	ApprovedDate	
MINUTES OF THEHouse COMMITTEE ON _	Labor and Industry	
The meeting was called to order byRepresent	ntative Arthur Douville Chairperson	at
9:00 a.m./\frac{1}{2}	, 19.85 in room _526_S of the (Capitol.
All members were present except:		
All members were present.		
Committee staff present: All present.		

Conferees appearing before the committee:

A copy of a proposed amendment to <u>H.B. 2254</u> was passed out to the committee members. There was an explanation of the amendment and a discussion followed. A motion was was made by Representative Nichols to accept the amendment. The motion was seconded by Representative Sifers. There was further discussion and then a vote was taken. The motion was passed.

A motion was then made by Representative Patrick to strike the word "morals" on page 5 line 191 of $\underline{\text{H.B. }2254}$. The motion was seconded by Representative Friedeman. A discussion followed. A vote was taken and the motion failed.

Chairman Douville stated that in respect to the language on page 7 of <u>H.B. 2254</u>, he would like to make it clear to the Director of Human Resources and the administration that it is still the public policy, as declared by this legislature, that persons who are on strike do not draw unemployment benefits and that the language on page 7, Sec. 2, (a), (10) is not designed to make unemployment benefits available to strikers. With that understanding the committee would have no objection to the bill as amended. Representative Hensley said that he concurred with the Chairman and wanted to publicly state that he feels that is the policy of the state, so that there is no misunderstanding from anyone as it relates to that policy.

Representative Nichols said that she hoped that the Dept. of Human Resources would keep track of and document Sec. 2, (a), (10) and (11).

Representative Acheson made a motion to pass out $\underline{\text{H.B. 2254}}$, as amended, favorably. The motion was seconded by Representative Cribbs. There was no further discussion. A vote was taken and the motion passed unanimously.

The meeting was adjourned at 9:35 a.m.

Labor & Industry 2-21

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wages for insured work paid during such individual's base period. Such total amount of benefits, if not a multiple of \$1, shall be computed at the next higher multiple of \$1, except that for new claims filed after June 30, 1983, such total amount of benefits, if not a multiple of \$1, shall be reduced to the next lover multiple of \$1.

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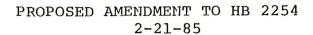
(g) For the purposes of this section, wages shall be counted as "wages for insured work" for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the date on which the employing unit by whom such wages were paid has satisfied the conditions of subsection (h) of K.S.A. 44-703 and amendments thereto with respect to becoming an employer.

O133 Sec. 2. K.S.A. 1984 Supp. 44-706 is hereby amended to read O134 as follows: 44-706. An individual shall be disqualified for benous efits:

(a) Beginning with the week in which the valid initial claim 0136 0137 is filed and for the 10 consecutive weeks which immediately 0138 follow such week and shall forfeit benefit entitlement equal to 10 0130 times the individual's determined weekly benefit amount, but 0140 not less than an amount equal to such individual's determined 0141 weekly benefit amount If the individual left the last work vol-0142 untarily without good cause attributable to the work or the 0143 employer, subject to the other provisions of this subsection (a). 0144 The disqualification shall begin the day following the separa-0145 tion and shall continue until after the individual has become reemployed and has had earnings from insured work of at least 0147 three times the individual's weekly benefit amount. An individ-0148 ual shall have left work voluntarily with good cause for either 0140 work related or personal reasons, not be disqualified under this 0150 subsection (a) if:

(1) After pursuing all reasonable alternatives, the circum-0152 stances causing the separation were of such urgent, compelling 0153 or necessitous nature as to provide the individual with no alter-0154 native but to leave the work voluntarily; or

0155 (2) the reasons for the separation were of such nature that a 0156 reasonable and prudent individual would separate from the



For Consideration by House Committee on Labor and Industry

2-21-85 Att.#1 employment under the same circumstances. If an individual leaves work by the individual's own action because of domestic of or family responsibilities, not including pregnancy, self-off employment or to retire because of disability or old age, or to attend school such individual shall be disqualified for benefits until such individual again becomes employed and has had off carnings of at least eight times such individual's weekly benefit amount. No individual shall be denied benefits for leaving

- 0165 (1) The individual was forced to leave work because of 0166 illness or injury upon the advice of a licensed and practicing 0167 physician and, upon learning of the necessity for absence, im0168 mediately notified the employer thereof, or the employer con0169 sented to the absence, and after recovery from the illness or 0170 injury, when recovery was certified by a practicing physician, 0171 the individual returned to the employer and offered to perform 0172 services and the individual's regular work or comparable and 0173 suitable work was not available; as used in this paragraph (1) 0174 "physician" means any person licensed by the proper licensing 0175 authority of any state to engage in the practice of medicine and 0176 surgery, osteopathy, chiropractic, dentistry, optometry, podia0177 try or psychology;
- 0178 (2) the individual left temporary work to return to the regu-0179 lar employer;
- 0180 (3) the individual left work to enlist in the armed forces of 0181 the United States, but was rejected or delayed from entry;
- 0182 (4) the individual left work because of the transfer of the 0183 individual's spouse from one place of work to another place of 0184 work at a geographic location which makes it unreasonable for 0185 the individual to continue work at the individual's place of 0186 work;
- 0187 (5) the individual left work because of matisfactory of 0188 hazardous working conditions; in determining whether or not 0189 working conditions are unsatisfactory for an individual, the 0190 degree of risk involved to the individual's health, safety and 0191 morals, the individual's physical fitness and prior training, the 0192 individual's experience and prior earnings, the distance of the 1193 work from the individual's residence and the working condi-

