

FLOOR AMENDMENT  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1911  
Page 1 Section 1 Lines 1  
Of the printed Bill  
Of the Engrossed Bill

By deleting Sections 1, 2, 3, and 5, and inserting in lieu thereof the following:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: T.W. Shannon

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\_\_\_\_\_  
Reading Clerk

1 "SECTION 1. AMENDATORY 40 O.S. 2011, Section 2-203, is  
2 amended to read as follows:

3 Section 2-203. CLAIM.

4 A. An unemployed individual must file an initial claim for  
5 unemployment benefits by calling an Oklahoma Employment Security  
6 Commission claims representative in a Commission Call Center, by  
7 completing the required forms through the Internet Claims service  
8 provided by the Commission, or by completing all forms necessary to  
9 process an initial claim in a local office of the Commission or any  
10 alternate site designated by the Commission to take unemployment  
11 benefit claims. The Commission may obtain additional information  
12 regarding an individual's claim through any form of  
13 telecommunication, writing, or interview. An unemployed individual  
14 must file a claim in writing or by telecommunication for benefits  
15 with respect to each week in accordance with such rule as the  
16 Commission may prescribe.

17 B. During the process of filing an initial claim for  
18 unemployment benefits, the claimant shall be made aware of the  
19 definition of misconduct set out in Section 2-406 of this title, and  
20 the claimant shall affirmatively certify that the answers given to  
21 all questions in the initial claim process are true and correct to  
22 the best of the claimant's knowledge and that no information has  
23 been intentionally withheld or misrepresented in an attempt by the  
24 claimant to receive benefits to which he or she is not entitled.

1        C. With respect to each week, he or she must provide the  
2 Commission with a true and correct statement of all material facts  
3 relating to: his or her unemployment; ability to work; availability  
4 for work; activities or conditions which could restrict the  
5 individual from seeking or accepting full-time employment  
6 immediately; applications for or receipt of workers' compensation  
7 benefits; employment and earnings; and the reporting of other income  
8 from retirement, pension, disability, self-employment, education or  
9 training allowances.

10        ~~C.~~ D. No claim will be allowed or paid unless the claimant  
11 resides within a state or foreign country with which the State of  
12 Oklahoma has entered into a reciprocal or cooperative arrangement  
13 pursuant to Part 7 of Article IV of the Employment Security Act of  
14 1980.

15        ~~D.~~ E. The Commission may require the individual to produce  
16 documents or information relevant to the claim for benefits. If the  
17 individual has the ability to produce the documents or information  
18 and fails to produce it, the individual's claim for unemployment  
19 benefits may be disqualified indefinitely by the Commission until  
20 the information is produced. The Commission may require the  
21 individual to personally appear at a location for a purpose relevant  
22 to the individual's unemployment claim or job search. If the  
23 individual fails to appear, the individual's claim for unemployment  
24 benefits may be disqualified indefinitely by the Commission until

1 the individual makes a personal appearance as directed. An  
2 individual that has been disqualified indefinitely by the provisions  
3 of this subsection may receive payment for any week between the  
4 initial failure and the compliance with this subsection if the  
5 claimant is otherwise eligible and has made a timely filing for each  
6 intervening week.

7 SECTION 2. AMENDATORY 40 O.S. 2011, Section 2-406, is  
8 amended to read as follows:

9 Section 2-406. DISCHARGE FOR MISCONDUCT. A. An individual  
10 shall be disqualified for benefits if he or she has been discharged  
11 for misconduct connected with his or her last work, ~~if so found by~~  
12 ~~the Commission.~~ If discharged for misconduct, the employer shall  
13 have the burden to prove that the employee engaged in misconduct as  
14 defined by this section. Such burden of proof is satisfied by the  
15 employer, or its designated representative, providing a signed  
16 affidavit, or presenting such other evidence which properly  
17 demonstrates the misconduct which resulted in the discharge. Once  
18 this burden is met, the burden then shifts to the discharged  
19 employee to prove that the facts are inaccurate or that the facts as  
20 stated do not constitute misconduct as defined by this section.

21 Disqualification under this section shall continue for the full  
22 period of unemployment next ensuing after he or she has been  
23 discharged for misconduct connected with his or her work and until  
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1 such individual has become reemployed and has earned wages equal to  
2 or in excess of ten (10) times ~~his~~ the weekly benefit amount.

3 B. "Misconduct" shall include, but not be limited to, the  
4 following:

5 1. Unexplained absenteeism or tardiness;

6 2. Willful or wanton indifference to or neglect of the duties  
7 required;

8 3. Willful or wanton breach of any duty required by the  
9 employer;

10 4. The mismanagement of a position of employment by action or  
11 inaction;

12 5. Actions or omissions that place in jeopardy the health,  
13 life, or property of self or others;

14 6. Dishonesty;

15 7. Wrongdoing;

16 8. Violation of a law; or

17 9. A violation of a policy or rule adopted to ensure orderly  
18 work or the safety of self or others.

19 SECTION 3. AMENDATORY 40 O.S. 2011, Section 2-418, is  
20 amended to read as follows:

21 Section 2-418.

22 SEEK AND ACCEPT WORK - INDEFINITE DISQUALIFICATION.  
23  
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1 A. An individual shall be disqualified to receive benefits for  
2 the full period of unemployment next ensuing after the individual  
3 shall have failed to do any of the following:

4 1. Accept an offer of suitable work, as defined by Section 2-  
5 408 of this title, from an employer including any former employer;

6 2. Apply for or accept suitable work, as defined by Section 2-  
7 408 of this title, when so directed by the Commission; or

8 3. Accept employment pursuant to a hiring hall agreement when  
9 so offered.

10 Such disqualification shall continue until the individual has become  
11 reemployed and has earned wages equal to or in excess of ten (10)  
12 times his or her weekly benefit amount.

13 B. An employer who provides evidence of an offer of suitable  
14 work pursuant to paragraph 1 of subsection A of this section shall  
15 be proof of the failure of the individual to meet this requirement  
16 and shall result in the immediate cessation of benefits until a  
17 determination can be made by the Commission. The Commission shall  
18 conduct a timely investigation of any such claim and verify the  
19 offer of suitable work.

20 C. Any individual who shall have failed in any of the  
21 requirements of subsection A of this section due to illness, death  
22 of a family member or other extenuating circumstance beyond his or  
23 her control shall be disqualified for regular benefits under this  
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1 section only for the week of the occurrence of such circumstance  
2 beyond his or her control.”

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