

HOUSE BILL No. 2333

By Committee on Commerce, Labor and Economic Development

2-7

1 AN ACT concerning employment security law; relating to work search
2 requirements; establishing procedures for disqualification from benefits
3 for claimants who fail to attend a job interview without providing
4 notice to the prospective employer or who fail to respond to an offer of
5 employment within five days; expanding options for prospective
6 employers to report such occurrences; relating to the unemployment
7 compensation modernization and improvement council; clarifying
8 provisions pertaining to extensions of time for implementation of the
9 new unemployment insurance system; amending K.S.A. 44-705, 44-
10 706 and 44-772 and K.S.A. 2022 Supp. 44-775 and repealing the
11 existing sections.
12

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

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

19 (a) The claimant has registered for work at and thereafter continued
20 to report at an employment office in accordance with rules and regulations
21 adopted by the secretary, except that, subject to the provisions of K.S.A.
22 44-704(a), and amendments thereto, the secretary may adopt rules and
23 regulations that waive or alter either or both of the requirements of this
24 subsection.

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

27 (c) (1) The claimant is able to perform the duties of such claimant's
28 customary occupation or the duties of other occupations that the claimant
29 is reasonably fitted by training or experience, and is available for work, as
30 demonstrated by the claimant's pursuit of the full course of action most
31 reasonably calculated to result in the claimant's reemployment except that,
32 notwithstanding any other provisions of this section, an unemployed
33 claimant otherwise eligible for benefits shall not become ineligible for
34 benefits:

35 (A) Because of the claimant's enrollment in and satisfactory pursuit
36 of approved training, including training approved under section 236(a)(1)

1 of the trade act of 1974;

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

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

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

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

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

14 (2) The secretary shall develop and implement procedures to address
15 claimants who refuse to return to suitable work or refuse to accept an offer
16 of suitable work without good cause. Such procedures shall include the
17 receipt and processing of job refusal reports from employers, the
18 evaluation of such reports in consideration of the claimant's work history
19 and skills and suitability of the offered employment and guidelines for a
20 determination of whether the claimant shall remain eligible for
21 unemployment benefits or has failed to meet the work search requirements
22 of this subsection or the requirements of K.S.A. 44-706(c), and
23 amendments thereto. In determining whether the employment offered is
24 suitable, the secretary's considerations shall include *those set forth in*
25 *K.S.A. 44-706(c), and amendments thereto, including* whether the
26 employment offers wages comparable to the claimant's recent employment
27 and work duties that correspond to the claimant's education level and
28 previous work experience. The secretary shall also consider whether the
29 employment offers wages of at least the amount of the claimant's
30 maximum weekly benefits.

31 ~~(3)(A)~~ To facilitate the requirements of paragraph (2), the secretary
32 shall provide readily accessible means for employers to notify the
33 department when a claimant refuses to return to work~~or~~, refuses an offer
34 of *suitable work, fails to appear for a previously scheduled job interview*
35 *without notifying the prospective employer of the need to cancel or*
36 *reschedule the interview or fails to respond to an offer of employment*
37 *within five days, whether by an acceptance, refusal or request for*
38 *additional information or time to consider the offer, including by a*
39 *dedicated telephone; number and email~~or~~ address and an online web*
40 *portal. The website portal and email address shall allow employers to*
41 *submit batches of multiple such claimants.* Nothing in this~~subsection~~
42 ~~subparagraph~~ shall be construed as to require an employer to report such
43 ~~job refusals~~ *occurrences* to the department.

1 ~~(4)~~(B) At the time of receipt of notice *that a claimant has refused to*
2 *return to work or has refused an offer of suitable work* from an employer
3 pursuant to ~~paragraph (3)~~ subparagraph (A), the secretary shall, within ~~10~~
4 *five* business days of receipt of such notice from the employer, provide a
5 notice to the claimant who has refused to return to work or to accept an
6 offer of suitable work without good cause. The method of providing the
7 notice to the claimant shall be consistent with other correspondence from
8 the department to the claimant and may include mail, telephone, email or
9 through an online web portal. The notice shall, at minimum, include the
10 following information:

11 ~~(A)~~(i) A summary of state employment security law regarding a
12 claimant's duties to return to work or accept suitable work;

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

18 ~~(C)~~(iii) an explanation of what constitutes suitable work under the
19 employment security law; and

20 ~~(D)~~(iv) instructions for contesting a denial of a claim if the denial is
21 based upon a report by an employer that the claimant has refused to return
22 to work or has refused to accept an offer of suitable work.

23 (C) *At the time of receipt of a report pursuant to subparagraph (A)*
24 *that a claimant has failed to respond to an offer of suitable work within*
25 *five business days, whether by an acceptance, refusal or request for*
26 *additional information or time to consider the offer or has failed to appear*
27 *for a previously scheduled job interview without notifying the prospective*
28 *employer of the need to cancel or reschedule the interview, the secretary*
29 *shall immediately provide notice to the claimant that the claimant may be*
30 *disqualified from benefits within five business days of the date of receipt of*
31 *the report by the secretary, the reason for the pending disqualification and*
32 *instructions for contesting the pending denial of the claim. The secretary*
33 *shall disqualify the claimant for further benefits for noncompliance with*
34 *work search requirements or refusal to accept suitable work without good*
35 *cause within five business days of receiving the report unless the secretary*
36 *determines the report cannot be verified as provided by subparagraph (D),*
37 *the secretary determines the work is not suitable or unless or until the*
38 *claimant shows good cause excusing the noncompliance or demonstrates*
39 *compliance. An unreasonable delay by a claimant to accept an offer of*
40 *employment after a request from the claimant for additional information*
41 *or time to consider the offer shall be considered to be a refusal by the*
42 *secretary. A delay to respond of more than five business days after the*
43 *claimant's receipt of additional information or request for additional time*

1 *to consider the offer shall be deemed unreasonable. The secretary shall*
2 *communicate the disqualification and the reason for the disqualification to*
3 *the claimant. In determining whether the claimant has shown good cause*
4 *excusing the noncompliance or whether the work is suitable, the secretary*
5 *shall consider any relevant provisions set forth in K.S.A. 44-706(c), and*
6 *amendments thereto.*

7 *(D) Prior to denying benefits to a claimant for work search*
8 *noncompliance as provided in subparagraph (C), the secretary shall verify*
9 *any information submitted by an employer documenting an incident of*
10 *such work search noncompliance.*

11 *(E) The department of labor shall include notices to all active*
12 *employers regarding work search noncompliance reporting options, as*
13 *provided in subparagraph (A), in the department of labor's annual*
14 *summary of benefit charges referenced in K.S.A. 44-710b(d), and*
15 *amendments thereto, and in the rate notices to employers referenced in*
16 *K.S.A. 44-710b(a), and amendments thereto.*

17 ~~(5)~~(3) For the purposes of this subsection, an inmate of a custodial or
18 correctional institution shall be deemed to be unavailable for work and not
19 eligible to receive unemployment compensation while incarcerated.

