

FIRST REGULAR SESSION

HOUSE BILL NO. 202

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CASTEEL.

0773H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 288.050, RSMo, and to enact in lieu thereof one new section relating to employment security.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 288.050, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 288.050, to read as follows:

288.050. 1. Notwithstanding the other provisions of this law, a claimant shall be disqualified for waiting week credit or benefits until after the claimant has earned wages for work insured pursuant to the unemployment compensation laws of any state equal to ten times the claimant's weekly benefit amount if the deputy finds:

(1) That the claimant has left work voluntarily without good cause attributable to such work or to the claimant's employer. A temporary employee of a temporary help firm will be deemed to have voluntarily quit employment if the employee does not contact the temporary help firm for reassignment prior to filing for benefits. Failure to contact the temporary help firm will not be deemed a voluntary quit unless the claimant has been advised of the obligation to contact the firm upon completion of assignments and that unemployment benefits may be denied for failure to do so. "Good cause", for the purposes of this subdivision, shall include only that cause which would compel a reasonable employee to cease working or which would require separation from work due to illness or disability. The claimant shall not be disqualified:

(a) If the deputy finds the claimant quit such work for the purpose of accepting a more remunerative job which the claimant did accept and earn some wages therein;

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (b) If the claimant quit temporary work to return to such claimant's regular employer;
18 or

19 (c) If the deputy finds the individual quit work, which would have been determined
20 not suitable in accordance with paragraphs (a) and (b) of subdivision (3) of this subsection,
21 within twenty-eight calendar days of the first day worked;

22 (d) As to initial claims filed after December 31, 1988, if the claimant presents
23 evidence supported by competent medical proof that she was forced to leave her work
24 because of pregnancy, notified her employer of such necessity as soon as practical under the
25 circumstances, and returned to that employer and offered her services to that employer as
26 soon as she was physically able to return to work, as certified by a licensed and practicing
27 physician, but in no event later than ninety days after the termination of the pregnancy. An
28 employee shall have been employed for at least one year with the same employer before she
29 may be provided benefits pursuant to the provisions of this paragraph;

30 (e) If the deputy finds that, due to the spouse's mandatory and permanent military
31 change of station order, the claimant quit work to relocate with the spouse to a new residence
32 from which it is impractical to commute to the place of employment and the claimant
33 remained employed as long as was reasonable prior to the move. The claimant's spouse shall
34 be a member of the U.S. Armed Forces who is on active duty, or a member of the National
35 Guard or other reserve component of the U.S. Armed Forces who is on active National Guard
36 or reserve duty. The provisions of this paragraph shall only apply to individuals who have
37 been determined to be an insured worker as provided in subdivision (22) of subsection 1 of
38 section 288.030;

39 (2) That the claimant has retired pursuant to the terms of a labor agreement between
40 the claimant's employer and a union duly elected by the employees as their official
41 representative or in accordance with an established policy of the claimant's employer; or

42 (3) That the claimant failed **three times during the same unemployment cycle**
43 without good cause either to apply for available suitable work when so directed by a deputy of
44 the division or designated staff of an employment office as defined in subsection 1 of section
45 288.030, or to accept suitable work when offered [~~the claimant, either through the division or~~
46 ~~directly by an employer by whom the individual was formerly employed], or to appear for a~~
47 **scheduled job interview or skills test**, or to return to the individual's customary self-
48 employment, if any, when so directed by the deputy. An offer of work shall be rebuttably
49 presumed if an employer notifies the claimant in writing [~~of such offer by sending an~~
50 ~~acknowledgment via any form of certified mail issued by the United States Postal Service~~
51 ~~stating such offer to the claimant at the claimant's last known address] or by email. Nothing
52 in this subdivision shall be construed to limit the means by which the deputy may establish
53 that the claimant has or has not been sufficiently notified of available work. **In enforcing**~~

54 **this subdivision, the division shall establish a method allowing employers to report by**
55 **email or telephone any individual who fails to accept or respond to an offer of**
56 **employment or appear for a previously scheduled job interview or skills test.**

57 (a) In determining whether or not any work is suitable for an individual, the division
58 shall consider, among other factors and in addition to those enumerated in paragraph (b) of
59 this subdivision, the degree of risk involved to the individual's health, safety and morals, the
60 individual's physical fitness and prior training, the individual's experience and prior earnings,
61 the individual's length of unemployment, the individual's prospects for securing work in the
62 individual's customary occupation, the distance of available work from the individual's
63 residence and the individual's prospect of obtaining local work; except that, if an individual
64 has moved from the locality in which the individual actually resided when such individual
65 was last employed to a place where there is less probability of the individual's employment at
66 such individual's usual type of work and which is more distant from or otherwise less
67 accessible to the community in which the individual was last employed, work offered by the
68 individual's most recent employer if similar to that which such individual performed in such
69 individual's last employment and at wages, hours, and working conditions which are
70 substantially similar to those prevailing for similar work in such community, or any work
71 which the individual is capable of performing at the wages prevailing for such work in the
72 locality to which the individual has moved, if not hazardous to such individual's health, safety
73 or morals, shall be deemed suitable for the individual.

74 (b) Notwithstanding any other provisions of this law, no work shall be deemed
75 suitable and benefits shall not be denied pursuant to this law to any otherwise eligible
76 individual for refusing to accept new work under any of the following conditions:

77 a. If the position offered is vacant due directly to a strike, lockout, or other labor
78 dispute;

79 b. If the wages, hours, or other conditions of the work offered are substantially less
80 favorable to the individual than those prevailing for similar work in the locality;

81 c. If as a condition of being employed the individual would be required to join a
82 company union or to resign from or refrain from joining any bona fide labor organization.

83 2. If a deputy finds that a claimant has been discharged for misconduct connected
84 with the claimant's work, such claimant shall be disqualified for waiting week credit and
85 benefits, and no benefits shall be paid nor shall the cost of any benefits be charged against any
86 employer for any period of employment within the base period until the claimant has earned
87 wages for work insured under the unemployment laws of this state or any other state as
88 prescribed in this section. In addition to the disqualification for benefits pursuant to this
89 provision the division may in the more aggravated cases of misconduct cancel all or any part
90 of the individual's wage credits, which were established through the individual's employment

91 by the employer who discharged such individual, according to the seriousness of the
92 misconduct. A disqualification provided for pursuant to this subsection shall not apply to any
93 week which occurs after the claimant has earned wages for work insured pursuant to the
94 unemployment compensation laws of any state in an amount equal to six times the claimant's
95 weekly benefit amount. Should a claimant be disqualified on a second or subsequent
96 occasion within the base period or subsequent to the base period the claimant shall be
97 required to earn wages in an amount equal to or in excess of six times the claimant's weekly
98 benefit amount for each disqualification.

99 3. Notwithstanding the provisions of subsection 1 of this section, a claimant may not
100 be determined to be disqualified for benefits because the claimant is in training approved
101 pursuant to Section 236 of the Trade Act of 1974, as amended, (19 U.S.C.A. Sec. 2296, as
102 amended), or because the claimant left work which was not suitable employment to enter
103 such training. For the purposes of this subsection "suitable employment" means, with respect
104 to a worker, work of a substantially equal or higher skill level than the worker's past adversely
105 affected employment, and wages for such work at not less than eighty percent of the worker's
106 average weekly wage as determined for the purposes of the Trade Act of 1974.

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