

SESSION OF 2004

## SUPPLEMENTAL NOTE ON SENATE BILL NO. 483

As Amended by Senate Committee of the Whole

### Brief\*

SB 483 amends the Employment Security Law to add conditions when an individual would be disqualified from receiving unemployment benefits:

- ! If an employee failed to return to work after expiration of approved personal and/or medical leave;
- ! Incarceration would not be considered good cause for absence or tardiness.
- ! Failure of the employee to notify the employer of an absence shall be considered *prima facie* evidence of a violation of a duty or obligation reasonably owed the employer as a condition of employment.
- ! Under current law, if an employee disputes being terminated without good cause, he or she can present evidence of good cause. If the employee alleges their repeated absences were the result of health related issues, the bill specified that good cause will include documentation from a treatment provider that shows the absence to be the result of illness or treatment.

### Background

Proponents for the bill included representatives from Kansas Chamber of Commerce, Boeing, Employers Unity, and Lenexa Chamber of Commerce. The Kansas AFL-CIO representative was the only opponent to the bill.

---

\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The Senate Committee of the Whole amended the bill by removing absence and replacing it with their repeated absences were the result of health related issues and present documentation from a licensed and practicing health care professional as evidence of good cause.

The Senate Committee amended the bill by removing language referring to the exhaustion of FMLA benefits and replacing it with failed to return to work after expiration of approved personal and/or medical leave. In addition, tardiness in the original bill would have been considered as *prima facie* evidence.

The fiscal note indicates that passage of this bill would require the Department of Human Resources to conduct special staff training for claims examiners and hearing officers and procedure manuals would also have to be revised accordingly. However, the changes are considered routine and would not have a fiscal effect. Any savings to the Employment Security Fund from not paying claims as a result of the passage of this bill could not be estimated with accuracy, but is expected to be very small.