20 (d) (1) Except as provided further, the claimant has been unemployed
21 for a waiting period of one week or the claimant is unemployed and has
22 satisfied the requirement for a waiting period of one week under the shared
23 work unemployment compensation program as provided in K.S.A. 44-
24 757(k)(4), and amendments thereto, and that period of one week, in either
25 case, occurs within the benefit year that includes the week for which the
26 claimant is claiming benefits. No week shall be counted as a week of
27 unemployment for the purposes of this subsection:

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

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

31 (C) if an individual is seeking unemployment benefits under the
32 unemployment compensation law of any other state or of the United
33 States, except that if the appropriate agency of such state or of the United
34 States finally determines that the claimant is not entitled to unemployment
35 benefits under such other law, this subparagraph shall not apply.

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

38 (i) New claims by claimants who become unemployed as a result of
39 an employer terminating business operations within this state, declaring
40 bankruptcy or initiating a work force reduction pursuant to public law 100-
41 379, the federal worker adjustment and retraining notification act, 29
42 U.S.C. §§ 2101 through 2109, as amended; or

43 (ii) new claims filed on or after April 5, 2020, through December 26,

1 2020, in accordance with the families first coronavirus response act, public
2 law 116-127 and the federal CARES act, public law 116-136.

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

5 (3) If the waiting week requirement of paragraph (1) applies, a
6 claimant shall become eligible to receive compensation for the waiting
7 period of one week, pursuant to paragraph (1), upon completion of three
8 weeks of unemployment consecutive to such waiting period. This
9 paragraph shall not apply to initial claims effective on and after April 1,
10 2021.

11 (e) For benefit years established on and after the effective date of this
12 act, the claimant has been paid total wages for insured work in the
13 claimant's base period of not less than 30 times the claimant's weekly
14 benefit amount and has been paid wages in more than one quarter of the
15 claimant's base period, except that the wage credits of an individual earned
16 during the period commencing with the end of a prior base period and
17 ending on the date that such individual filed a valid initial claim shall not
18 be available for benefit purposes in a subsequent benefit year unless, in
19 addition thereto, such individual has returned to work and subsequently
20 earned wages for insured work in an amount equal to at least eight times
21 the claimant's current weekly benefit amount.

22 (f) The claimant participates in reemployment services, such as job
23 search assistance services, if the individual has been determined to be
24 likely to exhaust regular benefits and needs reemployment services
25 pursuant to a profiling system established by the secretary, unless the
26 secretary determines that: (1) The individual has completed such services;
27 or (2) there is justifiable cause for the claimant's failure to participate in
28 such services.

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

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

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

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

42 Sec. 2. K.S.A. 44-706 is hereby amended to read as follows: 44-706.
43 The secretary shall examine whether an individual has separated from

1 employment for each week claimed. The secretary shall apply the
2 provisions of this section to the individual's most recent employment prior
3 to the week claimed. An individual shall be disqualified for benefits:

4 (a) If the individual left work voluntarily without good cause
5 attributable to the work or the employer, subject to the other provisions of
6 this subsection. For purposes of this subsection, "good cause" is cause of
7 such gravity that would impel a reasonable, not supersensitive, individual
8 exercising ordinary common sense to leave employment. Good cause
9 requires a showing of good faith of the individual leaving work, including
10 the presence of a genuine desire to work. Failure to return to work after
11 expiration of approved personal or medical leave, or both, shall be
12 considered a voluntary resignation. After a temporary job assignment,
13 failure of an individual to affirmatively request an additional assignment
14 on the next succeeding workday, if required by the employment
15 agreement, after completion of a given work assignment, shall constitute
16 leaving work voluntarily. The disqualification shall begin the day
17 following the separation and shall continue until after the individual has
18 become reemployed and has had earnings from insured work of at least
19 three times the individual's weekly benefit amount. An individual shall not
20 be disqualified under this subsection if:

21 (1) The individual was forced to leave work because of illness or
22 injury upon the advice of a licensed and practicing health care provider
23 and, upon learning of the necessity for absence, immediately notified the
24 employer thereof, or the employer consented to the absence, and after
25 recovery from the illness or injury, when recovery was certified by a
26 practicing health care provider, the individual returned to the employer and
27 offered to perform services and the individual's regular work or
28 comparable and suitable work was not available. As used in this paragraph
29 "health care provider" means any person licensed by the proper licensing
30 authority of any state to engage in the practice of medicine and surgery,
31 osteopathy, chiropractic, dentistry, optometry, podiatry or psychology;

32 (2) the individual left temporary work to return to the regular
33 employer;

34 (3) the individual left work to enlist in the armed forces of the United
35 States, but was rejected or delayed from entry;

36 (4) the spouse of an individual who is a member of the armed forces
37 of the United States who left work because of the voluntary or involuntary
38 transfer of the individual's spouse from one job to another job, which is for
39 the same employer or for a different employer, at a geographic location
40 which makes it unreasonable for the individual to continue work at the
41 individual's job. For the purposes of this provision the term "armed forces"
42 means active duty in the army, navy, marine corps, air force, coast guard or
43 any branch of the military reserves of the United States;

1 (5) the individual left work because of hazardous working conditions;
2 in determining whether or not working conditions are hazardous for an
3 individual, the degree of risk involved to the individual's health, safety and
4 morals, the individual's physical fitness and prior training and the working
5 conditions of workers engaged in the same or similar work for the same
6 and other employers in the locality shall be considered; as used in this
7 paragraph, "hazardous working conditions" means working conditions that
8 could result in a danger to the physical or mental well-being of the
9 individual; each determination as to whether hazardous working
10 conditions exist shall include, but shall not be limited to, a consideration
11 of: (A) The safety measures used or the lack thereof; and (B) the condition
12 of equipment or lack of proper equipment; no work shall be considered
13 hazardous if the working conditions surrounding the individual's work are
14 the same or substantially the same as the working conditions generally
15 prevailing among individuals performing the same or similar work for
16 other employers engaged in the same or similar type of activity;

17 (6) the individual left work to enter training approved under section
18 236(a)(1) of the federal trade act of 1974, provided the work left is not of a
19 substantially equal or higher skill level than the individual's past adversely
20 affected employment, as defined for purposes of the federal trade act of
21 1974, and wages for such work are not less than 80% of the individual's
22 average weekly wage as determined for the purposes of the federal trade
23 act of 1974;

