

IN THE SENATE

SENATE BILL NO. 1019

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1366, IDAHO CODE,
TO PROVIDE FOR VOLUNTARY LEAVING OF EMPLOYMENT DUE TO DOMESTIC VIOLENCE
OR RELOCATION AS A MILITARY SPOUSE AND TO MAKE TECHNICAL CORRECTIONS;
AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 72-1366, Idaho Code, be, and the same is hereby
amended to read as follows:

72-1366. PERSONAL ELIGIBILITY CONDITIONS. The personal eligibility
conditions of a benefit claimant are that:

(1) The claimant shall have made a claim for benefits and provided all
necessary information pertinent to eligibility.

(2) The claimant shall have registered for work and thereafter reported
to a job service office or other agency in a manner prescribed by the direc-
tor.

(3) The claimant shall have met the minimum wage requirements in his
base period as provided in section 72-1367, Idaho Code.

(4) (a) During the whole of any week with respect to which he claims ben-
efits or credit to his waiting period, the claimant was:

- (i) Able to work, available for suitable work, and seeking work;
provided, however, that no claimant shall be considered ineligi-
ble for failure to comply with the provisions of this subsection
if:

- 1. Such failure is due to a claimant's illness or disabil-
ity of not more than four (4) weeks that arises after fil-
ing a claim, provided that during such illness or disabil-
ity, the claimant does not refuse or miss suitable work that
would have provided wages greater than one-half (1/2) of the
claimant's weekly benefit amount; or

- 2. Such failure is due to compelling personal circum-
stances, provided that such failure does not exceed a minor
portion of the claimant's workweek and during which time
the claimant does not refuse or miss suitable work that
would have provided wages greater than one-half (1/2) of the
claimant's weekly benefit amount; and

- (ii) Living in a state, territory, or country that is included in
the interstate benefit payment plan or that is a party to an agree-
ment with the United States or the director with respect to unem-
ployment insurance.

(b) If a claimant who is enrolled in an approved job training course
pursuant to subsection (8) of this section fails to attend or otherwise
participate in the job training course during any week with respect to

1 which he claims benefits or credit to his waiting period, the claimant
 2 shall be ineligible for that week if he was not able to work nor avail-
 3 able for suitable work, to be determined as follows: The claimant shall
 4 be ineligible unless he is making satisfactory progress in the training
 5 and his failure to attend or otherwise participate was due to:

6 (i) The claimant's illness or disability that occurred after he
 7 had filed a claim and the claimant missed fewer than one-half (1/2)
 8 of the classes available to him that week; or

9 (ii) Compelling personal circumstances, provided that the
 10 claimant missed fewer than one-half (1/2) of the classes available
 11 to him that week.

12 (c) A claimant shall not be denied regular unemployment benefits under
 13 any provision of this chapter relating to availability for work, active
 14 search for work or refusal to accept work, solely because the claimant
 15 is seeking only part-time work, if the department determines that a ma-
 16 jority of the weeks of work in the claimant's base period were for less
 17 than full-time work. For the purpose of this subsection, "seeking only
 18 part-time work" is defined as seeking work that has comparable hours
 19 to the claimant's part-time work experience in the base period, except
 20 that a claimant must be available for at least twenty (20) hours of work
 21 per week.

22 (5) ~~The claimant's unemployment is not due to the fact that he left his~~
 23 ~~employment voluntarily without good cause connected with his employment,~~
 24 ~~or that he was discharged for misconduct in connection with his employment.~~
 25 claimant voluntarily leaving employment without good cause connected with
 26 the claimant's employment or because of the claimant's discharge for mis-
 27 conduct in connection with the claimant's employment. The requirement that
 28 good cause for a voluntary leaving of employment be in connection with em-
 29 ployment does not apply and good cause is shown where a claimant demonstrates
 30 that:

31 (a) (i) The leaving was necessary to protect the claimant or any
 32 minor child of the claimant from domestic violence or the leaving
 33 was due to domestic violence that caused the claimant to rea-
 34 sonably believe that the claimant's continued employment would
 35 jeopardize the safety of the claimant or any minor child of the
 36 claimant; and

37 (ii) The claimant made all reasonable efforts to preserve the em-
 38 ployment; or

39 (b) The claimant is a military spouse who voluntarily left the
 40 claimant's most recent employment to relocate with the claimant's
 41 spouse who, because of a permanent change of station orders, was re-
 42 quired to move to a location from which the commute to the claimant's
 43 most recent employment was impractical, but only if, before leav-
 44 ing, the claimant took reasonable actions to maintain the employment
 45 relationship through accommodation discussions with the claimant's
 46 employer.

