

HB 2297 -- UNEMPLOYMENT BENEFITS

SPONSOR: Fitzpatrick

This bill changes the laws regarding unemployment benefits. The definition of "misconduct," as it relates to employee disqualification from unemployment benefits, is revised to conduct or failure to act in a manner that is connected to work, regardless of whether the conduct or failure to act occurs at the workplace or during work hours.

Currently, misconduct includes an act of wanton or willful disregard of the employer's interest, a deliberate violation of the employer's rules, a disregard of standards of behavior that the employer has the right to expect, or 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 it to:

(1) 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;

(2) 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;

(3) A violation of an employer's rule unless the employee demonstrates that he or she did not know and could not reasonably know of the rule's requirement, the rule is unlawful, or the rule is not fairly or consistently enforced;

(4) A violation of an employer's no-call, no-show policy; chronic absenteeism or tardiness in violation of a known employer policy; two or more unapproved absences following a written reprimand or warning, unless the absences are protected by law; or

(5) 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.