

MINUTES OF THE HOUSE COMMITTEE ON LABOR AND INDUSTRYThe meeting was called to order by Representative Arthur Douville at  
Chairperson9:00 a.m./~~p.m.~~ on March 1, 1984 in room 526-S of the Capitol.

All members were present except:

All members were present.

Committee staff present:

All present.

Conferees appearing before the committee:

Mr. Bill Abbott, Boeing

H.B. 2981

Representative Nichols handed out to the committee members an amendment to this bill. Then Representative Nichols made a motion to amend H.B. 2981 as shown in the balloon of this bill. See attachment #1. The motion was seconded by Representative David Webb. There was a committee discussion. Representative Hensley made a substitute motion to report H.B. 2981 adversely. This was seconded by Representative Darrel Webb. There was more discussion, and the committee voted down Representative Hensley's substitute motion 9 to 8. The committee reverted back to Representative Nichols motion to amend H.B. 2981. The committee voted 8 to 8 so the motion did not pass.

Representative Friedeman made a motion to report H.B. 2981 favorably. Representative David Webb seconded the motion. Representative Sutter made a substitute motion to amend H.B. 2981, to strike the word "or" on line 66 and on line 67 to insert after the work coemployee a new section "(8) leaving work because of very serious, dangerous and unsafe working conditions that could cause to an employee loss of life or permanent disability injuries." This motion was seconded by Representative Hensley. There was a committee discussion and the committee to pass Representative Sutters amendment 9 to 4.

Representative Whiteman made a motion to table H.B. 2981 as amended. Representative Darrel Webb seconded the motion. Representative David Webb made a substitute motion to pass H.B. 2981 as amended. The sub-motion was seconded by Representative Friedeman. The committee voted down this substitute motion 9 to 8. Representative Sutter made a substitute motion to further amend H.B. 2981. There was no second. The motion failed. The committee reverted back to Representative Whiteman's original motion to table H.B. 2981 as amended. The committee voted and the motion to table as amended passed 16 to 1.

H.B. 2936

There was a committee discussion on this bill. Representative Friedeman made a motion to pass H.B. 2936 favorably. The motion was seconded by Representative Patterson. There was a committee discussion. Jim Wilson from the revisors office said that "If it is intended the bill cover only the scheduled injuries section 2 should be stricken from the bill." Section 2 imposes the same \$200 maximum for cases of temporary partial general disabilities.

CONTINUATION SHEET

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Representative Hensley made a substitute motion to strike section 2 from the bill. The motion was seconded by Representative Cribbs. There was a committee discussion. Representative Friedeman said he opposes the substitute motion because it destroys the bill. The committee voted down Representative Hensley's substitute motion 10 to 7. Representative Whiteman made a motion to table H.B. 2936. Representative Darrel Webb seconded the motion. The committee voted this motion down 10 to 7. The committee reverted back to Representative Friedeman's original motion to pass H.B. 2936 favorably. The committee voted to pass H.B. 2936 favorably 10 to 7. The following Representatives wanted it noted in the minutes that they voted against this bill: Darrel Webb, Cribbs, Dillon, Whiteman, Green, Hensley.

H.B. 2980

Mr. Bill Abbott gave testimony to the committee regarding previous testimony given about a Boeing employee. Representative Patterson made a motion to report H.B. 2980 favorably for passage. The motion was seconded by Representative Friedeman. There was a committee discussion. Representative Hensley made a substitute motion to table H.B. 2980. The motion was seconded by Representative Green. The committee voted down the motion 9 to 8. The committee reverted back to Representative Patterson's original motion to pass H.B. 2980 favorably. The committee voted H.B. 2980 favorable for passage 9 to 8. The following Representatives wanted it noted in the minutes that they voted against the passage of H.B. 2980: Darrel Webb, Cribbs, Green, Hensley and Wilbert.

The meeting adjourned at 10:00 a.m.