47 (c) The following definitions apply to this subsection:

48 (i) "Domestic violence" is as defined in section 39-6303, Idaho
 49 Code, and also includes the crime of stalking in the second degree
 50 pursuant to section 18-7906, Idaho Code;

1 (ii) "Military spouse" means the spouse of a member of the armed
2 forces of the United States or a reserve component of the armed
3 forces of the United States stationed in this state in accordance
4 with military orders or stationed in this state before a reassign-
5 ment to duties outside this state; and

6 (iii) "Permanent change of station orders" means the assignment,
7 reassignment, or transfer of a member of the armed forces of the
8 United States or a reserve component of the armed forces of the
9 United States from the member's present duty station or location
10 without return to the previous duty station or location.

11 (6) The claimant's unemployment is not due to his failure without good
12 cause to apply for available suitable work or to accept suitable work when
13 offered to him. The longer a claimant has been unemployed, the more willing
14 he must be to seek other types of work and accept work at a lower rate of pay.

15 (7) In determining whether or not work is suitable for an individual,
16 the degree of risk involved to his health, safety, morals, physical fitness,
17 experience, training, past earnings, length of unemployment and prospects
18 for obtaining local employment in his customary occupation, the distance of
19 the work from his residence, and other pertinent factors shall be consid-
20 ered. No employment shall be deemed suitable and benefits shall not be den-
21 ied to any otherwise eligible individual for refusing to accept new work or
22 to hold himself available for work under any of the following conditions:

23 (a) If the vacancy of the position offered is due directly to a strike,
24 lockout, or other labor dispute;

25 (b) If the wages, hours, or other conditions of the work offered are
26 below those prevailing for similar work in the locality of the work of-
27 fered;

28 (c) If, as a condition of being employed, the individual would be re-
29 quired to join a company union or to resign from or refrain from joining
30 any bona fide labor organization.

31 (8) No claimant who is otherwise eligible shall be denied benefits for
32 any week due to an inability to comply with the requirements contained in
33 subsections (4) (a) (i) and (6) of this section if:

34 (a) The claimant is a participant in a program sponsored by title I of
35 the workforce innovation and opportunity act (29 U.S.C. 3101 et seq., as
36 amended) and attends a job training course under that program; or

37 (b) The claimant attends a job training course authorized pursuant to
38 the provisions of section 236(a) (1) of the trade act of 1974 or the North
39 American free trade agreement implementation act.

40 (c) The claimant lacks skills to compete in the labor market and attends
41 a job training course with the approval of the director. The director
42 may approve job training courses that meet the following criteria:

43 (i) The purpose of the job training is to teach the claimant
44 skills that will enhance the claimant's opportunities for employ-
45 ment; and

46 (ii) The job training can be completed within two (2) years, ex-
47 cept that this requirement may be waived pursuant to rules that the
48 director may prescribe.

49 (9) No claimant who is otherwise eligible shall be denied benefits
50 under subsection (5) of this section for leaving employment to attend job

1 training pursuant to subsection (8) of this section, provided that the
2 claimant obtained the employment after enrollment in or during scheduled
3 breaks in the job training course, or that the employment was not suitable.
4 For purposes of this subsection, the term "suitable employment" means work
5 of a substantially equal or higher skill level than the individual's past
6 employment, and wages for such work are not less than eighty percent (80%) of
7 the average weekly wage in the individual's past employment.

8 (10) A claimant shall not be eligible to receive benefits for any week
9 with respect to which it is found that his unemployment is due to a labor dis-
10 pute; provided, that this subsection shall not apply if it is shown that:

11 (a) The claimant is not participating, financing, aiding, abetting, or
12 directly interested in the labor dispute; and

13 (b) The claimant does not belong to a grade or class of workers with mem-
14 bers who are employed at the premises at which the labor dispute occurs,
15 and who are participating in or directly interested in the dispute.

16 (11) A claimant shall not be entitled to benefits for any week with re-
17 spect to which or a part of which he has received or is seeking benefits un-
18 der an unemployment insurance law of another state or of the United States;
19 provided, that if the appropriate agency of such other state or of the United
20 States shall finally determine that he is not entitled to such unemployment
21 compensation or insurance benefits, he shall not by the provisions of this
22 subsection be denied benefits. For purposes of this section, a law of the
23 United States providing any payments of any type and in any amounts for pe-
24 riods of unemployment due to involuntary unemployment shall be considered an
25 unemployment insurance law of the United States.

26 (12) A claimant shall not be entitled to benefits for a period of
27 fifty-two (52) weeks if it is determined that he has willfully made a false
28 statement or willfully failed to report a material fact in order to obtain
29 benefits. The period of disqualification shall commence the week the deter-
30 mination is issued. The claimant shall also be ineligible for waiting week
31 credit and shall repay any sums received for any week for which the claimant
32 received waiting week credit or benefits as a result of having willfully
33 made a false statement or willfully failed to report a material fact. The
34 claimant shall also be ineligible for waiting week credit or benefits for any
35 week in which he owes the department an overpayment, civil penalty, or inter-
36 est resulting from a determination that he willfully made a false statement
37 or willfully failed to report a material fact.

