SB193

197516-1

By Senator Orr

RFD: Fiscal Responsibility and Economic Development

First Read: 02-APR-19
SYNOPSIS: Under existing law, the maximum amount of unemployment benefits payable to an individual in a benefit year is the lesser of 26 times the individual's weekly benefit amount or one-third of the wages paid to the individual for insured work during his or her base period.

This bill would revise the maximum amount of unemployment benefits payable to an individual in a benefit year contingent on the state's average unemployment rate, but in no event would the maximum amount of benefits exceed the lesser of 20 times the individual's weekly benefit amount or one-fourth of the wages paid during his or her base period.

This bill would revise the maximum weekly unemployment benefit amount to an amount that is an equal division of the current weeks compensated of the average of the wages for insured work paid to the individual during the two quarters of his or
her base period in which the total wages were the highest.

This bill would also revise the reductions in unemployment benefit amounts due to disqualification in certain circumstances.

A BILL
TO BE ENTITLED
AN ACT

Relating to unemployment benefits, to amend Sections 25-4-72, 25-4-74, and 25-4-78, Code of Alabama 1975, to revise the maximum amount of unemployment benefits payable to an individual contingent on the state's average unemployment rate; to revise the maximum weekly unemployment benefit amount; and to revise the terms of losing unemployment benefits due to disqualification.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 25-4-72, 25-4-74, and 25-4-78 of the Code of Alabama 1975, are amended to read as follows:

"§25-4-72.

"(a) For weeks of unemployment during benefit years which begin before the effective date of subsection (b) of this section, an individual's weekly benefit amount shall be as prescribed by this section as amended through July 6, 1997.

"(b) For weeks of unemployment during benefit years beginning on or after July 2, 2006, an individual's weekly
benefit amount shall be an amount equal to one twenty-sixth of the average based on an equal division of the current weeks compensated of the wages for insured work paid to the individual during the two quarters of his or her base period in which the total wages were the highest; except, that:

"(1) If the amount thus derived is not a multiple of one dollar ($1), fractional parts of one dollar ($1) in excess of fifty cents ($.50) shall be rounded to the next higher multiple of one dollar ($1) and fractional parts of one dollar ($1) which are fifty cents ($.50) or less shall be dropped to the next lower multiple of one dollar ($1).

"(2) If the amount derived before the application of subdivision (1) of this subsection is not in excess of forty-four dollars fifty cents ($44.50), there shall be no weekly benefit amount.

"(3) Effective with benefit years beginning on or after July 6, 2008, if the amount thus derived is more than two hundred fifty-four dollars fifty cents ($254.50), the weekly maximum benefit amount shall be two hundred fifty-five dollars ($255).

"(4) Effective with benefit years beginning on or after July 5, 2009, if the amount thus derived is more than two hundred sixty-four dollars fifty cents ($264.50), the weekly maximum benefit shall be two hundred sixty-five dollars ($265).

"(5) Effective with benefit years beginning on or after January 1, 2020, if the amount thus derived is more than
two hundred seventy-four dollars fifty cents ($274.50), the
weekly maximum benefit shall be two hundred seventy-five
dollars ($275).

"(c) If, as a condition for approval of this section
for full tax credit against the tax imposed by the federal
Unemployment Tax Act, federal law should require a greater
maximum weekly benefit amount than that provided herein, then
the maximum weekly benefit amount shall be the minimum
required by any such federal law for such approval.

"(d) Nothing herein shall serve to deprive any
individual of any benefit for which he or she had qualified in
any benefit year beginning prior to before the effective date
of the provisions of subsection (b) of this section.

"(e) There is hereby appropriated out of funds made
available to this state under Section 903 of the Social
Security Act, as amended by Title II, Section 209, "Special
Reed Act Transfer in Fiscal Year 2002," of the "Temporary
Extended Unemployment Compensation Act of 2002," as contained
in the "Job Creation and Worker Assistance Act of 2002," an
amount not to exceed 15 percent of the funds, or so much
thereof to be used as may be necessary, under the direction of
the State of Alabama, Department of Labor, for the expenses
incurred for the administration of this state's unemployment
compensation law and public employment offices.