24 (7) the individual left work because of unwelcome harassment of the
25 individual by the employer or another employee of which the employing
26 unit had knowledge and that would impel the average worker to give up
27 such worker's employment;

28 (8) the individual left work to accept better work; each determination
29 as to whether or not the work accepted is better work shall include, but
30 shall not be limited to, consideration of: (A) The rate of pay, the hours of
31 work and the probable permanency of the work left as compared to the
32 work accepted; (B) the cost to the individual of getting to the work left in
33 comparison to the cost of getting to the work accepted; and (C) the
34 distance from the individual's place of residence to the work accepted in
35 comparison to the distance from the individual's residence to the work left;

36 (9) the individual left work as a result of being instructed or requested
37 by the employer, a supervisor or a fellow employee to perform a service or
38 commit an act in the scope of official job duties which is in violation of an
39 ordinance or statute;

40 (10) the individual left work because of a substantial violation of the
41 work agreement by the employing unit and, before the individual left, the
42 individual had exhausted all remedies provided in such agreement for the
43 settlement of disputes before terminating. For the purposes of this

1 paragraph, a demotion based on performance does not constitute a
2 violation of the work agreement;

3 (11) after making reasonable efforts to preserve the work, the
4 individual left work due to a personal emergency of such nature and
5 compelling urgency that it would be contrary to good conscience to
6 impose a disqualification; or

7 (12) (A) the individual left work due to circumstances resulting from
8 domestic violence, including:

9 (i) The individual's reasonable fear of future domestic violence at or
10 en route to or from the individual's place of employment;

11 (ii) the individual's need to relocate to another geographic area in
12 order to avoid future domestic violence;

13 (iii) the individual's need to address the physical, psychological and
14 legal impacts of domestic violence;

15 (iv) the individual's need to leave employment as a condition of
16 receiving services or shelter from an agency which provides support
17 services or shelter to victims of domestic violence; or

18 (v) the individual's reasonable belief that termination of employment
19 is necessary to avoid other situations which may cause domestic violence
20 and to provide for the future safety of the individual or the individual's
21 family.

22 (B) An individual may prove the existence of domestic violence by
23 providing one of the following:

24 (i) A restraining order or other documentation of equitable relief by a
25 court of competent jurisdiction;

26 (ii) a police record documenting the abuse;

27 (iii) documentation that the abuser has been convicted of one or more
28 of the offenses enumerated in articles 34 and 35 of chapter 21 of the
29 Kansas Statutes Annotated, prior to their repeal, or articles 54 or 55 of
30 chapter 21 of the Kansas Statutes Annotated, *and amendments thereto*, or
31 K.S.A. 2022 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-
32 6422, and amendments thereto, where the victim was a family or
33 household member;

34 (iv) medical documentation of the abuse;

35 (v) a statement provided by a counselor, social worker, health care
36 provider, clergy, shelter worker, legal advocate, domestic violence or
37 sexual assault advocate or other professional who has assisted the
38 individual in dealing with the effects of abuse on the individual or the
39 individual's family; or

40 (vi) a sworn statement from the individual attesting to the abuse.

41 (C) No evidence of domestic violence experienced by an individual,
42 including the individual's statement and corroborating evidence, shall be
43 disclosed by the department of labor unless consent for disclosure is given

1 by the individual.

2 (b) If the individual has been discharged or suspended for misconduct
3 connected with the individual's work. The disqualification shall begin the
4 day following the separation and shall continue until after the individual
5 becomes reemployed and in cases where the disqualification is due to
6 discharge for misconduct has had earnings from insured work of at least
7 three times the individual's determined weekly benefit amount, except that
8 if an individual is discharged for gross misconduct connected with the
9 individual's work, such individual shall be disqualified for benefits until
10 such individual again becomes employed and has had earnings from
11 insured work of at least eight times such individual's determined weekly
12 benefit amount. In addition, all wage credits attributable to the
13 employment from which the individual was discharged for gross
14 misconduct connected with the individual's work shall be canceled. No
15 such cancellation of wage credits shall affect prior payments made as a
16 result of a prior separation.

17 (1) For the purposes of this subsection, "misconduct" is defined as a
18 violation of a duty or obligation reasonably owed the employer as a
19 condition of employment including, but not limited to, a violation of a
20 company rule, including a safety rule, if: (A) The individual knew or
21 should have known about the rule; (B) the rule was lawful and reasonably
22 related to the job; and (C) the rule was fairly and consistently enforced.

23 (2) (A) Failure of the employee to notify the employer of an absence
24 and an individual's leaving work prior to the end of such individual's
25 assigned work period without permission shall be considered prima facie
26 evidence of a violation of a duty or obligation reasonably owed the
27 employer as a condition of employment.

28 (B) For the purposes of this subsection, misconduct shall include, but
29 not be limited to, violation of the employer's reasonable attendance
30 expectations if the facts show:

31 (i) The individual was absent or tardy without good cause;

32 (ii) the individual had knowledge of the employer's attendance
33 expectation; and

34 (iii) the employer gave notice to the individual that future absence or
35 tardiness may or will result in discharge.

36 (C) For the purposes of this subsection, if an employee disputes being
37 absent or tardy without good cause, the employee shall present evidence
38 that a majority of the employee's absences or tardiness were for good
39 cause. If the employee alleges that the employee's repeated absences or
40 tardiness were the result of health related issues, such evidence shall
41 include documentation from a licensed and practicing health care provider
42 as defined in subsection (a)(1).

43 (3) (A) The term "gross misconduct" as used in this subsection shall

1 be construed to mean conduct evincing extreme, willful or wanton
2 misconduct as defined by this subsection. Gross misconduct shall include,
3 but not be limited to: (i) Theft; (ii) fraud; (iii) intentional damage to
4 property; (iv) intentional infliction of personal injury; or (v) any conduct
5 that constitutes a felony.

