

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 163

96TH GENERAL ASSEMBLY

0747S.06T

2011

AN ACT

To repeal sections 288.040, 288.060, and 288.062, RSMo, and to enact in lieu thereof three new sections relating to unemployment compensation, with an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 288.040, 288.060, and 288.062, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 288.040, 288.060, and 288.062, to read as follows:

288.040. 1. A claimant who is unemployed and has been determined to be an insured worker shall be eligible for benefits for any week only if the deputy finds that:

(1) The claimant has registered for work at and thereafter has continued to report at an employment office in accordance with such regulations as the division may prescribe;

(2) The claimant is able to work and is available for work. No person shall be deemed available for work unless such person has been and is actively and earnestly seeking work. Upon the filing of an initial or renewed claim, and prior to the filing of each weekly claim thereafter, the deputy shall notify each claimant of the number of work search contacts required to constitute an active search for work. No person shall be considered not available for work, pursuant to this subdivision, solely because he or she is a substitute teacher or is on jury duty. A claimant shall not be determined to be ineligible pursuant to this subdivision because of not actively and earnestly seeking work if:

(a) The claimant is participating in training approved pursuant to Section 236 of the Trade Act of 1974, as amended, (19 U.S.C.A. Sec. 2296, as amended);

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 (b) The claimant is temporarily unemployed through no fault of his or her own and has
16 a definite recall date within eight weeks of his or her first day of unemployment; however, upon
17 application of the employer responsible for the claimant's unemployment, such eight-week period
18 may be extended not to exceed a total of sixteen weeks at the discretion of the director;

19 (3) The claimant has reported in person to an office of the division as directed by the
20 deputy, but at least once every four weeks, except that a claimant shall be exempted from the
21 reporting requirement of this subdivision if:

22 (a) The claimant is claiming benefits in accordance with division regulations dealing
23 with partial or temporary total unemployment; or

24 (b) The claimant is temporarily unemployed through no fault of his or her own and has
25 a definite recall date within eight weeks of his or her first day of unemployment; or

26 (c) The claimant resides in a county with an unemployment rate, as published by the
27 division, of ten percent or more and in which the county seat is more than forty miles from the
28 nearest division office;

29 (d) The director of the division of employment security has determined that the claimant
30 belongs to a group or class of workers whose opportunities for reemployment will not be
31 enhanced by reporting in person, or is prevented from reporting due to emergency conditions that
32 limit access by the general public to an office that serves the area where the claimant resides, but
33 only during the time such circumstances exist. Ineligibility pursuant to this subdivision shall
34 begin on the first day of the week which the claimant was scheduled to claim and shall end on
35 the last day of the week preceding the week during which the claimant does report in person to
36 the division's office;

37 (4) Prior to the first week of a period of total or partial unemployment for which the
38 claimant claims benefits he or she has been totally or partially unemployed for a waiting period
39 of one week. No more than one waiting week will be required in any benefit year. During
40 calendar year 2008 and each calendar year thereafter, the one-week waiting period shall become
41 compensable once his or her remaining balance on the claim is equal to or less than the
42 compensable amount for the waiting period. No week shall be counted as a week of total or
43 partial unemployment for the purposes of this subsection unless it occurs within the benefit year
44 which includes the week with respect to which the claimant claims benefits;

45 (5) The claimant has made a claim for benefits within fourteen days from the last day
46 of the week being claimed. The fourteen-day period may, for good cause, be extended to
47 twenty-eight days;

48 (6) The claimant has reported to an employment office to participate in a reemployment
49 assessment and reemployment services as directed by the deputy or designated staff of an
50 employment office, unless the deputy determines that good cause exists for the claimant's failure
51 to participate in such reemployment assessment and reemployment services. For purposes of this
52 section, "reemployment services" may include, but not be limited to, the following:

53 (a) Providing an orientation to employment office services;

54 (b) Providing job search assistance; and

55 (c) Providing labor market statistics or analysis;

56 Ineligibility under this subdivision shall begin on the first day of the week which the claimant
57 was scheduled to report for the reemployment assessment or reemployment services and shall
58 end on the last day of the week preceding the week during which the claimant does report in
59 person to the employment office for such reemployment assessment or reemployment services;

60 (7) The claimant is participating in reemployment services, such as job search assistance
61 services, as directed by the deputy if the claimant has been determined to be likely to exhaust
62 regular benefits and to need reemployment services pursuant to a profiling system established
63 by the division, unless the deputy determines that:

64 (a) The individual has completed such reemployment services; or

65 (b) There is justifiable cause for the claimant's failure to participate in such
66 reemployment services.