Notwithstanding the foregoing, the additional amount of up to
$7,940,119 of "Reed Act" funds may be withdrawn from the
Unemployment Compensation Trust Fund and used for
administrative purposes from May 29, 2008, until September 30, 2009. Furthermore, whatever amount is withdrawn during this time period, that amount shall not change the Employer Tax Schedules pursuant to Section 25-4-54 for the calendar year beginning January 1, 2010.

"§25-4-74.

"(a) Any otherwise eligible individual shall be entitled during any benefit year, beginning on or after July 3, 1983, to a total amount of benefits equal to whichever is the lesser of 26 14 times his or her weekly benefit amount, if the state's average unemployment rate is at or below 6.5 percent, with an additional weekly benefit amount added for each 0.5 percent increase in the state's average unemployment rate above 6.5 percent up to a maximum of 20 times his or her weekly benefit amount if the state's average unemployment rate equals or exceeds 9.5 percent, and one third one fourth of the wages paid to him or her for insured work during his or her base period; provided, that such total amounts of benefits, if not a multiple of $1.00 one dollar ($1), shall be computed to the nearest multiple of $1.00 one dollar ($1).

"(b) For the purpose of this article, wages shall be counted as "wages for insured work" with respect to any benefit year only if such wages were paid in the base period immediately preceding such benefit year; except, that any lump sum payment of wages in lieu of notice, dismissal or severance allowance or "back pay" award shall be prorated over the period or periods with respect to which such payment is
made and treated as though it had been paid in such period or periods.

"(c) In determining an individual's benefit rights, remuneration payable but unpaid to such individual shall, to the extent that regulations promulgated by the secretary prescribe, shall be deemed to be "wages paid" to such individual.

"(d) As used in this section, the term "state's average unemployment rate" means the average of the three months for the most recent third calendar quarter of the seasonably adjusted statewide unemployment rate as published by the Alabama Department of Labor.

"(e) For benefit years beginning prior to before July 3, 1983, any otherwise eligible individual shall be entitled to a total amount of benefits as was provided in this section prior to such before that date.

"(f) Any otherwise eligible individual shall be entitled during the current benefit year to an additional five weeks after all regular benefits have exhausted under subsection (a), and who is enrolled and making satisfactory progress in a job training or certification program approved by the Alabama Department of Labor. Each approved training program shall prepare individuals for entry into a high wage, high demand occupation.

"(1) The amount of benefits payable under this subsection shall equal the weekly benefit amount established by the most recent benefit year.
"(2) The compensation is not required to be paid to an individual who is receiving similar benefits or other training allowances from other unrelated sources.

§25-4-78.

"An individual shall be disqualified for total or partial unemployment for any of the following:

"(1) LABOR DISPUTE IN PLACE OF EMPLOYMENT. For any week in which his an individual's total or partial unemployment is directly due to a labor dispute still in active progress in the establishment in which he or she is or was last employed. For the purposes of this section only, the term labor dispute includes any controversy concerning terms, tenure, or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee. This definition shall not relate to a dispute between an individual worker and his or her employer.

"(2) VOLUNTARILY QUITTING WORK. If he an individual has left his or her most recent bona fide work voluntarily without good cause connected with such work.

"a.1. However, he an individual shall not be disqualified if he or she was forced to leave work because he or she was sick or disabled, notified his or her employer of the fact as soon as it was reasonably practicable so to do, and returned to that employer and offered himself or herself...
for work as soon as he or she was again able to work;
provided, however, this exception shall not apply if the
employer had an established leave of absence policy covering sickness or disability and:

"(i) The individual fails to comply with same as soon as it is reasonably practicable so to do; or

"(ii) Upon the expiration of a leave of absence shall fail to return to the employer and offer himself or herself for work, if he the individual shall then be able to work, or if he or she is not then able to work, he or she fails to so notify his or her employer of that fact and request an extension of his or her leave of absence as soon as it is reasonably practicable so to do.