6 (B) For the purposes of this subsection, the following shall be
7 conclusive evidence of gross misconduct:

8 (i) The use of alcoholic liquor, cereal malt beverage or a
9 nonprescribed controlled substance by an individual while working;

10 (ii) the impairment caused by alcoholic liquor, cereal malt beverage
11 or a nonprescribed controlled substance by an individual while working;

12 (iii) a positive breath alcohol test or a positive chemical test,
13 provided:

14 (a) The test was either:

15 (1) Required by law and was administered pursuant to the drug free
16 workplace act, 41 U.S.C. § 701 et seq.;

17 (2) administered as part of an employee assistance program or other
18 drug or alcohol treatment program in which the employee was
19 participating voluntarily or as a condition of further employment;

20 (3) requested pursuant to a written policy of the employer of which
21 the employee had knowledge and was a required condition of
22 employment;

23 (4) required by law and the test constituted a required condition of
24 employment for the individual's job; or

25 (5) there was reasonable suspicion to believe that the individual used,
26 had possession of, or was impaired by alcoholic liquor, cereal malt
27 beverage or a nonprescribed controlled substance while working;

28 (b) the test sample was collected either:

29 (1) As prescribed by the drug free workplace act, 41 U.S.C. § 701 et
30 seq.;

31 (2) as prescribed by an employee assistance program or other drug or
32 alcohol treatment program in which the employee was participating
33 voluntarily or as a condition of further employment;

34 (3) as prescribed by the written policy of the employer of which the
35 employee had knowledge and which constituted a required condition of
36 employment;

37 (4) as prescribed by a test which was required by law and which
38 constituted a required condition of employment for the individual's job; or

39 (5) at a time contemporaneous with the events establishing probable
40 cause;

41 (c) the collecting and labeling of a chemical test sample was
42 performed by a licensed health care professional or any other individual
43 certified pursuant to paragraph (b)(3)(A)(iii)(f) or authorized to collect or

1 label test samples by federal or state law, or a federal or state rule or
2 regulation having the force or effect of law, including law enforcement
3 personnel;

4 (d) the chemical test was performed by a laboratory approved by the
5 United States department of health and human services or licensed by the
6 department of health and environment, except that a blood sample may be
7 tested for alcohol content by a laboratory commonly used for that purpose
8 by state law enforcement agencies;

9 (e) the chemical test was confirmed by gas chromatography, gas
10 chromatography-mass spectroscopy or other comparably reliable
11 analytical method, except that no such confirmation is required for a blood
12 alcohol sample or a breath alcohol test;

13 (f) the breath alcohol test was administered by an individual trained
14 to perform breath tests, the breath testing instrument used was certified
15 and operated strictly according to a description provided by the
16 manufacturers and the reliability of the instrument performance was
17 assured by testing with alcohol standards; and

18 (g) the foundation evidence establishes, beyond a reasonable doubt,
19 that the test results were from the sample taken from the individual;

20 (iv) an individual's refusal to submit to a chemical test or breath
21 alcohol test, provided:

22 (a) The test meets the standards of the drug free workplace act, 41
23 U.S.C. § 701 et seq.;

24 (b) the test was administered as part of an employee assistance
25 program or other drug or alcohol treatment program in which the
26 employee was participating voluntarily or as a condition of further
27 employment;

28 (c) the test was otherwise required by law and the test constituted a
29 required condition of employment for the individual's job;

30 (d) the test was requested pursuant to a written policy of the employer
31 of which the employee had knowledge and was a required condition of
32 employment; or

33 (e) there was reasonable suspicion to believe that the individual used,
34 possessed or was impaired by alcoholic liquor, cereal malt beverage or a
35 nonprescribed controlled substance while working;

36 (v) an individual's dilution or other tampering of a chemical test.

37 (C) For purposes of this subsection:

38 (i) "Alcohol concentration" means the number of grams of alcohol
39 per 210 liters of breath;

40 (ii) "alcoholic liquor" means the same as provided in K.S.A. 41-102,
41 and amendments thereto;

42 (iii) "cereal malt beverage" means the same as provided in K.S.A. 41-
43 2701, and amendments thereto;

1 (iv) "chemical test" includes, but is not limited to, tests of urine,
2 blood or saliva;

3 (v) "controlled substance" means the same as provided in K.S.A.
4 2022 Supp. 21-5701, and amendments thereto;

5 (vi) "required by law" means required by a federal or state law, a
6 federal or state rule or regulation having the force and effect of law, a
7 county resolution or municipal ordinance, or a policy relating to public
8 safety adopted in an open meeting by the governing body of any special
9 district or other local governmental entity;

10 (vii) "positive breath test" means a test result showing an alcohol
11 concentration of 0.04 or greater, or the levels listed in 49 C.F.R. part 40, if
12 applicable, unless the test was administered as part of an employee
13 assistance program or other drug or alcohol treatment program in which
14 the employee was participating voluntarily or as a condition of further
15 employment, in which case "positive chemical test" shall mean a test result
16 showing an alcohol concentration at or above the levels provided for in the
17 assistance or treatment program;

18 (viii) "positive chemical test" means a chemical result showing a
19 concentration at or above the levels listed in K.S.A. 44-501, and
20 amendments thereto, or 49 C.F.R. part 40, as applicable, for the drugs or
21 abuse listed therein, unless the test was administered as part of an
22 employee assistance program or other drug or alcohol treatment program
23 in which the employee was participating voluntarily or as a condition of
24 further employment, in which case "positive chemical test" means a
25 chemical result showing a concentration at or above the levels provided for
26 in the assistance or treatment program.

27 (4) An individual shall not be disqualified under this subsection if the
28 individual is discharged under the following circumstances:

29 (A) The employer discharged the individual after learning the
30 individual was seeking other work or when the individual gave notice of
31 future intent to quit, except that the individual shall be disqualified after
32 the time at which such individual intended to quit and any individual who
33 commits misconduct after such individual gives notice to such individual's
34 intent to quit shall be disqualified;

35 (B) the individual was making a good-faith effort to do the assigned
36 work but was discharged due to:

37 (i) Inefficiency;

38 (ii) unsatisfactory performance due to inability, incapacity or lack of
39 training or experience;

40 (iii) isolated instances of ordinary negligence or inadvertence;

41 (iv) good-faith errors in judgment or discretion; or

42 (v) unsatisfactory work or conduct due to circumstances beyond the
43 individual's control; or

1 (C) the individual's refusal to perform work in excess of the contract
2 of hire.