67 2. A claimant shall be ineligible for waiting week credit or benefits for any week for
68 which the deputy finds he or she is or has been suspended by his or her most recent employer for
69 misconduct connected with his or her work. Suspensions of four weeks or more shall be treated
70 as discharges.

71 3. (1) Benefits based on "service in employment", defined in subsections 7 and 8 of
72 section 288.034, shall be payable in the same amount, on the same terms and subject to the same
73 conditions as compensation payable on the basis of other service subject to this law; except that:

74 (a) With respect to service performed in an instructional, research, or principal
75 administrative capacity for an educational institution, benefits shall not be paid based on such
76 services for any week of unemployment commencing during the period between two successive
77 academic years or terms, or during a similar period between two regular but not successive terms,
78 or during a period of paid sabbatical leave provided for in the individual's contract, to any
79 individual if such individual performs such services in the first of such academic years (or terms)
80 and if there is a contract or a reasonable assurance that such individual will perform services in
81 any such capacity for any educational institution in the second of such academic years or terms;

82 (b) With respect to services performed in any capacity (other than instructional, research,
83 or principal administrative capacity) for an educational institution, benefits shall not be paid on
84 the basis of such services to any individual for any week which commences during a period
85 between two successive academic years or terms if such individual performs such services in the
86 first of such academic years or terms and there is a contract or a reasonable assurance that such
87 individual will perform such services in the second of such academic years or terms;

88 (c) With respect to services described in paragraphs (a) and (b) of this subdivision,
89 benefits shall not be paid on the basis of such services to any individual for any week which
90 commences during an established and customary vacation period or holiday recess if such

91 individual performed such services in the period immediately before such vacation period or
92 holiday recess, and there is reasonable assurance that such individual will perform such services
93 immediately following such vacation period or holiday recess;

94 (d) With respect to services described in paragraphs (a) and (b) of this subdivision,
95 benefits payable on the basis of services in any such capacity shall be denied as specified in
96 paragraphs (a), (b), and (c) of this subdivision to any individual who performed such services at
97 an educational institution while in the employ of an educational service agency, and for this
98 purpose the term "educational service agency" means a governmental agency or governmental
99 entity which is established and operated exclusively for the purpose of providing such services
100 to one or more educational institutions.

101 (2) If compensation is denied for any week pursuant to paragraph (b) or (d) of
102 subdivision (1) of this subsection to any individual performing services at an educational
103 institution in any capacity (other than instructional, research or principal administrative capacity),
104 and such individual was not offered an opportunity to perform such services for the second of
105 such academic years or terms, such individual shall be entitled to a retroactive payment of the
106 compensation for each week for which the individual filed a timely claim for compensation and
107 for which compensation was denied solely by reason of paragraph (b) or (d) of subdivision (1)
108 of this subsection.

109 4. (1) A claimant shall be ineligible for waiting week credit, benefits or shared work
110 benefits for any week for which he or she is receiving or has received remuneration exceeding
111 his or her weekly benefit amount or shared work benefit amount in the form of:

112 (a) Compensation for temporary partial disability pursuant to the workers' compensation
113 law of any state or pursuant to a similar law of the United States;

114 (b) A governmental or other pension, retirement or retired pay, annuity, or other similar
115 periodic payment which is based on the previous work of such claimant to the extent that such
116 payment is provided from funds provided by a base period or chargeable employer pursuant to
117 a plan maintained or contributed to by such employer; but, except for such payments made
118 pursuant to the Social Security Act or the Railroad Retirement Act of 1974 (or the corresponding
119 provisions of prior law), the provisions of this paragraph shall not apply if the services performed
120 for such employer by the claimant after the beginning of the base period (or remuneration for
121 such services) do not affect eligibility for or increase the amount of such pension, retirement or
122 retired pay, annuity or similar payment.