"2. In case of doubt that an individual was sick or disabled, or as to the duration of any such sickness or disability, the secretary may, or if the employer requests it, the secretary shall require a doctor's certificate to establish the fact or facts in doubt.

"3. An established leave of absence policy shall be any leave of absence policy covering sickness and disability communicated to the employee by the customary means used by the employer for communicating with his or her employees.

"4. Nothing herein shall be construed or interpreted as authorizing the payment of benefits to any person individual during, or for, unemployment due to sickness or disability or during any period in which he or she is on a
leave of absence granted in accordance with an established leave of absence policy, the duration of which leave was set in accordance with his or her request or in accordance with a collective bargaining agreement; except, that if such leave of absence is on account of pregnancy and extends beyond the tenth week following termination of such pregnancy, the individual shall not be denied benefits under the provisions of this subdivision (2) beyond such tenth week if she has given the employer three weeks' notice of her desire to return to work, is then able to work, and has not refused reinstatement to a job which under the provisions of subdivision (5) of this section would be deemed suitable for her.

"b. When an individual is disqualified under this subdivision (2):

"1. He or she shall not be entitled to benefits for the week in which the disqualifying event occurs or for any week thereafter until:

"(i) He or she has reentered insured employment or employment of the nature described in subdivisions (5), (6), (7), (8), (9), (10), or (18) of subsection (b) of Section 25-4-10; and

"(ii) For which employment he or she has earned wages equal to at least 10 times his or her weekly benefit amount for the benefit year in which such disqualification is assessed; and
"(iii) He or she has been separated from such employment under nondisqualifying conditions.

"2. The total amount of benefits to which he an individual may otherwise be entitled as determined in accordance with Sections 25-4-74 and 25-4-75 shall be reduced by an amount equal to not less than six three nor more than $2 nine times his or her weekly benefit amount.

"3. For the purpose of the experience rating provisions of Section 25-4-54, no portion of the benefits payable to him an individual, based upon wages paid to him or her for the period of employment ending with the separation to which the disqualification applies, shall be charged to the employer's experience rating account. If the individual has been separated from employment other than his or her most recent bona fide work under conditions which would have been disqualifying under this subdivision (2) had the separation been from his or her most recent bona fide work and the employer answers a notice of payment within 15 days after it is mailed to him or her detailing the facts in connection with the separation, then no portion of any benefits paid to him or her based upon wages for the period of employment ending in such separation shall be charged to the employer's experience rating account.

"4. Any other provision of this chapter to the contrary notwithstanding, effective October 21, 2013, the unemployment compensation account of an employer shall be charged when the unemployment compensation agency determines
that an overpayment has been made to a claimant as a result of both of the following:

"(i) The overpayment occurred because the employer, or an agent of the employer, failed to respond timely or adequately to a request from the unemployment compensation agency for information relating to an unemployment compensation claim.

"(ii) The employer, or an agent of the employer, has established a pattern of failing to respond timely or adequately to a request from the unemployment compensation agency for information relating to an unemployment compensation claim on two or more occasions.

c. An individual shall not be disqualified if he or she left his or her employment and immediately returned to work with his or her regular employer or to employment in which he or she had prior existing statutory or contractual seniority or recall rights. When this exception is applied, any benefits paid to such the individual based upon wages paid for that period of employment immediately preceding the separation to which the exception is applied, which have not been heretofore charged to the employer's experience rating account, shall not be charged to the account of such the employer.

d. For separation occurring on or after August 1, 2012, an individual shall not be disqualified if he or she left his or her employment to permanently relocate as a result of his or her active duty military-connected spouse's
permanent change of station orders, activation orders, or unit
deployment orders. When this exception is applied, any
benefits paid to the individual based upon wages paid for that
period of employment immediately preceding the separation to
which the exception is applied, which have not been heretofore
charged to the employer's experience rating account, shall not
be charged to the account of the employer.

e. For the purposes of this subdivision (2) and
subdivision (3) of this section, the secretary in determining
the most recent bona fide work shall only consider employment
of the nature described in subsection (a) of Section 25-4-10.
The secretary shall also consider the duration of the most
recent job or jobs, the intent of the individual and his or
her employer as to the permanence of such work, and whether
separation from the immediately preceding employment was under
conditions which would be disqualifying in the event such
immediately preceding employment should be determined to be
the most recent bona fide work.