3 (c) If the individual has failed, without good cause, to either apply for
4 suitable work when so directed by the employment office of the secretary
5 of labor, ~~or~~ to accept suitable work when offered to the individual by the
6 employment office, the secretary of labor; or an employer, *including by*
7 *failing to meet the work search requirements set forth in K.S.A. 44-705,*
8 *and amendments thereto,* such disqualification shall begin with the week
9 in which such failure occurred and shall continue until the individual
10 becomes reemployed and has had earnings from insured work of at least
11 three times such individual's determined weekly benefit amount. In
12 determining whether or not any work is suitable for an individual, the
13 secretary of labor, or a person or persons designated by the secretary, shall
14 consider the degree of risk involved to health, safety and morals, physical
15 fitness and prior *education,* training, experience and prior earnings, length
16 of unemployment and prospects for securing local work in the individual's
17 customary occupation or work for which the individual is reasonably fitted
18 by *education,* training or experience, and the distance of the available
19 work from the individual's residence. *The secretary shall also consider*
20 *whether the employment offers wages of at least the amount of the*
21 *claimant's maximum weekly benefits.* Notwithstanding any other
22 provisions of this act, an otherwise eligible individual shall not be
23 disqualified for refusing an offer of suitable employment, or failing to
24 apply for suitable employment when notified by an employment office, or
25 for leaving the individual's most recent work accepted during approved
26 training, including training approved under section 236(a)(1) of the trade
27 act of 1974, if the acceptance of or applying for suitable employment or
28 continuing such work would require the individual to terminate approved
29 training and no work shall be deemed suitable and benefits shall not be
30 denied under this act to any otherwise eligible individual for refusing to
31 accept new work under any of the following conditions: (1) If the position
32 offered is vacant due directly to a strike, lockout or other labor dispute; (2)
33 if the remuneration, hours or other conditions of the work offered are
34 substantially less favorable to the individual than those prevailing for
35 similar work in the locality; (3) if as a condition of being employed, the
36 individual would be required to join or to resign from or refrain from
37 joining any labor organization; and (4) if the individual left employment as
38 a result of domestic violence, and the position offered does not reasonably
39 accommodate the individual's physical, psychological, safety, or legal
40 needs relating to such domestic violence.

41 (d) For any week with respect to which the secretary of labor, or a
42 person or persons designated by the secretary, finds that the individual's
43 unemployment is due to a stoppage of work which exists because of a

1 labor dispute or there would have been a work stoppage had normal
2 operations not been maintained with other personnel previously and
3 currently employed by the same employer at the factory, establishment or
4 other premises at which the individual is or was last employed, except that
5 this subsection (d) shall not apply if it is shown to the satisfaction of the
6 secretary of labor, or a person or persons designated by the secretary, that:
7 (1) The individual is not participating in or financing or directly interested
8 in the labor dispute which caused the stoppage of work; and (2) the
9 individual does not belong to a grade or class of workers of which,
10 immediately before the commencement of the stoppage, there were
11 members employed at the premises at which the stoppage occurs any of
12 whom are participating in or financing or directly interested in the dispute.
13 If in any case separate branches of work which are commonly conducted
14 as separate businesses in separate premises are conducted in separate
15 departments of the same premises, each such department shall, for the
16 purpose of this subsection be deemed to be a separate factory,
17 establishment or other premises. For the purposes of this subsection,
18 failure or refusal to cross a picket line or refusal for any reason during the
19 continuance of such labor dispute to accept the individual's available and
20 customary work at the factory, establishment or other premises where the
21 individual is or was last employed shall be considered as participation and
22 interest in the labor dispute.

23 (e) For any week with respect to which or a part of which the
24 individual has received or is seeking unemployment benefits under the
25 unemployment compensation law of any other state or of the United
26 States, except that if the appropriate agency of such other state or the
27 United States finally determines that the individual is not entitled to such
28 unemployment benefits, this disqualification shall not apply.

29 (f) For any week with respect to which the individual is entitled to
30 receive any unemployment allowance or compensation granted by the
31 United States under an act of congress to ex-service men and women in
32 recognition of former service with the military or naval services of the
33 United States.

34 (g) If the individual, or another in such individual's behalf with the
35 knowledge of the individual, has knowingly made a false statement or
36 representation, or has knowingly failed to disclose a material fact to obtain
37 or increase benefits under this act or any other unemployment
38 compensation law administered by the secretary of labor, unless the
39 individual has repaid the full amount of the overpayment as determined by
40 the secretary or the secretary's designee, including, but not limited to, the
41 total amount of money erroneously paid as benefits or unlawfully
42 obtained, interest, penalties and any other costs or fees provided by law. If
43 the individual has made such repayment, the individual shall be

1 disqualified for a period of one year for the first occurrence or five years
2 for any subsequent occurrence, beginning with the first day following the
3 date the department of labor confirmed the individual has successfully
4 repaid the full amount of the overpayment. In addition to the penalties set
5 forth in K.S.A. 44-719, and amendments thereto, an individual who has
6 knowingly made a false statement or representation or who has knowingly
7 failed to disclose a material fact to obtain or increase benefits under this
8 act or any other unemployment compensation law administered by the
9 secretary of labor shall be liable for a penalty in the amount equal to 25%
10 of the amount of benefits unlawfully received. Notwithstanding any other
11 provision of law, such penalty shall be deposited into the employment
12 security trust fund. No person who is a victim of identify theft shall be
13 subject to the provisions of this subsection. The secretary shall investigate
14 all cases of an alleged false statement or representation or failure to
15 disclose a material fact to ensure no victim of identity theft is disqualified,
16 required to repay or subject to any penalty as provided by this subsection
17 as a result of identity theft.

18 (h) For any week with respect to which the individual is receiving
19 compensation for temporary total disability or permanent total disability
20 under the workmen's compensation law of any state or under a similar law
21 of the United States.

22 (i) For any week of unemployment on the basis of service in an
23 instructional, research or principal administrative capacity for an
24 educational institution as defined in K.S.A. 44-703(v), and amendments
25 thereto, if such week begins during the period between two successive
26 academic years or terms or, when an agreement provides instead for a
27 similar period between two regular but not successive terms during such
28 period or during a period of paid sabbatical leave provided for in the
29 individual's contract, if the individual performs such services in the first of
30 such academic years or terms and there is a contract or a reasonable
31 assurance that such individual will perform services in any such capacity
32 for any educational institution in the second of such academic years or
33 terms.

34 (j) For any week of unemployment on the basis of service in any
35 capacity other than service in an instructional, research, or administrative
36 capacity in an educational institution, as defined in K.S.A. 44-703(v), and
37 amendments thereto, if such week begins during the period between two
38 successive academic years or terms if the individual performs such
39 services in the first of such academic years or terms and there is a
40 reasonable assurance that the individual will perform such services in the
41 second of such academic years or terms, except that if benefits are denied
42 to the individual under this subsection and the individual was not offered
43 an opportunity to perform such services for the educational institution for

1 the second of such academic years or terms, such individual shall be
2 entitled to a retroactive payment of benefits for each week for which the
3 individual filed a timely claim for benefits and for which benefits were
4 denied solely by reason of this subsection.

5 (k) For any week of unemployment on the basis of service in any
6 capacity for an educational institution as defined in K.S.A. 44-703(v), and
7 amendments thereto, if such week begins during an established and
8 customary vacation period or holiday recess, if the individual performs
9 services in the period immediately before such vacation period or holiday
10 recess and there is a reasonable assurance that such individual will perform
11 such services in the period immediately following such vacation period or
12 holiday recess.

