

2.8 ELIGIBILITY REQUIREMENTS

2.8.1 **Statutory References:** - 8-73-107, 8-73-108 (5)(a)(b)(c), and 8-73-113, C.R.S.

2.8.4 **Actively Seeking Work.** A claimant must make a systematic and sustained effort to actively seek suitable work unless otherwise relieved of this requirement when he or she is participating in approved training, is job attached, has a qualifying job separation as a surviving military spouse, or has limited job opportunities pursuant to articles 70 to 82 of title 8, C.R.S., or the regulations. A claimant who limits his or her work search solely to positions that are not available in the labor-market area or to positions for which he or she is not reasonably qualified shall not be considered actively seeking suitable work. IN GENERAL, A CLAIMANT SHALL BE CONSIDERED TO BE ACTIVELY SEEKING WORK IF HE OR SHE IS FOLLOWING A COURSE OF ACTION REASONABLY DESIGNED TO RESULT IN PROMPT REEMPLOYMENT IN SUITABLE WORK. FAILURE TO ESTABLISH TO THE SATISFACTION OF THE DIVISION THAT THE WORK-SEARCH ACTIVITIES IN WHICH THE CLAIMANT ENGAGES ARE REASONABLY DESIGNED TO RESULT IN PROMPT REEMPLOYMENT MAY RESULT IN A DISALLOWANCE OF BENEFITS.

.1 **Systematic and Sustained Effort.** A *systematic and sustained effort* means a high level of job-search activity throughout the given week. Such activity should be commensurate with the number of employers or employment opportunities that exist in the labor market and that reasonably apply to the claimant as determined in accordance with 2.8.4.2. Such activity shall include An independent search for work that results in contacting people who have the authority to hire or following the hiring procedures required by a prospective employer, as well as referrals offered by organized public and private agencies, such as a state workforce center or a private placement office or hiring hall. **EVIDENCE OF WORK SEARCH.** A CLAIMANT SHALL, UPON REQUEST BY THE DIVISION, PROVIDE VERIFIABLE INFORMATION OF HIS OR HER WORK-SEARCH ACTIVITIES. SUCH ACTIVITIES MAY INCLUDE, BUT ARE NOT LIMITED TO:

1. APPLYING FOR A JOB FOR WHICH THE CLAIMANT IS REASONABLY QUALIFIED
2. INTERVIEWING FOR A JOB FOR WHICH THE CLAIMANT IS REASONABLY QUALIFIED
3. TAKING AN EXAM REQUIRED AS PART OF THE APPLICATION PROCESS FOR A NEW JOB FOR WHICH THE CLAIMANT IS REASONABLY QUALIFIED
4. CONTACTING AN EMPLOYER, WHOM THE CLAIMANT REASONABLY BELIEVES MAY HAVE AVAILABLE SUITABLE WORK, TO INQUIRE AS TO WHETHER THE EMPLOYER IS HIRING
5. BEING REFERRED TO A JOB BY A STATE WORKFORCE CENTER OR OTHER ENTITY WHICH PROVIDES SIMILAR SERVICES
6. CREATING A RESUME
7. ADDING A RESUME TO AN ONLINE JOB BOARD
8. ENGAGING IN DOCUMENTED USE OF ONLINE CAREER TOOLS
9. PARTICIPATION IN REEMPLOYMENT SERVICES AT A STATE WORKFORCE CENTER OR OTHER LOCATION WHERE SUCH SIMILAR SERVICES ARE PROVIDED
10. PARTICIPATION IN STATE-SPONSORED OR OTHER PROFESSIONAL JOB-RELATED EDUCATION OR SKILLS DEVELOPMENT
11. CREATING A USER PROFILE ON A PROFESSIONAL NETWORKING WEBSITE
12. PARTICIPATING IN NETWORKING EVENTS RELATED TO A JOB OR OCCUPATION FOR WHICH THE CLAIMANT IS REASONABLY QUALIFIED

.2 **Number of Contacts. WORK-SEARCH ACTIVITIES.** The number of employers a claimant must contact each week in order to be considered actively seeking work shall be determined by the division. In determining the adequacy of work search in terms of the number of job contacts required, the division, or the division's designee, which may include, but not be limited to, a workforce center, shall consider, but not be limited to, a consideration of the employment opportunities in the claimant's labor market area, the qualifications of the claimant, and the normal practices and customary methods for obtaining work. Failure to make the required number of job contacts may result in a disallowance of benefits. THE ACCEPTABLE NUMBER OF WORK-SEARCH ACTIVITIES THAT THE CLAIMANT ENGAGES IN EACH WEEK SHALL BE DETERMINED BY THE DIVISION.

.3 **Record of Job Contacts.** A claimant who is required to make an active search for work must maintain a written record of weekly job contacts. This record must contain tangible evidence of an active search for work. The claimant must provide a copy of said record, or any portion thereof, to the division at its request, and the claimant must keep this record available for inspection by the division for a period of two years after the date the claimant filed the initial claim for unemployment insurance benefits. Failure by a claimant to provide this record or to include in that record tangible evidence of a systematic and sustained work search shall result in a determination that the claimant has not met the requirement to actively seek work pursuant to 8-73-107 (1)(g), C.R.S., except that such a failure may be permitted if it is determined that the failure was due to circumstances outside the claimant's control. **REASONABLY DESIGNED TO RESULT IN PROMPT REEMPLOYMENT.** IN DETERMINING THE ADEQUACY OF AN INDIVIDUAL'S WORK-SEARCH ACTIVITIES, THE DIVISION SHALL CONSIDER THE TOTALITY OF THE EFFORTS MADE BY THE CLAIMANT TO BECOME REEMPLOYED. IN ADDITION, THE DIVISION, OR THE DIVISION'S DESIGNEE SHALL CONSIDER, BUT NOT BE LIMITED TO, THE EMPLOYMENT OPPORTUNITIES IN THE CLAIMANT'S LABOR MARKET AREA, THE SKILLS AND QUALIFICATIONS OF THE CLAIMANT, AND THE NORMAL PRACTICES AND CUSTOMARY METHODS FOR OBTAINING WORK.

