

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

SENATE BILL 1388

AN ACT

AMENDING TITLE 23, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING
SECTION 23-771.02; 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. Title 23, chapter 4, article 6, Arizona Revised Statutes,
3 is amended by adding section 23-771.02, to read:

4 23-771.02. Return to work program; program termination

5 A. THE DEPARTMENT SHALL ESTABLISH A RETURN TO WORK PROGRAM TO PROVIDE
6 A STRUCTURED, SUPERVISED TRAINING OPPORTUNITY TO INDIVIDUALS THROUGH
7 DESIGNATED EMPLOYERS. AN INDIVIDUAL IN THE PROGRAM SHALL BE AT LEAST
8 EIGHTEEN YEARS OF AGE AND SHALL REGISTER WITH THE DEPARTMENT.

9 B. INDIVIDUALS MAY PARTICIPATE IN THE PROGRAM ON A VOLUNTARY BASIS.
10 AN INDIVIDUAL MAY PARTICIPATE IN THE PROGRAM FOR NOT LESS THAN TWENTY HOURS
11 AND NOT MORE THAN THIRTY-TWO HOURS PER WEEK, BUT NOT TO EXCEED SIX WEEKS.
12 INDIVIDUALS WHO PARTICIPATE IN THE PROGRAM MAY CONTINUE TO RECEIVE
13 UNEMPLOYMENT COMPENSATION BENEFITS PURSUANT TO SECTION 23-771.01, SUBSECTION
14 A, PARAGRAPH 2.

15 C. THE DEPARTMENT SHALL PROVIDE WORKERS' COMPENSATION COVERAGE TO
16 INDIVIDUALS WHO PARTICIPATE IN THE PROGRAM, INCLUDING BUT NOT LIMITED TO
17 COVERAGE FOR ANY INJURY OR ILLNESS ARISING FROM OR IN THE COURSE OF
18 PARTICIPATION IN THE PROGRAM WITH AN EMPLOYER UNDER THE PROGRAM.

19 D. AN EMPLOYER THAT PARTICIPATES IN THE PROGRAM MUST:

20 1. BE LOCATED IN THIS STATE.

21 2. PROVIDE TRUE TRAINING OPPORTUNITIES THAT BENEFIT THE INDIVIDUAL AND
22 NOTIFY THE DEPARTMENT WHEN THE EMPLOYER OFFERS AN INDIVIDUAL A TRAINING
23 OPPORTUNITY UNDER THE PROGRAM.

24 3. CERTIFY TO THE DEPARTMENT THAT THE EMPLOYER WILL NOT PAY ANY WAGES
25 TO THE INDIVIDUAL.

26 4. SIGN A WRITTEN AGREEMENT WITH EACH INDIVIDUAL WHO PARTICIPATES IN
27 THE PROGRAM SETTING FORTH THE TERMS OF THE TRAINING.

28 5. AGREE THAT THE EMPLOYER'S CURRENT EMPLOYEES WILL NOT BE DISPLACED
29 OR LOSE ANY PROMOTION RIGHTS DUE TO AN INDIVIDUAL PARTICIPATING IN THE
30 PROGRAM.

31 6. PROVIDE ANY ADDITIONAL INFORMATION RELATING TO THE JOB TRAINING
32 THAT IS REQUESTED BY THE DEPARTMENT.

33 E. AN INDIVIDUAL WHO PARTICIPATES IN THE PROGRAM MUST:

34 1. BE CURRENTLY RECEIVING OR BE ELIGIBLE TO RECEIVE UNEMPLOYMENT
35 COMPENSATION BENEFITS, PURSUANT TO SECTION 23-771.01, SUBSECTION A,
36 PARAGRAPH 2.

37 2. BE WILLING TO DEVELOP NEW SKILLS AND OR WORK EXPERIENCE.

38 3. CONTINUE TO SEEK WORK UNLESS OTHERWISE EXEMPT, PURSUANT TO SECTION
39 23-771.01, SUBSECTION A, PARAGRAPH 2.

40 4. CERTIFY TO THE DEPARTMENT THAT THE INDIVIDUAL UNDERSTANDS THAT
41 PARTICIPATING IN THE PROGRAM DOES NOT GUARANTEE THE INDIVIDUAL ANY FUTURE
42 EMPLOYMENT OR EXPECTATIONS OF BEING HIRED BY THE EMPLOYER.

43 5. ATTEND A MANDATORY PROGRAM ORIENTATION THAT IS CONDUCTED BY THE
44 DEPARTMENT.

45 6. PROVIDE ANY INFORMATION THAT IS REQUESTED BY THE DEPARTMENT.

1 F. THE PROGRAM ESTABLISHED BY THIS SECTION ENDS ON JULY 1, 2022
2 PURSUANT TO SECTION 41-3102.

3 Sec. 2. Department of economic security: exemption from rule
4 making

5 The department of economic security is exempt from the rule making
6 requirements of title 41, chapter 6, Arizona Revised Statutes, for the
7 purposes of implementing this act.