

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 1968

By: Stottlemyre

AS INTRODUCED

An Act relating to labor; amending 40 O.S. 1991, Sections 1-217, 1-221, 1-223, 2-105 and 3-702, which relate to the Employment Security Act of 1980; modifying amount of wages for determination of unemployed; modifying amount of maximum weekly benefit for determination of benefit wages; modifying determination for the amount of taxable wages; modifying amount of wages subtracted from benefit amount; modifying amount paid by state and political subdivisions in lieu of contributions; stating disqualifying factors for receipt of certain benefits; specifying conditions for certain indefinite disqualification for benefits; providing for exceptions; repealing 40 O.S. 1991, Section 2-407, which relates to disqualification for certain benefits; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 40 O.S. 1991, Section 1-217, is amended to read as follows:

Section 1-217. UNEMPLOYED. An individual shall be deemed "unemployed" with respect to any week during which he performed no services and with respect to which no wages are payable to him, or with respect to any week of less than full-time work if the wages payable to him with respect to such week are less than his weekly benefit amount plus ~~Seven Dollars (\$7.00)~~ One Hundred Dollars (\$100.00); provided that for the purpose of this section only, any vacation leave payments or sick leave payments, which such individual may receive or be entitled to from his employer or former employer, arising by reason of separation from employment, shall be deemed not to be wages as the term wages is used in this section.

SECTION 2. AMENDATORY 40 O.S. 1991, Section 1-221, is amended to read as follows:

Section 1-221. BENEFIT WAGES. "Benefit wages" means the wages earned by a claimant during his base period which are not in excess of the current maximum weekly benefit amount ~~(One Hundred Thirty-two Dollars (\$132.00) until July 1, 1980)~~, as determined under Section 2-104 of this title, multiplied by the maximum number of weeks for which benefits could be paid to any individual (now twenty-six (26) weeks) multiplied by three (3); provided, however, no wages shall be included as "benefit wages" unless and until the claimant has been paid benefits for two (2) weeks in one (1) benefit year.

SECTION 3. AMENDATORY 40 O.S. 1991, Section 1-223, is amended to read as follows:

Section 1-223. TAXABLE WAGES. "Taxable wages" means the ~~first Seven Thousand Dollars (\$7,000.00)~~ wages paid to an individual ~~by an employing unit~~ with respect to employment during a calendar year for services covered by the Employment Security Act of 1980 or other state unemployment compensation acts. ~~Beginning January 1, 1986,~~ the taxable wage shall be equal up to a maximum of fifty percent (50%) of the state's average annual wage for the second preceding

calendar year as determined by the Commission, rounded to the nearest multiple of One Hundred Dollars (\$100.00).

SECTION 4. AMENDATORY 40 O.S. 1991, Section 2-105, is amended to read as follows:

Section 2-105. WAGES SUBTRACTED FROM BENEFIT AMOUNT. Each eligible individual who is unemployed with respect to any week ending after July 1, 1953, shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less that part of the wages, if any, payable to him with respect to such week which is in excess of ~~Seven Dollars (\$7.00)~~ One Hundred Dollars (\$100.00).

SECTION 5. AMENDATORY 40 O.S. 1991, Section 3-702, is amended to read as follows:

Section 3-702. PAYMENTS BY THE STATE SUBDIVISIONS AND INSTRUMENTALITIES IN LIEU OF CONTRIBUTIONS. In lieu of contributions required of employers under the ~~Oklahoma~~ Employment Security Act of 1980, as provided by this act, the State of Oklahoma and its instrumentalities shall pay each quarter beginning after March 31, 1978, including any political subdivision and its instrumentalities after December 31, 1977, one percent (1%) of taxable wages, as defined in this act, paid to employees covered by this act. Such payments made in lieu of contributions shall be paid on or before the last day of the month following the calendar quarter to be reported and shall be paid into the unemployment compensation fund.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-417 of Title 40, unless there is created a duplication in numbering, reads as follows:

SEEK AND ACCEPT WORK - WEEK OF OCCURRENCE DISQUALIFICATION. An individual shall be disqualified to receive benefits for each week in which he shall have failed to do any of the following:

1. Diligently search for suitable employment at a pay rate generally available in that area of the state in keeping with his prior experience, education and training;

2. Make application for work with employers who could reasonably be expected to have work available within that general geographic area of the state; and

3. Present himself as an applicant for employment in a manner designed to encourage favorable employment consideration.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-418 of Title 40, unless there is created a duplication in numbering, reads as follows:

SEEK AND ACCEPT WORK - INDEFINITE DISQUALIFICATION. A. An individual shall be disqualified to receive benefits for the week of occurrence and for the full period of unemployment next ensuing after he shall have failed to do any of the following:

1. Accept an offer of work from an employer including any former employer;

2. Apply for or accept work when so directed by the Employment Office of the Commission; or

3. Accept employment pursuant to a hiring hall agreement when so offered.

B. Any individual who shall have failed in the requirements of subsection A of this section shall be disqualified for the week in which such failure occurred and such disqualification shall continue for the full period of unemployment next ensuing after he has failed in any of the requirements of subsection A of this section until such individual has become reemployed and has earned wages equal to or in excess of ten (10) times his weekly benefit amount. Provided, that any individual who shall have failed in any of the requirements of subsection A of this section due to illness, death of a member of his family or other extenuating circumstance beyond his control shall be disqualified for regular benefits under this section only

for the week of the occurrence of such circumstance beyond his control. Provided further, that any individual who is disqualified under this subsection only for the week of the occurrence of such circumstances beyond his control shall not thereafter be or become eligible for extended benefits for the purposes of Sections 2-701 through 2-724 of this title until such individual has become reemployed and has earned wages equal to at least ten (10) times his weekly benefit amount.

SECTION 8. REPEALER 40 O.S. 1991, Section 2-407, is hereby repealed.

SECTION 9. This act shall become effective July 1, 1994.

SECTION 10. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-2-8015 MCD