123 (2) If the remuneration referred to in this subsection is less than the benefits which would
124 otherwise be due, the claimant shall be entitled to receive for such week, if otherwise eligible,
125 benefits reduced by the amount of such remuneration, and, if such benefit is not a multiple of one
126 dollar, such amount shall be lowered to the next multiple of one dollar.

127 (3) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, if a
128 claimant has contributed in any way to the Social Security Act or the Railroad Retirement Act

129 of 1974, or the corresponding provisions of prior law, no part of the payments received pursuant
130 to such federal law shall be deductible from the amount of benefits received pursuant to this
131 chapter.

132 5. A claimant shall be ineligible for waiting week credit or benefits for any week for
133 which or a part of which he or she has received or is seeking unemployment benefits pursuant
134 to an unemployment insurance law of another state or the United States; provided, that if it be
135 finally determined that the claimant is not entitled to such unemployment benefits, such
136 ineligibility shall not apply.

137 6. (1) A claimant shall be ineligible for waiting week credit or benefits for any week for
138 which the deputy finds that such claimant's total or partial unemployment is due to a stoppage
139 of work which exists because of a labor dispute in the factory, establishment or other premises
140 in which such claimant is or was last employed. In the event the claimant secures other
141 employment from which he or she is separated during the existence of the labor dispute, the
142 claimant must have obtained bona fide employment as a permanent employee for at least the
143 major part of each of two weeks in such subsequent employment to terminate his or her
144 ineligibility. If, in any case, separate branches of work which are commonly conducted as
145 separate businesses at separate premises are conducted in separate departments of the same
146 premises, each such department shall for the purposes of this subsection be deemed to be a
147 separate factory, establishment or other premises. This subsection shall not apply if it is shown
148 to the satisfaction of the deputy that:

149 (a) The claimant is not participating in or financing or directly interested in the labor
150 dispute which caused the stoppage of work; and

151 (b) The claimant does not belong to a grade or class of workers of which, immediately
152 preceding the commencement of the stoppage, there were members employed at the premises
153 at which the stoppage occurs, any of whom are participating in or financing or directly interested
154 in the dispute.

155 (2) "Stoppage of work" as used in this subsection means a substantial diminution of the
156 activities, production or services at the establishment, plant, factory or premises of the employing
157 unit. This definition shall not apply to a strike where the employees in the bargaining unit who
158 initiated the strike are participating in the strike. Such employees shall not be eligible for waiting
159 week credit or benefits during the period when the strike is in effect, regardless of diminution,
160 unless the employer has been found guilty of an unfair labor practice by the National Labor
161 Relations Board or a federal court of law for an act or actions preceding or during the strike.

162 7. On or after January 1, 1978, benefits shall not be paid to any individual on the basis
163 of any services, substantially all of which consist of participating in sports or athletic events or
164 training or preparing to so participate, for any week which commences during the period between
165 two successive sport seasons (or similar periods) if such individual performed such services in

166 the first of such seasons (or similar periods) and there is a reasonable assurance that such
167 individual will perform such services in the later of such seasons (or similar periods).

168 8. Benefits shall not be payable on the basis of services performed by an alien, unless
169 such alien is an individual who was lawfully admitted for permanent residence at the time such
170 services were performed, was lawfully present for purposes of performing such services, or was
171 permanently residing in the United States under color of law at the time such services were
172 performed (including an alien who was lawfully present in the United States as a result of the
173 application of the provisions of Section 212(d)(5) of the Immigration and Nationality Act).

174 (1) Any data or information required of individuals applying for benefits to determine
175 whether benefits are not payable to them because of their alien status shall be uniformly required
176 from all applicants for benefits.

