

SCS HCS HB 2041 -- EMPLOYMENT

This bill changes the laws regarding employment.

DISCLOSURE OF CONFIDENTIAL INFORMATION

The Division of Employment Security within the Department of Labor and Industrial Relations may disclose confidential information obtained from any employing unit or individual regarding employment records required by the division in the administration of the Missouri Employment Security Law to a state or federal official or agency as required by law. It will be at the division's discretion for any other party to receive disclosures as authorized by state or federal law.

Any person who intentionally discloses or otherwise fails to protect confidential information in violation of these provisions will be guilty of a class A misdemeanor. A second or subsequent violation will be a class D felony.

VOCATIONAL AND TECHNICAL EDUCATION

Currently, the Commissioner of Education in cooperation with the Director of the Division of Employment Security within the Department of Labor and Industrial Relations establishes procedures to provide grants to certain public schools for new programs, curriculum enhancement, equipment, and facilities in order to upgrade vocational and technical education in the state. The bill replaces the Director of the Division of Employment Security with the Director of the Division of Workforce Development of the Department of Economic Development in their cooperative capacity with the Commissioner of Education to establish the procedures.

UNEMPLOYMENT CLAIMS QUALIFICATION REQUIREMENTS

Individuals are required to make an unemployment claim within 14 days from the last day of the week being claimed, but that period may be extended to 28 days for good cause. Claimants must report to an employment office to participate in a reemployment assessment and reemployment services in order to qualify for unemployment benefits unless these requirements are waived for good cause.

PROHIBITED EMPLOYMENT PRACTICES

Employers are prohibited from requiring employees to have personal identification microchip technology implanted in their bodies. An employer who violates this provision will be guilty of a class A misdemeanor.

UNEMPLOYMENT COMPENSATION FOR WAR ON TERROR VETERANS

A Missouri resident who is a member of a United States armed forces reserve unit or the National Guard located outside Missouri can qualify as a War on Terror veteran for the purpose of receiving veteran's unemployment benefits.

Any overpayment of benefits will be recovered through billing, setoffs against tax refunds, intercepts of lottery winnings, and certain other recovery procedures authorized under Missouri law.

DIVISION OF EMPLOYMENT SECURITY

The Division of Employment Security is exempt from notifying contributing base period employers of an initial claim if the employer paid the worker \$400 or less in the worker's base period.

The division is allowed to deliver notices electronically if requested by an employer or claimant.

An employer is considered an interested party in a separation issue if the claimant was separated from the employer during a claimed week.

OVERTIME PAY

The bill re-enacts the federal overtime standards in effect prior to the passage of Proposition B in 2006 regarding the minimum wage increase including, but not limited to, the exemptions for firefighters, commissioned employees, and flex-time pay rate employees.

The provisions regarding vocational and technical education, unemployment claim qualification requirements, unemployment compensation for War on Terror veterans, Division of Employment Security, and the disclosure of confidential information become effective October 1, 2008.

The bill contains an emergency clause for the provisions regarding overtime pay.