"(3) DISCHARGE FOR MISCONDUCT.

"a. If the an individual was discharged or removed
from his or her work for a dishonest or criminal act committed
in connection with his or her work or for sabotage or an act
endangering the safety of others or for the use of illegal
drugs after previous warning or for the refusal to submit to
or cooperate with a blood or urine test after previous
warning. Disqualification under this paragraph may be applied
to separations prior to separation from the most recent bona
i work only if the employer has filed a notice with the
secretary alleging that the separation was under conditions
described in this paragraph in such manner and within such
time as the secretary may prescribe.

"(i) A confirmed positive drug test that is
c Conducted and evaluated according to standards set forth for
the conduct and evaluation of such tests by the U.S.
Department of Transportation in 49 C.F.R. Part 40 or standards
shown by the employer to be otherwise reliable shall be a
conclusive presumption of impairment by illegal drugs. No
unemployment compensation benefits shall be allowed to an
employee having a confirmed positive drug test if the employee
had been warned that such a positive test could result in
dismissal pursuant to a reasonable drug policy. A drug policy
shall be deemed reasonable if the employer shows that all
employees of the employer, regardless of position or
classification, are subject to testing under the policy, and
in those instances in which the employer offers as the basis
for disqualification from unemployment compensation benefits
the results obtained pursuant to additional testing imposed on
some but not all classifications, if the employer can also
offer some rational basis for conducting such additional
testing. Further, no unemployment compensation benefits shall
be allowed if the employee refuses to submit to or cooperate
with a blood or urine test as set forth above, or if the
employee knowingly alters or adulterates the blood or urine
specimen.
"(ii) For purposes of paragraph a. and item (i) of paragraph a. of this subdivision, warning shall mean that the employee has been advised in writing of the provisions of the employer's drug policy and that either testing positive pursuant to the standards referenced above or the refusal to submit to or cooperate with a blood or urine test as set out in the above referenced standards could result in termination of employment. This written notification as herein described shall constitute a warning as used in paragraph a. and item (i) of paragraph a. of this subdivision.

"(iii) To the extent that the issue is a positive drug test or the refusal to submit to or cooperate with a blood or urine test, or if the employee knowingly alters or adulterates the blood or urine sample, as distinguished from some other aspect of the employer's drug policy, this disqualification under paragraph a. and item (i) of paragraph a. shall be the only disqualification to apply, in connection with an individual's separation from employment. Other non-separation disqualifications may apply.

"When an individual is disqualified under this paragraph:

"1. He or she shall not be entitled to benefits for the week in which the disqualifying event occurs or for any week thereafter until he or she has reentered insured employment or employment of the nature described in subdivisions (5), (6), (7), (8), (9), (10), or (18) of subsection (b) of Section 25-4-10, has earned wages equal at
least to 10 times his or her weekly benefit amount, and has been separated from such employment for a nondisqualifying reason.

"2. He or she shall not thereafter be entitled to any benefits under this chapter on account of wages paid to him or her for the period of employment by the employer by whom he or she was employed when the disqualifying event occurred.

"3. For the purposes of the experience rating provisions of Section 25-4-54:

"(i) No portion of any benefits based upon wages paid to the individual for the period of employment by the employer by whom he or she was employed when the disqualifying event occurred shall be charged to the employer's experience rating account.