13 (l) For any week of unemployment on the basis of any services,
14 substantially all of which consist of participating in sports or athletic
15 events or training or preparing to so participate, if such week begins during
16 the period between two successive sport seasons or similar period if such
17 individual performed services in the first of such seasons or similar periods
18 and there is a reasonable assurance that such individual will perform such
19 services in the later of such seasons or similar periods.

20 (m) For any week on the basis of services performed by an alien
21 unless such alien is an individual who was lawfully admitted for
22 permanent residence at the time such services were performed, was
23 lawfully present for purposes of performing such services, or was
24 permanently residing in the United States under color of law at the time
25 such services were performed, including an alien who was lawfully present
26 in the United States as a result of the application of the provisions of
27 section 212(d)(5) of the federal immigration and nationality act. Any data
28 or information required of individuals applying for benefits to determine
29 whether benefits are not payable to them because of their alien status shall
30 be uniformly required from all applicants for benefits. In the case of an
31 individual whose application for benefits would otherwise be approved, no
32 determination that benefits to such individual are not payable because of
33 such individual's alien status shall be made except upon a preponderance
34 of the evidence.

35 (n) For any week in which an individual is receiving a governmental
36 or other pension, retirement or retired pay, annuity or other similar
37 periodic payment under a plan maintained by a base period employer and
38 to which the entire contributions were provided by such employer, except
39 that: (1) If the entire contributions to such plan were provided by the base
40 period employer but such individual's weekly benefit amount exceeds such
41 governmental or other pension, retirement or retired pay, annuity or other
42 similar periodic payment attributable to such week, the weekly benefit
43 amount payable to the individual shall be reduced, but not below zero, by

1 an amount equal to the amount of such pension, retirement or retired pay,
2 annuity or other similar periodic payment which is attributable to such
3 week; or (2) if only a portion of contributions to such plan were provided
4 by the base period employer, the weekly benefit amount payable to such
5 individual for such week shall be reduced, but not below zero, by the
6 prorated weekly amount of the pension, retirement or retired pay, annuity
7 or other similar periodic payment after deduction of that portion of the
8 pension, retirement or retired pay, annuity or other similar periodic
9 payment that is directly attributable to the percentage of the contributions
10 made to the plan by such individual; or (3) if the entire contributions to the
11 plan were provided by such individual, or by the individual and an
12 employer, or any person or organization, who is not a base period
13 employer, no reduction in the weekly benefit amount payable to the
14 individual for such week shall be made under this subsection; or (4)
15 whatever portion of contributions to such plan were provided by the base
16 period employer, if the services performed for the employer by such
17 individual during the base period, or remuneration received for the
18 services, did not affect the individual's eligibility for, or increased the
19 amount of, such pension, retirement or retired pay, annuity or other similar
20 periodic payment, no reduction in the weekly benefit amount payable to
21 the individual for such week shall be made under this subsection. No
22 reduction shall be made for payments made under the social security act or
23 railroad retirement act of 1974.

24 (o) For any week of unemployment on the basis of services
25 performed in any capacity and under any of the circumstances described in
26 subsection (i), (j) or (k) that an individual performed in an educational
27 institution while in the employ of an educational service agency. For the
28 purposes of this subsection, the term "educational service agency" means a
29 governmental agency or entity which is established and operated
30 exclusively for the purpose of providing such services to one or more
31 educational institutions.

32 (p) For any week of unemployment on the basis of service as a school
33 bus or other motor vehicle driver employed by a private contractor to
34 transport pupils, students and school personnel to or from school-related
35 functions or activities for an educational institution, as defined in K.S.A.
36 44-703(v), and amendments thereto, if such week begins during the period
37 between two successive academic years or during a similar period between
38 two regular terms, whether or not successive, if the individual has a
39 contract or contracts, or a reasonable assurance thereof, to perform
40 services in any such capacity with a private contractor for any educational
41 institution for both such academic years or both such terms. An individual
42 shall not be disqualified for benefits as provided in this subsection for any
43 week of unemployment on the basis of service as a bus or other motor

1 vehicle driver employed by a private contractor to transport persons to or
2 from nonschool-related functions or activities.

3 (q) For any week of unemployment on the basis of services
4 performed by the individual in any capacity and under any of the
5 circumstances described in subsection (i), (j), (k) or (o) which are provided
6 to or on behalf of an educational institution, as defined in K.S.A. 44-
7 703(v), and amendments thereto, while the individual is in the employ of
8 an employer which is a governmental entity, Indian tribe or any employer
9 described in section 501(c)(3) of the federal internal revenue code of 1986
10 which is exempt from income under section 501(a) of the code.

11 (r) For any week in which an individual is registered at and attending
12 an established school, training facility or other educational institution, or is
13 on vacation during or between two successive academic years or terms. An
14 individual shall not be disqualified for benefits as provided in this
15 subsection provided:

16 (1) The individual was engaged in full-time employment concurrent
17 with the individual's school attendance;

18 (2) the individual is attending approved training as defined in K.S.A.
19 44-703(s), and amendments thereto; or

20 (3) the individual is attending evening, weekend or limited day time
21 classes, which would not affect availability for work, and is otherwise
22 eligible under K.S.A. 44-705(c), and amendments thereto.

23 (s) For any week with respect to which an individual is receiving or
24 has received remuneration in the form of a back pay award or settlement.
25 The remuneration shall be allocated to the week or weeks in the manner as
26 specified in the award or agreement, or in the absence of such specificity
27 in the award or agreement, such remuneration shall be allocated to the
28 week or weeks in which such remuneration, in the judgment of the
29 secretary, would have been paid.

30 (1) For any such weeks that an individual receives remuneration in
31 the form of a back pay award or settlement, an overpayment will be
32 established in the amount of unemployment benefits paid and shall be
33 collected from the claimant.

34 (2) If an employer chooses to withhold from a back pay award or
35 settlement, amounts paid to a claimant while they claimed unemployment
36 benefits, such employer shall pay the department the amount withheld.
37 With respect to such amount, the secretary shall have available all of the
38 collection remedies authorized or provided in K.S.A. 44-717, and
39 amendments thereto.