38 (13) A claimant shall not be entitled to benefits if his principal occu-
39 pation is self-employment.

40 (14) A claimant who has been found ineligible for benefits under the
41 provisions of subsection (5), (6), (7) or (9) of this section shall reestab-
42 lish his eligibility by having obtained bona fide work and received wages
43 therefor in an amount of at least fourteen (14) times his weekly benefit
44 amount.

45 (15) Benefits based on service in employment defined in sections
46 72-1349A and 72-1352(3), Idaho Code, shall be payable in the same amount, on
47 the same terms and subject to the same conditions as benefits payable on the
48 basis of other service subject to this act.

49 (a) If the services performed during one-half (1/2) or more of any con-
50 tract period by an individual for an educational institution as defined

1 in section 72-1322B, Idaho Code, are in an instructional, research, or
2 principal administrative capacity, all the services shall be deemed to
3 be in such capacity.

4 (b) If the services performed during less than one-half (1/2) of any
5 contract period by an individual for an educational institution are in
6 an instructional, research, or principal administrative capacity, none
7 of the services shall be deemed to be in such capacity.

8 (c) As used in this section, "contract period" means the entire period
9 for which the individual contracts to perform services, pursuant to the
10 terms of the contract.

11 (16) No claimant is eligible to receive benefits in two (2) successive
12 benefit years unless, after the beginning of the first benefit year during
13 which he received benefits, he performed service and earned an amount equal
14 to not less than six (6) times the weekly benefit amount established during
15 the first benefit year.

16 (17) (a) Benefits based on wages earned for services performed in an
17 instructional, research, or principal administrative capacity for an
18 educational institution shall not be paid for any week of unemployment
19 commencing during the period between two (2) successive academic years,
20 or during a similar period between two (2) terms, whether or not succes-
21 sive, or during a period of paid sabbatical leave provided for in the
22 individual's contract, to any individual who performs such services in
23 the first academic year (or term) and has a contract to perform services
24 in any such capacity for any educational institution in the second aca-
25 demic year or term, or has been given reasonable assurance that such a
26 contract will be offered.

27 (b) Benefits based on wages earned for services performed in any other
28 capacity for an educational institution shall not be paid to any indi-
29 vidual for any week that commences during a period between two (2) suc-
30 cessive school years or terms if the individual performs such services
31 in the first school year or term, and there is a contract or reasonable
32 assurance that the individual will perform such services in the second
33 school year or term. If benefits are denied to any individual under this
34 paragraph and the individual was not offered an opportunity to perform
35 such services for the educational institution for the second academic
36 year or term, the individual shall be entitled to a retroactive payment
37 of benefits for each week for which the individual filed a timely claim
38 for benefits and for which benefits were denied solely by reason of this
39 paragraph.

40 (c) With respect to any services described in paragraphs (a) and (b) of
41 this subsection, benefits shall not be paid nor "waiting week" credit
42 given to an individual for wages earned for services for any week that
43 commences during an established and customary vacation period or hol-
44 iday recess if the individual performed the services in the period im-
45 mediately before the vacation period or holiday recess, and there is a
46 reasonable assurance the individual will perform such services in the
47 period immediately following such vacation period or holiday recess.

48 (d) With respect to any services described in paragraphs (a) and (b) of
49 this subsection, benefits shall not be payable on the basis of services
50 in any capacities specified in paragraphs (a), (b) and (c) of this sub-

1 section to any individual who performed such services in an educational
 2 institution while in the employ of an educational service agency. For
 3 purposes of this paragraph, the term "educational service agency" means
 4 a governmental entity that is established and operated exclusively for
 5 the purpose of providing such services to one (1) or more educational
 6 institutions.

7 (18) Benefits shall not be payable on the basis of services that sub-
 8 stantially consist of participating in sports or athletic events or train-
 9 ing or preparing to participate for any week ~~which~~ that commences during the
 10 period between two (2) successive sport seasons (or similar periods) if the
 11 individual performed services in the first season (or similar period) and
 12 there is a reasonable assurance that the individual will perform such ser-
 13 vices in the later of such season (or similar period).

14 (19) (a) Benefits shall not be payable on the basis of services per-
 15 formed by an alien unless the alien was lawfully admitted for permanent
 16 residence at the time such services were performed, was lawfully
 17 present for purposes of performing such services, or was permanently
 18 residing in the United States under color of law at the time the ser-
 19 vices were performed (including an alien who was lawfully present in
 20 the United States as a result of the application of the provisions of
 21 sections 207 and 208 or section 212 (d) (5) of the immigration and nation-
 22 ality act).