"(ii) In the case of a separation prior to the separation from the most recent bona fide work, if the only reason disqualification under this paragraph a. was not assessed was the failure of the employer to properly file a timely separation report with the secretary and the employer files such a report within 15 days after the mailing of a notice of payment, then no portion of any benefits paid based upon the wages paid for the period of employment ending in such prior separation shall be charged to the employer's experience rating account.

"b. If he an individual was discharged from his or her most recent bona fide work for actual or threatened
misconduct committed in connection with his or her work (other than acts mentioned in paragraph a. of this subdivision (3)) repeated after previous warning to the individual. When an individual is disqualified under this paragraph, or exempt from disqualification for a separation under such conditions prior to his or her most recent bona fide work, the effect shall be the same as provided in paragraph b. of subdivision (2) of this section for disqualification or exemption from disqualification respectively.

"c. If he or she was discharged from his or her most recent bona fide work for misconduct connected with his or her work [other than acts mentioned in paragraphs a. and b. of this subdivision (3)]:

"1. He or she shall be disqualified from receipt of benefits for the week in which he or she was discharged and for not less than the three following week nor more than the seven four next following weeks, as determined by the secretary in each case according to the seriousness of the conduct.

"2. The total amount of benefits to which he an individual may otherwise be entitled as determined in accordance with Sections 25-4-74 and 25-4-75 shall be reduced by an amount equal to the product of the number of weeks for which he an individual shall be disqualified multiplied by his or her weekly benefit amount.

"3. Only one-half of the benefits paid to him an individual based upon wages for that period of employment
immediately preceding the separation to which the
disqualification applies shall be charged to the employer for
the purposes of the experience rating provisions of Section
25-4-54. If the individual has been separated from employment,
other than his or her most recent bona fide work, under
conditions which would have been disqualifying under paragraph
c. of this subdivision (3), had the separation been from his
or her most recent bona fide work and the employer answers a
notice of payment within 15 days after it is mailed to him or
her detailing the facts in connection with the separation,
then only one-half of the benefits paid to him or her for that
period of employment immediately preceding the separation
shall be charged to the employer for the purposes of the
experience rating provisions of Section 25-4-54, unless the
employer, or an agent of the employer, failed to respond
timely or adequately to written requests pursuant to
subparagraph 4. of paragraph b. of subdivision (2).

"d. If he an individual has been suspended as a
disciplinary measure connected with his or her work, or for
misconduct connected with his or her work, he or she shall be
disqualified from benefits for the week or weeks (not to
exceed four weeks) in which, or for which, he or she is so
suspended and the total amount of benefits to which he or she
may otherwise be entitled shall be reduced in the same manner
and to the same extent as provided in subparagraph 2. of
paragraph c. of this subdivision (3).
1 "(4) REVOCATION OR SUSPENSION OF REQUIRED LICENSE, ETC. For the week in which he an individual has become unemployed because a license, certificate, permit, bond, surety, or insurability which is necessary for the performance of such his or her employment and which he or she is responsible to maintain or supply has been revoked, suspended, or otherwise become lost to him or her for a cause other than one which would fall within the meaning of subdivision (3) of this section, but one which was within his or her power to control, guard against, or prevent, and for each week thereafter until:

"a. The license, certificate, permit, bond, or surety, or insurability, has been restored to him or her and he or she has reapplied to his or her employer for employment; or

"b. He or she has reentered insured employment or employment of the nature described in subdivisions (5), (6), (7), (8), (9), (10), or (18) of subsection (b) of Section 25-4-10, whichever is the earlier.

"c. Nothing in this subdivision shall be construed as a basis for disqualification of an individual who is without fault and who has made a reasonable effort to obtain his or her initial license, certificate, permit, bond, surety, or insurability required for the performance of assigned duties.

