HB29

AU4T7QS-1

By Representative Oliver

RFD: State Government

First Read: 04-Feb-25

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SYNOPSIS:

Under existing law, an unemployed individual must make a reasonable and active effort to secure work for which he or she is qualified to be eligible to receive unemployment benefits. Reasonable and active effort includes contacting at least three prospective employers for each week of unemployment claimed.

This bill would increase the number of prospective employers an unemployed individual must contact for each week of unemployment claimed.

Also under existing law, an individual may be disqualified for total or partial unemployment benefits if the individual fails to apply for or accept available suitable work.

This bill would provide for the meaning of "failure to seek or accept suitable work."

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL

TO BE ENTITLED

AN ACT

Relating to unemployment compensation; to amend Sections 25-4-77 and 25-4-78, Code of Alabama 1975, to increase the number of prospective employers an unemployed individual must contact to remain eligible for unemployment compensation; to define terms; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 25-4-77 and 25-4-78, Code of Alabama 1975, are amended to read as follows:

"§25-4-77

(a) An unemployed individual shall be eligible to receive benefits with respect to any week in a benefit year which begins on or after January 1, 2023, only if the secretary finds that he or she has met all of the following criteria:

(1) Made a claim for benefits with respect to the week in accordance with rules adopted by the secretary.

(2) Registered for work at, and subsequently continued to report at, a state employment office in accordance with rules adopted by the secretary as he or she may prescribe; except, that the secretary may by rule waive or alter either or both of the requirements of this subdivision as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which he or she finds that compliance with such requirements would be oppressive or would be inconsistent with purposes of this chapter.

(3) Is physically and mentally able to perform work of a character which he or she is qualified to perform by past experience or training, and is available for the work either at a locality at which he or she earned wages for insured work during his or her base period or at a locality where it may reasonably be expected that the work may be available.

(4) Been totally or partially unemployed in the week.

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

any week because of jury duty, shall be determined pursuant to the provisions of subdivision (3) without regard to the disqualification provisions otherwise applicable under Section 25-4-75(i)(1)b. and Section 25-4-75(i)(2). The term "jury duty" as used in this subdivision means the performance of service as a juror, during all periods of time an individual is engaged in service as a juror, in any court of a state or the United States pursuant to the law of the state or the United States and the rules of the court in which the individual is engaged in the performance of service as a juror.

(6) During his or her base period, been paid wages for insured work equal to or exceeding one and one-half times the total of the wages for insured work paid to him or her in that quarter of the base period in which the total wages were the highest and in addition, qualifies for benefits under the provisions of Section 25-4-72; provided, however, that no otherwise eligible individual who has received benefits in a preceding benefit year shall be eligible to receive benefits in a succeeding benefit year unless and until the otherwise eligible individual, subsequent to the beginning date of the preceding benefit year, has worked in insured employment for which work he or she earned wages equal to at least eight times the weekly benefit amount established for the individual in the preceding benefit year.

(7) Pursuant to Section 4 of Public Law 103-152, has been selected and referred to reemployment services and participates in reemployment services, such as job search

assistance services, if the individual has been determined to be likely to exhaust regular benefits and needs reemployment services pursuant to a profiling system established by the secretary, unless the secretary determines that the claimant has completed reemployment services or there is justifiable cause for his or her failure to participate in reemployment services.

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

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

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

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

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

d. The individual possesses aptitudes or skills that can be supplemented by retraining within a reasonable time.

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

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

(3) Left work to enter training pursuant to subdivision (2), provided that the work left is not suitable employment.

For purposes of this subdivision, the term "suitable employment" means with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment, as defined by the Trade Act of 1974, and wages for such work at not less than 80 percent of the individual's average weekly wage as defined by the Trade Act of 1974.

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

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

(d) The provisions of subdivision (a)(5) shall be applied only to any week that begins on or after January 1, 2023.

(e) The Department of Labor shall provide applicants for unemployment with simple instructions on how to apply and provide all required recurring certifications to continue to receive benefits."

