

REFERENCE TITLE: **unemployment insurance; family leave.**

State of Arizona
House of Representatives
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HB 2458

Introduced by
Representatives Loredó, Avelar, Cardamone, Brotherton, Chase: Binder,
Burton Cahill, Cannell, Chevront, Clark, Hershberger, Huffman, Lopez L,
Lugo, Norris, Sedillo, Tom, Senators Aguirre, Lopez J

AN ACT

AMENDING SECTION 23-771, ARIZONA REVISED STATUTES; RELATING TO EMPLOYMENT SECURITY.

(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 shall be 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 report
8 at an employment office in accordance with such regulations as the department
9 prescribes.

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

12 3. Is able to work.

13 4. Is available for work.

14 5. Has been unemployed for a waiting period of one week. No week
15 shall be counted as a week of unemployment for the purpose of this paragraph:

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

18 (b) Unless the individual was eligible for benefits with respect
19 thereto as provided in this section and sections 23-775 through 23-777.

20 (c) If benefits have been paid in respect thereto.

21 6. Has met one of the following requirements:

22 (a) Has been paid wages for insured work during the individual's base
23 period equal to at least one and one-half times the wages paid to the
24 individual in the calendar quarter of the individual's base period in which
25 such wages were highest, and the individual has been paid wages for insured
26 work in one calendar quarter of the individual's base period equal to at
27 least one thousand dollars.

28 (b) Has for a benefit year beginning on or after September 2, 1984,
29 been paid wages for insured work during at least two quarters of the
30 individual's base period and the amount of such wages paid in one quarter
31 would be sufficient to qualify the individual for the maximum weekly benefit
32 amount payable under this chapter and the total of the individual's base
33 period wages is equal to or greater than the taxable limit as specified in
34 section 23-622, subsection B, paragraph 1.

35 7. Following the beginning date of a benefit year established under
36 this chapter or the unemployment compensation law of any other state and
37 prior to the effective date of a subsequent benefit year under this chapter,
38 has performed services whether or not in employment as defined in section
39 23-615 for which wages were payable in an amount equal to or in excess of
40 eight times the weekly benefit amount for which the individual is otherwise
41 qualified under section 23-779. In making a determination under this
42 paragraph the department shall use information available in its records or
43 require the individual to furnish necessary information within thirty days
44 from the date notice is given that such information is required.

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

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

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

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

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

18 C. If an unemployed individual is a member of the national guard or
19 other reserve component of the United States armed forces, he shall not be
20 considered to be either employed or unavailable for work by reason of his
21 participating in drill, training or other national guard or reserve activity
22 which occurs on not more than one weekend per month or in lieu of a weekend
23 drill or the equivalent.

24 D. THE DEPARTMENT SHALL NOT DISQUALIFY AN INDIVIDUAL FROM RECEIVING
25 BENEFITS UNDER THIS CHAPTER IF THE INDIVIDUAL LEAVES EMPLOYMENT OR IS ON
26 UNPAID LEAVE OF ABSENCE TO BE WITH THE INDIVIDUAL'S CHILD DURING THE CHILD'S
27 FIRST YEAR OF LIFE OR DURING THE FIRST YEAR THAT A CHILD IS PLACED WITH THE
28 INDIVIDUAL FOR ADOPTION. ELIGIBILITY FOR BENEFITS UNDER THIS SUBSECTION
29 SHALL NOT EXCEED NINETY DAYS.

30 ~~D.~~ E. For the purposes of subsection A, paragraph 6, of this section,
31 wages shall be counted as "wages for insured work" for benefit purposes with
32 respect to any benefit year only if such benefit year begins subsequent to
33 the date on which the employing unit by which such wages were paid has become
34 an employer subject to this chapter.