

FIRST REGULAR SESSION

HOUSE BILL NO. 986

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WALLINGFORD (Sponsor), LANT, FITZWATER,
KORMAN AND HAMPTON (Co-sponsors).

2017L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 288, RSMo, by adding thereto one new section relating to unemployment benefits, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 288, RSMo, is amended by adding thereto one new section, to be
2 known as section 288.550, to read as follows:

**288.550. 1. There is hereby established the "Missouri Employment Work Pass
2 Program" or "Work Pass Program" to assist unemployed persons in obtaining
3 employment and to encourage small businesses to hire unemployed persons.**

**4 2. Persons who are eligible and approved to receive unemployment benefits under
5 this chapter shall be issued a numbered work pass certificate. The division shall supply
6 a work pass to a qualified unemployed person after benefit determination. The work pass
7 shall reflect what week the work pass takes effect, the amount of the weekly benefit, the
8 employer participating in the work pass program will receive, and the minimum amount
9 the participating employer must pay the work pass participant. Work pass benefits shall
10 start one week after a participating employer hires an unemployed person who becomes
11 a work pass participant.**

**12 3. The division shall establish an employer work pass registry that shall be
13 available on an internet website listing the employers participating in the work pass
14 program. The work pass participant shall have access to such employer by submitting a
15 request for employment in writing, in person, or online at the discretion of the
16 participating employer. Employers participating in the work pass program and who**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 receive the work pass benefit each week, shall contribute to the employees' weekly gross
18 wages an amount equal to or greater than the weekly state benefit received. The division
19 shall establish the procedure and forms required for employers to participate in the work
20 pass program.

21 **4. Employers participating in the work pass program shall receive sixty percent of**
22 **the work pass participant's weekly unemployment benefit. Such benefit shall be placed in**
23 **a work pass account established by the division. Upon written request or through**
24 **electronic means, the participating employer may access such moneys each week after he**
25 **or she receives an official authorization from the division to withdraw such moneys.**
26 **Before the division may authorize the release of such moneys, the participating employer**
27 **shall submit the following to the division:**

- 28 (a) **The name of the work pass participant;**
- 29 (b) **The work pass participant's Social Security number;**
- 30 (c) **The week of benefit;**
- 31 (d) **The work pass numbered certificate;**
- 32 (e) **An affirmation that the work pass participant has worked that week;**
- 33 (f) **Verification that the participating employer has paid the minimum wages**
34 **required; and**
- 35 (g) **That the work pass participant is still employed.**

36
37 **In the case of sickness or a family or medical emergency, the work pass participant who**
38 **is not able to perform his or her work, or if the work pass participant receives an**
39 **unexcused absence, the work pass program benefit shall not be paid for that week.**

40 **5. If the participating employer lays off a work pass participant before the thirty-**
41 **sixth week of employment, such employer shall pay a severance fee to the state equaling**
42 **sixty percent of the benefits he or she received from the work pass program.**

43 **6. If a participating employer fires a work pass participant for just cause before the**
44 **thirty-sixth week of employment, such employer is not required to pay any compensation**
45 **to the state. Such employer shall sufficiently document any firing action. The division may**
46 **determine if such employer has just cause to fire such participant, including, but not**
47 **limited to:**

- 48 (1) **Excessive sickness or excessive absents;**
- 49 (2) **Unexcused absences;**
- 50 (3) **Excessive lateness;**
- 51 (4) **Insubordination;**
- 52 (5) **Failure to follow order or directives;**

- 53 **(6) Inferior work performance;**
54 **(7) The work pass participant is not able to perform his or her duties;**
55 **(8) Theft;**
56 **(9) Imminent changes to the employer or business;**
57 **(10) Violation of law.**

58

59 **If it is determined that the participating employer has proper grounds for firing the work**
60 **pass participant, such employer shall be exempt from any penalties. If the participating**
61 **employer fires a work pass participant and the division determines that the work pass**
62 **participant was fired without just cause, the participating employer is subject to all**
63 **penalties provided under subsection 5 of this section. The firing process shall be subject**
64 **to appeal rules established by the division.**

65 **7. Any participating employer or work pass participant who intentionally fills out**
66 **wrong and misleading forms or information shall be guilty of a class A misdemeanor. A**
67 **participating employer of a work pass participant receiving compensation under the work**
68 **pass program who knowingly participated in acquiring such compensation under false**
69 **pretenses shall be guilty of a class D felony and/or subject to fines of up to ten thousand**
70 **dollars.**

T