

Senate Engrossed

COVID-19 vaccine; unemployment insurance

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

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)

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

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

4 23-771. Eligibility for benefits

5 A. An unemployed individual is eligible to receive benefits with
6 respect to any week only if the department finds that the individual:

7 1. Has registered for work at and thereafter has continued to
8 report at an employment office in accordance with the regulations
9 prescribed by the department.

10 2. Has made a claim for benefits in accordance with section 23-772.

11 3. Is able to work.

12 4. Except for an individual who is applying for shared work
13 benefits pursuant to article 5.1 of this chapter, is available for work
14 and both of the following apply:

15 (a) The individual has engaged in a systematic and sustained effort
16 to obtain work during at least four days of the week.

17 (b) The individual has made at least one job contact per day on
18 four different days of the week.

19 5. Has been unemployed for a waiting period of one week. A week is
20 not counted as a week of unemployment for the purpose of this paragraph:

21 (a) Unless it occurs within the benefit year that includes the week
22 with respect to which the individual claims payment of benefits.

23 (b) Unless the individual was eligible for benefits with respect to
24 the week as provided in this section and sections 23-775, 23-776 and
25 23-777.

26 (c) If benefits have been paid in respect to the week.

27 6. Has met one of the following requirements:

28 (a) Has been paid wages for insured work during the individual's
29 base period equal to at least one and one-half times the wages paid to the
30 individual in the calendar quarter of the individual's base period in
31 which the wages were highest, and the individual has been paid wages for
32 insured work in one calendar quarter of the individual's base period equal
33 to an amount that is equal to at least three hundred ninety times the
34 minimum wage prescribed by section 23-363 that is in effect when the
35 individual files a claim for benefits.

36 (b) ~~Has~~ For a benefit year beginning on or after September 2, 1984,
37 HAS been paid wages for insured work during at least two quarters of the
38 individual's base period and the amount of the wages paid in one quarter
39 would be sufficient to qualify the individual for the maximum weekly
40 benefit amount payable under this chapter and the total of the
41 individual's base-period wages is equal to or greater than the taxable
42 limit as specified in section 23-622, subsection B, paragraphs 1 and 2.

1 7. Following the beginning date of a benefit year established under
2 this chapter or the unemployment compensation law of any other state and
3 before the effective date of a subsequent benefit year under this chapter,
4 has performed services whether or not in employment as defined in section
5 23-615 for which wages were payable in an amount equal to or in excess of
6 eight times the weekly benefit amount for which the individual is
7 otherwise qualified under section 23-779. In making a determination under
8 this paragraph, the department shall use information available in its
9 records or require the individual to furnish necessary information within
10 thirty days after the date notice is given that the information is
11 required.

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

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

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

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

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

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

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

42 E. THE DEPARTMENT SHALL NOT DISQUALIFY AN INDIVIDUAL FROM RECEIVING
43 BENEFITS UNDER THIS CHAPTER ON THE BASIS OF THE INDIVIDUAL'S SEPARATION
44 FROM EMPLOYMENT IF THE INDIVIDUAL WAS TERMINATED FROM EMPLOYMENT FOR NOT

1 RECEIVING A COVID-19 VACCINE OR COVID-19 BOOSTER SHOT REQUIRED BY THE
2 EMPLOYER. BENEFITS PAID TO AN INDIVIDUAL PURSUANT TO THIS SUBSECTION
3 SHALL NOT BE CHARGED AGAINST AN EMPLOYER'S ACCOUNT PURSUANT TO SECTION
4 23-727 IF THE EMPLOYER'S REQUIREMENT THAT EMPLOYEES RECEIVE THE COVID-19
5 VACCINE OR COVID-19 BOOSTER SHOT IS REQUIRED BY LAW.

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

APPROVED BY THE GOVERNOR JULY 6, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 6, 2022.