"§25-4-78

An individual shall be disqualified for total or partial unemployment ~~for~~ under any of the following circumstances:

(1) LABOR DISPUTE IN PLACE OF EMPLOYMENT. ~~For any~~Any week in which an individual's total or partial unemployment is directly due to a labor dispute still in active progress in

the establishment in which he or she is or was last employed. For the purposes of this section ~~only~~, the term "labor dispute" includes any controversy concerning terms, tenure, or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee. This definition shall not relate to a dispute between an individual worker and his or her employer.

(2) VOLUNTARILY QUITTING WORK. ~~If an~~An individual has left his or her most recent bona fide work voluntarily without good cause connected with such work.

a.1. ~~However, an~~An individual shall not be disqualified if he or she was forced to leave work because he or she was sick or disabled~~,~~ and notified his or her employer of the ~~fact~~ sickness or disability as soon as it was reasonably practicable ~~so to do~~, and returned to ~~that employer and offered himself or herself for~~ work as soon as he or she was ~~again~~ able to work~~; provided, however, this~~ .

2. ~~exception~~ Subparagraph 1. shall not apply if the employer had an established leave of absence policy covering sickness or disability and:

(i) The individual ~~fails~~ failed to comply with the ~~same~~policy as soon as it ~~is~~was reasonable practicable ~~to do so~~; or

(ii) Upon the expiration of a leave of absence, ~~shall fail~~the individual failed to return to the employer and offer

himself or herself for work, if the individual ~~shall then be~~ was able to work, or if he or she ~~is~~was not ~~then~~ able to work, he or she ~~fails to so~~ failed to notify his or her employer of ~~that fact~~ his or her inability to work and failed to request an extension of his or her leave of absence as soon as it ~~is~~ was reasonably practicable ~~so to do~~.

~~2. In case of doubt that an individual was sick or disabled, or as to the duration of any such sickness or disability, the~~

3. The secretary may, or if the employer requests it, the secretary shall, require a doctor's certificate to establish the ~~fact or facts in doubt~~sickness or disability of the individual.

~~3.~~4. An established leave of absence policy shall be any leave of absence policy covering sickness and disability communicated to the employee by the customary means used by the employer for communicating with his or her employees.

~~4.~~b. Nothing ~~herein~~ in this section shall be construed or interpreted as authorizing the payment of benefits to any individual during, or for, unemployment due to sickness or disability or during any period in which he or she is on a leave of absence granted in accordance with an established leave of absence policy, the duration of which leave was set in accordance with his or her request or in accordance with a collective bargaining agreement~~; except, that if such~~. If the leave of absence is ~~on account of~~ due to pregnancy and extends beyond the tenth week following termination of ~~such~~ the pregnancy, the individual shall not be denied benefits under

this subdivision beyond ~~such~~ the tenth week if she has given the employer three weeks' notice of her desire to return to work~~, is then able~~ and ability to work, and has not refused reinstatement to a job which ~~under subdivision (5)~~ would be deemed suitable for her pursuant to subdivision (5).

~~b.~~ c.1. When an individual is disqualified under this subdivision~~:~~,

~~1. He~~ he or she shall not be entitled to benefits for the week in which the disqualifying event occurs or for any subsequent week ~~thereafter~~ until he or she has:

(i) ~~He or she has reentered~~Reentered insured employment or employment of the nature described in ~~subdivisions (5), (6), (7), (8), (9), (10), or (18) of subsection (b) of~~ Section 25-4-10(b)(5) through (10) or Section 25-4-10(b)(18); ~~and~~

(ii) ~~For which employment he or she has earned~~Earned wages equal to at least 10 times his or her weekly benefit amount for the benefit year in which ~~such~~ the disqualification is assessed; and

(iii) ~~He or she has been separated~~Separated from ~~such~~ the employment under nondisqualifying conditions.

2. The total amount of benefits to which an individual may otherwise be entitled as determined in accordance with Sections 25-4-74 and 25-4-75 shall be reduced by an amount equal to not less than three nor more than nine times his or her weekly benefit amount.