# Labor & Industry

3-1-81

Visitor	Representing
B Moore	DHR / workers' comp
Bill Murray	" " "
Deid Sreben	" " "
Bob Wootton	Governor's Off
Joe FURJANIC	KASB
Rob Hodges	KCCI
Wayne Marichal	AFL-CIO
Chris Miller	Worker's Comp Fund
Ron Bruner	DHR - UI Field OPERATIONS
Bill Lages	DHR
Claude Lee	DHR
Larry Matthews	CWA
Michael R. Robinson	CWA
Blanche S. Gray	CWA
Morris Taylor	DHR / workers Comp
George Welch	Self Ins. Fund
Pat Russell	Self Ins. Fund

# HOUSE BILL No. 2981

By Representative Douville

2-8

0016 AN ACT concerning the employment security law; relating to  
0017 disqualification for benefits; amending K.S.A. 1983 Supp.  
0018 44-706 and repealing the existing section.

0019 *Be it enacted by the Legislature of the State of Kansas:*

0020 Section 1. K.S.A. 1983 Supp. 44-706 is hereby amended to  
0021 read as follows: 44-706. An individual shall be disqualified for  
0022 benefits:

0023 (a) ~~Beginning with the week in which the valid initial claim~~  
0024 ~~is filed and for the 10 consecutive weeks which immediately~~  
0025 ~~follow such week and shall forfeit benefit entitlement equal to 10~~  
0026 ~~times the individual's determined weekly benefit amount, but~~  
0027 ~~not less than an amount equal to such individual's determined~~  
0028 ~~weekly benefit amount if the individual left the last work volun-~~  
0029 ~~tarily without good cause. An individual shall have left work~~  
0030 ~~voluntarily with good cause for either work related or personal~~  
0031 ~~reasons, if:~~

0032 (1) After pursuing all reasonable alternatives, the circum-  
0033 stances causing the separation were of such urgent, compelling  
0034 or necessitous nature as to provide the individual with no alter-  
0035 native but to leave the work voluntarily; or

0036 (2) the reasons for the separation were of such nature that a  
0037 reasonable and prudent individual would separate from the  
0038 employment under the same circumstances. If an individual  
0039 leaves work by the individual's own action because of domestic  
0040 or family responsibilities, not including pregnancy, self-  
0041 employment or to retire because of disability or old age, or to  
0042 attend school such individual shall be disqualified for benefits  
0043 until such individual again becomes employed and has had  
0044 earnings of at least eight times such individual's weekly benefit

Until after the individual has become reemployed and had earnings of at least four times the individual's weekly benefit amount if the individual voluntarily left work without good cause attributable to the work or the employer; except that the individual shall not be disqualified

(1) if the individual left work for the purpose of accepting a more remunerative job which was accepted and in which some wages were earned; or

(2) if the individual quit temporary work to return to the regular employer.

0045 ~~amount. No individual shall be denied benefits for leaving work~~  
 0046 ~~to enter training approved under section 236(a)(1) of the trade act~~  
 0047 ~~of 1974, provided the work left is not of a substantially equal or~~  
 0048 ~~higher skill level than the individual's past adversely affected~~  
 0049 ~~employment (as defined for purposes of the trade act of 1974),~~  
 0050 ~~and wages for such work are not less than 80% of the individual's~~  
 0051 ~~average weekly wage as determined for the purposes of the trade~~  
 0052 ~~act of 1974. The term "good cause" as used in this subsection~~  
 0053 ~~shall include but not be limited to: (1) Leaving work because of~~  
 0054 ~~serious illness or death of a dependent; (2) leaving work because~~  
 0055 ~~of the transfer of one's spouse from one place of employment to~~  
 0056 ~~another place of employment at a geographic location which~~  
 0057 ~~makes it unreasonable for the individual to continue employ-~~  
 0058 ~~ment at the individual's place of employment; (3) leaving work~~  
 0059 ~~because of any other compelling family responsibilities; (4)~~  
 0060 ~~leaving work because of illness, pregnancy or disability and the~~  
 0061 ~~leaving is based upon competent medical advice and the indi-~~  
 0062 ~~vidual can produce proof of such advice; (5) leaving work to~~  
 0063 ~~enlist in the armed forces of the United States but being re-~~  
 0064 ~~jected; (6) leaving work to accept new employment offering~~  
 0065 ~~substantially better conditions of work or substantially higher~~  
 0066 ~~wages, or both, or (7) leaving work because of harassment by the~~  
 0067 ~~employer or coemployees. The term "dependent" as used in this~~  
 0068 ~~subsection shall have the same meaning as is ascribed to the~~  
 0069 ~~word "dependents" in K.S.A. 44-508 and amendments thereto.~~

