

(Vetoed by the Governor)

This bill changes the laws regarding unemployment benefits. The definition of "misconduct," as it relates to employee disqualification from unemployment benefits, is revised to misconduct reasonably related to the job environment and the job performance regardless of whether the misconduct occurs at the workplace or during work hours. Currently, it includes an act of wanton or willful disregard of the employer's interest or a disregard of standards of behavior that the employer has the right to expect. The bill changes it to conduct or a failure to act demonstrating knowing disregard of the employer's interest or a knowing violation of the standards that the employer expects. Currently, it includes negligence in a degree or recurrence as to manifest culpability, wrongful intent, or evil design or show an intentional and substantial disregard of the employer's interest or of the employee's duties and obligations to the employer. The bill changes that to conduct or a failure to act demonstrating carelessness or negligence in such degree or recurrence as to manifest culpability, wrongful intent, or a knowing disregard of the employer's interests or the employee's duties and obligations to the employer. Currently, misconduct includes a deliberate violation of the employer's rules. The bill specifies that a violation of an employer's rule is misconduct unless the employee demonstrates that he or she did not know and could not reasonably know of the rules requirement or the rule is unlawful.

Misconduct also includes a violation of an employer's no-call, no-show policy; chronic absenteeism or tardiness in violation of a known employer policy; one or more unapproved absences following a written reprimand or warning; or a knowing violation of a state standard or regulation by an employee that would cause a licensed or certified employer to be sanctioned or have its license or certification suspended or revoked.

Currently, an employee is disqualified from benefits if he or she voluntarily leaves work without good cause attributable to the work or the employer. The bill specifies that "good cause" includes only a cause that would compel a reasonable employee to cease working or would require separation from work due to illness or disability.

The provision specifying that absenteeism or tardiness may constitute a rebuttable presumption of misconduct as it relates to employee disqualification for waiting week credit or benefits if the discharge was the result of a violation of a known attendance policy of the employer is repealed.