"(5) FAILURE TO ACCEPT AVAILABLE SUITABLE WORK, ETC. If he an individual fails, without good cause, either to apply
for or to accept available suitable work or to return to his or her customary self-employment when so directed by the secretary or when he an individual is notified of suitable work or it is offered him or her through a state employment office or the United States Employment Service, or directly or by written notice or offer to any such employment office or employment service by an employer by whom the individual was formerly employed. Such disqualification shall be for a period of not less than one nor more than 10 five weeks from the date of failure. This disqualification shall not apply unless the individual has an established benefit year, or is seeking to establish one or is seeking extended benefits at the time he or she fails without good cause, to do any of the acts set out in this subdivision (5).

"a. In determining whether or not any work is suitable for an individual, the secretary shall consider:

"1. The degree of risk involved to his or her health, safety, and morals, his or her physical fitness, and his or her prior training.

"2. His or her experience and prior earnings.

"3. His or her length of unemployment.

"4. His or her prospects for securing local work in his or her customary occupation.

"5. The distance of the available work from his or her residence; provided, that no work or employment shall be deemed unsuitable because of its distance from the individual's residence, if such work or employment is in the
same or substantially the same locality as was his or her last
previous regular place of employment and if the employee left
such voluntarily without good cause connected with such
employment.

"b. Notwithstanding any other provisions of this
chapter, no work shall be deemed suitable and benefits shall
not be denied under this chapter to any otherwise eligible
individual for refusing to accept new work under any of the
following conditions:

"1. If the position offered is vacant due directly
to a strike, lockout, or other labor dispute.

"2. If the wages, hours, or other conditions of the
work offered are substantially less favorable to the
individual than those prevailing for similar work in the
locality.

"3. If as a condition of being employed the
individual would be required to join a company union, or to
resign from or refrain from joining any bona fide labor
organization.

"c. Notwithstanding any other provisions of this
section, benefits shall not be denied an individual, by reason
of the application of the provisions of this subdivision (5),
with respect to any week in which he or she is in training
with the approval of the secretary as described in subdivision
(a)(3) of Section 25-4-77.

"(6) RECEIPT OF BACK PAY AWARD, ETC. For any week
with respect to which he an individual is receiving or has
received remuneration in the form of a back pay award. Notwithstanding the provisions of Section 25-4-91 any benefits previously paid for weeks of unemployment with respect to which back pay awards are made shall constitute an overpayment and such amounts shall be deducted from the award by the employer prior to payment to the employee and shall be transmitted promptly to the secretary by the employer for application against the overpayment and credit to the claimant's maximum benefit amount and prompt deposit into the fund; provided, however, the removal of any charges made against the employer as a result of such previously paid benefits shall be applied to the calendar year and the calendar quarter in which the overpayment is received by the secretary and no attempt shall be made to relate such a credit to the period to which the award applies. Any amount of overpayment deducted by the employer shall be subject to the same procedures for collection as is provided for contributions by Section 25-4-134 of this chapter.

"(7) RECEIPT OF OR APPLICATION FOR UNEMPLOYMENT COMPENSATION FROM ANOTHER STATE, ETC. For any week with respect to which, or a part of which, he an individual has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States; provided, that if the appropriate agency of such other state or of the United States finally determines that he the individual is not entitled to such unemployment benefits this disqualification shall not apply.
(8) RECEIPT OF PENSION PAYMENT. For any week with respect to which, or a part of which, an individual has received or has, except for the determination of an exact or specific amount, been determined eligible to receive (during a period for which benefits are being claimed) governmental or other pension, retirement or retired pay, annuity, or similar periodic payment which is based on the previous work of the individual; except, that

"a. For weeks of unemployment which begin prior to April 26, 1982, as was prescribed by this subsection prior to such date, and

"b. For weeks of unemployment which begin on or after April 26, 1982, the amount of any benefits payable to an individual for any such week which begins in a period with respect to which the disqualifying provisions of this subdivision apply, shall be reduced (but not below zero) by an amount equal to the amount of such pension, retirement or retired pay, annuity, or other payment, which is reasonably attributable to such week, provided, however, such reduction required hereby shall apply to any pension, retirement or retired pay, annuity, or other similar payment only if:

"1. Such payment is made under a plan that is maintained (or contributed to) by a base period employer and 100 percent employer-financed and not contributed to by the worker, and

"2. In the case of such a payment not made under the Social Security Act or the Railroad Retirement Act of 1974 (or
the corresponding provisions of prior law), services performed for such employer by the individual after the beginning of his or her base period (or remuneration for such services) affect eligibility for or increase the amount of, such payment.

