



Posted on Mon, Feb. 03, 2014

## **Jobless benefits eligibility could get harder in Missouri**

By ALLISON PRANG  
Special to the Star

It would be hard to argue that a roofer shouldn't be fired for urinating from atop a building, or that a night nurse ought not to get canned for repeatedly falling asleep on the job.

But legislation pushed by a Lee's Summit legislator could change Missouri's rules about whether, once fired, they still qualify for unemployment benefits.

Under current state rules, such indelicate roofers and drowsy nurses have collected unemployment. State law says workers lose eligibility for jobless benefits when they do something "wanton or wilful" or "intentional and substantial" in violation of employer expectations. A bill introduced by Republican Will Kraus would change that standard to simply a "knowing" violation of employer rules.

"Knowing," Kraus said, "is a little easier to prove."

The measure would also deny workers unemployment payments for off-the-job misconduct that interferes with work. For instance, someone who takes a drug that makes him drowsy before clocking in could lose both his paycheck and unemployment benefits if he nods off on duty.

"If you got caught stealing or falling asleep at work, that's kind of on you as an employee," Kraus said. Unemployment benefits were meant "only for those people that were let go because of no fault to their own."

The bill is backed by business groups such as the Missouri Chamber of Commerce and Industry. Tracy King, the group's lobbyist, said that employers shouldn't be penalized for employee misconduct.

Organized labor is resisting. The Missouri AFL-CIO testified against the bill at a recent hearing.

"Too many people in our state are dealing with joblessness due to no fault of their own," Mike Louis, the secretary treasurer of the organization, said in an email.

Employers have strong incentives to limit who ultimately qualifies for jobless benefits. Unemployment insurance rates go up for a business as more of its fired or laid-off workers tap into the benefits.

Critics say the proposed changes could discourage workers from pressing discrimination claims and open the way for employers to fire people — and deny them unemployment benefits — for minor mistakes.

Rep. Stephen Webber, a Columbia Democrat, said the bill would open a route for denying a fired worker unemployment benefits for something as incidental as forgetting to wear a name tag.

"This bill sets that up," he said. "That's not fair."

Michael Williams, an attorney at Williams Dirks law firm in Kansas City, has represented workers claiming discrimination or harassment. He said changing the state law would discourage people from asserting their rights in such situations.

"The definition as we have it is working," he said, noting that employers can appeal such cases.

Last year, Democratic Gov. Jay Nixon vetoed a similar bill, arguing it went "too far" and wouldn't conform to federal law.

"While not affecting an employer's ability to fire an employee," Nixon wrote in his veto letter, "this bill would improperly deny Missourians unemployment benefits."

Kraus said that he has altered this year's bill to accommodate Nixon's objections and has been in talks with the governor's office and other groups that opposed last year's legislation.

The governor's spokesman, Scott Holste, did not respond to a request for comment.