

BILL SUMMARY
2nd Session of the 54th Legislature

Bill No.:	SB1808
Version:	Engrossed
Request Number:	
Author:	Mulready and Newberry
Date:	4/1/2014
Impact:	None

Research Analysis

Engrossed SB1808 requires the certification statement that all unemployment claimants are required to sign upon filing for benefits to be available in local offices and on the website of the Oklahoma Unemployment Security Commission (OESC).

The measure also requires the Board of Review in the OESC to review at random 30 percent of unemployment benefits cases where misconduct was alleged and decide either in favor or against the employer. The decision of the Board of Review will affirm or reverse the decision on each case subject to an automatic review.

Furthermore, the measure also modifies the definition of *misconduct* and the acts which constitute misconduct. *Misconduct* is redefined as any act or omission by an employee, which constitutes a material or substantial breach of the employee's job duties or responsibilities or obligations pursuant to his or her employment or contract of employment. The following acts by an employee are considered misconduct:

- unapproved or excessive absenteeism or tardiness;
- indifference to, breach of or neglect of the duties required which result in a material or substantial breach of the employee's job duties or responsibilities;
- actions or omissions that place in jeopardy the health, life or property of self or others;
- dishonesty;
- wrongdoing;
- violation of a law; or
- violation of a policy or rule enacted to ensure orderly and proper job performance or for the safety of self or others.

A misconduct violation does not require a prior warning from the employer and as long as the employee knew, or should have reasonably known, that a rule or policy of the employer was violated, the employee will not be eligible for unemployment benefits. There is also a rebuttable presumption of misconduct if a state or federal agency has findings of failure by the employee to meet the applicable civil, criminal or professional standards of the employee's profession. In addition, findings of criminal acts by the employee will serve as conclusive proof of misconduct and benefits will be denied.

Prepared By: Quyen Do

Fiscal Analysis

SB1808 has been reviewed and determined to have no fiscal impact on state revenues. This bill makes certification statements for unemployment benefits available through the Internet Claims service provided by the OESC. This bill also compels the OESC to perform a random sample of

30% of unemployment cases where misconduct was alleged, updates the definition of misconduct and adds that benefits shall be denied upon finding that the employee in question was found to be guilty of any misconduct violation(s).

Prepared By: Joshua Maxey

Other Considerations

None.

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