

Model State Legislation: Work Search Requirements

Introduction

Below is model state legislation you can use to implement the policy recommendations from [our work search policy advocacy brief](#). Specifically, the model is meant to reform your state's work search requirements to ensure workers are not denied unemployment insurance (UI) benefits and/or issued overpayments. One of the biggest barriers to UI reciprocity and causes of overpayments can be work search requirements and reporting.

The model offers different reform options depending on your state's current work search requirements and what is feasible given the political landscape in your state, as well as current federal law and guidance. Please see the [work search brief](#) for more information and context around the various options, as well as additional resources to support this model.

Please note that the process of drafting legislation can vary depending on state-specific legal and policy issues. For example, every state already has an established law setting work search requirements for UI. So, the suggested requirements and activities below may need to be adjusted to meet the needs of your state's workers, as well to ensure they are more inclusive than your state's current work search requirements. Similarly, the model language may need to be adopted to use the right terms and definitions to match existing state law. Please contact uihelp@nelp.org for more information on how to adapt or customize the model. A downloadable Word version of this model state legislation is available [here](#).

Model State Legislation

Section 1. Findings and Declarations

(A) The Legislature finds and declares: _____

Section 2. Definitions

(A) Suitable work: _____

(B) Work Search Activity: an act that is part of a broader course of action by the claimant that is reasonably designed to result in their prompt reemployment in suitable work, considering their usual occupation or for which they are reasonably suited, the current condition of the labor market, and any unique circumstances of a claimant's situation. See examples of Work Search Activities in Section 4.

Section 3. Work Search Requirement

- (A) A claimant is ineligible for unemployment compensation benefits for any period for which the department finds that they have not met the work search requirement described in Section 3(D) or been exempted under Section 5 or Section 6 of this Statute.
- (B) The department shall provide each claimant with written information and assistance about the work search requirement. Upon request of a claimant or upon identification by the department of a claimant's need, additional oral information and assistance, as to how, when, where, and in what manner to apply for and look for a job. Seeking assistance with the department by contacting, visiting, or any other means of communication shall constitute a Work Search Activity for the purposes of paragraph 3(D), regardless of whether the department actually provides the requested assistance or whether that assistance actually results in an application, interview, job offer, or any other employment outcome. The **[department]** will develop a work search plan with a claimant when:
- (1) in the department's judgment, the claimant's work search is inadequate or the claimant has failed to maintain or provide a work search record;
 - (2) the claimant requests a work search plan; or
 - (3) Federal programs require a work search plan.

The work search plan shall include strategies and approaches which are tailored to the claimant's specific skills, experience, training and circumstances. If a claimant is limiting his or her work search for any reason, the work search plan will discuss these restrictions. The **[department]** will advise the claimant whether these restrictions will be a barrier to the claimant's eligibility for benefits. If such a barrier exists, the claimant will be given an opportunity to remove the restriction. For example, these restrictions may include salary expectations, expectations regarding hours of work, or limits on work location.

- (C) **Option 1: (Preferred)** The claimant shall be required to show that they have performed at least **one** Work Search Activity per week in order to claim unemployment insurance benefits for that week.

Option 2: The claimant shall be required to show that they have performed at least one "Column A" work search activity per week as defined in paragraph (4)(A) or any

other activity that includes direct application with an employer who may reasonably be expected to have openings suitable to the claimant.

Section 4. Work Search Activity

(A) Actions which may be considered a Work Search Activity include, but are not limited to, the following:

Column A	Column B
(1) Making application with such employers who may reasonably be expected to have openings suitable to the claimant. Positions on any job-search aggregate website are presumed to be open, and any employer with a posting on such a website is presumed to have openings for the purposes of this work search activity.	(5) Registering with a placement facility of a school, college, or university if one is available to the claimant in their occupation or profession.
(2) Applying for employment with former employers.	(6) Registering with a placement facility of the claimant's professional organization.
(3) Responding to appropriate "want ads" for work which is suitable to the claimant.	(7) Registering for suitable work with a private employment agency or an employer's placement facility.
(4) Using reemployment services at an American Jobs Center (AJC).	(8) Creating a user profile on a professional networking site.
	(9) Registering for work with a private employment agency.
	(10) Attending a job-search seminar or job fair.
	(11) Making application or taking examination for openings in the civil service of a governmental unit with reasonable prospects of suitable work for the claimant.

