

COMMITTEE ON COMMERCE
SENATE AMENDMENTS TO H.B. 2108
(Reference to House engrossed bill)

1 Page 2, between lines 4 and 5, insert:

2 "Sec. 2. Section 23-762, Arizona Revised Statutes, is amended to
3 read:

4 23-762. Requirements of shared work plan; approval

5 A. An employer ~~wishing~~ THAT WISHES to participate in the shared work
6 unemployment compensation program shall submit a signed, written shared
7 work plan to the department for approval. The department shall approve a
8 shared work plan only if the plan:

9 1. Specifies the employees in the affected group.

10 2. Applies to only one affected group.

11 3. If feasible, includes a description of the employer's plan for
12 notifying an employee whose ~~work week~~ WORKWEEK is to be reduced.

13 4. Includes a certified statement by the employer that, for the
14 six-month period immediately preceding the date the plan is submitted,
15 compensation was payable from the shared work employer, or its predecessors
16 whether or not they were shared work employers, to each employee in the
17 affected group in an amount equal to or greater than the wages for insured
18 work in one calendar quarter as provided in section 23-771, subsection A,
19 paragraph ~~6~~ 7. An employee who joins an affected group after the approval
20 of the shared work plan is automatically covered under the previously
21 approved plan, effective the week that the department receives written
22 notice from the shared work employer that the employee has joined and
23 certification from the employer that the employee meets the provisions of
24 section 23-771, subsection A, paragraph ~~6~~ 7.

1 5. Includes a certified statement by the employer that for the
2 duration of the plan the reduction in the total normal weekly hours of work
3 of the employees in the affected group is instead of layoffs ~~which~~ THAT
4 otherwise would result in at least as large a reduction in the total normal
5 weekly hours of work. The employer shall include an estimate of the number
6 of layoffs that would have occurred without an approved shared work plan.

7 6. Specifies the manner in which the employer will treat fringe
8 benefits of the employees in the affected group if the employees' hours are
9 reduced to less than their normal weekly hours of work. The employer must
10 certify, if the employer provides health benefits and retirement benefits
11 under a defined benefit plan to any employee whose workweek is reduced
12 under the plan, that these benefits will continue to be provided to an
13 employee participating in the shared work plan under the same terms and
14 conditions as though the workweek of the employee had not been reduced or
15 to the same extent as other employees not participating in the shared work
16 program.

17 7. Specifies an expiration date that is ~~no~~ NOT more than one year
18 ~~from~~ AFTER the date the employer submits the plan for approval, except that
19 on written request by the employer, the department may approve an extension
20 of the plan for a period of not more than one year ~~from~~ AFTER the date of
21 the request.

22 8. Is approved in writing by the collective bargaining agent for
23 each collective bargaining agreement that covers any employee in the
24 affected group.

25 B. The plan prescribed in subsection A of this section and the
26 implementation of the plan must be consistent with the employer's
27 obligations under all other federal and state laws.

28 C. The department shall approve or disapprove the plan within
29 fifteen days after receipt of the plan by the department. The department
30 shall notify the employer of the reasons for denial of a shared work plan
31 within ten days ~~of~~ AFTER the determination.

1 Sec. 3. Section 23-763, Arizona Revised Statutes, is amended to
2 read:

3 23-763. Shared work benefits; eligibility; requirements

4 A. An individual is eligible to receive shared work benefits with
5 respect to any week only if, in addition to meeting the requirements of
6 article 6 of this chapter as modified by subsection E of this section, the
7 department finds that during the week:

8 1. The individual is employed as a member of an affected group in an
9 approved plan that was approved before the week and is in effect for the
10 week.

11 2. The individual's normal weekly hours of work were reduced at
12 least ten ~~per cent~~ PERCENT but not more than forty ~~per cent~~ PERCENT.

13 3. The individual met the requirements of section 23-771, subsection
14 A, paragraphs 3, ~~and~~ 4 AND 5.

15 B. Eligible individuals may participate in training to enhance job
16 skills, including ~~employer-sponsored~~ EMPLOYER-SPONSORED training or worker
17 training funded under the workforce investment act of 1998, if the training
18 is approved by the department.

19 C. The department shall not pay an individual shared work benefits
20 for more than twenty-six weeks in a benefit year, except that this
21 limitation does not apply to a week if for the period consisting of the
22 week and the immediately preceding twelve weeks the rate, not seasonally
23 adjusted, of insured unemployment in this state is equal to or greater than
24 four ~~per cent~~ PERCENT.

25 D. The total amount of regular benefits and shared work benefits
26 that the department pays to an individual for weeks in the individual's
27 benefit year shall not exceed the total for the benefit year as provided in
28 section 23-780.

29 E. Notwithstanding section 23-621 or any other provision of this
30 chapter, for purposes of this article an individual is unemployed in any
31 week for which compensation is payable to the individual, as an employee in

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1 an affected group, for less than the individual's normal weekly hours of
2 work in accordance with an approved plan in effect for the week."

3 Renumber to conform

4 Page 2, line 27, after "RESUMES" insert "TO EMPLOYERS"

5 Line 28, after "APPLICATIONS" insert "AND SUBMITTING THE APPLICATIONS TO
6 EMPLOYERS"

7 Line 29, after "FAIRS" insert "THAT ARE RECOGNIZED BY THE DEPARTMENT AND THE
8 INDIVIDUAL'S ATTENDANCE IS VERIFIABLE BY THE DEPARTMENT"

9 Page 4, line 24, strike "6" insert "7"

10 Amend title to conform

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