*amended reflect*

0070 (b) ~~Beginning with the week in which the valid initial claim~~  
 0071 ~~is filed and for the 10 consecutive weeks which immediately~~  
 0072 ~~follow such week and shall forfeit benefit entitlement equal to 10~~  
 0073 ~~times the individual's determined weekly benefit amount, but~~  
 0074 ~~not less than an amount equal to such individual's determined~~  
 0075 ~~weekly benefit amount if the individual has been discharged~~  
 0076 ~~from the individual's last work for a breach of a duty connected~~  
 0077 ~~with the individual's work reasonably owed an employer by an~~  
 0078 ~~employee, except that if an individual is discharged for gross~~  
 0079 ~~misconduct connected with the individual's work, such individ-~~  
 0080 ~~ual shall be disqualified for benefits until such individual again~~  
 0081 ~~becomes employed and has had earnings of at least eight times~~

Until after the individual has become reemployed and had earnings of at least four times the individual's weekly benefit amount

0082 such individual's weekly benefit amount. The term "gross mis-  
0083 conduct" as used in this subsection shall be construed to mean  
0084 conduct evincing willful and wanton disregard of an employer's  
0085 interest or a carelessness or negligence of such degree or recur-  
0086 rence as to show an intentional or substantial disregard of the  
0087 employer's interest.

0088 (c) If the individual has failed, without good cause, to either  
0089 apply for suitable work when so directed by the employment  
0090 office of the secretary of human resources, or to accept suitable  
0091 work when offered to the individual by the employment office,  
0092 the secretary of human resources, or an employer, such disqual-  
0093 ification shall begin with the week in which such failure oc-  
0094 curred ~~and for the 10 consecutive weeks which immediately~~  
0095 ~~follow such week and shall forfeit benefit entitlement equal to 10~~  
0096 ~~times the individual's determined weekly benefit amount but~~  
0097 ~~not less than an amount equal to such individual's determined~~  
0098 ~~weekly benefit amount.~~ In determining whether or not any work  
0099 is suitable for an individual, the secretary of human resources, or  
0100 a person or persons designated by the secretary, shall consider  
0101 the degree of risk involved to health, safety, and morals, physical  
0102 fitness and prior training, experience and prior earnings, length  
0103 of unemployment and prospects for securing local work in the  
0104 individual's customary occupation or work for which the indi-  
0105 vidual is reasonably fitted by training or experience, and the  
0106 distance of the available work from the individual's residence.  
0107 Notwithstanding any other provisions of this act, an otherwise  
0108 eligible individual shall not be disqualified for refusing an offer  
0109 of suitable employment, or failing to apply for suitable employ-  
0110 ment when notified by an employment office, or for leaving the  
0111 individual's most recent work accepted during approved train-  
0112 ing, including training approved under section 236(a)(1) of the  
0113 trade act of 1974, if the acceptance of or applying for suitable  
0114 employment or continuing such work would require the indi-  
0115 vidual to terminate approved training and no work shall be  
0116 deemed suitable and benefits shall not be denied under this act  
0117 to any otherwise eligible individual for refusing to accept new  
0118 work under any of the following conditions: (1) If the position

and shall continue until the individual has become reemployed  
and earned at least four times the individual's weekly  
benefit amount.

0119 offered is vacant due directly to a strike, lockout, or other labor  
0120 dispute; (2) if the remuneration, hours, or other conditions of the  
0121 work offered are substantially less favorable to the individual  
0122 than those prevailing for similar work in the locality; (3) if as a  
0123 condition of being employed, the individual would be required  
0124 to join or to resign from or refrain from joining any labor organi-  
0125 zation.

