CHAPTER 360

SENATE BILL 1494

AN ACT

AMENDING SECTION 23-771, ARIZONA REVISED STATUTES; RELATING TO UNEMPLOYMENT INSURANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 23-771, Arizona Revised Statutes, is amended to read:

23-771. Eligibility for benefits
A. An unemployed individual is eligible to receive benefits with respect to any week only if the department finds that the individual:
1. Has registered for work at and thereafter has continued to report at an employment office in accordance with the regulations prescribed by the department.
2. Has made a claim for benefits in accordance with section 23-772.
3. Is able to work.
4. Except for an individual who is applying for shared work benefits pursuant to article 5.1 of this chapter, is available for work and both of the following apply:
   (a) The individual has engaged in a systematic and sustained effort to obtain work during at least four days of the week.
   (b) The individual has made at least one job contact per day on four different days of the week.
5. Has been unemployed for a waiting period of one week. A week is not counted as a week of unemployment for the purpose of this paragraph:
   (a) Unless it occurs within the benefit year that includes the week with respect to which the individual claims payment of benefits.
   (b) Unless the individual was eligible for benefits with respect to the week as provided in this section and sections 23-775, 23-776 and 23-777.
   (c) If benefits have been paid in respect to the week.
6. Has met one of the following requirements:
   (a) Has been paid wages for insured work during the individual's base period equal to at least one and one-half times the wages paid to the individual in the calendar quarter of the individual's base period in which the wages were highest, and the individual has been paid wages for insured work in one calendar quarter of the individual's base period equal to an amount that is equal to at least three hundred ninety times the minimum wage prescribed by section 23-363 that is in effect when the individual files a claim for benefits.
   (b) For a benefit year beginning on or after September 2, 1984, HAS been paid wages for insured work during at least two quarters of the individual's base period and the amount of the wages paid in one quarter would be sufficient to qualify the individual for the maximum weekly benefit amount payable under this chapter and the total of the individual's base-period wages is equal to or greater than the taxable limit as specified in section 23-622, subsection B, paragraphs 1 and 2.
7. Following the beginning date of a benefit year established under this chapter or the unemployment compensation law of any other state and before the effective date of a subsequent benefit year under this chapter, has performed services whether or not in employment as defined in section 23-615 for which wages were payable in an amount equal to or in excess of eight times the weekly benefit amount for which the individual is otherwise qualified under section 23-779. In making a determination under this paragraph, the department shall use information available in its records or require the individual to furnish necessary information within thirty days after the date notice is given that the information is required.

B. If an unemployed individual cannot establish a benefit year as defined in section 23-609 due to receipt during the base period of compensation for a temporary total disability pursuant to chapter 6 of this title, or any similar federal law, the individual's base period shall be the first four of the last five completed calendar quarters immediately preceding the first day of the calendar week in which the disability began. Wages previously used to establish a benefit year may not be reused. This subsection does not apply unless all of the following occur:

1. The individual has filed a claim for benefits not later than the fourth calendar week of unemployment after the end of the period of disability.

2. The claim is filed within two years after the period of disability begins.

3. The individual meets the requirements of subsection A of this section.

4. The individual has attempted to return to the employment where the temporary total disability occurred.

C. If an unemployed individual is a member of the national guard or other reserve component of the United States armed forces, the individual is not considered to be either employed or unavailable for work by reason of the individual's participation in drill, training or other national guard or reserve activity that occurs on not more than one weekend per month or in lieu of a weekend drill or the equivalent.

D. The department shall not disqualify an individual from receiving benefits under this chapter on the basis of the individual's separation from employment if the individual is a victim of domestic violence and leaves employment due to a documented case involving domestic violence pursuant to section 13-3601 or 13-3601.02. Benefits paid to an individual pursuant to this subsection shall not be charged against an employer's account pursuant to section 23-727, subsection G.

E. THE DEPARTMENT SHALL NOT DISQUALIFY AN INDIVIDUAL FROM RECEIVING BENEFITS UNDER THIS CHAPTER ON THE BASIS OF THE INDIVIDUAL'S SEPARATION FROM EMPLOYMENT IF THE INDIVIDUAL WAS TERMINATED FROM EMPLOYMENT FOR NOT
RECEIVING A COVID-19 VACCINE OR COVID-19 BOOSTER SHOT REQUIRED BY THE EMPLOYER. BENEFITS PAID TO AN INDIVIDUAL PURSUANT TO THIS SUBSECTION SHALL NOT BE CHARGED AGAINST AN EMPLOYER'S ACCOUNT PURSUANT TO SECTION 23-727 IF THE EMPLOYER'S REQUIREMENT THAT EMPLOYEES RECEIVE THE COVID-19 VACCINE OR COVID-19 BOOSTER SHOT IS REQUIRED BY LAW.

E. F. For the purposes of subsection A, paragraph 6 of this section, wages shall be counted as wages for insured work for benefit purposes with respect to any benefit year only if that benefit year begins subsequent to the date on which the employing unit by which those wages were paid has become an employer subject to this chapter.

APPROVED BY THE GOVERNOR JULY 6, 2022.