.1 **Tangible Evidence.** *Tangible evidence*, for the purposes of this section, shall mean a written record that can be verified and includes the action taken; method of applying for work; type of work sought; the name of the employer or person who was contacted; a telephone number, e-mail address, or other reliable contact information for the employer or person contacted; and the outcome of the contact.

.4 **Warning Letter.** The Director or the Director's designee, at his or her discretion, may elect to issue a warning letter to any claimant who has failed to meet the work search requirements of the law. This authority shall, in no way, limit the authority of the Division to issue a disallowance of benefits when it is determined that a claimant has not met the work search requirements of the law. If a claimant has been issued a warning letter for failing to meet the work search requirements of the law and is again determined to have failed to meet the requirements, another warning letter shall not be issued. Instead, a disallowance of benefits shall be issued for the weeks in which the second and any subsequent failure occurred unless the circumstances of that failure were outside the claimant's control as provided under regulation 2.8.4.3. **VERIFIABLE INFORMATION.** VERIFIABLE INFORMATION AS USED IN SECTION 2.8.4.1 MAY INCLUDE:

1. EMPLOYER CONTACT INFORMATION, INCLUDING BUSINESS NAME, ADDRESS, PHONE NUMBER, EMAIL ADDRESS
2. NAME AND TITLE OF PERSON CONTACTED
3. DOCUMENTATION OF USE OF AN ONLINE CAREER TOOL
4. CONFIRMATION OF AN ONLINE JOB BOARD SUBMISSION
5. NETWORKING EVENT NAME AND LOCATION

6. SPECIFICS OF JOB-RELATED EDUCATION OR OTHER SKILLS DEVELOPMENT ACTIVITY
7. REEMPLOYMENT SERVICE IN WHICH YOU PARTICIPATED

~~.1 **Penalties.** If a claimant is issued a warning letter, pursuant to this section, it shall be considered in determining whether a claimant made a false representation or willfully failed to disclose a material fact for the purpose of determining whether monetary or weekly penalties should be imposed pursuant to 8-81-101 (4)(a)(II), C.R.S.~~

- .5 Seasonal Worker.** A claimant who is seasonally employed is not relieved of the responsibility to ~~seek work~~ TO ENGAGE IN WORK-SEARCH ACTIVITIES.
- .6 Incarcerated Worker.** A claimant who is incarcerated and who is unable to seek work is not actively seeking work.
- .7 Limited Job Opportunities.** If, due to economic conditions within the labor-market area, the division determines that any effort to search for work would be fruitless for the claimant and burdensome to employers, then registering for work as directed by the division shall constitute an active search for work.
- .8 Part-Time Worker.** Whether a part-time worker is actively seeking work shall be determined in accordance with regulation 2.2.
- .9 Self-Employment.** Whether an individual engaged in self-employment activities is actively seeking work shall be determined in accordance with regulation 2.5.
- .10 Qualifying Job Separation as a Surviving Military Spouse.** The division shall waive the requirement to actively seek work for a claimant who relocates to a new place of residence because of the death of a spouse in combat, provided that the claimant is available for suitable work and that the individual claimant's spouse at the time of death had been a member of the United States Armed Forces on active duty as defined in 10 U.S.C. Sec. 101(d)(1), active guard and reserve duty as defined in 10 U.S.C. Sec. 101 (d)(6), or title 10 or 32 of the United States Code. THIS WAIVER SHALL BE EFFECTIVE FOR A PERIOD OF FOUR WEEKS, BEGINNING IN THE WEEK IN WHICH THE CLAIMANT RELOCATES TO THE NEW PLACE OF RESIDENCE. THIS PERIOD MAY BE EXTENDED IF THE CLAIMANT DEMONSTRATES TO THE SATISFACTION OF THE DIVISION THAT A COMPELLING REASON FOR SUCH AN EXTENSION EXISTS. THEREAFTER, THE CLAIMANT SHALL BE REQUIRED TO ACTIVELY SEEK WORK IN ACCORDANCE WITH THIS PART II.

.4a Program for specified groups. At the discretion of the director of the Division of Unemployment Insurance, specified groups of job seekers may participate in dedicated services at their workforce center:

- ~~.1 Participation in the identified program shall be voluntary.~~
- ~~.2 Participants shall be allowed to replace employer contacts as specified in regulation 2.8.4.1 with other activity designed to help them return to work. Such activity shall be directed by workforce center staff and shall include, but not be not limited to, assistance with resume writing and job interview skills, and any other workforce activity aimed at shortening the participants' period of unemployment.~~
- ~~.3 The division shall deem acceptable for systematic and sustained effort any activity outlined in 2.8.4a.2 in which participants engage.~~

- .4 For work-search activity as outlined in 2.8.4.4a.2, *tangible evidence* shall mean a written record that can be verified and that includes: the date of the activity; the location of the activity; the provider of the activity; the telephone number, e-mail address, or other reliable contact information of the provider of the activity.
- .5 In cooperation with staff in workforce centers, the Division shall encourage participants to continue their sustained efforts to prepare for, seek, and find employment.