are not limited to a showing of any of the following:

39 (a) Over thirty miles distance from the individual's home to work.

40 (b) More than one and one-half hours to reach work.

41 (c) A WORKER LEAVING WORK DUE TO A CHANGE IN LOCATION OF THE
42 EMPLOYMENT OF THE WORKER'S SPOUSE THAT NECESSITATES A NEW PLACE OF RESIDENCE
43 FOR THE WORKER FROM WHICH IT IS IMPRACTICAL TO COMMUTE TO THE WORKER'S PLACE
44 OF EMPLOYMENT, IF AT THE NEW PLACE OF RESIDENCE THE WORKER IS IN ALL RESPECTS
45 AVAILABLE FOR SUITABLE WORK.

2. For the week in which the individual has been discharged for wilful or negligent misconduct connected with the employment, and in addition to the waiting week, for the duration of the individual's unemployment and until the individual has earned wages in an amount equivalent to five times the individual's weekly benefit amount otherwise payable.

3. For any week with respect to which or a part of which the individual has received or is seeking unemployment benefits under an unemployment compensation law of another state or of the United States, but if the appropriate agency of the other state or of the United States finally determines that the individual is not entitled to unemployment benefits, the ineligibility shall not apply.

4. For the week in which the individual becomes unemployed and for not more than the following three weeks, if the individual's unemployment is due solely to a customary suspension of all operations, except maintenance work, at the factory, plant or other premises at which the individual was last employed, which will not occur more than once in a calendar year and will not exceed four consecutive weeks' duration, and the employment will again be available to the individual on resumption of operations. For the purposes of this paragraph:

(a) "Customary suspension" means a suspension that has occurred for the same or similar reasons in each of three consecutive years or more, including the year in question, regardless of whether the suspension in any previous year would have satisfied the requirements of this paragraph. A suspension provided for by an agreement to which the employer is a party shall be considered customary unless the agreement specifies the exact time, duration, type and circumstances of the suspension. Any suspension whose details are determined by the employer shall be considered customary, regardless of the employer's ultimate reason for imposing it, as long as the employer's reason or reasons are the same or similar over the necessary period.

(b) "Factory, plant or other premises" means any location or premises or portion of locations or premises of the employer where the work or operations are separate and distinct from those at other locations or premises or portions of locations or premises, regardless of geographic proximity or functional, geographic or administrative integration of the work or operations.

(c) "Maintenance work" has its usual meaning and includes any administrative, executive, clerical or supervisory work or any other work necessary to keep the factory, plant or other premises in a position to resume full operations promptly at the end of the suspension or necessary to pay, supervise or otherwise support individuals performing such work.

5. For any week in which the individual is incarcerated.

1 Sec. 3. Title 23, chapter 4, article 6, Arizona Revised Statutes, is
2 amended by adding section 23-795, to read:

3 23-795. Training extension benefits

4 A. AN INDIVIDUAL WHO IS OTHERWISE ELIGIBLE FOR REGULAR BENEFITS IS
5 ELIGIBLE FOR TRAINING EXTENSION BENEFITS IF THE DEPARTMENT DETERMINES THAT
6 ALL OF THE FOLLOWING CRITERIA ARE MET:

7 1. THE INDIVIDUAL IS UNEMPLOYED.

8 2. THE INDIVIDUAL HAS EXHAUSTED ALL RIGHTS TO REGULAR UNEMPLOYMENT
9 BENEFITS, TO EXTENDED BENEFITS AND TO BENEFITS UNDER PUBLIC LAW 111-5, TITLE
10 II, SUBDIVISION B, SECTION 2002 (FEBRUARY 17, 2009).

11 3. THE INDIVIDUAL IS ENROLLED IN A TRAINING PROGRAM APPROVED BY THE
12 DEPARTMENT OR IN A JOB TRAINING PROGRAM APPROVED BY THE SECRETARY OF LABOR
13 UNDER 19 UNITED STATES CODE SECTION 2296. THE TRAINING PROGRAM MUST PREPARE
14 THE INDIVIDUAL FOR ENTRY INTO A HIGH DEMAND OCCUPATION, IF THE DEPARTMENT
15 DETERMINES THAT THE INDIVIDUAL SEPARATED FROM A DECLINING OCCUPATION OR HAS
16 BEEN INVOLUNTARILY AND INDEFINITELY SEPARATED FROM EMPLOYMENT AS A RESULT OF
17 A PERMANENT REDUCTION OF OPERATIONS AT THE INDIVIDUAL'S PLACE OF EMPLOYMENT.
18 FOR THE PURPOSES OF THIS PARAGRAPH:

19 (a) "DECLINING OCCUPATION" MEANS AN OCCUPATION WHERE THERE IS A LACK
20 OF SUFFICIENT CURRENT DEMAND IN THE INDIVIDUAL'S LABOR MARKET AREA FOR THE
21 OCCUPATIONAL SKILLS FOR WHICH THE INDIVIDUAL IS QUALIFIED BY TRAINING AND
22 EXPERIENCE OR CURRENT PHYSICAL OR MENTAL CAPACITY AND THE LACK OF EMPLOYMENT
23 OPPORTUNITIES IS EXPECTED TO CONTINUE FOR AN EXTENDED PERIOD OF TIME, OR THE
24 INDIVIDUAL'S OCCUPATION IS ONE FOR WHICH THERE IS A SEASONAL VARIATION IN
25 DEMAND IN THE LABOR MARKET AND THE INDIVIDUAL HAS NO OTHER SKILLS FOR WHICH
26 THERE IS CURRENT DEMAND.

27 (b) "HIGH DEMAND OCCUPATION" MEANS AN OCCUPATION IN A LABOR MARKET
28 AREA WHERE WORK OPPORTUNITIES ARE AVAILABLE AND QUALIFIED APPLICANTS ARE
29 LACKING AS DETERMINED BY THE USE OF AVAILABLE LABOR MARKET INFORMATION.

30 4. THE INDIVIDUAL IS MAKING SATISFACTORY PROGRESS TO COMPLETE THE
31 TRAINING AS DETERMINED BY THE DEPARTMENT.

32 5. THE INDIVIDUAL IS NOT RECEIVING SIMILAR STIPENDS OR OTHER TRAINING
33 ALLOWANCES FOR NONTRAINING COSTS.

34 B. THE WEEKLY TRAINING EXTENSION BENEFIT EQUALS THE INDIVIDUAL'S
35 WEEKLY BENEFIT AMOUNT FOR THE MOST RECENT BENEFIT YEAR LESS ANY DEDUCTIBLE
36 INCOME AS DETERMINED PURSUANT TO THIS CHAPTER. THE TOTAL AMOUNT OF TRAINING
37 EXTENSION BENEFITS PAYABLE TO AN INDIVIDUAL IS TWENTY-SIX TIMES THE
38 INDIVIDUAL'S AVERAGE WEEKLY BENEFIT AMOUNT FOR THE MOST RECENT BENEFIT YEAR.