

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

COMMITTEE SUBSTITUTE  
FOR

HOUSE BILL NO. 3595

By: Hill

COMMITTEE SUBSTITUTE

An Act relating to labor; amending 40 O.S. 2021, Sections 2-417, 2-418, and 2-504, which relate to the Employment Security Act of 1980; modifying seeking and accepting of work; requiring Commission to maintain online jobs center; providing for verification of eligibility for initial claim for benefits; requiring Commission to cross-check and investigation of claims; and providing an effective date.

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

SECTION 1. AMENDATORY 40 O.S. 2021, Section 2-417, is amended to read as follows:

Section 2-417. Seek and accept work - Week of occurrence disqualification.

SEEK AND ACCEPT WORK - WEEK OF OCCURRENCE DISQUALIFICATION.

A. An individual shall be disqualified to receive benefits for each week in which the individual shall have failed to do any of the following:

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

4 2. Make application for ~~work with employers who could~~  
5 ~~reasonably be expected to have work available~~ the minimum number of  
6 weekly work search efforts as required by the Oklahoma Employment  
7 Security Commission; or

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

10 B. The requirements of subsection A of this section shall be  
11 waived if the individual has been summoned to appear for jury duty  
12 before any court of the United States or of any state. The waiver  
13 will continue for as long as the individual remains on jury duty  
14 pursuant to the original summons.

15 SECTION 2. AMENDATORY 40 O.S. 2021, Section 2-418, is  
16 amended to read as follows:

17 Section 2-418. Seek and accept work - Indefinite  
18 disqualification.

19 SEEK AND ACCEPT WORK - INDEFINITE DISQUALIFICATION.

20 A. An individual shall be disqualified to receive benefits for  
21 the full period of unemployment next ensuing after the individual  
22 shall have failed to do any of the following:  
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24

1        1. Accept an offer of suitable work, as defined by Sections 2-  
2 408 and 2-409 of this title, from an employer including any former  
3 employer;

4        2. Apply for or accept suitable work, as defined by Sections 2-  
5 408 and 2-409 of this title, when so directed by the Oklahoma  
6 Employment Security Commission; or

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

9 Such disqualification shall continue until the individual has become  
10 reemployed and has earned wages equal to or in excess of ten times  
11 his or her weekly benefit amount.

12        B. An employer who provides evidence of an offer of suitable  
13 work pursuant to paragraph 1 of subsection A of this section shall  
14 be proof of the failure of the individual to meet this requirement,  
15 and shall result in the immediate cessation of benefits until a  
16 determination can be made by the Commission. The Commission shall  
17 conduct a timely investigation of any such claim and verify the  
18 offer of suitable work.

19        C. Any individual who shall have failed in any of the  
20 requirements of ~~subsection A~~ of this section due to illness, death  
21 of a family member, or other extenuating circumstance beyond his or  
22 her control shall be disqualified for regular benefits under this  
23 section only for the week of the occurrence of such circumstance  
24 beyond his or her control.

1       D. The Commission shall maintain or work with another public  
2 entity to maintain access to a skills test and an online jobs system  
3 that allows employers in this state to post job openings, to include  
4 job description, necessary qualifications, expected hours of work,  
5 and estimated compensation package for each job. The Commission  
6 shall require each claimant for benefits to take a skills test and  
7 create an account and resume in the online jobs system. An  
8 individual shall be disqualified to receive benefits for the full  
9 period of unemployment for failing to meet any skills requirements  
10 set forth by the Commission.

11       E. An individual shall be disqualified to receive benefits for  
12 the full period of unemployment next ensuing after the individual  
13 shall have failed to do any of the following:

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

17       2. Make the minimum number of applications for work as required  
18 by the Commission with employers who could reasonably be expected to  
19 have work available; or

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

22       SECTION 3.       AMENDATORY       40 O.S. 2021, Section 2-504, is  
23 amended to read as follows:

24       Section 2-504. Determinations of benefits.

1        A. DETERMINATIONS OF BENEFITS. A determination upon a claim  
2 for benefits shall be made promptly by a representative of the  
3 Oklahoma Employment Security Commission. It shall include a  
4 statement as to whether, and in what amount claimant is entitled to  
5 benefits for the week with respect to which the determination is  
6 made. In the event the claimant is determined to be ineligible for  
7 or disqualified from benefits under Part 2 or Part 4 of this  
8 Article, the determination shall state the reasons therefor. The  
9 initial determination in a benefit year shall include a statement as  
10 to whether the claimant has been paid the wages required under this  
11 act, and if so, the beginning and ending dates of the benefit year,  
12 the weekly benefit amount, and the maximum total amount of benefits  
13 payable to him or her with respect to such benefit year.

14        B. The Commission shall do the following to verify the  
15 eligibility of an initial claim for benefits before paying benefits  
16 to that claim:

17        1. Require the claimant to submit proof of identity prior to  
18 his or her claim by using an identity verification source or service  
19 offered by the Commission to verify the identity of all claimants;  
20 and

21        2. To prevent and detect fraudulent activity, eligibility of  
22 claims will be verified using a diverse set of data deemed  
23 beneficial by the Commission, including but not limited to IP  
24 addresses and various other demographic data.

1       C. The Commission shall investigate any information that may  
2 indicate claimant ineligibility prior to paying benefits for the  
3 week in which the information was identified and any subsequent  
4 week. The Commission may cross-check all claims against any data  
5 sets deemed beneficial by the Commission in order to verify  
6 eligibility for benefits, including but not limited to:

7       1. The National Association of State Workforce Agencies'  
8 Integrity Data Hub;

9       2. The United States Department of Health and Human Services  
10 National Directory of New Hires;

11       3. The state directory of new hires;

12       4. Any inmate database maintained by the Oklahoma Department of  
13 Corrections;

14       5. The Social Security Administration's Prisoner Update  
15 Processing System;

16       6. The Centers for Disease Control and Prevention's National  
17 Vital Statistics System's Death Record Database;

18       7. Death records maintained by the Oklahoma Department of  
19 Health; and

20       8. The U.S. Citizenship and Immigration Services' Systematic  
21 Alien Verification for Entitlements (SAVE) database.

22       SECTION 4. This act shall become effective November 1, 2024.

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24       59-2-10326       LRB       02/20/24

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