177 (2) In the case of an individual whose application for benefits would otherwise be
178 approved, no determination that benefits to such individual are not payable because of such
179 individual's alien status shall be made except upon a preponderance of the evidence.

180 9. **A claimant shall be ineligible for waiting week credit or benefits for any week**
181 **such claimant has an outstanding penalty which was assessed based upon an overpayment**
182 **of benefits, as provided for in subsection 9 of section 288.380.**

183 10. The directors of the division of employment security and the division of workforce
184 development shall submit to the governor, the speaker of the house of representatives, and the
185 president pro tem of the senate no later than October 15, 2006, a report outlining their
186 recommendations for how to improve work search verification and claimant reemployment
187 activities. The recommendations shall include, but not limited to how to best utilize
188 "greathires.org", and how to reduce the average duration of unemployment insurance claims.
189 Each calendar year thereafter, the directors shall submit a report containing their
190 recommendations on these issues by December thirty-first of each year.

288.060. 1. All benefits shall be paid through employment offices in accordance with
2 such regulations as the division may prescribe.

3 2. Each eligible insured worker who is totally unemployed in any week shall be paid for
4 such week a sum equal to his or her weekly benefit amount.

5 3. Each eligible insured worker who is partially unemployed in any week shall be paid
6 for such week a partial benefit. Such partial benefit shall be an amount equal to the difference
7 between his or her weekly benefit amount and that part of his or her wages for such week in
8 excess of twenty dollars, and, if such partial benefit amount is not a multiple of one dollar, such
9 amount shall be reduced to the nearest lower full dollar amount. For calendar year 2007 and
10 each year thereafter, such partial benefit shall be an amount equal to the difference between his
11 or her weekly benefit amount and that part of his or her wages for such week in excess of twenty
12 dollars or twenty percent of his or her weekly benefit amount, whichever is greater, and, if such
13 partial benefit amount is not a multiple of one dollar, such amount shall be reduced to the nearest

14 lower full dollar amount. Termination pay, severance pay or pay received by an eligible insured
15 worker who is a member of the organized militia for training or duty authorized by Section
16 502(a)(1) of Title 32, United States Code, shall not be considered wages for the purpose of this
17 subsection.

18 4. The division shall compute the wage credits for each individual by crediting him or
19 her with the wages paid to him or her for insured work during each quarter of his or her base
20 period or twenty-six times his or her weekly benefit amount, whichever is the lesser. In addition,
21 if a claimant receives wages in the form of termination pay or severance pay and such payment
22 appears in a base period established by the filing of an initial claim, the claimant may, at his or
23 her option, choose to have such payment included in the calendar quarter in which it was paid
24 or choose to have it prorated equally among the quarters comprising the base period of the claim.
25 The maximum total amount of benefits payable to any insured worker during any benefit year
26 shall not exceed [twenty-six] **twenty** times his or her weekly benefit amount, or thirty-three and
27 one-third percent of his or her wage credits, whichever is the lesser. For the purpose of this
28 section, wages shall be counted as wage credits for any benefit year, only if such benefit year
29 begins subsequent to the date on which the employing unit by whom such wages were paid has
30 become an employer. The wage credits of an individual earned during the period commencing
31 with the end of a prior base period and ending on the date on which he or she filed an allowed
32 initial claim shall not be available for benefit purposes in a subsequent benefit year unless, in
33 addition thereto, such individual has subsequently earned either wages for insured work in an
34 amount equal to at least five times his or her current weekly benefit amount or wages in an
35 amount equal to at least ten times his or her current weekly benefit amount.

36 5. In the event that benefits are due a deceased person and no petition has been filed for
37 the probate of the will or for the administration of the estate of such person within thirty days
38 after his or her death, the division may by regulation provide for the payment of such benefits
39 to such person or persons as the division finds entitled thereto and every such payment shall be
40 a valid payment to the same extent as if made to the legal representatives of the deceased.

41 6. The division is authorized to cancel any benefit warrant remaining outstanding and
42 unpaid one year after the date of its issuance and there shall be no liability for the payment of any
43 such benefit warrant thereafter.