3. For ~~the purpose~~ purposes of the experience rating provisions of Section 25-4-54, no portion of the benefits payable to an individual, based upon wages paid to him or her

for the period of employment ending with the separation to which the disqualification applies, shall be charged to the employer's experience rating account. If the individual has been separated from employment other than his or her most recent bona fide work under conditions which would have been disqualifying under this subdivision ~~(2)~~ had the separation been from his or her most recent bona fide work and the employer answers a notice of payment within 15 days after it is mailed to him or her detailing the facts in connection with the separation, then no portion of any benefits paid to him or her based upon wages for the period of employment ending in ~~such~~ the separation shall be charged to the employer's experience rating account.

4. ~~Any other provision of this chapter to the contrary notwithstanding, effective October 21, 2013~~Notwithstanding any other provision of law, the unemployment compensation account of an employer shall be charged when the unemployment compensation agency determines that an overpayment has been made to a claimant as a result of both of the following:

(i) The overpayment occurred because the employer, or an agent of the employer, failed to respond timely or adequately to a request from the unemployment compensation agency for information relating to an unemployment compensation claim~~.~~; and

(ii) The employer, or an agent of the employer, has established a pattern of failing to respond timely or adequately to a request from the unemployment compensation agency for information relating to an unemployment

compensation claim on two or more occasions.

~~c.~~d. An individual shall not be disqualified if he or she left his or her employment and immediately returned to work with his or her regular employer or to employment in which he or she had prior existing statutory or contractual seniority or recall rights. When this exception is applied, any benefits paid to the individual based upon wages paid for ~~that~~ the period of employment immediately preceding the separation to which the exception is applied, which have not been ~~heretofore~~ charged to the employer's experience rating account, shall not be charged to the account of the employer.

~~d.~~e. For separation occurring on or after August 1, 2012, an individual shall not be disqualified if he or she left his or her employment to permanently relocate as a result of his or her active duty military-connected spouse's permanent change of station orders, activation orders, or unit deployment orders. When this exception is applied, any benefits paid to the individual based upon wages paid for that period of employment immediately preceding the separation to which the exception is applied, which have not been ~~heretofore~~ charged to the employer's experience rating account, shall not be charged to the account of the employer.

~~e.~~f. For ~~the~~ purposes of ~~this subdivision~~ determining the most recent bona fide work under this subdivision and subdivision (3) ~~of this section~~, the secretary ~~in determining the most recent bona fide work~~ shall only consider employment of the nature described in ~~subsection (a) of~~ Section 25-4-10(a). The secretary shall also consider the duration of

the most recent job or jobs, the intent of the individual and his or her employer as to the permanence of ~~such~~ the work, and whether separation from the immediately preceding employment was under conditions which would be disqualifying in the event ~~such~~ the immediately preceding employment should be determined to be the most recent bona fide work.

(3) DISCHARGE FOR MISCONDUCT.

a. ~~If an~~An individual was discharged or removed from his or her work for a dishonest or criminal act committed in connection with his or her work~~ or for~~, sabotage~~ or~~, an act endangering the safety of others~~ or for~~, the use of illegal drugs after previous warning, or ~~for~~ the refusal to submit to or cooperate with a blood or urine test after previous warning. Disqualification under this paragraph may be applied to separations prior to separation from the most recent bona fide work ~~only~~ if the employer has filed a notice with the secretary alleging that the separation was under conditions described in this paragraph in ~~such~~ a manner and within ~~such~~ the time ~~as~~ prescribed by the secretary~~ may prescribe~~.

~~(i)~~1. A confirmed positive drug test that is conducted and evaluated according to standards set forth ~~for the conduct and evaluation of such tests~~ by the U.S. Department of Transportation in 49 C.F.R. Part 40 or standards shown by the employer to be otherwise reliable shall be a conclusive presumption of impairment by illegal drugs.

(i) No unemployment compensation benefits shall be allowed to an employee having a confirmed positive drug test if the employee ~~had been warned~~ received a warning that ~~such~~ a

positive test could result in dismissal pursuant to a reasonable drug policy. A warning shall mean that the employee has been advised in writing of the provisions of the employer's drug policy and that either testing positive or the refusal to submit to or cooperate with a blood or urine test could result in termination of employment.

