

REFERENCE TITLE: **unemployment insurance; benefits; requirements**

State of Arizona
Senate
Fifty-fifth Legislature
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2022

SB 1645

Introduced by
Senators Terán: Alston, Contreras, Gabaldon, Otondo, Rios; Representatives
Hernandez M, Solorio

AN ACT

**AMENDING SECTIONS 23-771, 23-776 AND 23-779, ARIZONA REVISED STATUTES;
RELATING TO UNEMPLOYMENT BENEFITS.**

(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~~ TWO 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.

43 7. Following the beginning date of a benefit year established under
44 this chapter or the unemployment compensation law of any other state and
45 before the effective date of a subsequent benefit year under this chapter,

1 has performed services whether or not in employment as defined in section
2 23-615 for which wages were payable in an amount equal to or in excess of
3 eight times the weekly benefit amount for which the individual is
4 otherwise qualified under section 23-779. In making a determination under
5 this paragraph, the department shall use information available in its
6 records or require the individual to furnish necessary information within
7 thirty days after the date notice is given that the information is
8 required.

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

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

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

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

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

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

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

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

1 Sec. 2. Section 23-776, Arizona Revised Statutes, is amended to
2 read:

3 23-776. Disqualification from benefits for failure to accept
4 suitable work or actively seek work; exceptions

5 A. An individual shall be disqualified for benefits if the
6 department finds the individual has failed without cause either to apply
7 for available, suitable work, when so directed by the employment office or
8 the department, to actively engage in seeking work, to accept suitable
9 work when offered or to return to the individual's customary
10 self-employment when so directed by the department. The disqualification
11 shall begin with the week in which the failure occurred and shall continue
12 for the duration of the individual's unemployment and until the individual
13 has earned wages in an amount equivalent to eight times the individual's
14 weekly benefit amount otherwise payable.

15 B. In determining whether or not work is suitable for an
16 individual:

17 ~~1. During the first four weeks of a benefit period, the department~~
18 shall consider the degree of risk involved to the individual's health,
19 safety and morals, the individual's physical fitness and prior training,
20 the individual's experience and prior earnings, the individual's length of
21 unemployment and prospects for securing local work in the individual's
22 customary occupation and the distance of the available work from the
23 individual's residence.

24 ~~2. After the first four weeks of a benefit period, the department~~
25 ~~shall consider any employment offer that pays one hundred twenty percent~~
26 ~~of the individual's weekly benefit amount to be suitable work.~~

27 C. Notwithstanding any other provisions of this chapter, work shall
28 not be deemed suitable and benefits shall not be denied under this chapter
29 to an otherwise eligible individual for refusing to accept new work under
30 any of the following conditions:

31 1. The position offered is vacant due directly to a strike, lockout
32 or other labor dispute.

33 2. The wages, hours or other conditions of the work offered are
34 substantially less favorable to the individual than those prevailing for
35 similar work in the locality.

36 3. As a condition of being employed, the individual would be
37 required to join a company union or to resign from or refrain from joining
38 a bona fide labor organization.

39 D. An individual is considered to have refused an offer of suitable
40 work under subsection A of this section if an offer of work is withdrawn
41 by an employer after an individual either:

42 1. Tests positive for drugs after a drug test given pursuant to
43 chapter 2, article 14 of this title by or on behalf of a prospective
44 employer as a condition of an offer of employment.

1 2. Refuses, without good cause, to submit to a drug test that is
2 required by a prospective employer as a condition of an offer of
3 employment.

4 Sec. 3. Section 23-779, Arizona Revised Statutes, is amended to
5 read:

6 23-779. Amount of benefits

7 A. The weekly benefit amount of an individual shall be an amount
8 equal to 1/25 of the person's total wages for insured work paid during
9 that quarter of the person's base period in which such total wages were
10 highest, but if:

11 1. From and after June 30, 2004 and before July 1, 2022, this
12 amount is more than \$240, the weekly benefit amount shall be \$240.

13 2. From and after June 30, 2022, this amount is more than \$320, the
14 weekly benefit amount shall be \$320.

15 B. If the weekly benefit amount is less than the maximum weekly
16 benefit prescribed in subsection A of this section and is not a multiple
17 of \$1, the amount shall be rounded to the nearest dollar, with an even
18 one-half dollar being rounded to the next higher multiple of \$1. ~~An~~
19 ~~individual's benefit amount shall not be redetermined during the person's~~
20 ~~benefit year because of a new maximum or minimum weekly benefit amount~~
21 ~~becoming effective during the person's benefit year.~~

22 C. Each eligible individual who is unemployed with respect to any
23 week shall be paid with respect to that week a benefit in an amount equal
24 to the individual's weekly benefit amount less that part of the wages, if
25 any, payable to the individual with respect to that week that is in excess
26 of \$30 through June 30, 2022 and from and after June 30, 2022 that is in
27 excess of \$160. The benefit, if not a multiple of \$1, shall be rounded to
28 the nearest dollar, with an even one-half dollar being rounded to the next
29 higher multiple of \$1.