

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 21, 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:

Atch.
A copy of a proposed amendment to H.B. 2254 was passed out to the committee members. There was an explanation of the amendment and a discussion followed. A motion was made by Representative Nichols to accept the amendment. The motion was seconded by Representative Sifers. There was further discussion and then a vote was taken. The motion was passed.

A motion was then made by Representative Patrick to strike the word "morals" on page 5 line 191 of H.B. 2254. The motion was seconded by Representative Friedeman. A discussion followed. A vote was taken and the motion failed.

Chairman Douville stated that in respect to the language on page 7 of H.B. 2254, he would like to make it clear to the Director of Human Resources and the administration that it is still the public policy, as declared by this legislature, that persons who are on strike do not draw unemployment benefits and that the language on page 7, Sec. 2, (a), (10) is not designed to make unemployment benefits available to strikers. With that understanding the committee would have no objection to the bill as amended. Representative Hensley said that he concurred with the Chairman and wanted to publicly state that he feels that is the policy of the state, so that there is no misunderstanding from anyone as it relates to that policy.

Representative Nichols said that she hoped that the Dept. of Human Resources would keep track of and document Sec. 2, (a), (10) and (11).

Representative Acheson made a motion to pass out H.B. 2254, as amended, favorably. The motion was seconded by Representative Cribbs. There was no further discussion. A vote was taken and the motion passed unanimously.

The meeting was adjourned at 9:35 a.m.

Labor & Industry

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Bob Hodges	KCCI	Topeka
Duo Grant	"	"
Jack Gardner	C.W.A.	Lawrence
Judy Daniels	C.W.A.	Lawrence
Richard Funk	KASB	Topeka
Bill Clauson	DHR	"
Bill Payne	"	"
A.J. Votick	DHR	Topeka
Dean Dewey	CWA	Abilene
R.E. Shaw	CWA	McKewan
Peggy N. Little	CWA	Junction City
DAN MORGAN	AGC of KS	Topeka
Tom Slattery	AGC of KS	Top
Ralph McGee	KS. AFL-CIO	Topeka
Bill Abbott	BOEING	Wichita
Jim McBride	United Way	Topeka
Wayne March	KS. AFL-CIO	TOP

0120 wages for insured work paid during such individual's base
 0121 period. Such total amount of benefits, if not a multiple of \$1, shall
 0122 be computed at the next higher multiple of \$1, except that for
 0123 new claims filed after June 30, 1983, such total amount of
 0124 benefits, if not a multiple of \$1, shall be reduced to the next
 0125 lower multiple of \$1.

0126 (g) For the purposes of this section, wages shall be counted
 0127 as "wages for insured work" for benefit purposes with respect to
 0128 any benefit year only if such benefit year begins subsequent to
 0129 the date on which the employing unit by whom such wages were
 0130 paid has satisfied the conditions of subsection (h) of K.S.A.
 0131 44-703 and amendments thereto with respect to becoming an
 0132 employer.

0133 Sec. 2. K.S.A. 1984 Supp. 44-706 is hereby amended to read
 0134 as follows: 44-706. An individual shall be disqualified for ben-
 0135 efits:

0136 (a) Beginning with the week in which the valid initial claim
 0137 is filed and for the 10 consecutive weeks which immediately
 0138 follow such week and shall forfeit benefit entitlement equal to 10
 0139 times the individual's determined weekly benefit amount, but
 0140 not less than an amount equal to such individual's determined
 0141 weekly benefit amount. If the individual left the last work vol-
 0142 untarily without good cause *attributable to the work or the*
 0143 *employer, subject to the other provisions of this subsection (a).*
 0144 *The disqualification shall begin the day following the separa-*
 0145 *tion and shall continue until after the individual has become*
 0146 *reemployed and has had earnings from insured work of at least*
 0147 *three times the individual's weekly benefit amount. An individ-*
 0148 *ual shall have left work voluntarily with good cause for either*
 0149 *work related or personal reasons; not be disqualified under this*
 0150 *subsection (a) if:*

0151 (1) After pursuing all reasonable alternatives, the circum-
 0152 stances causing the separation were of such urgent, compelling
 0153 or necessitous nature as to provide the individual with no alter-
 0154 native but to leave the work voluntarily; or

0155 (2) the reasons for the separation were of such nature that a
 0156 reasonable and prudent individual would separate from the

PROPOSED AMENDMENT TO HB 2254

2-21-85

For Consideration by House Committee on
 Labor and Industry

2-21-85
 Att. #1

0157 employment under the same circumstances. If an individual
 0158 leaves work by the individual's own action because of domestic
 0159 or family responsibilities, not including pregnancy, self-
 0160 employment or to retire because of disability or old age, or to
 0161 attend school such individual shall be disqualified for benefits
 0162 until such individual again becomes employed and has had
 0163 earnings of at least eight times such individual's weekly benefit
 0164 amount. No individual shall be denied benefits for leaving

