

(Corrected)

Session of 2024

HOUSE BILL No. 2570

By Committee on Commerce, Labor and Economic Development

Requested by Representative Tarwater

1-23

1 AN ACT concerning employment security law; relating to the definition of
2 benefit year, temporary unemployment, wages, statewide average
3 annual wage and statewide average weekly wage; referencing certain
4 new definitions for purposes of the annual determination by the
5 secretary of the maximum weekly benefit amount; requiring electronic
6 filing of wage reports, contribution returns and payments and interest
7 assessments for employers with 25 or more employees; establishing
8 minimum qualifications for candidates for membership on the
9 employment security board of review and initial review of such
10 candidates by the director of unemployment; extending when the
11 mandatory combination of rates and the establishment of a new account
12 due to a business acquisition must occur from the beginning of the
13 following quarter to the beginning of the following year; making
14 certain changes to the schedules governing employer contribution rates;
15 removing obsolete language pertaining to the employment security
16 interest assessment fund and abolishing such fund; requiring the
17 secretary to create an audit process within the new unemployment
18 insurance information technology system to permit employers to
19 submit reports regarding work search, the my reemployment plan and
20 claimants who do not provide notification or appear for scheduled
21 interviews; providing for notices by the secretary to active employers
22 regarding work search noncompliance reporting options; confirming
23 the legislative coordinating council's authority to extend the new
24 unemployment insurance information technology system's
25 implementation date retroactively and as often as deemed appropriate
26 by the council; requiring the secretary to notify the council of the need
27 for an extension; authorizing the secretary to extend temporary
28 unemployment for limited periods upon request by employers and
29 allowing for additional temporary unemployment when requested by
30 employers engaged in certain industries; requiring the secretary to
31 annually post on the secretary's website certain additional calculations
32 and data; changing the timing of employer benefit charge notices from
33 annually to quarterly; removing the exemption for benefit charges less
34 than \$100; amending K.S.A. 44-704, 44-705, 44-709, 44-710, 44-710b,
35 44-717, 44-771, 44-772 and 44-774 and K.S.A. 2023 Supp. 44-703, 44-

PROPOSED AMENDMENT
HOUSE COMMERCE, LABOR AND ECONOMIC DEVELOPMENT
2/15/2024

Remove Ghosting provision

Prepared by Office of Revisor of Statutes.

1 adopted by the secretary, except that, subject to the provisions of K.S.A.
2 44-704(a), and amendments thereto, the secretary may adopt rules and
3 regulations that waive or alter either or both of the requirements of this
4 subsection.

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

7 (c) (1) The claimant is able to perform the duties of such claimant's
8 customary occupation or the duties of other occupations that the claimant
9 is reasonably fitted by training or experience, and is available for work, as
10 demonstrated by the claimant's pursuit of the full course of action most
11 reasonably calculated to result in the claimant's reemployment except that,
12 notwithstanding any other provisions of this section, an unemployed
13 claimant otherwise eligible for benefits shall not become ineligible for
14 benefits:

15 (A) Because of the claimant's enrollment in and satisfactory pursuit
16 of approved training, including training approved under section 236(a)(1)
17 of the trade act of 1974;

18 (B) solely because such individual is seeking only part-time
19 employment if the individual is available for a number of hours per week
20 that are comparable to the individual's part-time work experience in the
21 base period; or

22 (C) because a claimant is not actively seeking work:

23 (i) During a state of disaster emergency proclaimed by the governor
24 pursuant to K.S.A. 48-924 and 48-925, and amendments thereto;

25 (ii) in response to the spread of the public health emergency of
26 COVID-19; and

27 (iii) the state's temporary waiver of the work search requirement
28 under the employment security law for such claimant is in compliance
29 with the families first coronavirus response act, public law 116-127.

30 (2) The secretary shall develop and implement procedures to address
31 claimants who refuse to return to suitable work or refuse to accept an offer
32 of suitable work without good cause. Such procedures shall include the
33 receipt and processing of job refusal reports from employers, the
34 evaluation of such reports in consideration of the claimant's work history
35 and skills and suitability of the offered employment and guidelines for a
36 determination of whether the claimant shall remain eligible for
37 unemployment benefits or has failed to meet the work search requirements
38 of this subsection or the requirements of K.S.A. 44-706(c), and
39 amendments thereto. In determining whether the employment offered is
40 suitable, the secretary's considerations shall include whether the
41 employment offers wages comparable to the claimant's recent employment
42 and work duties that correspond to the claimant's education level and
43 previous work experience. The secretary shall also consider whether the

1 employment offers wages of at least the amount of the claimant's
2 maximum weekly benefits.