0126 (d) For any week with respect to which the secretary of  
0127 human resources, or a person or persons designated by the  
0128 secretary, finds that the individual's unemployment is due to a  
0129 stoppage of work which exists because of a labor dispute or there  
0130 would have been a work stoppage had normal operations not  
0131 been maintained with other personnel previously and currently  
0132 employed by the same employer at the factory, establishment, or  
0133 other premises at which the individual is or was last employed,  
0134 except that this subsection shall not apply if it is shown to the  
0135 satisfaction of the secretary of human resources, or a person or  
0136 persons designated by the secretary, that: (1) The individual is  
0137 not participating in or financing or directly interested in the  
0138 labor dispute which caused the stoppage of work; and (2) the  
0139 individual does not belong to a grade or class of workers of  
0140 which, immediately before the commencement of the stoppage,  
0141 there were members employed at the premises at which the  
0142 stoppage occurs any of whom are participating in or financing or  
0143 directly interested in the dispute. If in any case separate  
0144 branches of work which are commonly conducted as separate  
0145 businesses in separate premises are conducted in separate de-  
0146 partments of the same premises, each such department shall, for  
0147 the purpose of this subsection, be deemed to be a separate  
0148 factory, establishment, or other premises. For the purposes of  
0149 this subsection, failure or refusal to cross a picket line or refusal  
0150 for any reason during the continuance of such labor dispute to  
0151 accept the individual's available and customary work at the  
0152 factory, establishment, or other premises where the individual is  
0153 or was last employed shall be considered as participation and  
0154 interest in the labor dispute.

0155 (e) For any week with respect to which or a part of which the

0156 individual has received or is seeking unemployment benefits  
0157 under the unemployment compensation law of any other state or  
0158 of the United States, except that if the appropriate agency of such  
0159 other state or the United States finally determines that the  
0160 individual is not entitled to such unemployment benefits, this  
0161 disqualification shall not apply.

0162 (f) For any week with respect to which the individual is  
0163 entitled to receive any unemployment allowance or compensa-  
0164 tion granted by the United States under an act of congress to  
0165 ex-service men and women in recognition of former service with  
0166 the military or naval services of the United States.

0167 (g) For the period of one year beginning with the first day  
0168 following the last week of unemployment for which the individ-  
0169 ual received benefits, or for one year from the date the act was  
0170 committed, whichever is the later, if the individual, or another in  
0171 such individual's behalf with the knowledge of the individual,  
0172 has knowingly made a false statement or representation, or has  
0173 knowingly failed to disclose a material fact to obtain or increase  
0174 benefits under this act or any other unemployment compensa-  
0175 tion law administered by the secretary of human resources.

0176 (h) For any week with respect to which the individual is  
0177 receiving compensation for temporary total disability or perma-  
0178 nent total disability under the workmen's compensation law of  
0179 any state or under a similar law of the United States.

0180 (i) For any week of unemployment on the basis of service in  
0181 an instructional, research or principal administrative capacity for  
0182 an educational institution as defined in subsection (v) of K.S.A.  
0183 44-703 and amendments thereto, if such week begins during the  
0184 period between two successive academic years or terms or, when  
0185 an agreement provides instead for a similar period between two  
0186 regular but not successive terms during such period or during a  
0187 period of paid sabbatical leave provided for in the individual's  
0188 contract, if the individual performs such services in the first of  
0189 such academic years or terms and there is a contract or a reason-  
0190 able assurance that such individual will perform services in any  
0191 such capacity for any educational institution in the second of  
0192 such academic years or terms.

0193 (j) For any week of unemployment on the basis of service in  
0194 any capacity other than service in an instructional, research, or  
0195 administrative capacity in an educational institution, as defined  
0196 in subsection (v) of K.S.A. 44-703 and amendments thereto, if  
0197 such week begins during the period between two successive  
0198 academic years or terms if the individual performs such services  
0199 in the first of such academic years or terms and there is a  
0200 reasonable assurance that the individual will perform such ser-  
0201 vices in the second of such academic years or terms, except that if  
0202 benefits are denied to the individual under this subsection and  
0203 the individual was not offered an opportunity to perform such  
0204 services for the educational institution for the second of such  
0205 academic years or terms, such individual shall be entitled to a  
0206 retroactive payment of benefits for each week for which the  
0207 individual filed a timely claim for benefits and for which benefits  
0208 were denied solely by reason of this subsection.

0209 (k) For any week of unemployment on the basis of service in  
0210 an instructional, research or principal administrative capacity for  
0211 an educational institution as defined in subsection (v) of K.S.A.  
0212 44-703 and amendments thereto, or for service in any other  
0213 capacity in an educational institution other than an institution of  
0214 higher education as defined in subsection (u) of K.S.A. 44-703  
0215 and amendments thereto, if such week begins during an estab-  
0216 lished and customary vacation period or holiday recess if the  
0217 individual performs services in the period immediately before  
0218 such vacation period or holiday recess and there is a reasonable  
0219 assurance that such individual will perform such services in the  
0220 period immediately following such vacation period or holiday  
0221 recess.