40 (t) (1) Any applicant for or recipient of unemployment benefits who
41 tests positive for unlawful use of a controlled substance or controlled
42 substance analog shall be required to complete a substance abuse treatment
43 program approved by the secretary of labor, secretary of commerce or

1 secretary for children and families, and a job skills program approved by
2 the secretary of labor, secretary of commerce or the secretary for children
3 and families. Subject to applicable federal laws, any applicant for or
4 recipient of unemployment benefits who fails to complete or refuses to
5 participate in the substance abuse treatment program or job skills program
6 as required under this subsection shall be ineligible to receive
7 unemployment benefits until completion of such substance abuse
8 treatment and job skills programs. Upon completion of both substance
9 abuse treatment and job skills programs, such applicant for or recipient of
10 unemployment benefits may be subject to periodic drug screening, as
11 determined by the secretary of labor. Upon a second positive test for
12 unlawful use of a controlled substance or controlled substance analog, an
13 applicant for or recipient of unemployment benefits shall be ordered to
14 complete again a substance abuse treatment program and job skills
15 program, and shall be terminated from unemployment benefits for a period
16 of 12 months, or until such applicant for or recipient of unemployment
17 benefits completes both substance abuse treatment and job skills programs,
18 whichever is later. Upon a third positive test for unlawful use of a
19 controlled substance or controlled substance analog, an applicant for or a
20 recipient of unemployment benefits shall be terminated from receiving
21 unemployment benefits, subject to applicable federal law.

22 (2) Any individual who has been discharged or refused employment
23 for failing a preemployment drug screen required by an employer may
24 request that the drug screening specimen be sent to a different drug testing
25 facility for an additional drug screening. Any such individual who requests
26 an additional drug screening at a different drug testing facility shall be
27 required to pay the cost of drug screening.

28 (u) If the individual was found not to have a disqualifying
29 adjudication or conviction under K.S.A. 39-970 or 65-5117, and
30 amendments thereto, was hired and then was subsequently convicted of a
31 disqualifying felony under K.S.A. 39-970 or 65-5117, and amendments
32 thereto, and discharged pursuant to K.S.A. 39-970 or 65-5117, and
33 amendments thereto. The disqualification shall begin the day following the
34 separation and shall continue until after the individual becomes
35 reemployed and has had earnings from insured work of at least three times
36 the individual's determined weekly benefit amount.

37 (v) Notwithstanding the provisions of any subsection, an individual
38 shall not be disqualified for such week of part-time employment in a
39 substitute capacity for an educational institution if such individual's most
40 recent employment prior to the individual's benefit year begin date was for
41 a non-educational institution and such individual demonstrates application
42 for work in such individual's customary occupation or for work for which
43 the individual is reasonably fitted by training or experience.

1 Sec. 3. K.S.A. 44-772 is hereby amended to read as follows: 44-772.
2 (a) It is the intent of the legislature that, in order to accomplish the mission
3 of collecting state employment security taxes, processing unemployment
4 insurance benefit claims and paying benefits, the department of labor's
5 information technology system shall be continually developed,
6 customized, enhanced and upgraded. The purpose of this section is to
7 ensure the state's unemployment insurance program is utilizing current
8 technology and features to protect the sensitive data required in the
9 unemployment insurance benefit and tax systems relating to program
10 integrity, system efficiency and customer service experience.

11 (b) The legislature finds that, as a result of the vulnerabilities exposed
12 in the legacy unemployment insurance system by the COVID-19 pandemic
13 unemployment insurance crisis, a new system shall be fully designed,
14 implemented and administered by the department of labor not later than
15 December 31, 2022. The legislative coordinating council, upon
16 consultation with the unemployment compensation modernization and
17 improvement council established by K.S.A. 44-771, and amendments
18 thereto, may extend the deadline to a date certain and may further extend
19 ~~the deadline to another date certain at any time as often as the legislative~~
20 *coordinating council deems appropriate. The secretary of labor shall*
21 *provide written notice to the legislative coordinating council and the*
22 *unemployment compensation modernization and improvement council at*
23 *least 30 days prior to the expiration of a deadline advising whether the*
24 *secretary seeks an extension of the deadline and, if so, the basis therefor.*
25 *The failure of the secretary to provide such notice shall not affect the*
26 *authority of the legislative coordinating council to act as provided by this*
27 *subsection. For purposes of this subsection, "consultation" means an*
28 *appearance before, or written statement provided to, the legislative*
29 *coordinating council by the chairman of the unemployment compensation*
30 *modernization and improvement council or the chairman's designee. Any*
31 *member of the unemployment compensation modernization and*
32 *improvement council may also provide a written statement. A report to the*
33 *legislative coordinating council by the unemployment compensation*
34 *modernization and improvement council may be provided but shall not be*
35 *required. If any deadline expires before the legislative coordinating*
36 *council extends that deadline, the council may subsequently meet as soon*
37 *as reasonably possible and may retroactively extend any deadline as*
38 *otherwise provided by this subsection.*

39 (c) The information technology system, technology and platform
40 shall include, but not be limited to, any components as specified and
41 defined by the unemployment compensation modernization and
42 improvement council established by K.S.A. 44-771, and amendments
43 thereto, in consultation with the secretary.

1 (d) The new system shall include, but not be limited to, any features
2 and benefits as specified and defined by the unemployment compensation
3 modernization and improvement council established by K.S.A. 44-771,
4 and amendments thereto, in consultation with the secretary.

5 (e) The secretary shall implement and utilize all program integrity
6 elements, as specified and defined by the unemployment compensation
7 modernization and improvement council established by K.S.A. 44-771,
8 and amendments thereto, in consultation with the secretary, including, but
9 not limited to:

10 (1) Social security administration cross-matching for the purpose of
11 validating social security numbers supplied by a claimant;

12 (2) checking of new hire records against the national directorate of
13 new hires to verify eligibility;

14 (3) verification of immigration status or citizenship and confirmation
15 of benefit applicant information through the systematic alien verification
16 for entitlement program;

17 (4) comparison of applicant information to local, state and federal
18 prison databases through incarceration cross-matches;

19 (5) detection of duplicate claims by applicants filed in other states or
20 other unemployment insurance programs through utilization of the
21 interstate connection network, interstate benefits cross-match, the state
22 identification inquiry state claims and overpayment file and the interstate
23 benefits 8606 application for overpayment recoveries for Kansas claims
24 filed from a state other than Kansas;

25 (6) identification of internet protocol addresses linked to multiple
26 claims or to claims filed outside of the United States; and

27 (7) use of data mining and data analytics to detect and prevent fraud
28 when a claim is filed, and on an ongoing basis throughout the lifecycle of a
29 claim, by using current and future functionalities to include suspicious
30 actor repository, suspicious email domains, foreign internet protocol
31 addresses, multi-state cross-match, identity verification, fraud alert
32 systems and other assets provided by the unemployment insurance
33 integrity center.

34 (f) If the unemployment compensation modernization and
35 improvement council becomes inactive or is dissolved and the new
36 information technology system modernization project has been completed,
37 the secretary shall implement and utilize all new program integrity
38 elements and guidance issued by the United States department of labor and
39 the national association of state workforce agencies, including the integrity
40 data hub, within 60 days of the issuance of any such guidance.

