AN ACT concerning employment security law; relating to compensation of the pre-payment waiting period; amending K.S.A. 2019 Supp. 44-705 and repealing the existing section.

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

Section 1. K.S.A. 2019 Supp. 44-705 is hereby amended to read as follows: 44-705. Except as provided by K.S.A. 44-757, and amendments thereto, an unemployed individual shall be eligible to receive benefits with respect to any week only if the secretary, or a person or persons designated by the secretary, finds that:

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

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

(c) The claimant is able to perform the duties of such claimant's customary occupation or the duties of other occupations for which that the claimant is reasonably fitted by training or experience, and is available for work, as demonstrated by the claimant's pursuit of the full course of action most reasonably calculated to result in the claimant's reemployment except that, notwithstanding any other provisions of this section, an unemployed claimant otherwise eligible for benefits shall not become ineligible for benefits: (1) Because of the claimant's enrollment in and satisfactory pursuit of approved training, including training approved under section 236(a)(1) of the trade act of 1974; or (2) solely because such individual is seeking only part-time employment if the individual is available for a number of hours per week that are comparable to the individual's part-time work experience in the base period.

For the purposes of this subsection, an inmate of a custodial or correctional institution shall be deemed to be unavailable for work and not eligible to receive unemployment compensation while incarcerated.

(d) (1) Except as provided further, the claimant has been unemployed for a waiting period of one week or the claimant is unemployed and has
satisfied the requirement for a waiting period of one week under the shared
work unemployment compensation program as provided in subsection (k)
(4) of K.S.A. 44-757(k)(4), and amendments thereto, which and that
period of one week, in either case, occurs within the benefit year which
that includes the week for which the claimant is claiming benefits. No
week shall be counted as a week of unemployment for the purposes of this
subsection:
(A) If benefits have been paid for such week;
(B) if the individual fails to meet with the other eligibility
requirements of this section; or
(C) if an individual is seeking unemployment benefits under the
unemployment compensation law of any other state or of the United
States, except that if the appropriate agency of such state or of the United
States finally determines that the claimant is not entitled to unemployment
benefits under such other law, this subparagraph shall not apply.
(2) The waiting week requirement of paragraph (1) shall not apply to
new claims, filed on or after July 1, 2007, by claimants who become
unemployed as a result of an employer terminating business operations
within this state, declaring bankruptcy or initiating a work force reduction
pursuant to public law 100-379, the federal worker adjustment and
The secretary shall adopt rules and regulations to administer the provisions
of this paragraph.
(3) A claimant shall become eligible to receive compensation for the
waiting period of one week, pursuant to paragraph (1), upon completion
of three weeks of unemployment consecutive to such waiting period.
(e) For benefit years established on and after the effective date of this
act, the claimant has been paid total wages for insured work in the
claimant's base period of not less than 30 times the claimant's weekly
benefit amount and has been paid wages in more than one quarter of the
claimant's base period, except that the wage credits of an individual earned
during the period commencing with the end of a prior base period and
ending on the date on which that such individual filed a valid initial claim
shall not be available for benefit purposes in a subsequent benefit year
unless, in addition thereto, such individual has returned to work and
subsequently earned wages for insured work in an amount equal to at least
eight times the claimant's current weekly benefit amount.
(f) The claimant participates in reemployment services, such as job
search assistance services, if the individual has been determined to be
likely to exhaust regular benefits and needs reemployment services
pursuant to a profiling system established by the secretary, unless the
secretary determines that: (1) The individual has completed such services;
or (2) there is justifiable cause for the claimant's failure to participate in
such services.

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

1. The claimant has filed for benefits within four weeks of being released to return to work by a licensed and practicing health care provider;
2. the claimant files for benefits within 24 months of the date the qualifying injury occurred; and
3. the claimant attempted to return to work with the employer where the qualifying injury occurred, but the individual's regular work or comparable and suitable work was not available.

Sec. 2. K.S.A. 2019 Supp. 44-705 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.