(ii) A drug policy shall be deemed reasonable if the employer shows that all employees of the employer, regardless of position or classification, are subject to testing under the policy, and in those instances in which the employer offers as the basis for disqualification from unemployment compensation benefits the results obtained pursuant to additional testing imposed on some but not all classifications, if the employer can also offer some rational basis for conducting such additional testing.

(iii) ~~Further, no~~No unemployment compensation benefits shall be allowed if the employee refuses to submit to or cooperate with a blood or urine test~~ as set forth above~~, or if the employee knowingly alters or adulterates the blood or urine specimen.

~~(ii) For purposes of paragraph a. and item (i) of paragraph a. of this subdivision, warning shall mean that the employee has been advised in writing of the provisions of the employer's drug policy and that either testing positive pursuant to the standards referenced above or the refusal to submit to or cooperate with a blood or urine test as set out in the above referenced standards could result in termination of employment. This written notification as herein described~~

~~shall constitute a warning as used in paragraph a. and item (i) of paragraph a. of this subdivision.~~

~~(iii) To the extent that the issue is~~2. If an employee has a confirmed positive drug test or ~~the refusal~~ refuses to submit to or cooperate with a blood or urine test, or if the employee knowingly alters or adulterates the blood or urine sample, ~~as distinguished from some other aspect of the employer's drug policy, this~~ disqualification under ~~paragraph a. and item (i) of~~ this paragraph ~~a.~~ shall be the only disqualification to apply~~,~~ in connection with an individual's separation from employment. Other non-separation disqualifications may apply.

3. When an individual is disqualified under this paragraph:

~~1.~~(i) He or she shall not be entitled to benefits for the week in which the disqualifying event occurs or for any subsequent week ~~thereafter~~ until he or she has reentered insured employment or employment of the nature described in ~~subdivisions (5), (6), (7), (8), (9), (10), or (18) of subsection (b) of~~ Section 25-4-10(b)(5) through (10) or Section 25-4-10(b)(18), has earned wages equal at least to 10 times his or her weekly benefit amount, ~~and~~or has been separated from ~~such~~ the employment for a nondisqualifying reason.

~~2.~~(ii) He or she shall not thereafter be entitled to any benefits under this chapter on account of wages paid to him or her for the period of employment by the employer by whom he or she was employed when the disqualifying event

occurred.

~~3.~~ (iii) For ~~the~~ purposes of the experience rating provisions of Section 25-4-54~~:~~,

~~(i) No~~ no portion of any benefits based upon wages paid to the individual for the period of employment by the employer by whom he or she was employed when the disqualifying event occurred shall be charged to the employer's experience rating account.

~~(ii)~~ (iv) In the case of a separation prior to the separation from the most recent bona fide work, if the only reason disqualification under this paragraph ~~a.~~ was not assessed was the failure of the employer to properly file a timely separation report with the secretary and the employer files ~~such a~~ the report within 15 days after the mailing of a notice of payment, then no portion of any benefits paid based upon the wages paid for the period of employment ending in ~~such~~ the prior separation shall be charged to the employer's experience rating account.

b. If an individual was discharged from his or her most recent bona fide work for actual or threatened misconduct committed in connection with his or her work, ~~(~~for reasons other than ~~acts mentioned in paragraph a. of this subdivision)~~those provided in paragraph a., repeated after previous warning to the individual. When an individual is disqualified under this paragraph, or exempt from disqualification for a separation under such conditions prior to his or her most recent bona fide work, the effect shall be the same as provided in paragraph ~~b. of subdivision~~ (2)d. for

disqualification or exemption from disqualification respectively.

c. If an individual was discharged from his or her most recent bona fide work for misconduct connected with his or her work ~~[other than acts mentioned~~ for reasons other than those provided in paragraphs a. and b.~~ of this subdivision]~~:

1. He or she shall be disqualified from receipt of benefits for the week in which he or she was discharged and for not less than the following week nor more than the four next following weeks, as determined by the secretary in each case according to the seriousness of the conduct.

