

1 SB224
2 216773-3
3 By Senators Orr, Allen, Elliott, Gudger, Stutts, Barfoot,
4 Chesteen, Butler, McClendon, Sessions, Reed, Roberts, Weaver,
5 Jones, Livingston and Holley
6 RFD: Fiscal Responsibility and Economic Development
7 First Read: 16-FEB-22

1 SB224

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4 ENROLLED, An Act,

5 Relating to unemployment compensation; to amend
6 Section 25-4-77, Code of Alabama 1975, to require an
7 unemployed individual to search for work a certain number of
8 times per week to be eligible to receive unemployment
9 benefits; and to make nonsubstantive, technical revisions to
10 update the existing code language to current style.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Section 25-4-77, Code of Alabama 1975, is
13 amended to read as follows:

14 "§25-4-77.

15 "(a) An unemployed individual shall be eligible to
16 receive benefits with respect to any week in a benefit year
17 which begins on or after ~~January 1, 1989~~ July 1, 2022, only if
18 the secretary finds that he or she has met all of the
19 following criteria:

20 "(1) ~~He has made~~ Made a claim for benefits with
21 respect to ~~such the~~ week in accordance with ~~such regulations~~
22 ~~as rules adopted by the secretary may prescribe~~.

23 "(2) ~~He has registered~~ Registered for work at, and
24 ~~thereafter~~ subsequently continued to report at, a state
25 employment office in accordance with ~~such regulations as~~ rules

1 adopted by the secretary may prescribe; except, that the
2 secretary may by regulation waive or alter either or both of
3 the requirements of this subdivision (2) as to individuals
4 attached to regular jobs and as to such other types of cases
5 or situations with respect to which he finds that compliance
6 with such requirements would be oppressive, or would be
7 inconsistent with purposes of this chapter.

8 "(3) ~~He is~~ Is physically and mentally able to
9 perform work of a character which he or she is qualified to
10 perform by past experience or training, and ~~he~~ is available
11 for ~~such~~ the work either at a locality at which he or she
12 earned wages for insured work during his or her base period or
13 at a locality where it may reasonably be expected that ~~such~~
14 the work may be available. ~~Notwithstanding any of the~~
15 ~~provisions of this subdivision, no otherwise eligible~~
16 ~~individual shall be denied benefits for any week because he or~~
17 ~~she is:~~

18 "~~a. Enrolled in a course of training with the~~
19 ~~approval of the secretary. Such approval shall be conditioned~~
20 ~~upon the following:~~

21 "~~1. The individual's skills are obsolete or such~~
22 ~~that there are minimal opportunities for employment;~~

23 "~~2. Training is for an occupation for which there is~~
24 ~~a substantial and recurring demand;~~

1 ~~"3. Training is not a course of education for credit~~
2 ~~toward a degree;~~

3 ~~"4. The individual possesses aptitudes or skills~~
4 ~~which can be supplemented by retraining within a reasonable~~
5 ~~time; or~~

6 ~~"5. The individual produces satisfactory evidence of~~
7 ~~continued attendance and satisfactory progress;~~

8 ~~"b. In training approved by the secretary under~~
9 ~~Section 236 (a) (1) of the Trade Act of 1974, nor shall such~~
10 ~~individual be denied benefits (any other provision of this~~
11 ~~chapter requiring denial notwithstanding) by reason of leaving~~
12 ~~work to enter such training; provided,~~

13 ~~"1. The work left is not suitable employment as~~
14 ~~defined in paragraph c. of this subdivision (3), or~~

15 ~~"2. Because of the application to any such week in~~
16 ~~training of provisions in this chapter (or any applicable~~
17 ~~federal unemployment compensation law) relating to~~
18 ~~availability for work, active search for work or refusal to~~
19 ~~accept work.~~

20 ~~"c. For purposes of paragraph b. of this subdivision~~
21 ~~(3), and only therefor, the term "suitable employment" means~~
22 ~~with respect to an individual, work of a substantially equal~~
23 ~~or higher skill level than the individual's past adversely~~
24 ~~affected employment (as defined for purposes of the Trade Act~~
25 ~~of 1974), and wages for such work at not less than 80 percent~~

1 ~~of the individual's average weekly wage as determined for the~~
2 ~~purposes of the Trade Act of 1974.~~

3 " (4) ~~He has been~~ Been totally or partially
4 unemployed in ~~such~~ the week.

