

**BILL SUMMARY**  
2<sup>nd</sup> Session of the 54<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB2505</b>
<b>Version:</b>	<b>SAHB</b>
<b>Request Number:</b>	<b>NA</b>
<b>Author:</b>	<b>Rep. Randy McDaniel</b>
<b>Date:</b>	<b>4/29/2014</b>
<b>Impact:</b>	<b>Not Required</b>

**Research Analysis**

HB2505 requires the certification statement that all unemployment claimants are required to sign upon filing for benefits to be available in local offices and on the website of the Oklahoma Unemployment Security Commission (OESC).

The measure also requires OESC to review at random five percent of unemployment benefits cases where misconduct was alleged and decide either in favor or against the employer. OESC must submit an annual report to the Legislature summarizing the cases that are reviewed.

The measure also modifies the definition of *misconduct* and the acts which constitute misconduct, which are outlined as follows:

- intentional acts or omissions which constitutes a material or substantial breach of the employee's job duties or responsibilities or obligations;
- unapproved or excessive absenteeism or tardiness;
- indifference to, breach of, or neglect of the duties required which result in a material or substantial breach of the employee's job duties or responsibilities;
- actions or omissions that place in jeopardy the health, life or property of self or others;
- dishonesty;
- wrongdoing;
- violation of a law; or
- violation of a policy or rule enacted to ensure orderly and proper job performance or for the safety of self or others.

A misconduct violation does not require a prior warning from the employer and as long as the employee knew, or should have reasonably known, that a rule or policy of the employer was violated, the employee will not be eligible for unemployment benefits. There is also a rebuttable presumption of misconduct if a state or federal agency has findings of failure by the employee to meet the applicable civil, criminal or professional standards of the employee's profession.

Furthermore, the measure provides that reimbursed pay or back pay received by a recipient of unemployment benefits will be subtracted from the claimant's weekly benefit check if the claimant is placed on furlough or experiences a work stoppage due to a lapse in appropriation or a budget shortfall and is subsequently reimbursed full pay when the work stoppage period ends. The Oklahoma Employment Security Commission is authorized to reconsider a benefit determination to correct for any reimbursed or back pay received by a claimant. An employer may also file an untimely objection to a claim for unemployment benefits if good cause is shown.

Lastly, the measure repeals the Shared Work Unemployment Compensation Program. The program was established in 2011 to allow certain employees to collect partial unemployment

benefits if the employees share the work remaining after a reduction in the total number of hours of work and a corresponding reduction in wages.

Prepared By: Quyen Do

**Fiscal Analysis**

Not required.

Prepared By: Mark Tygret

**Other Considerations**

None.