

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1981

By: Anderson

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5  
6 AS INTRODUCED

7 An Act relating to labor; amending 40 O.S. 2001,  
8 Sections 2-104 and 2-203, as last amended by Section  
9 1, Chapter 177, O.S.L. 2003 (40 O.S. Supp. 2007,  
10 Section 2-203), which relate to computation of  
11 benefit amount and initial claims; modifying the  
12 determination of a certain average weekly wage;  
13 requiring certain claimants to fill out certain  
14 application form; prohibiting processing of certain  
15 claim under certain circumstances; requiring the  
16 Oklahoma Employment Security Commission to designate  
17 certain website link or folder for certain purpose;  
18 restricting certain access; making certain  
19 applications different from certain resumes;  
20 authorizing use of applications for certain purpose;  
21 providing certain reasons for termination of certain  
22 benefits; requiring certain notification of failure  
23 to meet certain reasons for termination of certain  
24 benefits; requiring certain documentation regarding  
certain notification; authorizing the Commission to  
promulgate certain rules; and providing an effective  
date.

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

SECTION 1. AMENDATORY 40 O.S. 2001, Section 2-104, is  
amended to read as follows:

Section 2-104. COMPUTATION OF BENEFIT AMOUNT.

1       A. The weekly benefit amount of an individual shall be an  
2 amount equal to one twenty-third (1/23) of the taxable wages paid to  
3 the individual during that quarter of ~~his~~ the individual's base  
4 period in which such taxable wages were highest. If such amount is  
5 more than the maximum weekly benefit amount, it shall be reduced to  
6 the maximum weekly benefit amount or if the amount is less than  
7 Sixteen Dollars (\$16.00), it shall be increased to Sixteen Dollars  
8 (\$16.00).

9       B. The maximum weekly benefit amount shall be:

10       1. Prior to July 1, 1984, One Hundred Eighty-five Dollars  
11 (\$185.00); and

12       2. Beginning July 1, 1984, the greater of:

13           a. One Hundred Ninety-seven Dollars (\$197.00), or

14           b. (1) sixty percent (60%) of the average weekly wage of  
15               the second preceding calendar year during any  
16               calendar year in which the balance in the  
17               Unemployment Compensation Fund is in excess of  
18               the amount required to initiate conditional  
19               contribution rates, pursuant to the provisions of  
20               Section 3-113 of this title,

21               (2) fifty-seven and one-half percent (57.5%) of the  
22               average weekly wage of the second preceding  
23               calendar year during calendar years in which  
24               condition "a" exists,

- 1           (3) fifty-five percent (55%) of the average weekly  
2           wage of the second preceding calendar year during  
3           calendar years in which condition "b" exists,  
4           (4) fifty-two and one-half percent (52.5%) of the  
5           average weekly wage of the second preceding  
6           calendar year during calendar years in which  
7           condition "c" exists, and  
8           (5) fifty percent (50%) of the average weekly wage of  
9           the second preceding calendar year during  
10          calendar years in which condition "d" exists.

11          C. Before the last day of June of each year the Commission  
12 shall determine the average weekly wage of the preceding calendar  
13 year ~~in the following manner:~~

14          ~~1. The sum of the total monthly employment reported for the~~  
15 ~~calendar year shall be divided by twelve (12) to determine the~~  
16 ~~average monthly employment;~~

17          ~~2. The sum of the total wages reported for the previous~~  
18 ~~calendar year shall be divided by the average monthly employment to~~  
19 ~~determine the average annual wage; and~~

20          ~~3. The average annual wage shall be divided by fifty two (52)~~  
21 ~~to determine the average weekly wage based upon the unemployment~~  
22 ~~rate where the claimant resides rather than the state unemployment~~  
23 ~~rate. The Oklahoma Employment Security Commission shall, by rule,~~

1 provide for the calculations necessary to carry out the provision of  
2 this subsection.

3 SECTION 2. AMENDATORY 40 O.S. 2001, Section 2-203, as  
4 last amended by Section 1, Chapter 177, O.S.L. 2003 (40 O.S. Supp.  
5 2007, Section 2-203), is amended to read as follows:

6 Section 2-203. CLAIM.

7 A. An unemployed individual must file an initial claim for  
8 unemployment benefits by calling an Oklahoma Employment Security  
9 Commission claims representative in a Commission Call Center, by  
10 completing the required forms through the Internet Claims service  
11 provided by the Commission, or by completing all forms necessary to  
12 process an initial claim in a local office of the Commission or any  
13 alternate site designated by the Commission to take unemployment  
14 benefit claims. The Commission may obtain additional information  
15 regarding an individual's claim through any form of  
16 telecommunication, writing, or interview. An unemployed individual  
17 must file a claim in writing or by telecommunication for benefits  
18 with respect to each week in accordance with such rule as the  
19 Commission may prescribe.

20 B. With respect to each week, he or she must provide the  
21 Commission with a true and correct statement of all material facts  
22 relating to: his or her unemployment; ability to work; availability  
23 for work; activities or conditions which could restrict the  
24 individual from seeking or accepting full-time employment

1 immediately; applications for or receipt of workers' compensation  
2 benefits; employment and earnings; and the reporting of other income  
3 from retirement, pension, disability, self-employment, education or  
4 training allowances.

5 C. In addition to all information for an initial claim required  
6 in this section, the claimant shall fill out an application form for  
7 employment as part of the initial filing of an unemployment claim.

8 The claim cannot be processed until the application form is  
9 completed. The Commission shall designate a link or folder on its  
10 website that contains employment applications, for persons receiving  
11 unemployment benefits, which are accessible only to employers who  
12 are registered with the Commission. Such applications shall be  
13 different from other resumes that are posted on the website.

14 Employers shall be allowed to use the applications to schedule  
15 interviews with the applicants. Unemployment benefits shall be  
16 terminated if:

17 1. The employer, using due diligence, is unable to reach the  
18 applicant;

19 2. The applicant does not show up for a scheduled interview  
20 without good cause;

21 3. The applicant fails to present during the interview in a  
22 manner designed to encourage favorable employment consideration; or

23 4. The applicant refuses a job offer.  
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1       The employer shall notify the Commission if the applicant did  
2 not meet one of the reasons for termination of benefits as provided  
3 in this subsection. The employer shall provide documentation as  
4 required by the Commission regarding such notification. The  
5 Commission shall promulgate such rules as are necessary to carry out  
6 the provisions of this subsection.

7       D. No claim will be allowed or paid unless the claimant resides  
8 within a state or foreign country with which the State of Oklahoma  
9 has entered into a reciprocal or cooperative arrangement pursuant to  
10 Part 7 of Article IV of the Employment Security Act of 1980.

11       SECTION 3. This act shall become effective November 1, 2008.

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