**Section 2865.115 Actively Seeking Work**

a) An individual is actively seeking work when he makes an effort that is reasonably calculated to return him to the labor force. Reasonableness is determined by factors including, but not limited to: the individual's physical and mental abilities, his training and experience, the employment opportunities in the area, the length of unemployment, and the nature and number of work search efforts in light of the customary means of obtaining work in the occupation.

b) An individual is not actively seeking work if he seeks work that is unrealistic in light of his physical or mental limitations.

 Example: The individual, seven months pregnant, quit her job as an assembler because it was strenuous and required her to be constantly on her feet. She applies for work at a factory, as an assembler, under conditions essentially the same as those of her last job. She would be determined to be not actively seeking work.

c) The individual is not actively seeking work if he seeks work that is unrealistic in light of his training or experience.

 Example: The individual has always wanted to be a real estate agent; this requires a license he does not possess. To the extent that he only seeks work as a real estate agent, he would be determined to be not actively seeking work.

d) Whether an individual is actively seeking work is determined in part by comparing his occupation with labor market conditions in the locality. In some cases, an application for work can have a continuing effect.

 Example: The individual is a waitress, just laid off by one of three restaurants in her community. During her first two weeks of unemployment, she applies for work at the other two restaurants and awaits the results of her efforts. She would be determined to be actively seeking work for that period.

e) As the period of unemployment lengthens, the individual should intensify his efforts to find work in his usual occupation, or, he should pursue work in another occupation for which he is qualified.

1) Example: After being laid off from his job as a parking lot attendant, the individual sought similar work at other parking lots within his community, without success. As time passes, he must seek work outside his community (within reasonable commuting distance).

2) Example: Same facts as in example above but, prior to working as a parking lot attendant, the individual worked as a short-order cook. In addition to, or instead of, seeking work as a parking lot attendant, he should seek work as a short-order cook, or other work for which he is qualified; otherwise, he would be determined to be not actively seeking work.

f) Whether or not the individual is actively seeking work is determined by the quality of his efforts; although the quantity of job contacts should be considered, it is not necessarily determinative of an active search for work. The methods that the individual uses to contact employers should be examined in light of those customarily used to obtain work in the occupation.

1) Example: The individual seeks work as a retail sales clerk. On a Monday morning, she visits a shopping mall, where she applies for work at seven stores and is rejected by each. For the rest of the week, she makes no effort to find work. This individual would be determined to be not actively seeking work, despite having made seven job contacts in one day.

2) Example: The individual, a cash-flow specialist, last worked for a major corporation, and was directly accountable to the highest corporate officers. After being unemployed for one month, she contacts a friend who works for a company located in Woonsocket, Rhode Island. On Monday, the claimant travels to Woonsocket. On Tuesday, she begins the interviewing process, meeting the manager of human resources. On Wednesday morning, she is interviewed by a budget analyst. That evening, there is a dinner-interview with two vice presidents, who tell her they will speak with the president, then get back to her the next day or the day after. The claimant stays in Woonsocket until Friday, at which time she is told she will not be offered a job. The claimant would be determined to have been actively seeking work, despite this being her only job contact.

3) Example: The individual states that he is currently seeking work as a day laborer or in food service. He contacts prospective employers by telephone, exclusively. Because, as a practical matter, many day laborer and food service positions are filled by persons making applications in-person, this individual would be determined to be not actively seeking work.

g) The best evidence that an individual is "actively seeking work" is that he readily secures work, based upon his efforts.

 Example: The individual last worked as assistant manager of a shoe store. During his first week of unemployment, he prepares a resume and mails 100 copies to retail establishments. The next week, he mails another 100 resumes. As a result of his mailings, and no other efforts, he readily obtains work. This individual would be determined to have been actively seeking work during the weeks under review.

h) There is a rebuttable presumption that an individual is not actively seeking work if he was last employed by a "temporary help firm," as defined in Section 2865.1, and the temporary help firm submits a notice of possible ineligibility (see Section 2720.130) alleging that, during the week for which he claimed benefits, the individual did not contact the temporary help firm for an assignment. The presumption is rebutted if the individual shows that he did contact the temporary help firm or that he had good cause for his failure to contact the temporary help firm for an assignment.

1) Example: An individual completes an assignment on Friday and does not contact the temporary help firm during the next week, for which he claims benefits. The individual states that he did not contact the temporary help firm because he did not remember the firm's telephone number, even though the number was listed in the telephone book. This is not good cause. On the basis of his failure to contact the temporary help firm, he is not actively seeking work.

2) Example: An individual completes an assignment on Monday, reports to his Local Office on Tuesday, and does not contact the temporary help firm the remainder of the week. The individual did not contact the temporary help firm because he had already accepted an assignment from the temporary help firm for the following Monday and had been told by the temporary help firm that there were no other assignments until then. This is good cause and he is not ineligible on the basis of not contacting the temporary help firm.

3) Example: An individual completes an assignment on Friday and does not contact the temporary help firm during the next week, for which he claims benefits. The individual did not contact the temporary help firm because his wife was hospitalized and he was solely responsible for caring for his infant daughter at home. Although this is good cause, the claimant is ineligible because he is unavailable for work (see Section 2865.110(b)).

(Source: Amended at 17 Ill. Reg. 17917, effective October 4, 1993)