

An Act

ENROLLED HOUSE
BILL NO. 3595

By: Hill of the House

and

Alvord of the Senate

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.

SUBJECT: Labor

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

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

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

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

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

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

SEEK AND ACCEPT WORK - INDEFINITE DISQUALIFICATION.

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

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

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

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

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

B. An employer who provides evidence of an offer of suitable work pursuant to paragraph 1 of subsection A of this section shall be proof of the failure of the individual to meet this requirement, and shall result in the immediate cessation of benefits until a

determination can be made by the Commission. The Commission shall conduct a timely investigation of any such claim and verify the offer of suitable work.

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

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

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

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

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

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

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

Section 2-504. Determinations of benefits.

A. DETERMINATIONS OF BENEFITS. A determination upon a claim for benefits shall be made promptly by a representative of the Oklahoma Employment Security Commission. It shall include a

statement as to whether, and in what amount claimant is entitled to benefits for the week with respect to which the determination is made. In the event the claimant is determined to be ineligible for or disqualified from benefits under Part 2 or Part 4 of this Article, the determination shall state the reasons therefor. The initial determination in a benefit year shall include a statement as to whether the claimant has been paid the wages required under this act, and if so, the beginning and ending dates of the benefit year, the weekly benefit amount, and the maximum total amount of benefits payable to him or her with respect to such benefit year.

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

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

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

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

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

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

3. The state directory of new hires;

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

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

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

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

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

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

Passed the House of Representatives the 9th day of May, 2024.

Presiding Officer of the House
of Representatives

Passed the Senate the 25th day of April, 2024.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____