

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

HOUSE BILL 2295

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 section 23-772.
11 3. Is able to work.
12 4. Is available for work.
13 5. Has been unemployed for a waiting period of one week. A week
14 shall not be counted as a week of unemployment for the purpose of this
15 paragraph:
16 (a) Unless it occurs within the benefit year that 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 23-776~~ AND
20 23-777.
21 (c) If benefits have been paid in respect thereto.
22 6. Has met one of the following requirements:
23 (a) Has been paid wages for insured work during the individual's base
24 period equal to at least one and one-half times the wages paid to the
25 individual in the calendar quarter of the individual's base period in which
26 such wages were highest, and the individual has been paid wages for insured
27 work in one calendar quarter of the individual's base period equal to at
28 least one thousand five hundred dollars.
29 (b) Has for a benefit year beginning on or after September 2, 1984,
30 been paid wages for insured work during at least two quarters of the
31 individual's base period and the amount of such wages paid in one quarter
32 would be sufficient to qualify the individual for the maximum weekly benefit
33 amount payable under this chapter and the total of the individual's
34 base-period wages is equal to or greater than the taxable limit as specified
35 in section 23-622, subsection B, paragraph 1.
36 7. Following the beginning date of a benefit year established under
37 this chapter or the unemployment compensation law of any other state and
38 prior to the effective date of a subsequent benefit year under this chapter,
39 has performed services whether or not in employment as defined in section
40 23-615 for which wages were payable in an amount equal to or in excess of
41 eight times the weekly benefit amount for which the individual is otherwise
42 qualified under section 23-779. In making a determination under this
43 paragraph, the department shall use information available in its records or
44 require the individual to furnish necessary information within thirty days
45 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, the individual
20 shall not be considered to be either employed or unavailable for work by
21 reason of the individual's participation in drill, training or other national
22 guard or reserve activity that occurs on not more than one weekend per month
23 or in lieu of a weekend drill or the equivalent.

24 D. The department shall not disqualify an individual from receiving
25 benefits under this chapter on the basis of the individual's separation from
26 employment if the individual is a victim of domestic violence and leaves
27 employment due to a documented case ~~of a~~ INVOLVING domestic violence ~~offense~~
28 ~~as defined in~~ PURSUANT TO section 13-3601 or 13-3601.02. Benefits paid to an
29 individual pursuant to this subsection shall not be charged against an
30 employer's account pursuant to section 23-727, subsection G.

31 E. THE DEPARTMENT SHALL NOT PRESUME AN INDIVIDUAL IS UNAVAILABLE FOR
32 WORK AND DISQUALIFY THE INDIVIDUAL FROM RECEIVING BENEFITS UNDER THIS CHAPTER
33 ON THE BASIS OF THE INDIVIDUAL ATTENDING SCHOOL AS A FULL-TIME STUDENT.

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