41 (g) The secretary, on a scheduled basis, shall cross check new and
42 active unemployment insurance claims against the cross-check programs
43 described in subsection (e). If the secretary receives information

1 concerning an individual approved for benefits that indicates a change in
2 circumstances that may affect eligibility, the secretary shall review the
3 individual's case and act in accordance with the law.

4 (h) The department of labor shall have the authority to execute a
5 memorandum of understanding with any department, agency or agency
6 division for information required to be shared between agencies pursuant
7 to the provisions of this section.

8 (i) The secretary of labor shall adopt rules and regulations necessary
9 for the purposes of carrying out this section. Such rules and regulations
10 shall be adopted within 12 months of the effective date of this act.

11 (j) The secretary of labor shall provide an annual status update and
12 progress report regarding the requirements of this section to the
13 unemployment compensation modernization and improvement council and
14 the legislative coordinating council.

15 (k) This section shall be a part of and supplemental to the
16 employment security law.

17 Sec. 4. K.S.A. 2022 Supp. 44-775 is hereby amended to read as
18 follows: 44-775. (a) (1) The secretary of labor and the secretary of
19 commerce shall jointly establish and implement the my reemployment
20 plan as provided in this section. For purposes of this section, "my
21 reemployment plan" means a program jointly established and implemented
22 by the Kansas department of labor and the Kansas department of
23 commerce that provides enhanced reemployment services, including
24 workforce services provided by the department of commerce, to Kansans
25 receiving unemployment insurance benefits. The program shall be required
26 for all claimants except claimants in the shared work program, trade
27 adjustment assistance and trade readjustment assistance program,
28 claimants on temporary layoff with a return-to-work date but such
29 claimants shall only be excepted during any first 8 consecutive weeks of
30 benefits, claimants that are currently employed, claimants that are current
31 reemployment services and eligibility assessment participants, claimants
32 that are active members in good standing of a placement union or
33 claimants that are engaged in a training program. The program shall be
34 implemented on or before June 1, 2021.

35 (2) The secretary of labor shall provide the secretary of commerce
36 with the names and contact information of claimants that have claimed a
37 third week of benefits in the current benefit year. The secretary of labor
38 shall request the claimant to upload or create a complete resume in the
39 Kansasworks workforce system, and complete a job search plan that
40 includes a skills assessment component. The secretary of commerce shall
41 offer and provide, when requested, assistance to the claimants in
42 developing the documents or plan through collaboration by the secretary
43 with the Kansasworks workforce system. The secretary of commerce may

1 require claimants to participate in reemployment services. The claimant
2 shall have 14 calendar days to respond to the secretary of commerce. The
3 secretary of commerce shall report any failure to respond by the claimant
4 to the secretary of labor.

5 (3) The secretary of labor shall share labor market information and
6 current available job positions with the secretary of commerce. The
7 secretary of labor may collaborate with Kansasworks or other state or
8 federal agencies with job availability information in obtaining or sharing
9 such information.

10 (4) The secretary of commerce shall match open job positions with
11 claimants based on skills, work history and job location that is a
12 reasonable commute from the claimant's residence and communicate the
13 match information to the claimant and to the employer. The secretary of
14 labor and the secretary of commerce shall consider whether the claimant or
15 a Kansas employer would benefit from the claimant's participation in a
16 work skills training or retraining program as provided by subsection (b)
17 and, if so, provide such information to the employer, if applicable, and the
18 claimant. Claimants who fail to respond within 14 calendar days after
19 contact by Kansasworks or the department of commerce shall be reported
20 by the secretary of commerce to the secretary of labor.

21 (5) The secretary of commerce and the secretary of labor shall
22 monitor the result of job matches and share information regarding any
23 claimant who did not attend an interview or did not accept a position that
24 was a reasonable match for the claimant's work history and skills and was
25 within a reasonable commute from the claimant's residence. The secretary
26 of commerce shall contact the claimant and report the contact to the
27 secretary of labor. The secretary of labor shall consider whether the
28 claimant has failed to meet work search requirements and if the claimant
29 should continue to receive benefits. *The provisions of K.S.A. 44-705(c)(2)*
30 *(B) and (C), and amendments thereto, regarding disqualification from*
31 *benefits for failure to meet work search requirements or failure to accept*
32 *suitable employment, shall apply to participants in the my reemployment*
33 *program unless participants are exempted from work search requirements*
34 *under the provisions of the program. The secretary of labor shall advise*
35 *my reemployment plan participants of such requirements.*

36 (b) The secretary of commerce shall refer claimants to a work skills
37 training or retraining program as appropriate. The secretary of commerce
38 shall seek to obtain or utilize any available federal funds for the program,
39 and to the extent feasible, may make current work skills training and
40 retraining programs available to claimants. The secretary of labor may
41 allow claimants to participate in such a program offered by the secretary of
42 commerce or by another state or federal agency in lieu of requiring the
43 claimant to meet job search requirements and the requirements of the my

1 reemployment plan until the number of allowed benefit weeks has expired.
2 A claimant shall participate in such a program for not less than 25 hours
3 per week. The secretary of commerce shall monitor those my
4 reemployment plan claimants participating in training managed by the
5 workforce centers to ensure compliance.

6 (c) Claimants who participate in the my reemployment plan or the
7 work skills training or retraining program shall meet attendance or
8 progress requirements established by the secretary of commerce to
9 continue eligibility for unemployment insurance benefits. Non - compliant
10 claimants shall be reported by the secretary of commerce to the secretary
11 of labor. The secretary of labor shall disqualify such claimants from further
12 benefits within five business days of receiving the report, unless or until
13 the claimant demonstrates compliance to the secretary of commerce, and
14 shall communicate the disqualification and the reason for the
15 disqualification to the claimant. The secretary of commerce shall report to
16 the secretary of labor when the claimant has reestablished compliance. The
17 secretary of labor may continue benefits or reinstate a claimant's eligibility
18 for benefits upon a showing of good cause by the claimant for the failure
19 to meet attendance or progress requirements or my reemployment plan
20 participation requirements.

21 (d) The secretary of labor and the secretary of commerce shall
22 provide an annual status update and progress report for the my
23 reemployment plan to the standing committee on commerce, labor and
24 economic development of the house of representatives and the standing
25 committee on commerce of the senate during the ~~first month of the 2022~~
26 ~~regular legislative session and the~~ first month of each regular legislative
27 session thereafter.

28 (e) This section shall be a part of and supplemental to the
29 employment security law.

30 Sec. 5. K.S.A. 44-705, 44-706 and 44-772 and K.S.A. 2022 Supp. 44-
31 775 are hereby repealed.

32 Sec. 6. This act shall take effect and be in force from and after its
33 publication in the statute book.