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Unemployment Insurance Law: Guide to Internet and Library Resources

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Introduction and Overview of the Law Governing Unemployment Insurance

A joint federal and state scheme of unemployment insurance provides compensation to workers who find themselves temporarily unemployed through no fault of their own. This system of benefits for those who are unemployed but otherwise able and available for work should not be confused with the system of workers' compensation that exists in Arizona and other states to provide compensation for individuals injured on the job.

As in most states, the legislature in Arizona has set out general guidelines for the entitlement to unemployment compensation benefits. See Arizona Revised Statutes (ARS) Title 23, ch. 4. Specific rules for benefit eligibility and the processing of benefit claims are set out in greater detail in the Arizona Administrative Code. See Arizona Administrative Code (AAC) Title 6, ch. 3. In Arizona, an employee must first make a claim for benefits; the Department of Employment Security then notifies the employer(s) that a claim has been made. ARS § 23-772, AAC § R6-3-1803. The department then reviews the claim and makes a determination of whether the employee is eligible for unemployment benefits. ARS § 23-773, AAC § R6-3-1803. Arizona law provides for a disqualification from benefits for a variety of reasons, including voluntarily quitting work without good cause related to the employment or discharge for wilful or negligent misconduct connected with the employment. ARS § 23-775, AAC §§ R6-3-5005 to R6-3-50515 (voluntarily quitting), AAC §§ R6-3-5105 to R6-3-51490 (misconduct). Special sections of the Arizona statutes provides for denial of benefits to certain athletes and aliens. ARS § 23-781. In order to continue to receive bedfast, the claimant must remain able and available for work. ARS § 23-771, AAC §§ R6-3-5205 to R6-3-52510. For those dissatisfied with the department's initial decision, the law provides for review by an appeal tribunal. ARS § 23-671, AAC § R6-3-1502 to R6-3-1507. Benefits are calculated according to a complicated formula which looks to a percentage of a worker's income during a defined "base period." ARS

§ 23-773. In general, benefits may not be assigned or attached for payment of debts, ARS § 23-783, with the exception of child support obligations. ARS § 23-789. Those otherwise entitled to unemployment compensation may have their benefits reduced if they also receive certain types of pension payments. ARS § 23-791, AAC § R6-3-1808. If an employee has received unemployment compensation in the past to which the employee was not entitled, the department may withhold current benefits to recoup the overpayment. ARS § 23-787, AAC § R6-3-1813.

Resources Available on the Web

Arizona Department of Economic Security Employment Security Administration. This is the main Unemployment Insurance page; it contains items of interest to both employers and employees. Separate pages at the Employment Security Administration site that provide useful information about unemployment insurance include:

- A Frequently Asked Questions page that answers common questions about the process of applying for unemployment insurance benefits
- ARIZONA UNEMPLOYMENT INSURANCE HANDBOOK: What You Should Know About Unemployment Insurance In Arizona - This page has a detailed table of contents and covers all areas of unemployment insurance in Arizona, including procedures, eligibility and the appeals process
- Arizona Unemployment Benefits -- This page provides an overview of the program for employers

U.S. Department of Labor Unemployment Insurance index page--has links to detailed discussions of topics such as a history and background of unemployment insurance law, benefits for ex military personnel, and extended benefits. Other pages of interest at the US Department of Labor site include:

- Unemployment Compensation information for employers--this page offers good background information on the unemployment insurance programs without a great deal of needless detail
- Unemployment Compensation for federal employees
- Unemployment Compensation for ex servicemembers
- Extended Benefits

Resources Available in the Law Library

The Arizona Revised Statutes (ARS) (Main Fl, Arizona Collection) and Arizona Administrate Code (AAC) (Law Reserve KFA 2435 A23 1974) are available in print in the law library. Although versions of both are available on the web, as noted above,

there are some advantages to consulting the printed versions in the law library. The printed version of the ARS is annotated with references to relevant cases, law review articles, and legal encyclopedia topics. The printed version of the AAC is the only official source as is stated on the Secretary of State's website.

The Arizona Digest (Main Fl, Arizona Collection) provides another useful tool for finding cases that have been decided concerning unemployment insurance benefits. Digests provide the primary means for finding case law on a given topic. Digests are arranged alphabetically by topic name. Within each topic special "key numbers" are assigned for each subpart of the topic. Under these key numbers, cases dealing with that subtopic are summarized or "digested", and a citation to the case is given. Cases dealing with Unemployment Insurance are grouped under the digest topic "Social Security and Public Welfare" (v. 22 of the Arizona Digest). Cases related to unemployment benefits are digested under key numbers 251 to 751 of the topic Social Security and Public Welfare.

The law library also subscribes to a specialized looseleaf service, the CCH Unemployment Insurance Reporter [KF 3673.4 .C6]. Despite its title, only the second half of this four volume set deals with unemployment insurance (the first half deals with Social Security). This one source draws together federal and state statutes on unemployment compensation as well as summaries of court and administrative decisions. The final volume of the set concentrates on Arizona law and contains the text of statutes, agency regulations, and summaries of decisions of Arizona appellate courts.

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