

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

400R0270

HOUSE ENGROSSED NO. **HB 1018** - 2/23/2010

Introduced by: The Committee on Commerce at the request of the State Unemployment  
Insurance Advisory Council

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding unemployment  
2 insurance benefit eligibility of part-time workers and to provide additional unemployment  
3 insurance benefits to workers attending approved training.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That chapter 61-6 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 No individual may be denied regular benefits based on availability for work pursuant to  
8 subdivision 61-6-2(3), actively seeking work pursuant to rules promulgated pursuant to § 61-6-  
9 2, or refusal to accept work pursuant to § 61-6-15, solely because the individual is seeking only  
10 part-time work, if the department determines that a majority of the weeks of work in the  
11 individual's base period were for less than full-time work. For purposes of this section, seeking  
12 only part-time work, means seeking work that has comparable hours to the individual's part-time  
13 work experience in the individual's base period.

14 Section 2. That chapter 61-6 be amended by adding thereto a NEW SECTION to read as  
15 follows:



1 In addition to and subsequent to payment of all benefits otherwise allowed under this chapter  
2 and without restriction with respect to an individual's benefit year, training extension benefits  
3 shall be payable to any individual if all of the following criteria are met:

- 4 (1) The individual is unemployed;
- 5 (2) The individual has exhausted all rights to regular and extended benefits;
- 6 (3) The individual is enrolled, no later than the end of the benefit year established with  
7 respect to the separation that makes the individual eligible for the training benefit,  
8 and making satisfactory progress, as determined by the secretary, in a training  
9 program approved by the department, or in a job training program authorized under  
10 the Workforce Investment Act of 1998. Each such training program shall prepare the  
11 individual who has been separated from a declining occupation, as determined by the  
12 department, or who has been involuntarily and indefinitely separated from  
13 employment as a result of a permanent reduction of operations at the individual's  
14 place of employment, for entry into a high-demand occupation, as determined by the  
15 department; and
- 16 (4) The individual is not receiving similar stipends or other training allowances for  
17 nontraining costs.

18 The amount of unemployment compensation payable under this section to an individual for  
19 a week of unemployment shall be equal to the individual's weekly benefit amount for the  
20 individual's most recent benefit year, less deductible earnings or income, if any. The total  
21 amount payable under this section to any individual shall be equal to twenty-six times the  
22 individual's weekly benefit amount for the individual's most recent benefit year. The former  
23 employer's experience-rating account may not be charged for benefits paid under this section.

24 Section 3. The provisions of this Act are repealed on July 1, 2013.