3 (3) To facilitate the requirements of paragraph (2), the secretary shall
4 provide readily accessible means for employers to notify the department
5 when a claimant refuses to return to work or refuses an offer of
6 employment, including by telephone, email or an online web portal. ~~The
7 secretary shall create or cause to be created in the new unemployment
8 insurance information technology system as provided by K.S.A. 44-772,
9 and amendments thereto, an audit process for employers to submit reports
10 regarding activities related to the work search requirement or to the my-
11 reemployment plan, established by K.S.A. 44-775, and amendments
12 thereto, and applicants that accept interview appointments but do not
13 participate or notify the interviewing employer of their inability to
14 participate in the scheduled interview. The secretary shall not be required
15 to implement such audit process prior to the completion of such new
16 unemployment insurance information technology system.~~ Nothing in this

January 1, 2026

notify the department of

17 subsection shall be construed as to require an employer to report such job
18 refusals or such failures to appear for a scheduled interview without
19 notifying the interviewing employer to the department.

20 (4) At the time of receipt of notice from an employer pursuant to
21 paragraph (3), the secretary shall, within 10 business days of receipt of
22 such notice from the employer, provide a notice to the claimant who has
23 refused to return to work or to accept an offer of suitable work without
24 good cause. The method of providing the notice to the claimant shall be
25 consistent with other correspondence from the department to the claimant
26 and may include mail, telephone, email or through an online web portal.
27 The notice shall, at minimum, include the following information:

28 (A) A summary of state employment security law regarding a
29 claimant's duties to return to work or accept suitable work;

30 (B) a statement that the claimant has been or may be disqualified and
31 the claimant's right to collect benefits has been or may be terminated for
32 refusal to return to work or accept suitable work without good cause, as
33 provided by this subsection and K.S.A. 44-706(c), and amendments
34 thereto;

35 (C) an explanation of what constitutes suitable work under the
36 employment security law; and

37 (D) instructions for contesting a denial of a claim if the denial is
38 based upon a report by an employer that the claimant has refused to return
39 to work or has refused to accept an offer of suitable work.

40 (5) ~~The secretary shall include notices to all active employers
41 regarding work search noncompliance reporting options provided in
42 paragraph (3) in the department of labor's annual summary of benefit
43 charges pursuant to K.S.A. 44-710b(d), and amendments thereto, and in~~

1 *the rate notices to employers pursuant to K.S.A. 44-710b(a), and*
2 *amendments thereto. The secretary shall not be required to implement*
3 *such notice requirements prior to the completion of the new unemployment*
4 *insurance information technology system, as provided by K.S.A. 44-772,*
5 *and amendments thereto.*

6 ~~(5)~~(6) For the purposes of this subsection, an inmate of a custodial or
7 correctional institution shall be deemed to be unavailable for work and not
8 eligible to receive unemployment compensation while incarcerated.

9 (d) (1) Except as provided further, the claimant has been unemployed
10 for a waiting period of one week or the claimant is unemployed and has
11 satisfied the requirement for a waiting period of one week under the shared
12 work unemployment compensation program as provided in K.S.A. 44-
13 757(k)(4), and amendments thereto, and that period of one week, in either
14 case, occurs within the benefit year that includes the week for which the
15 claimant is claiming benefits. No week shall be counted as a week of
16 unemployment for the purposes of this subsection:

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

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

20 (C) if an individual is seeking unemployment benefits under the
21 unemployment compensation law of any other state or of the United
22 States, except that if the appropriate agency of such state or of the United
23 States finally determines that the claimant is not entitled to unemployment
24 benefits under such other law, this subparagraph shall not apply.

25 (2) (A) The waiting week requirement of paragraph (1) shall not
26 apply to:

27 (i) New claims by claimants who become unemployed as a result of
28 an employer terminating business operations within this state, declaring
29 bankruptcy or initiating a work force reduction pursuant to public law 100-
30 379, the federal worker adjustment and retraining notification act, 29
31 U.S.C. §§ 2101 through 2109, as amended; or

32 (ii) new claims filed on or after April 5, 2020, through December 26,
33 2020, in accordance with the families first coronavirus response act, public
34 law 116-127 and the federal CARES act, public law 116-136.

35 (B) The secretary shall adopt rules and regulations to administer the
36 provisions of this paragraph.

37 (3) If the waiting week requirement of paragraph (1) applies, a
38 claimant shall become eligible to receive compensation for the waiting
39 period of one week, pursuant to paragraph (1), upon completion of three
40 weeks of unemployment consecutive to such waiting period. This
41 paragraph shall not apply to initial claims effective on and after April 1,
42 2021.

43 (e) For benefit years established on and after the effective date of this