

FIRST REGULAR SESSION

# SENATE BILL NO. 338

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOUSE.

Read 1st time January 22, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1279S.021

## AN ACT

To repeal section 288.055, RSMo 2000, relating to employment security, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 288.055, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 288.055, to read as follows:

288.055. 1. Notwithstanding any other provision of this chapter, an unemployed claimant otherwise eligible for benefits shall not become ineligible for benefits because of his enrollment in and satisfactory pursuit of a retraining course of instruction which the director has approved for the individual.

2. An unemployed individual who files a claim for benefits may apply to the division for a determination of potential eligibility for benefits during a period of retraining or with respect to a claimant who has not applied for such determination, if the director finds the circumstances under subdivision (1) of subsection 3 of this section to exist, then the director shall make a complete determination under subsection 3 of this section, and where potential eligibility is determined, the director shall require the claimant to take a retraining course of instruction to be eligible for benefit payments.

3. A determination of potential eligibility for benefits under this section and chapter shall be issued to an unemployed claimant if the director finds that:

(1) Reasonable employment opportunities for which the unemployed claimant is fitted by training and experience do not exist or have substantially diminished in the labor market area in this state in which he is claiming benefits;

(2) The retraining course of instruction relates to an occupation or skill for which there are, or are expected to be in the immediate future, reasonable employment opportunities in any labor

market area in this state in which the claimant agrees to seek work;

(3) The retraining course of instruction is one prescribed by the director;

(4) The individual has the required qualifications and aptitudes to complete the course successfully and profit therefrom; and

(5) Upon completion of his retraining course of instruction the individual should be qualified to use the skills acquired under labor organization rules where applicable to such skills.

4. Notwithstanding the provisions of subdivision (2) of section 288.040, an unemployed claimant who is able to work is eligible to receive benefits under this section and chapter, with respect to any week during a period of retraining only if the director finds that:

(1) He has been determined potentially eligible under subsection 3 of this section; and

(2) He submits with each claim a written certification executed by a responsible person connected with the retraining program certifying that he was enrolled in and satisfactorily pursuing the retraining course of instruction.

5. If an individual fails to submit for any week during a period of retraining the certification required by subsection 4 of this section, he shall be ineligible to receive any benefits for that week. This subsection shall not render a claimant ineligible for benefits for any week during a period of retraining if on or before Monday of that week he notifies the division that his retraining course of instruction has been or is being discontinued or terminated prior to that week.

6. An unemployed claimant otherwise eligible for benefits under this section and chapter shall not be disqualified for refusing suitable employment offered to him, or failing to apply for suitable employment when notified by an employment office, or for leaving his most recent temporary work, accepted during his retraining, if the acceptance of or applying for suitable employment or continuing such work would require him to terminate his retraining course of instruction.

7. Notwithstanding any other provision of this section, no payment of benefits shall be made to any individual for any week or part of any week with respect to which he is entitled to receive training benefits as a result of participation by this state pursuant to the provision of any federal law providing for the payment of such benefits unless required by such federal law.

8. Words and phrases used in this section have the meanings ascribed to them in this chapter.

9. Notwithstanding any other provision of this section, the director may determine upon application of a claimant who is unemployed due to a permanent mass layoff, that such claimant is eligible for training, and such claimant shall be eligible to receive benefits under this section and chapter if he meets the requirements of subdivision (2) of subsection 4 of this section and is otherwise eligible for benefits.

**10. Notwithstanding any other provision of this chapter, claimants who are employed and are enrolled in a program of apprenticeship that has been certified by the**

**Bureau of Apprenticeship and Training of the United States Department of Labor and who by virtue of their enrollment in a program of apprenticeship are required to participate in full-time, off-the-job training for which they receive no compensation or are compensated in an amount less than their weekly benefit amount, shall be eligible for benefits during the weeks they participate in said full-time, off-the-job training, provided:**

**(1) The claimant submits with each claim for benefits proof of enrollment in a United States Department of Labor certified program of apprenticeship; and**

**(2) The director determines the claimant is required by the terms of the United States Department of Labor certified program of apprenticeship to participate in full-time, off-the-job training for which the claimant receives no compensation or is compensated in an amount less than his weekly benefit amount.**

**11. The director shall have the authority to issue blanket approval of apprenticeship training programs that have been certified by the United States Department of Labor, thereby satisfying the requirements of subdivision (2) of subsection 10 of this section.**

**12. The provisions of subdivision (4) of subsection 1 of section 288.040, requiring a one-week waiting period, shall not apply to claimants who are determined to be eligible for benefits pursuant to this subsection.**

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