

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1157

By: Brecheen

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5  
6 AS INTRODUCED

7 An Act relating to unemployment; amending 40 O.S.  
8 2011, Sections 2-406 and 2-406.1, which relate to  
9 discharge for misconduct and discharge for positive  
10 drug or alcohol test; making gender neutral;  
11 modifying reference; specifying allowable evidence;  
12 providing an effective date; and declaring an  
13 emergency.

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

15 SECTION 1. AMENDATORY 40 O.S. 2011, Section 2-406, is  
16 amended to read as follows:

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

1 SECTION 2. AMENDATORY 40 O.S. 2011, Section 2-406.1, is  
2 amended to read as follows:

3 Section 2-406.1. A. An employee discharged on the basis of a  
4 refusal to undergo drug or alcohol testing or a confirmed positive  
5 drug or alcohol test conducted in accordance with the provisions of  
6 the Standards for Workplace Drug and Alcohol Testing Act shall be  
7 considered to have been discharged for misconduct and shall be  
8 disqualified for benefits pursuant to the provisions of Section 2-  
9 406 of this title.

10 B. In any claim brought by the discharged employee for  
11 compensation, a copy of the drug or alcohol test shall be accepted  
12 as prima facie evidence of the administration and results of the  
13 drug or alcohol test. Only written drug or alcohol test reports  
14 shall be acceptable as evidence.

15 SECTION 3. This act shall become effective July 1, 2012.

16 SECTION 4. It being immediately necessary for the preservation  
17 of the public peace, health and safety, an emergency is hereby  
18 declared to exist, by reason whereof this act shall take effect and  
19 be in full force from and after its passage and approval.

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