2. The total amount of benefits to which an individual may otherwise be entitled as determined in accordance with Sections 25-4-74 and 25-4-75 shall be reduced by an amount equal to the product of the number of weeks for which an individual shall be disqualified multiplied by his or her weekly benefit amount.

3. Only one-half of the benefits paid to an individual based upon wages for that period of employment immediately preceding the separation to which the disqualification applies shall be charged to the employer for the purposes of the experience rating provisions of Section 25-4-54. If the individual has been separated from employment, other than his or her most recent bona fide work, under conditions which would have been disqualifying under this paragraph, had the separation been from his or her most recent bona fide work and the employer answers a notice of payment within 15 days after it is mailed to him or her detailing the facts in connection

with the separation, then only one-half of the benefits paid to him or her for that period of employment immediately preceding the separation shall be charged to the employer for the purposes of the experience rating provisions of Section 25-4-54, unless the employer, or an agent of the employer, failed to respond timely or adequately to written requests pursuant to subparagraph (2)c.4. ~~of paragraph b. of subdivision (2).~~

d. If an individual has been suspended as a disciplinary measure connected with his or her work, or for misconduct connected with his or her work, he or she shall be disqualified from benefits for the week or weeks (not to exceed four weeks) in which, or for which, he or she is so suspended and the total amount of benefits to which he or she may otherwise be entitled shall be reduced in the same manner and to the same extent as provided in subparagraph c.2. ~~of paragraph c. of this subdivision (3).~~

(4) REVOCATION OR SUSPENSION OF REQUIRED LICENSE, ETC. ~~For the~~ a. Any week in which an individual has become unemployed because a license, certificate, permit, bond, surety, or insurability which is necessary for the performance of his or her employment and which he or she is responsible to maintain or supply has been revoked, suspended, or otherwise become lost to him or her for a ~~cause~~ reason other than one which would fall within the meaning of subdivision (3), but ~~one~~ a reason which was within his or her power to control, guard against, or prevent, and for each subsequent week ~~thereafter~~ until~~:~~

~~a. The~~ the license, certificate, permit, bond, or surety, or insurability, has been restored to him or her and he or she has reapplied to his or her employer for employment~~;~~, or

~~b. He~~ he or she has reentered insured employment or employment of the nature described in ~~subdivisions (5), (6), (7), (8), (9), (10), or (18) of subsection (b) of~~ Section 25-4-10(b)(5) through (10) or Section 25-4-10(b)(18), whichever is the earlier.

~~c.~~b. Nothing in this subdivision shall be construed as a basis for disqualification of an individual who is without fault and who has made a reasonable effort to obtain his or her initial license, certificate, permit, bond, surety, or insurability required for the performance of assigned duties.

(5) FAILURE TO ACCEPT AVAILABLE SUITABLE WORK, ETC. ~~If an~~a. An individual fails, without good cause, either to apply for or to accept available suitable work or to return to his or her customary self-employment when so directed by the secretary or when an individual is notified of suitable work or it is offered him or her through a state employment office or the United States Employment Service, or directly or by written notice or offer to any such employment office or employment service by an employer by whom the individual was formerly employed. ~~Such~~ The disqualification shall be for a period of ~~not less than one nor more than~~ five weeks from the date of failure.

b. ~~This disqualification~~ Disqualification under paragraph a. shall not apply unless the individual has an

established benefit year, or is seeking to establish one or is seeking extended benefits at the time he or she fails without good cause, to do any of the acts set out in this subdivision.

~~a.~~c. In determining whether or not any work is suitable for an individual, the secretary shall consider:

1. The degree of risk involved to his or her health, safety, and morals, his or her physical fitness, and his or her prior training.

