

House Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 197

HOUSE BILL 2541

AN ACT

AMENDING SECTION 23-727, ARIZONA REVISED STATUTES; RELATING TO EMPLOYMENT SECURITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 23-727, Arizona Revised Statutes, is amended to
3 read:

4 23-727. Credits and charges to employer accounts

5 A. The commission shall maintain a separate account for each employer
6 and shall credit the account with all contributions and payments in lieu of
7 contributions paid by the employer and shall charge the account with all
8 benefits chargeable to it.

9 B. Nothing in this chapter shall be construed to grant any employer or
10 individuals in its service prior claims or rights to the amounts paid by the
11 employer into the fund.

12 C. Except as otherwise provided in subsections D, E, F, and G, I AND J
13 of this section and sections 23-773 and 23-777, benefits paid to an
14 individual shall be charged against the accounts of the individual's
15 base-period employers. The amount of benefits so chargeable against each
16 base-period employer's account shall bear the same ratio to the total
17 benefits paid to an individual as the base-period wages paid to the
18 individual by the employer bear to the total amount of base-period wages paid
19 to the individual by all the individual's base-period employers.

20 D. Benefits paid to an individual whose separation from work with any
21 employer occurs under conditions found by the commission to be within those
22 prescribed by section 23-775, paragraph 1 or 2 or for compelling personal
23 reasons not attributable to the employer and not warranting disqualification
24 for benefits shall not be used as a factor in determining the future
25 contribution rate of the employer from whose employment the individual so
26 separated, but the employer shall establish the condition of such separation
27 to the satisfaction of the commission by submitting information the
28 commission requires within ten days after the date of notification or mailing
29 of notice by the commission that the individual has first filed a claim for
30 benefits.

31 E. Benefits paid to an individual who, during the individual's base
32 period, earned wages for part-time employment with an employer shall not be
33 used as a factor in determining the future contribution rate of that employer
34 if the employer continues to give employment opportunities to the individual
35 to the same extent while ~~he~~ THE INDIVIDUAL is receiving benefits as during
36 the base period and the employer submits information the commission may
37 require within ten working days after the date of notification or mailing of
38 notice by the commission that the individual has first filed a claim for
39 benefits. The commission has the burden of proof to establish that the
40 employer failed to give employment opportunities to the individual to the
41 same extent as during the base period.

42 F. Benefits paid to an individual whose employment was terminated by
43 retirement pursuant to a nongovernmental retirement or lump sum retirement
44 pay plan under which the age of mandatory retirement has been agreed upon ON
45 between the employer and its employees or by the bargaining agent

1 representing such employees shall not be used as a factor in determining the
2 future contribution rate of that employer but the employer shall establish
3 that fact by submitting information the commission may require within ten
4 days after the date of notification or mailing of notice by the commission
5 that the individual has first filed a claim for benefits.

6 G. Benefits paid pursuant to section 23-771, subsections B and D shall
7 not be used as a factor in determining the future contribution rate of the
8 affected base-period employers.

9 H. A determination that benefits paid shall be used in determining
10 future contribution rates of the employer may be appealed by the employer in
11 the same manner provided for appeals of benefit determinations.

12 I. BENEFITS PAID TO AN INDIVIDUAL WHOSE EMPLOYMENT WAS TERMINATED
13 BECAUSE THE INDIVIDUAL'S EMPLOYER WAS CALLED TO ACTIVE DUTY IN THE MILITARY
14 SHALL NOT BE USED AS A FACTOR IN DETERMINING THE FUTURE CONTRIBUTION RATE OF
15 THE EMPLOYER FROM WHOSE EMPLOYMENT THE INDIVIDUAL WAS TERMINATED.

16 J. BENEFITS PAID TO AN INDIVIDUAL WHOSE EMPLOYMENT WAS TERMINATED
17 BECAUSE A FORMER EMPLOYEE OF THE EMPLOYER RETURNED TO WORK FOR THE EMPLOYER
18 AFTER BEING CALLED TO ACTIVE DUTY IN THE MILITARY SHALL NOT BE USED AS A
19 FACTOR IN DETERMINING THE FUTURE CONTRIBUTION RATE OF THE EMPLOYER FROM WHOSE
20 EMPLOYMENT THE INDIVIDUAL WAS TERMINATED.

APPROVED BY THE GOVERNOR APRIL 28, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2010.

Passed the House March 22, 2010

Passed the Senate April 21, 2010

by the following vote: 57 Ayes,

by the following vote: 29 Ayes,

1 Nays, 2 Not Voting

0 Nays, 1 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

22 day of April, 2010

at 10:00 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 28th day of

April

at 1:38 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 28th day of April, 2010

at 11:29 o'clock P. M.

[Signature]
Secretary of State

H.B. 2541