

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3595

By: Hill

AS INTRODUCED

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 at least four (4) employers
5 who could reasonably be expected to have work available; or

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

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

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

15 Section 2-418. Seek and accept work - Indefinite
16 disqualification.

17 SEEK AND ACCEPT WORK - INDEFINITE DISQUALIFICATION.

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

21 1. Accept an offer of suitable work, as defined by Sections 2-
22 408 and 2-409 of this title, from an employer including any former
23 employer;

1 2. Apply for or accept suitable work, as defined by Sections 2-
2 408 and 2-409 of this title, when so directed by the Commission; or

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

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

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

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

21 D. The Commission shall maintain, or work with another public
22 entity to maintain, an online jobs center that allows employers in
23 this state to post job openings, to include job description,
24 necessary qualifications, expected hours of work, and estimated
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1 compensation package for each job. The Commission shall require
2 each claimant for benefits to take a skills test and create an
3 account and resume in the online jobs center. The Commission shall
4 refer claimants to up to four (4) jobs per week that are likely to
5 constitute suitable work according to Sections 2-408 and 2-409 of
6 this title, and claimants shall apply to those jobs and participate
7 in any interviews or skills tests offered to them by an employer.
8 Failure to apply to a job or participate in an offered interview or
9 skills test for suitable employment shall lead to a termination of
10 benefits for that week.

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

13 Section 2-504. Determinations of benefits.

14 A. DETERMINATIONS OF BENEFITS. A determination upon a claim
15 for benefits shall be made promptly by a representative of the
16 Commission. It shall include a statement as to whether and in what
17 amount claimant is entitled to benefits for the week with respect to
18 which the determination is made. In the event the claimant is
19 determined to be ineligible for or disqualified from benefits under
20 Part 2 or Part 4 of this Article the determination shall state the
21 reasons therefor. The initial determination in a benefit year shall
22 include a statement as to whether the claimant has been paid the
23 wages required under this act, and if so, the beginning and ending
24 dates of the benefit year, the weekly benefit amount, and the
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1 maximum total amount of benefits payable to him or her with respect
2 to such benefit year.

3 B. The Commission shall do all of the following to verify the
4 eligibility of an initial claim for benefits before paying benefits
5 to that claim:

6 1. Require the claimant to submit proof of identity with his or
7 her claim or otherwise use an identity verification application to
8 verify the identity of all claimants;

9 2. Verify the eligibility of any claims filed from an IP
10 address located outside of the state of Oklahoma, and

11 3. Verify the eligibility of one or more claims associated with
12 the same bank account, mailing address, or email address as another
13 current or pending claim for benefits.

14 C. The Commission shall investigate any information that may
15 indicate claimant ineligibility prior to paying benefits for the
16 week in which the information was identified and any subsequent
17 week. On a weekly basis the Commission shall cross-check all claims
18 against the following data sets in order to verify eligibility for
19 benefits:

20 1. The National Association of State Workforce Agencies'
21 Integrity Data Hub;

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

24 3. The state directory of new hires;
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1 4. Any inmate database maintained by the Oklahoma Department of
2 Corrections;

3 5. The Social Security Administration's Prisoner Update
4 Processing System;

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

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

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

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

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