44 7. The division may establish an electronic funds transfer system to transfer directly to
45 claimants' accounts in financial institutions benefits payable to them pursuant to this chapter.
46 To receive benefits by electronic funds transfer, a claimant shall satisfactorily complete a direct
47 deposit application form authorizing the division to deposit benefit payments into a designated
48 checking or savings account. Any electronic funds transfer system created pursuant to this
49 subsection shall be administered in accordance with regulations prescribed by the division.

50 8. The division may issue a benefit warrant covering more than one week of benefits.

51 9. Prior to January 1, 2005, the division shall institute procedures including, but not
52 limited to, name, date of birth, and Social Security verification matches for remote claims filing
53 via the use of telephone or the Internet in accordance with such regulations as the division shall
54 prescribe. At a minimum, the division shall verify the Social Security number and date of birth
55 when an individual claimant initially files for unemployment insurance benefits. If verification
56 information does not match what is on file in division databases to what the individual is stating,
57 the division shall require the claimant to submit a division-approved form requesting an affidavit
58 of eligibility prior to the payment of additional future benefits. The division of employment
59 security shall cross-check unemployment compensation applicants and recipients with Social
60 Security Administration data maintained by the federal government at least weekly. The division
61 of employment security shall cross-check at least monthly unemployment compensation
62 applicants and recipients with department of revenue drivers license databases.

288.062. 1. As used in this section, unless the context clearly requires otherwise:

2 (1) "Extended benefit period" means a period which begins with the third week after a
3 week for which there is a state "on" indicator, and ends with either of the following weeks,
4 whichever occurs later:

5 (a) The third week after the first week for which there is a state "off" indicator; or

6 (b) The thirteenth consecutive week of such period; provided, that no extended benefit
7 period may begin by reason of a state "on" indicator before the fourteenth week following the
8 end of a prior extended benefit period which was in effect with respect to this state;

9 (2) There is a "state 'on' indicator" for this state for a week if the director determines, in
10 accordance with the regulations of the United States Secretary of Labor, that for the period
11 consisting of such week and the immediately preceding twelve weeks, the rate of insured
12 unemployment (not seasonally adjusted) under this law:

13 (a) **a.** Equaled or exceeded one hundred twenty percent of the average of such rates for
14 the corresponding thirteen-week period ending in each of the preceding two calendar years; and

15 [(b)] **b.** Equaled or exceeded four percent for weeks beginning prior to or on September
16 25, 1982, or five percent for weeks beginning after September 25, 1982; except that, if the rate
17 of insured unemployment as contemplated in this subdivision equals or exceeds five percent for
18 weeks beginning prior to or on September 25, 1982, or six percent for weeks beginning after
19 September 25, 1982, the determination of an "on" indicator shall be made under this subdivision
20 as if this subdivision did not contain the provisions of **subparagraph a. of** paragraph (a) of this
21 subdivision; or

22 [(c)] **(b)** With respect to weeks of unemployment beginning on or after February 1, 2009,
23 and ending on or before the week ending four weeks prior to the last week of unemployment for
24 which one hundred percent federal sharing is available under the provisions of Public Law 111-5,
25 Section 2005(a) or [March 3, 2011] **August 28, 2013**, whichever should occur first:

26 a. The average rate of total unemployment in the state (seasonally adjusted), as
27 determined by the United States Secretary of Labor, for the period consisting of the most recent
28 three months for which data for all states are published before the close of such week equals or
29 exceeds six and one-half percent; and

30 b. The average rate of total unemployment in the state (seasonally adjusted), as
31 determined by the United States Secretary of Labor, for the three-month period referred to in
32 subparagraph a. of this paragraph, equals or exceeds one hundred and ten percent of such average
33 for either or both of the corresponding three-month periods ending in the two preceding calendar
34 years; **or**

