

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB2497:

Rice

AS INTRODUCED

An Act relating to labor; providing certain definitions for employment misconduct; providing reasons for disqualification of benefits; providing definition for certain contract; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-406B of Title 40, unless there is created a duplication in numbering, reads as follows:

Employment misconduct means any intentional, negligent, or indifferent conduct, on the job or off the job, that evinces a serious violation of the standards of behavior the employer has the right to reasonably expect of the employee, or that demonstrates a substantial lack of concern for the employment.

Inefficiency, inadvertence, simple unsatisfactory conduct, a single incident that does not have a significant adverse impact on the employer, conduct an average reasonable employee would have engaged in under the circumstances, poor performance because of inability or incapacity, good faith errors in judgment if judgment was required, or absence because of illness or injury with proper notice to the employer, are not employment misconduct. However, misconduct shall include, but not be limited to, repeated absence, including lateness, from scheduled work if the facts show:

1. The individual was absent without good cause;

2. The absence was in violation of the written absenteeism policy of the employer;

3. The employer gave or sent written notice to the individual, at the last known address of the individual, that future absence may or will result in discharge; and

4. The employee had knowledge of the written absenteeism policy of the employer.

If an employee disputes being absent without good cause, the employee shall present evidence that a majority of the absences of the employee were for good cause.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-406C of Title 40, unless there is created a duplication in numbering, reads as follows:

An individual shall be disqualified for benefits if that individual has accepted an accelerated buyout of an employment contract from the employer. Disqualification under this section shall continue for the full period of unemployment next ensuing after the individual has accepted the contract buyout connected with the work of the individual and until such individual has become reemployed and has earned wages equal to or in excess of ten (10) times the weekly benefit amount of the individual.

For purposes of this section, "accelerated buyout" shall mean a purchase of the remaining terms of an employment contract in a single payment in an amount to be determined by the contracting parties.

SECTION 3. This act shall become effective November 1, 2004.

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