23 (b) Any data or information required of individuals applying for bene-
 24 fits to determine eligibility under this subsection shall be uniformly
 25 required from all applicants for benefits.

26 (c) A decision to deny benefits under this subsection must be based on a
 27 preponderance of the evidence.

28 (20) An individual who has been determined to be likely to exhaust regu-
 29 lar benefits and to need reemployment services pursuant to a profiling sys-
 30 tem established by the director must participate in those reemployment ser-
 31 vices, unless:

32 (a) The individual has completed such services; or

33 (b) There is justifiable cause, as determined by the director, for the
 34 claimant's failure to participate in such services.

35 (21) (a) A claimant:

36 (i) Who has been assigned to work for one (1) or more customers of
 37 a staffing service; and

38 (ii) Who, at the time of hire by the staffing service, signed a
 39 written notice informing him that completion or termination of an
 40 assignment for a customer would not, of itself, terminate the em-
 41 ployment relationship with the staffing service;

42 will not be considered unemployed upon completion or termination of an
 43 assignment until such time as he contacts the staffing service to deter-
 44 mine if further suitable work is available. If the claimant:

45 1. Contacts the staffing service and refuses a suitable work
 46 assignment that is offered to him at that time, he will be
 47 considered to have voluntarily quit that employment; or

48 2. Contacts the staffing service and the service does not
 49 have a suitable work assignment for him, he will be consid-
 50 ered unemployed due to a lack of work; or

1 3. Accepts new employment without first contacting the
2 staffing service for additional work, he will be considered
3 to have voluntarily quit employment with the staffing ser-
4 vice.

5 (b) For the purposes of this subsection, the term "staffing service"
6 means any person who assigns individuals to work for its customers and
7 includes, but is not limited to, professional employers as defined in
8 chapter 24, title 44, Idaho Code, and the employers of temporary employ-
9 ees as defined in section 44-2403 (7), Idaho Code.

10 (22) (a) A claimant who is otherwise eligible for regular benefits as
11 defined in section 72-1367A(1) (e), Idaho Code, shall be eligible for
12 training extension benefits if the department determines that all of
13 the following criteria are met:

14 (i) The claimant is unemployed;

15 (ii) The claimant has exhausted all rights to regular unem-
16 ployment benefits as defined in section 72-1367A(1) (e), Idaho
17 Code, and all rights to extended benefits as defined in section
18 72-1367A(1) (f), Idaho Code, and all rights to benefits under sec-
19 tion 2002 ("increase in unemployment compensation benefits") of
20 division B, title II, the assistance for unemployed workers and
21 struggling families act, of the American recovery and reinvest-
22 ment act of 2009, ~~public law~~ P.L. 111-5, as enacted on February 17,
23 2009;

24 (iii) The claimant is enrolled in a training program approved by
25 the department or in a job training program authorized under the
26 workforce innovation and opportunity act; except that the train-
27 ing program must prepare the claimant for entry into a high-demand
28 occupation if the department determines that the claimant separ-
29 ated from a declining occupation or has been involuntarily and
30 indefinitely separated from employment as a result of a permanent
31 reduction of operations at the claimant's place of employment.
32 For the purposes of this subsection, a "declining occupation"
33 is one where there is a lack of sufficient current demand in the
34 claimant's labor market area for the occupational skills for which
35 the claimant is qualified by training and experience or current
36 physical or mental capacity and the lack of employment opportuni-
37 ties is expected to continue for an extended period of time, or the
38 claimant's occupation is one for which there is a seasonal vari-
39 ation in demand in the labor market and the claimant has no other
40 skills for which there is current demand. For the purposes of this
41 subsection, a "high-demand occupation" is an occupation in a labor
42 market area where work opportunities are available and qualified
43 applicants are lacking as determined by the use of available labor
44 market information;

45 (iv) The claimant is making satisfactory progress to complete the
46 training as determined by the department; and

47 (v) The claimant is not receiving similar stipends or other train-
48 ing allowances for nontraining costs. For the purposes of this
49 subsection, "similar stipend" means an amount provided under a

1 program with similar aims, such as providing training to increase
2 employability, and in approximately the same amounts.

3 (b) The weekly training extension benefit amount shall equal the
4 claimant's weekly benefit amount for the most recent benefit year less
5 any deductible income as determined by the provisions of this chapter.
6 The total amount of training extension benefits payable to a claimant
7 shall be equal to twenty-six (26) times the claimant's average weekly
8 benefit amount for the most recent benefit year. A claimant who is
9 receiving training extension benefits shall not be denied training ex-
10 tension benefits due to the application of subsections (4) (a) (i) and
11 (6) of this section, and an employer's account shall not be charged for
12 training extension benefits paid to the claimant.

13 SECTION 2. An emergency existing therefor, which emergency is hereby
14 declared to exist, this act shall be in full force and effect on and after
15 July 1, 2023.