

SENATE BILL No. 392

By Committee on Ways and Means

2-10

1 AN ACT concerning employment security law; relating to compensation
2 of the pre-payment waiting period; amending K.S.A. 2019 Supp. 44-
3 705 and repealing the existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2019 Supp. 44-705 is hereby amended to read as
7 follows: 44-705. Except as provided by K.S.A. 44-757, and amendments
8 thereto, an unemployed individual shall be eligible to receive benefits with
9 respect to any week only if the secretary, or a person or persons designated
10 by the secretary, finds that:

11 (a) The claimant has registered for work at and thereafter continued
12 to report at an employment office in accordance with rules and regulations
13 adopted by the secretary, except that, subject to the provisions of
14 ~~subsection (a) of K.S.A. 44-704(a)~~, and amendments thereto, the secretary
15 may adopt rules and regulations ~~which~~ *that* waive or alter either or both of
16 the requirements of this subsection.

17 (b) The claimant has made a claim for benefits with respect to such
18 week in accordance with rules and regulations adopted by the secretary.

19 (c) The claimant is able to perform the duties of such claimant's
20 customary occupation or the duties of other occupations ~~for which~~ *that*
21 the claimant is reasonably fitted by training or experience, and is available for
22 work, as demonstrated by the claimant's pursuit of the full course of action
23 most reasonably calculated to result in the claimant's reemployment except
24 that, notwithstanding any other provisions of this section, an unemployed
25 claimant otherwise eligible for benefits shall not become ineligible for
26 benefits: (1) Because of the claimant's enrollment in and satisfactory
27 pursuit of approved training, including training approved under section
28 236(a)(1) of the trade act of 1974; or (2) solely because such individual is
29 seeking only part-time employment if the individual is available for a
30 number of hours per week that are comparable to the individual's part-time
31 work experience in the base period.

32 For the purposes of this subsection, an inmate of a custodial or
33 correctional institution shall be deemed to be unavailable for work and not
34 eligible to receive unemployment compensation while incarcerated.

35 (d) (1) Except as provided further, the claimant has been unemployed
36 for a waiting period of one week or the claimant is unemployed and has

1 satisfied the requirement for a waiting period of one week under the shared
2 work unemployment compensation program as provided in ~~subsection (k)~~
3 ~~(4) of K.S.A. 44-757(k)(4), and amendments thereto, which and that~~
4 period of one week, in either case, occurs within the benefit year ~~which~~
5 *that* includes the week for which the claimant is claiming benefits. No
6 week shall be counted as a week of unemployment for the purposes of this
7 subsection:

8 (A) If benefits have been paid for such week;

9 (B) if the individual fails to meet with the other eligibility
10 requirements of this section; or

11 (C) if an individual is seeking unemployment benefits under the
12 unemployment compensation law of any other state or of the United
13 States, except that if the appropriate agency of such state or of the United
14 States finally determines that the claimant is not entitled to unemployment
15 benefits under such other law, this subparagraph shall not apply.

16 (2) The waiting week requirement of paragraph (1) shall not apply to
17 new claims, ~~filed on or after July 1, 2007,~~ by claimants who become
18 unemployed as a result of an employer terminating business operations
19 within this state, declaring bankruptcy or initiating a work force reduction
20 pursuant to public law 100-379, the federal worker adjustment and
21 retraining notification act ~~(, 29 U.S.C. §§ 2101 through 2109),~~ as amended.
22 The secretary shall adopt rules and regulations to administer the provisions
23 of this paragraph.

24 (3) *A claimant shall become eligible to receive compensation for the*
25 *waiting period of one week, pursuant to paragraph (1), upon completion*
26 *of three weeks of unemployment consecutive to such waiting period.*

27 (e) For benefit years established on and after the effective date of this
28 act, the claimant has been paid total wages for insured work in the
29 claimant's base period of not less than 30 times the claimant's weekly
30 benefit amount and has been paid wages in more than one quarter of the
31 claimant's base period, except that the wage credits of an individual earned
32 during the period commencing with the end of a prior base period and
33 ending on the date ~~on which~~ *that* such individual filed a valid initial claim
34 shall not be available for benefit purposes in a subsequent benefit year
35 unless, in addition thereto, such individual has returned to work and
36 subsequently earned wages for insured work in an amount equal to at least
37 eight times the claimant's current weekly benefit amount.

38 (f) The claimant participates in reemployment services, such as job
39 search assistance services, if the individual has been determined to be
40 likely to exhaust regular benefits and needs reemployment services
41 pursuant to a profiling system established by the secretary, unless the
42 secretary determines that: (1) The individual has completed such services;
43 or (2) there is justifiable cause for the claimant's failure to participate in

1 such services.

2 (g) The claimant is returning to work after a qualifying injury and has
3 been paid total wages for insured work in the claimant's alternative base
4 period of not less than 30 times the claimant's weekly benefit amount and
5 has been paid wages in more than one quarter of the claimant's alternative
6 base period if:

7 (1) The claimant has filed for benefits within four weeks of being
8 released to return to work by a licensed and practicing health care
9 provider;

10 (2) the claimant files for benefits within 24 months of the date the
11 qualifying injury occurred; and

12 (3) the claimant attempted to return to work with the employer where
13 the qualifying injury occurred, but the individual's regular work or
14 comparable and suitable work was not available.

15 Sec. 2. K.S.A. 2019 Supp. 44-705 is hereby repealed.

16 Sec. 3. This act shall take effect and be in force from and after its
17 publication in the Kansas register.