Section 5. Modifications to the Weekly Work Search Requirement

(A) No claimant shall be denied benefits solely on the ground that they have failed or refused to register with a private employment agency or any other placement process which charges the job-seeker a fee for its services.

(B) A claimant who does not perform any work search activities in a particular week may only be denied benefits for the particular week in which they did not perform any work search activities. A claimant's failure to perform a work search activity during any particular week shall not preclude or otherwise impact a claimant from eligibility for unemployment compensation benefits for any other weeks during the benefit period or from eligibility for unemployment compensation benefits in general.

(C) A claimant who is prevented from performing a work search activity in a particular week for a good reason/good cause, as defined by **[insert state-specific code here, if applicable]** shall be not denied benefits for that week. Examples of good causes include, but are not limited to:

- (1) good faith reliance on an employer's promise to recall laid-off workers that does not materialize
- (2) an inability to find work that accommodates a language barrier
- (3) an inability to access transportation to attend a planned work search activity
- (4) temporary illness or disability of the claimant or of a member of the claimant's household or family

(D) For claimants who worked "**part-time**" **[32 hours per week/how each state defines part-time]** during their base period, making application with such employers who may reasonably be expected to have "part-time" openings shall be considered a work search activity for the purposes of paragraph 3(D). Such positions shall not be considered "suitable to the claimant" for the purposes of a termination of benefits unless:

- (1) the weekly hours worked during the claimant's base period are equal to or less than the position for which the claimant applies, AND
- (2) the claimant had actual notice of the hours at the time of application, AND
- (3) the position meets other suitability requirements considering the claimant's usual occupation or for which they are reasonably suited, the current condition of the labor market, and any unique circumstances of a claimant's situation.

(E) Notwithstanding any of the foregoing, if the department finds that for a particular locality, occupation, or class of claimant or due to other extenuating circumstances during a certain time, the prospects of suitable job openings other than those listed with the

public employment service are so remote that any effort to search for suitable work other than by filing a claim for unemployment compensation benefits would be fruitless to the claimant and burdensome to employers, then such weekly filing and reporting by the claimant shall fulfill the weekly work search requirement described in Section 3(D). The circumstances to which the department shall apply this subdivision include, but are not limited to, the following:

(1) **Trade Dispute:** Claimant's labor market has been virtually eliminated due to a trade dispute.

(2) **Seasonal Shutdown:** Claimant's unemployment is due to a seasonal shutdown in the industry in which the claimant works and the likelihood of obtaining other work is remote.

(3) **Specialized Skill:** The claimant's specialized skill is such that a limited number of job prospects are available for them and they have exhausted the potential sources of these jobs.

(F) Jury Duty: Notwithstanding any other provision of this section, an otherwise eligible individual may not be denied benefits for any week because they are before any state or federal court pursuant to a lawfully issued summons to appear for jury duty for three or more days within a particular week.ⁱ

Section 6. Full Exemptions from the Work Search Requirement

(A) Workers are exempt from the Work Search Requirement defined in Section 3 in the following instances:

(1) **Union Members:** The work search requirement does not apply to union members who customarily obtain employment through a union hiring hall or placement process automatically satisfy the work search requirement by registering with the claimant's union hiring hall or placement process, remaining in good standing, and meeting all union registration requirements and all other union requirements affecting dispatch to a job.

a. If an agreement by employers, unions, and the department to serve applicants for work in the claimant's occupation exists, the terms of that agreement shall supersede the Work Search Requirements defined in Section 3.

(2) **Temporary Layoffs:** The work search requirement does not apply to claimants who are not working but are still employer attached as a result of a temporary

layoff of 6 weeks or fewer or who are claiming benefits under an approved short-time compensation plan.

(3) Required Participation in Reemployment Services: The work search requirements of this section do not apply to persons required to participate in reemployment services **[as exist in each individual state]**

(4) Definite Job Promise: The claimant has a definite job promise within a reasonable time.

(5) Inclement Weather: There is a temporary layoff due to inclement weather or a natural disaster, or a temporary layoff for another cause whose claimants are still employer attached and given a return-to-work date within six weeks.

(6) In areas of high unemployment, the **[department]** shall, in the absence of federal law to the contrary, adjust the work search requirement of this Act as follows:

- (i) The adjustment will be implemented by waiving the search for work requirement of all claimants who reside in an area experiencing a total unemployment rate of 5% or more.