0165 (1) The individual was forced to leave work because of
 0166 illness or injury upon the advice of a licensed and practicing
 0167 physician and, upon learning of the necessity for absence, im-
 0168 mediately notified the employer thereof, or the employer con-
 0169 sented to the absence, and after recovery from the illness or
 0170 injury, when recovery was certified by a practicing physician,
 0171 the individual returned to the employer and offered to perform
 0172 services and the individual's regular work or comparable and
 0173 suitable work was not available; as used in this paragraph (1)
 0174 "physician" means any person licensed by the proper licensing
 0175 authority of any state to engage in the practice of medicine and
 0176 surgery, osteopathy, chiropractic, dentistry, optometry, podia-
 0177 try or psychology;

0178 (2) the individual left temporary work to return to the regu-
 0179 lar employer;

0180 (3) the individual left work to enlist in the armed forces of
 0181 the United States, but was rejected or delayed from entry;

0182 (4) the individual left work because of the transfer of the
 0183 individual's spouse from one place of work to another place of
 0184 work at a geographic location which makes it unreasonable for
 0185 the individual to continue work at the individual's place of
 0186 work;

0187 (5) the individual left work because of ~~[unsatisfactory or]~~
 0188 hazardous working conditions; in determining whether or not
 0189 working conditions are ~~[unsatisfactory]~~ for an individual, the
 0190 degree of risk involved to the individual's health, safety and
 0191 morals, the individual's physical fitness and prior training, ~~the~~
 0192 ~~individual's experience and prior earnings, the distance of the~~
 0193 ~~work from the individual's residence]~~ and the working condi-

hazardous

0194 tions of workers engaged in the same or similar work for the same
0195 and other employers in the locality shall be considered; as used
0196 in this paragraph (5), "hazardous working conditions" means
0197 working conditions that could result in a danger to the physical
0198 or mental well-being of the individual; each determination as to
0199 whether hazardous working conditions exist shall include, but
0200 shall not be limited to, a consideration of (A) the safety mea-
0201 sures used or the lack thereof, and (B) the condition of equip-
0202 ment or lack of proper equipment; no work shall be considered
0203 hazardous if the working conditions surrounding the individ-
0204 ual's work are the same or substantially the same as the working
0205 conditions generally prevailing among individuals performing
0206 the same or similar work for other employers engaged in the
0207 same or similar type of activity;

0208 (6) the individual left work to enter training approved under
0209 section 236(a)(1) of the trade act of 1974, provided the work left is
0210 not of a substantially equal or higher skill level than the indi-
0211 vidual's past adversely affected employment (as defined for
0212 purposes of the trade act of 1974), and wages for such work are
0213 not less than 80% of the individual's average weekly wage as
0214 determined for the purposes of the trade act of 1974;

0215 (7) the individual left work because of unwelcome harass-
0216 ment of the individual by the employer or another employee of
0217 which the employing unit had knowledge;

0218 (8) the individual left work to accept better work; each
0219 determination as to whether or not the work accepted is better
0220 work shall include, but shall not be limited to, consideration of
0221 (A) the rate of pay, the hours of work and the probable perma-
0222 nency of the work left as compared to the work accepted, (B) the
0223 cost to the individual of getting to the work left in comparison to
0224 the cost of getting to the work accepted, and (C) the distance
0225 from the individual's place of residence to the work accepted in
0226 comparison to the distance from the individual's residence to
0227 the work left;

0228 (9) the individual left work as a result of being instructed or
0229 requested by the employer, a supervisor or a fellow employee to
0230 perform a service or commit an act in the scope of official job

0231 *duties which is in violation of an ordinance or statute;*

0232 (10) *the individual left work because of a violation of the*
0233 *work agreement by the employing unit and, before the individ-*
0234 *ual left, the individual had exhausted all remedies provided in*
0235 *such agreement for the settlement of disputes before terminat-*
0236 *ing; or*

0237 (11) *after making reasonable efforts to preserve the work,*
0238 *the individual left work due to a personal emergency of such*
0239 *nature and compelling urgency that it would be contrary to*
0240 *good conscience to impose a disqualification.*

0241 (b) Beginning with the week in which the valid initial claim
0242 is filed and for the 10 consecutive weeks which immediately
0243 follow such week and shall forfeit benefit entitlement equal to 10
0244 times the individual's determined weekly benefit amount, but
0245 not less than an amount equal to such individual's determined
0246 weekly benefit amount if the individual has been discharged
0247 from the individual's last work for a breach of a duty connected
0248 with the individual's work reasonably owed an employer by an
0249 employee, except that if an individual is discharged for gross
0250 misconduct connected with the individual's work, such individ-
0251 ual shall be disqualified for benefits until such individual again
0252 becomes employed and has had earnings of at least eight times
0253 such individual's weekly benefit amount. The term "gross mis-
0254 conduct" as used in this subsection shall be construed to mean
0255 conduct evincing willful and wanton disregard of an employer's
0256 interest or a carelessness or negligence of such degree or recur-
0257 rence as to show an intentional or substantial disregard of the
0258 employer's interest.

0259 (c) If the individual has failed, without good cause, to either
0260 apply for suitable work when so directed by the employment
0261 office of the secretary of human resources, or to accept suitable
0262 work when offered to the individual by the employment office,
0263 the secretary of human resources, or an employer, such disqual-
0264 ification shall begin with the week in which such failure oc-
0265 curred and for the 10 consecutive weeks which immediately
0266 follow such week and shall forfeit benefit entitlement equal to 10
0267 times the individual's determined weekly benefit amount but