

MINUTES OF THE House COMMITTEE ON Labor and Industry

The meeting was called to order by Representative Arthur Douville at
Chairperson

9:00 a.m.~~p.m.~~ on February 19, 1985 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:

Dr. Larry Wolgast, Dept. of Human Resources
Dr. David A. Dilts, Kansas State University
Dr. Charles Colbert, Emporia State University

Chairman Douville asked if everyone had read the committee minutes from January 22, 23 and 24. He then asked if there were any corrections to be made. A motion was made by Representative Friedeman to accept the minutes as written. The motion was seconded by Representative De Baun. A vote was taken and the motion was passed.

Chairman Douville called Dr. Wolgast to the speakers stand. Dr. Wolgast gave testimony as a proponent to H.B. 2254. See attachment number 1. Dr. Wolgast also passed out to the committee attachment number 2.

The next speaker as a proponent to H.B. 2254 was Dr. David A. Dilts. Dr. Charles Colbert also spoke as a proponent of H.B. 2254. A question and answer session followed.

Labor and Industry

2-19-85

Bob Hoja	Topeka	KCCI
Wayne Maiches	Topeka	KS. AFL-CIO
RALPH NIGGIE		
Harry Helson		
DAN MORGAN	Topeka	AGC of KS
Charles P. Colbert	Emporia	E.S.U.
David A. Wilby	Manhattan	K.S.U.

John Carlin, Governor



2-19-85
Att. #1

Larry E. Wolgast, Secretary

DEPARTMENT OF HUMAN RESOURCES

OFFICE OF THE SECRETARY
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Testimony before the House Committee on Labor and Industry
House Bill No. 2254

Today, I would like to present some background concerning House Bill No. 2254. This bill performs two basic functions: one, it amends K.S.A. 44-704 to modify the cap on the maximum weekly benefit amount; and two, it amends K.S.A. 44-706 to change the disqualification for individuals voluntarily quitting their employment.

Since the late 1970's the Kansas unemployment compensation law has permitted individuals who voluntarily leave their jobs to draw benefits after serving a disqualification period. In Fiscal Year 1984, \$8.5 million was paid to such individuals after disqualification.

At the request of Governor Carlin and legislative leadership, the Employment Security Advisory Council undertook a study of voluntary quits following last year's session. On January 25, 1985, the Council unanimously agreed to make four suggestions for change. The suggestions would change (1) the penalty for voluntarily quitting; (2) the test for what constitutes a voluntary quit; (3) the requalifications for benefits after

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disqualification; and (4) the amount of the maximum weekly benefit amount for the final year of the statutorily frozen weekly benefit amount.

Present law provides that an individual who voluntarily quits his/her job without good cause shall be disqualified for the week in which application for benefits is made and 10 consecutive weeks. The total benefit amount would be reduced by an amount equal to 10 times the weekly benefit amount. The proposed bill will totally disqualify the individual from drawing benefits until he or she again becomes employed in insured employment, and earns three times his/her weekly benefit amount. The requalification provision ensures that individuals drawing benefits are truly attached to the labor market.

If enacted by the legislature, the Council recommendations would specify a number of circumstances under which an individual could leave and not be denied benefits (see attached list).

As part of the discussions, the Council also agreed to look into the "cap" on the maximum weekly benefit amount (WBA) enacted during the 1984 Legislative Session. Had the cap not been enacted, the current maximum weekly benefit amount would be \$181 instead of \$175. The WBA, uncapped, is estimated to be \$195 effective July 1, 1985, instead of the capped amount. The Council unanimously agreed to change the cap for the final year of the freeze to \$190 as part of their recommendations.

It is my opinion that passage of this bill would address the major issues of voluntary quits. I, therefore, encourage you to report favorably on House Bill No. 2254.

(1) The individual was forced to leave work because of illness or injury upon the advice of a licensed and practicing physician and, upon learning of the necessity for absence, immediately notified the employer thereof, or the employer consented to the absence, and after recovery from the illness or injury, when recovery was certified by a practicing physician, the individual returned to the employer and offered to perform services and the individual's regular work or comparable and suitable work was not available; as used in this paragraph (1) "physician" means any person licensed by the proper licensing authority of any state to engage in the practice of medicine and surgery, osteopathy, chiropractic, dentistry, optometry, podiatry or psychology;

(2) the individual left temporary work to return to the regular employer;

(3) the individual left work to enlist in the armed forces of the United States, but was rejected or delayed from entry;

(4) the individual left work because of the transfer of the individual's spouse from one place of work to another place of work at a geographic location which makes it unreasonable for the individual to continue work at the individual's place of work;

(5) the individual left work because of unsatisfactory or hazardous working conditions; in determining whether or not working conditions are unsatisfactory for an individual, the degree of risk involved to the individual's health, safety and morals, the individual's physical fitness and prior training, the individual's experience and prior earnings, the distance of the work from the individual's residence and the working conditions of workers engaged in the same or similar work for the same and other employers in the locality shall be considered; as used in this paragraph (5), "hazardous working conditions" means working conditions that could result in a danger to the physical or mental well-being of the individual; each determination as to whether hazardous working conditions exist shall include, but shall not be limited to, a consideration of (A) the safety measures used or the lack thereof, and (B) the condition of equipment or lack of proper equipment; no work shall be considered hazardous if the working conditions surrounding the individual's work are the same or substantially the same as the working conditions generally prevailing among individuals performing the same or similar work for other employers engaged

in the same or similar type of activity;

(6) the individual left work to enter training approved under section 236(a)(1) of the trade act of 1974, provided the work left is not of a substantially equal or higher skill level than the individual's past adversely affected employment (as defined for purposes of the trade act of 1974), and wages for such work are not less than 80% of the individual's average weekly wage as determined for the purposes of the trade act of 1974;

(7) the individual left work because of unwelcome harassment of the individual by the employer or another employee of which the employing unit had knowledge;

(8) the individual left work to accept better work; each determination as to whether or not the work accepted is better work shall include, but shall not be limited to, consideration of (A) the rate of pay, the hours of work and the probable permanency of the work left as compared to the work accepted, (B) the cost to the individual of getting to the work left in comparison to the cost of getting to the work accepted, and (C) the distance from the individual's place of residence to the work accepted in comparison to the distance from the individual's residence to the work left;

(9) the individual left work as a result of being instructed or requested by the employer, a supervisor or a fellow employee to perform a service or commit an act in the scope of official job duties which is in violation of an ordinance or statute;

(10) the individual left work because of a violation of the work agreement by the employing unit and, before the individual left, the individual had exhausted all remedies provided in such agreement for the settlement of disputes before terminating; or

(11) after making reasonable efforts to preserve the work, the individual left work due to a personal emergency of such nature and compelling urgency that it would be contrary to good conscience to impose a disqualification.

December 18, 1984

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2-19-85
A# #2

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