

47:06:04:21. Criteria for "actively seeking work." To be considered able to work and available for work a claimant must be "actively seeking work." In determining what constitutes "actively seeking work," the secretary or the secretary's representative shall consider whether the efforts the claimant has made to obtain work have been reasonable and are efforts an unemployed individual is expected to make if the individual is honestly looking for work. Participation by the claimant in a department approved "reemployment services" program shall be considered to be "actively seeking work". For all other individuals, the criteria used by the secretary or representative to determine if a claimant is "actively seeking work" include the following:

(1) The prevailing occupational wage that the claimant is suited for by experience or training in the area where the claimant resides in relation to the wage the claimant is willing to accept. Individuals who have been trained for an occupation or have work experience in an occupation for which there is not current or anticipated demand in the area where they reside, as determined by the secretary or representative, must be available for work that they are capable of doing at the prevailing wage rate for that type of work; and

(2) Unless exempt under § 47:06:04:11, the job contacts made by the claimant which meet the following criteria:

(a) Claimants filing for regular benefits must make two job contacts in each week for which benefits are requested. Weekly claims for benefits payable after regular benefits are exhausted, such as extended, supplemental, or emergency benefits, require at least five job contacts in each week for which benefits are requested. The secretary or representative may change the number of required job contacts based on local labor market conditions;

(b) Claimants must make the job contact in the manner customarily required by the employer. However, contact by telephone does not satisfy this requirement; and

(c) Claimants must keep and provide when requested the records of their job contacts that the secretary or representative requires to verify compliance with this section. The records must be kept up-to-date for each week benefits are claimed and must be retained for at least two months after the last weekly claim was filed.

Source: 7 SDR 56, effective December 15, 1980; 9 SDR 81, 9 SDR 124, effective July 1, 1983; 11 SDR 86, effective January 1, 1985; 18 SDR 62, effective October 9, 1991; 38 SDR 11, effective August 9, 2011; 39 SDR 127, effective January 23, 2013.

General Authority: SDCL 61-6-1(3).

Law Implemented: SDCL 61-6-1.