

SECOND REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 777 & 808

101ST GENERAL ASSEMBLY

4163S.02C

ADRIANE D. CROUSE, Secretary

AN ACT

To amend chapter 288, RSMo, by adding thereto two new sections relating to employment security, with an effective date.

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

Section A. Chapter 288, RSMo, is amended by adding thereto
2 two new sections, to be known as sections 288.056 and 288.104,
3 to read as follows:

288.056. 1. This section shall be known and may be
2 cited as the "Employment Security and Job Referrals Act of
3 2022".

4 2. The division shall, utilizing existing department
5 resources, establish a process by which open positions
6 submitted to the department by employers will be directly
7 shared by the division with unemployment compensation
8 claimants.

9 3. The division shall establish a process by which,
10 for the purpose of helping unemployment compensation
11 claimants secure suitable work, the division shall refer
12 unemployment compensation claimants to such open positions,
13 including facilitating contact between employers and
14 claimants and monitoring whether claimants are sufficiently
15 responsive to a referral.

16 4. Failure to comply with referrals made pursuant to
17 this section shall be deemed as a failure to participate in

18 reemployment services as required by subdivision (7) of
19 subsection 1 of section 288.040.

20 5. Claimants shall be subject to the requirements of
21 this section regardless of job attachment classification.

288.104. 1. This section shall be known and may be
2 cited as the "Employment Security Program Integrity Act of
3 2022".

4 2. As used in this section, the following terms mean:

5 (1) "Department of corrections", the Missouri
6 department of corrections;

7 (2) "Division", the division of employment security of
8 the Missouri department of labor and industrial relations;

9 (3) "Employment security rolls", the list of all
10 persons currently receiving unemployment compensation
11 benefits under this chapter, to be kept and updated by the
12 division;

13 (4) "Integrity Data Hub", the Integrity Data Hub
14 designed and published by the UI Integrity Center of the
15 National Association of State Workforce Agencies (NASWA);

16 (5) "New-hire records", the directory of newly hired
17 and rehired employees reported under applicable state and
18 federal laws and managed by the division;

19 (6) "Welfare agency", any state agency, department, or
20 entity which distributes or administers public assistance
21 benefits, other than unemployment compensation benefits,
22 through the Temporary Assistance for Needy Families (TANF),
23 Supplemental Nutrition Assistance (SNAP), Medicaid, or
24 public housing programs.

25 3. The division shall engage with and utilize the
26 Integrity Data Hub to ensure that only eligible individuals
27 receive unemployment compensation benefits pursuant to this
28 chapter.

29 4. The division shall, on a weekly basis, check its
30 employment security rolls against a list of incarcerated
31 individuals, which shall be provided to the division by the
32 department of corrections, to verify the eligibility of
33 unemployment compensation benefit claimants and to ensure
34 that only eligible individuals receive unemployment
35 compensation benefits pursuant to this chapter.

36 5. The division shall, on a weekly basis, check its
37 employment security rolls against state death records.

38 6. The division shall, on a weekly basis, check its
39 new-hire records against the records contained in the
40 National Directory of New Hires in order to verify the
41 eligibility of the individuals named in the division's new-
42 hire records.

43 7. The division shall verify the identity of
44 unemployment compensation benefit claimants by methods
45 including but not limited to:

46 (1) Verifying the identity of an applicant prior to
47 awarding benefits; and

48 (2) Requiring multi-factor authentication as part of
49 online applications.

50 8. The division shall perform a full eligibility
51 review of suspicious or potentially improper claims, in
52 cases including but not limited to:

53 (1) Multiple or duplicative claims filed online
54 originating from the same internet protocol address;

55 (2) Claims filed online from foreign internet protocol
56 addresses;

57 (3) Multiple or duplicative claims filed which are
58 associated with the same mailing address; and

59 (4) Multiple or duplicative claims filed which are
60 associated with the same bank account.

61 9. Any welfare agency, upon receipt of information
62 that an enrolled individual has become employed, shall
63 notify the division in order that the division may determine
64 whether an individual remains eligible for unemployment
65 compensation benefits.

66 10. (1) The division shall adopt and implement
67 internal administrative policies to prioritize and pursue
68 the recovery of fraudulent or otherwise improper
69 unemployment compensation benefit overpayments to the
70 fullest extent allowable under applicable state and federal
71 law. The division shall, without exception, attempt to
72 recover all outstanding unemployment compensation benefit
73 overpayments unless doing so would violate state or federal
74 law.

75 (2) The division shall maintain records of all of its
76 attempts to recover unemployment compensation benefit
77 overpayments. The division shall issue a written report to
78 the general assembly each year, no later than December
79 thirty-first, describing improper unemployment compensation
80 benefit payments and their recovery, the extent to which any
81 improper unemployment compensation benefit payments have not
82 been corrected or recovered, and the reasons for the failure
83 of the division to secure such correction or recovery.

84 (3) The division shall issue a written report to the
85 general assembly each year, no later than December thirty-
86 first, on the efficacy of employment security fraud
87 detection and on the measures taken by the division to
88 prevent employment security fraud.

89 11. The division is hereby authorized to execute a
90 memorandum of understanding with any governmental entity of
91 this state in order to share and receive such information as

92 may be necessary for the division to administer the
93 provisions of this section.

94 12. If the division receives information relating to
95 an individual who has been found eligible for unemployment
96 compensation benefits and such information indicates a
97 change in circumstances that could affect the individual's
98 eligibility, the division shall review the individual's
99 eligibility case.

100 13. The division may promulgate all necessary rules
101 and regulations for the administration of this section. Any
102 rule or portion of a rule, as that term is defined in
103 section 536.010, that is created under the authority
104 delegated in this section shall become effective only if it
105 complies with and is subject to all of the provisions of
106 chapter 536 and, if applicable, section 536.028. This
107 section and chapter 536 are nonseverable, and if any of the
108 powers vested with the general assembly pursuant to chapter
109 536 to review, to delay the effective date, or to disapprove
110 and annul a rule are subsequently held unconstitutional,
111 then the grant of rulemaking authority and any rule proposed
112 or adopted after the effective date of this section shall be
113 invalid and void.

Section B. The enactment of sections 288.056 and
2 288.104 shall become effective January 1, 2023.

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