35 **c. Effective with respect to compensation for weeks of unemployment beginning**
36 **after the date of enactment of the Tax Relief, Unemployment Insurance Reauthorization,**
37 **and Job Creation Act of 2010, Public Law 111-312, and ending on or before the last day**
38 **allowable by the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation**
39 **Act of 2010, the average rate of total unemployment in the state (seasonally adjusted), as**
40 **determined by the United States Secretary of Labor, for the three-month period referred**
41 **to in subparagraph a. of this paragraph, equals or exceeds one hundred and ten percent**
42 **of such average for any or all of the corresponding three-month periods ending in the three**
43 **preceding calendar years;**

44 (3) There is a "state 'off' indicator" for this state for a week if the director determines, in
45 accordance with the regulations of the United States Secretary of Labor, that for the period
46 consisting of such week and the immediately preceding twelve weeks, the rate of insured
47 unemployment (not seasonally adjusted) under this law:

48 (a) Was less than one hundred twenty percent of the average of such rates for the
49 corresponding thirteen-week period ending in each of the preceding two calendar years; or

50 (b) Was less than four percent (five percent for weeks beginning after September 25,
51 1982); except, there shall not be an "off" indicator for any week in which an "on" indicator as
52 contemplated in **subparagraph b. of** paragraph [(b)] (a) of subdivision (2) of this subsection
53 exists;

54 (4) "Rate of insured unemployment", for the purposes of subdivisions (2) and (3) of this
55 subsection, means the percentage derived by dividing:

56 (a) The average weekly number of individuals filing claims for regular compensation in
57 this state for weeks of unemployment with respect to the most recent thirteen-consecutive-week
58 period, as determined by the director on the basis of his or her reports to the United States
59 Secretary of Labor, by

60 (b) The average monthly employment covered under this law for the first four of the
61 most recent six completed calendar quarters ending before the end of such thirteen-week period;

62 (5) "Regular benefits" means benefits payable to an individual under this law or under
63 any other state law (including benefits payable to federal civilian employees and ex-servicemen
64 pursuant to 5 U.S.C. Chapter 85) other than extended benefits;

65 (6) "Extended benefits" means benefits (including benefits payable to federal civilian
66 employees and to ex-servicemen pursuant to 5 U.S.C. Chapter 85) payable to an individual
67 under the provisions of this section for weeks of unemployment in his or her eligibility period;

68 (7) "Eligibility period" of an individual means the period consisting of the weeks in his
69 or her benefit year which begin in an extended benefit period and, if his or her benefit year ends
70 within such extended benefit period, any weeks thereafter which begin in such period;

71 (8) "Exhaustee" means an individual who, with respect to any week of unemployment
72 in his or her eligibility period:

73 (a) Has received, prior to such week, all of the regular benefits that were available to him
74 or her under this law or any other state law (including dependents' allowances and benefits
75 payable to federal civilian employees and ex-servicemen under 5 U.S.C. Chapter 85) in his or
76 her current benefit year that includes such week; provided, that, for the purposes of this
77 paragraph, an individual shall be deemed to have received all of the regular benefits that were
78 available to him or her although as a result of a pending appeal with respect to wages or
79 employment, or both, that were not considered in the original monetary determination in his or
80 her benefit year, he may subsequently be determined to be entitled to added regular benefits; or

81 (b) Has received, prior to such week, all the regular compensation available to him or
82 her in his or her current benefit year that includes such week under the unemployment
83 compensation law of the state in which he or she files a claim for extended compensation or the
84 unemployment compensation law of any other state after a cancellation of some or all of his or
85 her wage credits or the partial or total reduction of his or her right to regular compensation; or

86 (c) His or her benefit year having expired prior to such week, he or she has insufficient
87 wages or employment, or both, on the basis of which he or she could establish in any state a new
88 benefit year that would include such week, or having established a new benefit year that includes
89 such week, he or she is precluded from receiving regular compensation by reason of a state law
90 provision which meets the requirement of section 3304(a)(7) of the Internal Revenue Code of
91 1954; and

92 (d) a. Has no right to unemployment benefits or allowances, as the case may be, under
93 the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive
94 Products Trade Act of 1965 and such other federal laws as are specified in regulations issued by
95 the United States Secretary of Labor; and

96 b. Has not received and is not seeking unemployment benefits under the unemployment
97 compensation law of Canada; but if he or she is seeking such benefits and the appropriate agency
98 finally determines that he or she is not entitled to benefits under such law he or she is considered
99 an exhaustee;

100 (9) "State law" means the unemployment insurance law of any state, approved by the
101 United States Secretary of Labor under Section 3304 of the Internal Revenue Code of 1954.