2. His or her experience and prior earnings.

3. His or her length of unemployment.

4. His or her prospects for securing local work in his or her customary occupation.

5. The distance of the available work from his or her residence; provided, that no work or employment shall be deemed unsuitable because of its distance from the individual's residence, if ~~such~~ the work or employment is in the same or substantially the same locality as was his or her last previous regular place of employment and if the employee left ~~such~~ the employment voluntarily without good cause connected with ~~such~~ the employment.

d. Failure to appear for a previously scheduled interview or skills test without notifying the prospective employer of the need to delay or reschedule the interview or test, unless there is good cause for the failure to notify, shall be deemed a failure to seek or accept suitable work. A claimant who fails to respond to an offer to return to work or an offer of suitable employment within 72 hours of the offer being made shall be deemed a rejection of an offer of suitable

employment.

~~b.~~e. Notwithstanding any other provisions of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

1. If the position offered is vacant due directly to a strike, lockout, or other labor dispute.

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

3. If, as a condition of being employed, the individual would be required to join a company union, or to resign from or refrain from joining any bona fide labor organization.

~~c.~~f. Notwithstanding any other provisions of this section, benefits shall not be denied an individual, by reason of the application of this subdivision ~~(5)~~, with respect to any week in which he or she is in training with the approval of the secretary as described in ~~subdivision (a)(3) of~~ Section 25-4-77(a)(3).

(6) RECEIPT OF BACK PAY AWARD, ETC. ~~For any~~ a. Any week with respect to which an individual is receiving or has received remuneration in the form of a back pay award. Notwithstanding Section 25-4-91, any benefits previously paid for weeks of unemployment with respect to which back pay awards are made shall constitute an overpayment and ~~such~~the amounts shall be deducted from the award by the employer prior to payment to the employee and shall be transmitted promptly

to the secretary by the employer for application against the overpayment and credit to the claimant's maximum benefit amount and prompt deposit into the fund~~; provided, however, the~~.

b. The removal of any charges made against the employer as a result of ~~such~~ previously paid benefits shall be applied to the calendar year and the calendar quarter in which the overpayment is received by the secretary and no attempt shall be made to relate such a credit to the period to which the award applies.

c. Any amount of overpayment deducted by the employer shall be subject to the same procedures for collection as is provided for contributions by Section 25-4-134.

(7) RECEIPT OF OR APPLICATION FOR UNEMPLOYMENT COMPENSATION FROM ANOTHER STATE, ETC. ~~For any~~Any week with respect to which, or a part of which, an individual has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States~~; provided, that if~~. If the appropriate agency of ~~such~~ the other state or ~~of~~ the United States ~~finally~~ determines that the individual is not entitled to ~~such~~the unemployment benefits this disqualification shall not apply.

(8) RECEIPT OF PENSION PAYMENT. ~~For any~~Any week with respect to which, or a part of which, an individual has received or ~~has~~, except for the determination of an exact or specific amount, has been determined eligible to receive, ~~(~~during a period for which benefits are being claimed~~)~~, governmental or other pension, retirement or retired pay,

annuity, or similar periodic payment which is based on the previous work of the individual; except, that:

a. For weeks of unemployment which begin prior to April 26, 1982, as was prescribed by this subsection prior to the date~~,~~; and

b. For weeks of unemployment which begin on or after April 26, 1982, the amount of any benefits payable to an individual for any week which begins in a period with respect to which the disqualifying provisions of this subdivision apply, shall be reduced (but not below zero) by an amount equal to the amount of the pension, retirement or retired pay, annuity, or other payment, which is reasonably attributable to the week~~,~~; provided, however, the reduction required by this paragraph shall apply to any pension, retirement or retired pay, annuity, or other similar payment only if:

1. The payment is made under a plan that is maintained ~~(~~or contributed to~~)~~ by a base period employer and 100 percent employer-financed and not contributed to by the worker~~,~~; and

2. In the case of such a payment not made under the Social Security Act or the Railroad Retirement Act of 1974, ~~(~~or the corresponding provisions of prior law~~)~~, services performed for the employer by the individual after the beginning of his or her base period ~~(~~or remuneration for the services~~)~~ affect eligibility for, or increase the amount of, the payment.

