

SS SCS SB 510 -- UNEMPLOYMENT BENEFITS

SPONSOR: Kraus (Cierpiot)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Workforce Development and Workplace Safety by a vote of 8 to 1.

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.

PROPOSERS: Supporters say that the current definition for "misconduct" sets such a high bar that the courts are liberally interpreting the law; otherwise, egregious misconduct still allows for the awarding of unemployment benefits. This bill addresses the issues raised by the Governor in his veto letter from last session and the United States Department of Labor.

Testifying for the bill were Senator Kraus; Missouri Chamber of Commerce & Industry; Associated Industries of Missouri; Missouri Retailers Association; Missouri Grocers Association; LeadingAge Missouri; National Federation of Independent Businesses - Missouri; and Missouri Forrest Products;

OPPOSERS: Those who oppose the bill say that they are opposed to any legislation that would allow an employee to be fired or denied unemployment benefits based on conduct occurring when the employee is not on the job.

Testifying against the bill were Missouri AFL-CIO; United Steelworkers District 11; United Transportation Union; and Ken Menges, International Association of Sheet Metal, Air, Rail and Transportation Workers.