102 2. Except when the result would be inconsistent with the other provisions of this section,
103 as provided in the regulations of the director, the provisions of this law which apply to claims
104 for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended
105 benefits.

106 3. An individual shall be eligible to receive extended benefits with respect to any week
107 of unemployment in his or her eligibility period only if the deputy finds that with respect to such
108 week:

109 (1) He or she is an exhaustee as defined in subdivision (8) of subsection 1 of this section;

110 (2) He or she has satisfied the requirements of this law for the receipt of regular benefits
111 that are applicable to individuals claiming extended benefits, including not being subject to a
112 disqualification for the receipt of benefits; except that, in the case of a claim for benefits filed
113 in another state, which is acting as an agent state under the Interstate Benefits Payment Plan as
114 provided by regulation, which claim is based on benefit credits accumulated in this state,
115 eligibility for extended benefits shall be limited to the first two compensable weeks unless there
116 is an extended benefit period in effect in both this state and the agent state in which the claim
117 was filed;

118 (3) The other provisions of this law notwithstanding, as to new extended benefit claims
119 filed after September 25, 1982, an individual shall be eligible to receive extended benefits with
120 respect to any week of unemployment in his or her eligibility period only if the deputy finds that
121 the total wages in the base period of his or her benefit year equal at least one and one-half times
122 the wages paid during that quarter of his or her base period in which his or her wages were
123 highest.

124 4. A claimant shall not be eligible for extended benefits following any disqualification
125 imposed under subsection 1 or 2 of section 288.050, unless subsequent to the effective date of
126 the disqualification, the claimant has been employed during at least four weeks and has earned
127 wages equal to at least four times his or her weekly benefit amount.

128 5. For the purposes of determining eligibility for extended benefits, the term "suitable
129 work" means any work which is within such individual's capabilities except that, if the individual
130 furnishes satisfactory evidence that the prospects for obtaining work in his or her customary
131 occupation within a reasonably short period are good, the determination of what constitutes
132 suitable work shall be made in accordance with the provisions of subdivision (3) of subsection
133 1 of section 288.050. If a deputy finds that a person who is claiming extended benefits has
134 refused to accept or to apply for suitable work, as defined in this subsection, or has failed to
135 actively engage in seeking work subsequent to the effective date of his or her claim for extended
136 benefits, that person shall be ineligible for extended benefits for the period beginning with the
137 first day of the week in which such refusal or failure occurred. That ineligibility shall remain in

138 effect until the person has been employed for at least four weeks after the week in which the
139 refusal or failure occurred and has earned wages equal to at least four times his or her weekly
140 benefit amount.

141 6. Extended benefits shall not be denied under subsection 5 of this section to any
142 individual for any week by reason of a failure to accept an offer of or apply for suitable work if:

143 (1) The gross average weekly remuneration for such work does not exceed the
144 individual's weekly benefit amount plus the amount of any supplemental unemployment benefits,
145 as defined in section 501(c)(17)(d) of the Internal Revenue Code, payable to such individual for
146 such week; or

147 (2) The position was not offered to such individual in writing or was not listed with the
148 state employment service; or

149 (3) If the remuneration for the work offered is less than the minimum wage provided by
150 Section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, without regard to any
151 exemption or any applicable state or local minimum wage, whichever is the greater.

152 7. For the purposes of this section, an individual shall be considered as actively engaged
153 in seeking work during any week with respect to which the individual has engaged in a
154 systematic and sustained effort to obtain work as indicated by tangible evidence which the
155 individual provides to the division.

156 8. Extended benefits shall not be denied for failure to apply for or to accept suitable work
157 if such failure would not result in a denial of benefits under subdivision (3) of subsection 1 of
158 section 288.050 to the extent that the provisions of subdivision (3) of subsection 1 of section
159 288.050 are not inconsistent with the provisions of subsections 5 and 6 of this section.