c. The other provisions of this subdivision to the contrary notwithstanding, beginning with the weeks ending October 7, 1995, the amount of any pension, retirement or

retired pay, annuity, or other similar periodic payment under the Social Security Act or the Railroad Retirement Act shall not result in a reduction of benefits under this subdivision.

d. If in accordance with this subdivision any individual is awarded pension payments retroactively covering the same period for which the individual received benefits, the retroactive payments shall constitute cause for disqualification and any benefits paid during the period shall be recovered only if the retroactive pension payments were made under a plan that is maintained ~~(~~or contributed to~~)~~ by a base period employer, 100 percent employer-financed, and not contributed to by the worker.

(9) RECEIPT OF OR APPLICATION FOR WORKERS' COMPENSATION. ~~For any~~Any week with respect to which, or a part of which, an individual has received or is seeking compensation for temporary disability under any workers' compensation law~~; provided, that if~~. If it is~~ finally~~ determined that the individual is not entitled to ~~such~~workers' compensation, this disqualification shall not apply.~~; and provided further, that if such~~ If the workers' compensation is less than the benefits which would otherwise be due under this chapter, the individual shall be entitled to receive for the week, if otherwise eligible, benefits reduced by the amount of the payment.

(10) EMPLOYMENT BY PUBLIC WORKS AGENCY, ETC. ~~For any~~Any week that an individual is engaged or employed by the Works Progress Administration, the National Youth Administration, or any federal or state unit, agency, or instrumentality in

charge of public works, assistance through public employment, or work relief.

(11) SELF-EMPLOYMENT. ~~For any~~Any week in which an individual is self-employed and each subsequent week ~~thereafter~~ until he or she shall establish that he or she is no longer self-employed.

(12) RECEIPT OF, OR APPLICATION FOR, TRAINING ALLOWANCE, ETC. ~~For any~~a. Any week with respect to which, or a part of which, an individual who is enrolled in a course of training with the approval of the secretary, within the meaning of ~~subdivision (a)(3) of~~ Section 25-4-77(a)(3), has applied for, or is entitled to receive, any wage or subsistence or training allowance or other form of remuneration, other than reimbursement for travel expenses, for a course of training under any public or private training program~~; provided, that if~~. If it is ~~finally~~ determined that an individual is not entitled to such remuneration, this disqualification shall not apply.

b. If the remuneration, the receipt of which is disqualifying under this subdivision, is less than the weekly benefits which he or she would otherwise be due under this chapter, he or she shall be entitled to receive, if otherwise eligible, weekly benefits reduced by the amount of the remuneration.

~~It is further provided that receipt~~c. Receipt of training allowances under the Trade Readjustment Act shall not be cause for disqualification under this subdivision.

(13) PARTICIPATION IN PROFESSIONAL SPORTS. ~~For any~~Any

week which commences during the period between two successive sport seasons, or similar periods, to any individual for which benefits claimed are on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, if such individual performed services in the first of such seasons, or similar periods, and there is a reasonable assurance that ~~such~~ the individual will perform such services in the later of such seasons, or similar periods.

(14) ALIENS.

a. ~~For any~~Any week for which benefits claimed are on the basis of services performed by an alien unless any of the following apply:

1. The alien is an individual who was lawfully admitted for permanent residence at the time the services were performed, and was lawfully present for purposes of performing the services~~; or,~~.

2. The alien was permanently residing in the United States under color of law at the time services were performed, including an alien who is lawfully present in the United States as a result of the application of the provisions of Section 203(a)(7) or Section 212(d)(5) of the Immigration and Nationality Act~~; or,~~.

3. The alien was lawfully admitted for temporary residence as provided for under Section 245A(a) of the Immigration Reform and Control Act of 1986 (PL 99-603).

b. Any data or information required of individuals applying for benefits to determine whether benefits are not

payable to them because of their alien status shall be uniformly required from all applicants for benefits.

c. In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to ~~such~~ the individual are not payable because of his or her alien status shall be made except upon a preponderance of the evidence."

Section 2. This act shall become effective on October 1, 2025.