5 " (5) ~~He has made~~ Made a reasonable and active effort
6 to secure work which he or she is qualified to perform by past
7 experience and training, unless ~~such~~ the failure is because
8 the individual is before any court of the United States or any
9 state pursuant to a lawfully issued summons to appear for jury
10 duty. Reasonable and active effort shall mean engaging in
11 systematic and sustained efforts to find work, including
12 contacting at least three prospective employers for each week
13 of unemployment claimed. The department shall require the
14 claimant to provide proof of work search efforts when filing
15 his or her weekly certification. A claimant's subsequent proof
16 of work search efforts may not include the same prospective
17 employer, unless the employer has indicated since the time of
18 the initial contact that the employer is hiring. The
19 department shall conduct random reviews of at least 5 percent
20 of the work search proof provided by claimants each week. The
21 Governor by executive order may suspend the work search
22 requirement during a state of emergency to the extent
23 permissible by federal law. For the purposes of this
24 subdivision ~~(5)~~, the entitlement to regular or extended
25 benefits of any individual who is determined not to be

1 actively engaged in seeking work during any week ~~for the~~
2 ~~aforsaid reason~~ because of jury duty, shall be determined
3 pursuant to the provisions of subdivision (3) ~~of this~~
4 ~~subsection (a)~~ without regard to the disqualification
5 provisions otherwise applicable under ~~paragraph b. of~~
6 ~~subdivision (i)(1) of~~ Section 25-4-75 (i)(1)b. and ~~subdivision~~
7 ~~(i)(2) of~~ Section 25-4-75 (i)(2). ~~Further, for the purposes of~~
8 ~~this subdivision (5), the~~ The term "jury duty" as used in this
9 subdivision means the performance of service as a juror,
10 during all periods of time an individual is engaged in ~~such~~
11 service as a juror, in any court of a state or the United
12 States pursuant to the law of the state or the United States
13 and the rules of the court in which the individual is engaged
14 in the performance of ~~such~~ service as a juror.

15 "(6) ~~He has during~~ During his or her base period,
16 been paid wages for insured work equal to or exceeding one and
17 one-half times the total of the wages for insured work paid to
18 him or her in that quarter of ~~such the~~ base period in which
19 ~~such the~~ total wages were the highest and in addition,
20 qualifies for benefits under the provisions of Section
21 25-4-72; provided, however, that no otherwise eligible
22 individual who shall have received benefits in a preceding
23 benefit year shall be eligible to receive benefits in a
24 succeeding benefit year unless and until ~~such the~~ otherwise
25 eligible individual, subsequent to the beginning date of the

1 preceding benefit year, shall have worked in insured
2 employment for which work he or she earned wages equal to at
3 least eight times the weekly benefit amount established for
4 ~~such~~ the individual in the preceding benefit year.

5 "~~He has pursuant~~ Pursuant to Section 4 of Public
6 Law 103-152, been selected and referred to reemployment
7 services and participates in reemployment services, such as
8 job search assistance services, if the individual has been
9 determined to be likely to exhaust regular benefits and need
10 reemployment services pursuant to a profiling system
11 established by the secretary unless it is determined by the
12 secretary determines that: the claimant has completed
13 reemployment services or there is justifiable cause for his or
14 her failure to participate in reemployment services.

15 "~~a. Such claimant has completed such services; or~~

16 "~~b. There is justifiable cause for such claimant's~~
17 ~~failure to participate in such service.~~

18 "(b) Notwithstanding any of the provisions of
19 subdivision (a) (3), no otherwise eligible individual shall be
20 denied benefits for any week because he or she has met any of
21 the following criteria:

22 "(1) Enrolled in a course of training with the
23 approval of the secretary. The approval of the secretary shall
24 be conditioned upon the following:

1 "a. The individual's skills are obsolete or provide
2 minimal opportunities for employment.

3 "b. Training is for an occupation for which there is
4 a substantial and recurring demand.

5 "c. Training is not a course of education for credit
6 toward a degree.

7 "d. The individual possesses aptitudes or skills
8 which can be supplemented by retraining within a reasonable
9 time.

10 "e. The individual produces satisfactory evidence of
11 continued attendance and satisfactory progress.

12 "(2) Engaged in training approved by the secretary
13 under Section 236 (a) (1) of the Trade Act of 1974.

14 "(3) Left work to enter training pursuant to
15 subdivision (2), provided that the work left is not suitable
16 employment. For purposes of this subdivision, the term
17 "suitable employment" means with respect to an individual,
18 work of a substantially equal or higher skill level than the
19 individual's past adversely affected employment, as defined
20 for purposes of the Trade Act of 1974, and wages for such work
21 at not less than 80 percent of the individual's average weekly
22 wage as defined by the Trade Act of 1974.

23 "(4) Become unavailable to work, failed to actively
24 seek work, or refused to accept work because he or she was in
25 training pursuant to subdivision (2).

1 "~~(b)~~ (c) With respect to any week which begins prior
2 to January 1, 1989, an unemployed individual shall be eligible
3 to receive benefits as provided in this section prior to that
4 date.

5 "~~(c)~~ (d) The provisions of subdivision ~~(5)~~ of
6 ~~subsection (a)~~ (a) (5) shall be applied only to any week which
7 begins on or after ~~March 22, 1984~~ January 1, 2023."

8 Section 2. The Department of Labor shall provide
9 applicants for unemployment with simple instructions on how to
10 apply and provide all required recurring certifications to
11 continue to receive benefits.

12 Section 3. This act shall become effective on
13 January 1, 2023, following its passage and approval by the
14 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB224

Senate 17-MAR-22

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed 06-APR-22

Senate concurred in House amendment 06-APR-22

By: Senator Orr