160 9. The division shall refer any claimant entitled to extended benefits under this law to
161 any suitable work which meets the criteria established in subsections 5 and 6 of this section.

162 10. Notwithstanding other provisions of this chapter to the contrary, as to claims of
163 extended benefits, subsections 4 to 9 of this section shall not apply to weeks of unemployment
164 beginning after March 6, 1993, and before January 1, 1995. Entitlement to extended benefits for
165 weeks beginning after March 6, 1993, and before January 1, 1995, shall be determined in
166 accordance with provisions of this chapter not excluded by this subsection.

167 11. "Weekly extended benefit amount." The weekly extended benefit amount payable
168 to an individual for a week of total unemployment in his or her eligibility period shall be an
169 amount equal to the weekly benefit amount payable to him or her during his or her applicable
170 benefit year, reduced by a percentage equal to the percentage of the reduction in federal payments
171 to states under Section 204 of the Federal State Extended Unemployment Compensation Act of
172 1970, in accord with any order issued under any law of the United States. Such weekly benefit
173 amount, if not a multiple of one dollar, shall be reduced to the nearest lower full dollar amount.

174 12. (1) "Total extended benefit amount." The total extended benefit amount payable to
175 any eligible individual with respect to his or her applicable benefit year shall be the lesser of the
176 following amounts:

177 (a) Fifty percent of the total amount of regular benefits which were payable to him or her
178 under this law in his or her applicable benefit year;

179 (b) Thirteen times his or her weekly benefit amount which was payable to him or her
180 under this law for a week of total unemployment in the applicable benefit year.

181 (2) Notwithstanding subdivision (1) of this subsection, during any fiscal year in which
182 federal payments to states under Section 204 of the Federal State Extended Unemployment
183 Compensation Act of 1970 are reduced under any order issued under any law of the United
184 States, the total extended benefit amount payable to an individual with respect to his or her
185 applicable benefit year shall be reduced by an amount equal to the aggregate of the reductions
186 under subsection 11 of this section in the weekly amounts paid to the individual.

187 (3) Notwithstanding the other provisions of this subsection, if the benefit year of any
188 individual ends within an extended benefit period, the remaining balance of extended benefits
189 that such individual would, but for this subdivision, be entitled to receive in that extended benefit
190 period, with respect to weeks of unemployment beginning after the end of the benefit year, shall
191 be reduced, but not below zero, by the product of the number of weeks for which the individual
192 received trade readjustment allowances under the Trade Act of 1974, as amended, within that
193 benefit year, multiplied by the individual's weekly benefit amount for extended benefits.

194 (4) (a) Effective with respect to weeks beginning in a high unemployment period,
195 subdivision (1) of this subsection shall be applied by substituting:

196 a. Eighty percent for fifty percent in paragraph (a) of subdivision (1) of this subsection;
197 and

198 b. Twenty times for thirteen times in paragraph (b) of subdivision (1) of this subsection.

199 (b) For purposes of paragraph (a) of this subdivision, the term "high unemployment
200 period" means any period during which an extended benefit period would be in effect if
201 subparagraph a. of paragraph [(c)] (b) of subdivision (2) of subsection 1 of this section were
202 applied by substituting eight percent for six and one-half percent.

203 13. (1) Whenever an extended benefit period is to become effective in this state as a
204 result of a state "on" indicator, or an extended benefit period is to be terminated in this state as
205 a result of a state "off" indicator, the director shall make an appropriate public announcement.

206 (2) Computations required by the provisions of subdivision (4) of subsection 1 of this
207 section shall be made by the director, in accordance with regulations prescribed by the United
208 States Secretary of Labor.

Section B. Because immediate action is necessary to help Missourians during economic
2 hardship, section A of this act is deemed necessary for the immediate preservation of the public
3 health, welfare, peace, and safety, and is hereby declared to be an emergency act within the

4 meaning of the constitution, and section A of this act shall be in full force and effect upon its
5 passage and approval.

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