

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2271

By: Seikel

AS INTRODUCED

An Act relating to unemployment compensation;

amending 40 O.S. 1991, Section 2-406, which relates to disqualification for benefits if discharged for misconduct; stating acts constituting misconduct; providing for certain considerations in the determination of misconduct; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 40 O.S. 1991, Section 2-406, is amended to read as follows:

Section 2-406. DISCHARGE FOR MISCONDUCT. A. An individual shall be disqualified for benefits if he has been discharged for misconduct connected with his last work, if so found by the Commission. Disqualification under this section shall continue for the full period of unemployment next ensuing after he has been discharged for misconduct connected with his work and until such individual has become reemployed and has earned wages equal to or in excess of ten (10) times his weekly benefit amount.

B. For purposes of this section, misconduct shall include but not be limited to:

1. Theft or unauthorized removal of company property or the property of others;
2. Falsification of any company record or document;
3. Working under the influence of alcohol or illegal drugs, or being discharged pursuant to any state or federal law allowing for the individual's termination as a result of a positive test for alcohol or drugs;
4. Possession, distribution, sale, transfer, or use of alcohol or illegal drugs on company premises, or in the course of employment, or while operating employer-owned vehicles or equipment;
5. Instigating a fight or threatening violence in the workplace;
6. Intentionally damaging employer-owned or customer-owned property with a repair cost in excess of Fifty Dollars (\$50.00);
7. Intentional insubordination, including the refusal to perform assigned work;
8. Sexual or other unlawful harassment;
9. Intentional violation of safety or health rules which endangers the life or physical well-being of the employee or others;
10. Possession of dangerous or unauthorized materials on company premises, including but not limited to weapons, explosives or firearms;
11. Excessive absenteeism or tardiness; and
12. Unauthorized disclosure of business secrets or other confidential information.

C. In determining misconduct, the Commission shall give consideration to any written company policies which have been distributed to employees.

SECTION 2. This act shall become effective July 1, 1994.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-2-8146

PS