0222 (l) For any week of unemployment on the basis of any ser-  
0223 vices, substantially all of which consist of participating in sports  
0224 or athletic events or training or preparing to so participate, if  
0225 such week begins during the period between two successive  
0226 sport seasons or similar period if such individual performed  
0227 services in the first of such seasons or similar periods and there is  
0228 a reasonable assurance that such individual will perform such  
0229 services in the later of such seasons or similar periods.

0230 (m) For any week on the basis of services performed by an  
0231 alien unless such alien is an individual who was lawfully admit-  
0232 ted for permanent residence at the time such services were  
0233 performed, was lawfully present for purposes of performing such  
0234 services, or was permanently residing in the United States under  
0235 color of law at the time such services were performed, including  
0236 an alien who was lawfully present in the United States as a result  
0237 of the application of the provisions of section 203(a)(7) or section  
0238 212(d)(5) of the federal immigration and nationality act. Any data  
0239 or information required of individuals applying for benefits to  
0240 determine whether benefits are not payable to them because of  
0241 their alien status shall be uniformly required from all applicants  
0242 for benefits. In the case of an individual whose application for  
0243 benefits would otherwise be approved, no determination that  
0244 benefits to such individual are not payable because of such  
0245 individual's alien status shall be made except upon a prepon-  
0246 derance of the evidence.

0247 (n) For any week in which an individual is receiving a  
0248 governmental or other pension, retirement or retired pay, annu-  
0249 ity or other similar periodic payment under a plan maintained by  
0250 a base period employer and to which the entire contributions  
0251 were provided by such employer, except that: (1) If the entire  
0252 contributions to such plan were provided by the base period  
0253 employer but such individual's weekly benefit amount exceeds  
0254 such governmental or other pension, retirement or retired pay,  
0255 annuity or other similar periodic payment attributable to such  
0256 week, the weekly benefit amount payable to the individual shall  
0257 be reduced (but not below zero) by an amount equal to the  
0258 amount of such pension, retirement or retired pay, annuity or  
0259 other similar periodic payment which is attributable to such  
0260 week; or (2) if only a portion of contributions to such plan were  
0261 provided by the base period employer, the weekly benefit  
0262 amount payable to such individual for such week shall be re-  
0263 duced (but not below zero) by the prorated weekly amount of the  
0264 pension, retirement or retired pay, annuity or other similar  
0265 periodic payment after deduction of that portion of the pension,  
0266 retirement or retired pay, annuity or other similar periodic pay-

0267 ment that is directly attributable to the percentage of the con-  
0268 tributions made to the plan by such individual; or (3) if the entire  
0269 contributions to the plan were provided by such individual, or by  
0270 the individual and an employer (or any person or organization)  
0271 who is not a base period employer, no reduction in the weekly  
0272 benefit amount payable to the individual for such week shall be  
0273 made under this subsection (n); or (4) whatever portion of con-  
0274 tributions to such plan were provided by the base period em-  
0275 ployer, if the services performed for the employer by such  
0276 individual during the base period, or remuneration received for  
0277 the services, did not affect the individual's eligibility for, or  
0278 increased the amount of, such pension, retirement or retired pay,  
0279 annuity or other similar periodic payment, no reduction in the  
0280 weekly benefit amount payable to the individual for such week  
0281 shall be made under this subsection (n). The conditions speci-  
0282 fied in clause (4) of this subsection (n) shall not apply to pay-  
0283 ments made under the social security act or the railroad retire-  
0284 ment act of 1974, or the corresponding provisions of prior law.  
0285 Payments made under these acts shall be treated as otherwise  
0286 provided in this subsection (n). If the reduced weekly benefit  
0287 amount is not a multiple of \$1, it shall be computed to the next  
0288 higher multiple of \$1, except that for new claims filed after June  
0289 30, 1983, it shall be reduced to the next lower multiple of \$1.

0290 Sec. 2. K.S.A. 1983 Supp. 44-706 is hereby repealed.

0291 Sec. 3. This act shall take effect and be in force from and  
0292 after its publication in the statute book.