- Comment: 5% came from the Federal-State extended benefits trigger.

(B) The **[department]** *may* waive the Work Search Requirement defined in paragraph 3(D) when an employer attached claimant's return-to-work date is greater than six weeks, as opposed to the mandatory waiver described in paragraph 6(A)(5), but sufficiently imminent as to make a search for temporary employment fruitless to the claimant and burdensome to employers.

Section 7. Work Search Documentation and Reporting

Option 1: Work Search Log

(A) The claimant shall be required to log their work search activities via **[state-specific online portal]**, paper, telephone, or electronic log alongside their weekly certification. Such work search log may include the type of contact the worker made and the means of contact. Such means may include electronic, telephonic, or in-person communications. Claimants should not be asked to provide information irrelevant to their type of work search such as physical address when a resume was submitted electronically.

(1) Claimants who seek or receive assistance through the work search agency, job center, workforce agency, or any other department-facilitated work search program automatically fulfill this requirement. The program shall attest to the claimant's

compliance with this requirement for every week in which the claimant sought such assistance, as defined in Sec. 3(B) of this statute.

(B) The claimant may upload any supporting documentation (e.g., confirmation emails, application receipt letters, etc.) alongside their work search activities on **[state-specific online portal]**. However, nothing in this Act should be construed to require documentation for any specific work search activity.

Option 2: Benefit Accuracy Measurement

(A) The **[department]** shall assess the general integrity of benefit claims within the state through the Benefit Accuracy Measurement (BAM) Program, as required by 20 C.F.R. part 602.

Option 3: Random audits

(A) Each week, the **[department]** shall select **[state-specific number or percentage]** of all claims accepted for that specific week and **[state-specific number or percentage]** for auditing. From each audited claimant, the **[department]** will request a list of Work Search Activities performed that includes:

- (1) The nature of the work search activity
- (2) The name of any contacted employer, if applicable
- (3) The contact information of any contacted employer, if applicable

(D) The claimant's work search log/report creates a presumption that the claimant performed the job search unless the **[department]** can conclusively prove the worker willfully misrepresented their job search.

(E) The **[department]'s** inability to contact the claimant during a particular week shall not be construed as a claimant's failure to demonstrate Work Search Activity.

(F) The **[department]'s** inability to contact a listed potential employer, agency, placement process, union representative, seminar host, or any other relevant contact shall not be construed as a claimant's failure to demonstrate Work Search Activity.

[State portal-specific upload/submission procedures]

ⁱ Please see the below existing state examples for reference:

-
- MARYLAND: "An individual may not be denied benefits for any week of unemployment for failure to meet the requirements of § 8-903(a)(1) of this subtitle to be able to work, be available to work, and actively seeking work if the failure results from:
 - (1) a summons to appear for jury duty; or
 - (2) service as an election judge for a local board of elections in the State...." Md. Code Ann., Lab. & Empl. § 8-907
 - MINNESOTA: "This clause does not apply to an applicant who is in reemployment assistance training or who was on jury duty throughout the week;..." Minn. Stat. Ann. § 268.085.
 - WASHINGTON: "No otherwise eligible individual shall be denied benefits for any week because he or she is serving as a prospective or impaneled juror in any court of this state...." Wash. Rev. Code Ann. § 50.20.117.
 - UTAH: "Benefits may be allowed if the claimant failed to make the required work search because he was on jury duty and benefits would have been allowed under similar circumstances to a claimant for regular benefits...." 2007 UT 30442; 2007 UT Regulation Text 30442.
 - "If the claimant made the required work search but was unable to work for more than half the normal workweek, he or she may not be eligible..." 2007 UT 30442; 2007 UT Regulation Text 30442.
 - WISCONSIN: "Jury duty shall be good cause for not reporting for an eligibility review under s. DWD 128.03...." Wis. Admin. Code DWD § 128.01 (Lexis Advance through Wis. Admn. Register No. 834B, June 30, 2025).
 - IDAHO: "Jury Duty/Subpoenas. A claimant serving on jury duty or subpoenaed is excused from the availability and work-seeking requirements of the law for that time period. A claimant is not ineligible if he must refuse work because of the jury duty or subpoena...." 2005 ID 4066; 2005 ID Regulation Text 4066.