"c. The other provisions of this subdivision to the contrary notwithstanding, beginning with the weeks ending October 7, 1995, the amount of any pension, retirement or retired pay, annuity, or other similar periodic payment under the Social Security Act or the Railroad Retirement Act shall not result in a reduction of benefits under this subdivision.

"d. If in accordance with this subdivision (8) any individual is awarded pension payments retroactively covering the same period for which the individual received benefits, the retroactive payments shall constitute cause for disqualification and any benefits paid during such period shall be recovered only if the retroactive pension payments were made under a plan that is maintained (or contributed to) by a base period employer, 100 percent employer-financed, and not contributed to by the worker.

"(9) RECEIPT OF OR APPLICATION FOR WORKERS' COMPENSATION. For any week with respect to which, or a part of which, he an individual has received or is seeking compensation for temporary disability under any workers' compensation law; provided, that if it is finally determined he the individual is not entitled to such compensation, this disqualification shall not apply; and provided further, that if such compensation is less than the benefits which would
otherwise be due under this chapter, he the individual shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such payment.

"(10) EMPLOYMENT BY PUBLIC WORKS AGENCY, ETC. For any week that such individual is engaged or employed by the Works Progress Administration, the National Youth Administration or any federal or state unit, agency, or instrumentality in charge of public works, assistance through public employment or work relief.

"(11) SELF-EMPLOYMENT. For any week in which he an individual is self-employed and each week thereafter until he or she shall establish that he or she is no longer self-employed.

"(12) RECEIPT OF, OR APPLICATION FOR, TRAINING ALLOWANCE, ETC. For any week with respect to which, or a part of which, an individual who is enrolled in a course of training with the approval of the secretary, within the meaning of subdivision (a)(3) of Section 25-4-77, has applied for, or is entitled to receive, any wage or subsistence or training allowance or other form of remuneration, other than reimbursement for travel expenses, for a course of training under any public or private training program; provided, that if it is finally determined that he an individual is not entitled to such remuneration, this disqualification shall not apply. If the remuneration, the receipt of which is disqualifying under this subdivision (12), is less than the weekly benefits which he or she would otherwise be due under
this chapter he or she shall be entitled to receive, if otherwise eligible, weekly benefits reduced by the amount of such remuneration. It is further provided that receipt of training allowances under the Trade Readjustment Act shall not be cause for disqualification under this subdivision.

"(13) PARTICIPATION IN PROFESSIONAL SPORTS. For any week which commences during the period between two successive sport seasons (or similar periods) to any individual for which benefits claimed are on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

"(14) ALIENS.

"a. For any week for which benefits claimed are on the basis of services performed by an alien unless:

"1. Such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, and was lawfully present for purposes of performing such services; or,

"2. Such alien was permanently residing in the United States under color of law at the time such services were performed (including an alien who is lawfully present in the United States as a result of the application of the
provisions of Section 203(a)(7) or Section 212(d)(5) of the
Immigration and Nationality Act); or,

"3. Such alien was lawfully admitted for temporary
residence as provided for under the provisions of Section
245A(a) of the Immigration Reform and Control Act of 1986 (PL
99-603).

"b. Any data or information required of individuals
applying for benefits to determine whether benefits are not
payable to them because of their alien status shall be
uniformly required from all applicants for benefits.

c. In the case of an individual whose application
for benefits would otherwise be approved, no determination
that benefits to such individual are not payable because of
his or her alien status shall be made except upon a
preponderance of the evidence."

Section 2. This act shall become effective on
January 1, 2020, following its passage and approval by the
Governor, or its otherwise becoming law.