

Proposed Amendments for HB 2105  
 February 25, 2013  
 Prepared by Ken Wilke  
 Office of the Revisor of Statutes

1 (iii) "cereal malt beverage" shall be defined as provided in K.S.A. 41-  
 2 2701, and amendments thereto;  
 3 (iv) "chemical test" shall include, but is not limited to, tests of urine,  
 4 blood or saliva;  
 5 (v) "controlled substance" shall be defined as provided in K.S.A.  
 6 2012 Supp. 21-5701, and amendments thereto;  
 7 (vi) "required by law" means required by a federal or state law, a  
 8 federal or state rule or regulation having the force and effect of law, a  
 9 county resolution or municipal ordinance, or a policy relating to public  
 10 safety adopted in an open meeting by the governing body of any special  
 11 district or other local governmental entity;  
 12 (vii) "positive breath test" shall mean a test result showing an alcohol  
 13 concentration  
 14 .04 or greater, unless the test was administered as part of an employee  
 15 assistance program or other drug or alcohol treatment program in which  
 16 the employee was participating voluntarily or as a condition of further  
 17 employment in which case "positive chemical test" shall mean a test result  
 18 showing an alcohol concentration at or above the levels provided for in  
 19 the assistance or treatment program;  
 20 (viii) "positive chemical test" shall mean a chemical result showing a  
 21 concentration at or above the levels listed in K.S.A. 44-501, and  
 22 amendments thereto, for the drugs or abuse listed therein, unless the test  
 23 was administered as part of an employee assistance program or other  
 24 drug or alcohol treatment program in which the employee was  
 25 participating voluntarily or as a condition of further employment in which  
 26 case "positive chemical test" shall mean a chemical result showing a  
 27 concentration at or above the levels provided for in the assistance or  
 28 treatment program.

29 (A) An individual shall not be disqualified under this subsection if the  
 30 individual is discharged under the following circumstances:  
 31 (A) The employer discharged the individual after learning the  
 32 individual was seeking other work or when the individual gave notice of  
 33 future intent to quit;  
 34 (B) the individual was making a good-faith effort to do the assigned  
 35 work but was discharged due to: (i) inefficiency; (ii) unsatisfactory  
 36 performance due to inability, incapacity or lack of training or experience;  
 37 (iii) isolated instances of ordinary negligence or inadvertence; (iv) good-  
 38 faith errors in judgment or discretion; or (v) unsatisfactory work or  
 39 conduct due to circumstances beyond the individual's control; or  
 40 (C) the individual's refusal to perform work in excess of the contract  
 41 of hire.  
 42 (C) If the individual has failed, without good cause, to either apply for  
 43 suitable work when so directed by the employment office of the secretary

or the levels listed in 49 C.F.R. Part 40, if applicable,

or 49 C.F.R. Part 40, as applicable,

1 in the labor dispute which caused the stoppage of work; and (2) the  
 2 individual does not belong to a grade or class of workers of which,  
 3 immediately before the commencement of the stoppage, there were  
 4 members employed at the premises at which the stoppage occurs any of  
 5 whom are participating in or financing or directly interested in the dispute.  
 6 If in any case separate branches of work which are commonly conducted  
 7 as separate businesses in separate premises are conducted in separate  
 8 departments of the same premises, each such department shall, for the  
 9 purpose of this subsection be deemed to be a separate factory,  
 10 establishment or other premises. For the purposes of this subsection,  
 11 failure or refusal to cross a picket line or refusal for any reason during the  
 12 continuance of such labor dispute to accept the individual's available and  
 13 customary work at the factory, establishment or other premises where the  
 14 individual is or was last employed shall be considered as participation and  
 15 interest in the labor dispute.

16 (e) For any week with respect to which or a part of which the  
 17 individual has received or is seeking unemployment benefits under the  
 18 unemployment compensation law of any other state or of the United  
 19 States, except that if the appropriate agency of such other state or the  
 20 United States finally determines that the individual is not entitled to such  
 21 unemployment benefits, this disqualification shall not apply.

22 (f) For any week with respect to which the individual is entitled to  
 23 receive any unemployment allowance or compensation granted by the  
 24 United States under an act of congress to ex-service men and women in  
 25 recognition of former service with the military or naval services of the  
 26 United States.

27 (g) For the period of five years beginning with the first day following  
 28 the last week of unemployment for which the individual received benefits,  
 29 or for ~~five years~~ from the date the act was committed, whichever is the later,  
 30 if the individual, or another in such individual's behalf with the knowledge  
 31 of the individual, has knowingly made a false statement or representation,  
 32 or has knowingly failed to disclose a material fact to obtain or increase  
 33 benefits under this act or any other unemployment compensation law  
 34 administered by the secretary of labor. *In addition to the penalties set forth*  
 35 *in K.S.A. 44-719, and amendments thereto, an individual who has*  
 36 *knowingly made a false statement or representation or who has knowingly*  
 37 *failed to disclose a material fact to obtain or increase benefits under this*  
 38 *act or any other unemployment compensation law administered by the*  
 39 *secretary of labor shall be liable for a penalty in the amount equal to 25%*  
 40 *of the amount of benefits unlawfully received.*

41 (h) For any week with respect to which the individual is receiving  
 42 compensation for temporary total disability or permanent total disability  
 43 under the workmen's compensation law of any state or under a similar law

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Five years

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