hazardous

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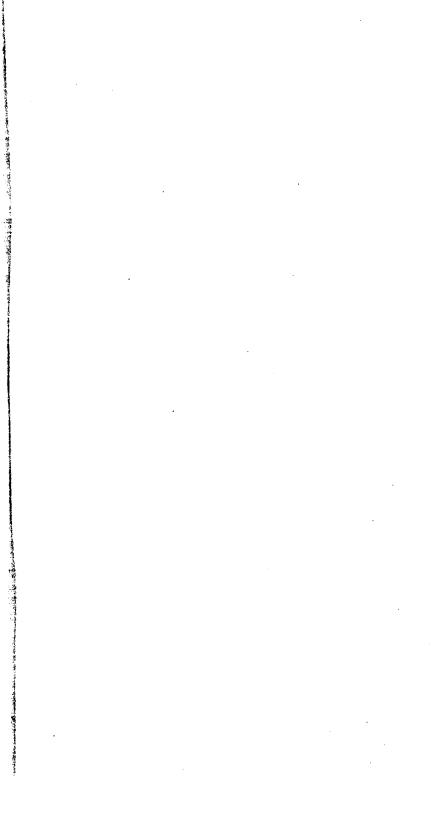
one tions of workers engaged in the same or similar work for the same of and other employers in the locality shall be considered; as used in this paragraph (5), "hazardous working conditions" means working conditions that could result in a danger to the physical or mental well-being of the individual; each determination as to whether hazardous working conditions exist shall include, but shall not be limited to, a consideration of (A) the safety measures used or the lack thereof, and (B) the condition of equipment or lack of proper equipment; no work shall be considered hazardous if the working conditions surrounding the individual's work are the same or substantially the same as the working conditions generally prevailing among individuals performing the same or similar work for other employers engaged in the ozor same or similar type of activity;

0208 (6) the individual left work to enter training approved under 0209 section 236(a)(1) of the trade act of 1974, provided the work left is 0210 not of a substantially equal or higher skill level than the indi-0211 vidual's past adversely affected employment (as defined for 0212 purposes of the trade act of 1974), and wages for such work are 0213 not less than 80% of the individual's average weekly wage as 0214 determined for the purposes of the trade act of 1974;

0215 (7) the individual left work because of unwelcome harass-0216 ment of the individual by the employer or another employee of 0217 which the employing unit had knowledge;

0218 (8) the individual left work to accept better work; each 0219 determination as to whether or not the work accepted is better 0220 work shall include, but shall not be limited to, consideration of 0221 (A) the rate of pay, the hours of work and the probable perma-0222 nency of the work left as compared to the work accepted, (B) the 0223 cost to the individual of getting to the work left in comparison to 0224 the cost of getting to the work accepted, and (C) the distance 0225 from the individual's place of residence to the work accepted in 0226 comparison to the distance from the individual's residence to 0227 the work left;

0228 (9) the individual left work as a result of being instructed or 0229 requested by the employer, a supervisor or a fellow employee to 0230 perform a service or commit an act in the scope of official job



0231 duties which is in violation of an ordinance or statute;

- 232 (10) the individual left work because of a violation of the 0233 work agreement by the employing unit and, before the individuals all left, the individual had exhausted all remedies provided in 0235 such agreement for the settlement of disputes before terminating; or
- 0237 (11) after making reasonable efforts to preserve the work, 0238 the individual left work due to a personal emergency of such 0239 nature and compelling urgency that it would be contrary to 0240 good conscience to impose a disqualification.
- (b) Beginning with the week in which the valid initial claim 0242 is filed and for the 10 consecutive weeks which immediately 0243 follow such week and shall forfeit benefit entitlement equal to 10 0244 times the individual's determined weekly benefit amount, but 0245 not less than an amount equal to such individual's determined 0246 weekly benefit amount if the individual has been discharged 0247 from the individual's last work for a breach of a duty connected 0248 with the individual's work reasonably owed an employer by an 0249 employee, except that if an individual is discharged for gross 0250 misconduct connected with the individual's work, such individ-0251 ual shall be disqualified for benefits until such individual again 0252 becomes employed and has had earnings of at least eight times 0253 such individual's weekly benefit amount. The term "gross mis-0254 conduct" as used in this subsection shall be construed to mean 0255 conduct evincing willful and wanton disregard of an employer's 0256 interest or a carelessness or negligence of such degree or recurrence as to show an intentional or substantial disregard of the 0258 employer's interest.
- o259 (c) If the individual has failed, without good cause, to either o260 apply for suitable work when so directed by the employment office of the secretary of human resources, or to accept suitable work when offered to the individual by the employment office, o263 the secretary of human resources, or an employer, such disqual-ification shall begin with the week in which such failure occurred and for the 10 consecutive weeks which immediately o266 follow such week and shall forfeit benefit entitlement equal to 10 times the individual's determined weekly benefit amount but