

MISSOURI BILL WARNS EMPLOYEES TO BE ON THEIR BEST BEHAVIOUR, ON-THE-JOB AND OFF-THE-JOB



A new Missouri unemployment bill aims to broaden the ambit of a bill introduced earlier this year, by re-defining the meaning of on-the-job misconduct, to help employers fight fraudulent unemployment claims. The earlier bill, introduced by Missouri state senator Will Kraus, defined employee misconduct as intentional breaking of employers rules. The amended version will also include accidental violations, unless the employee could provide evidence of ignorance of the rule's existence. The senator said that he was motivated to propose this bill as he was continually receiving tales of workers getting sacked for misconduct and yet claiming benefits. He cited examples saying, a worker got fired for sleeping on the job, but received benefits. "Another one got mad, violently cleared off a filing cabinet, got fired for that, got unemployment benefits for that," Kraus said. "Another one urinated off a school building and got unemployment benefits for that. If a child saw that individual peeing off a school building, he could have been put on a sex offender registry." Republican state lawmakers are pushing for similar laws all over the country. Maine is deciding over a bill to deny benefits to workers who have been laid off, but who have remaining vacation pay. Arizona and South Carolina are pushing for employers demanding benefits to first prove they are not doing drugs. The Missouri proposal is not unlike the one that was legislated in Florida last year where misconduct is defined as, "any action that demonstrates conscious disregard of an employer's interests and is found to be a deliberate disregard or violation of reasonable standards of behaviour, and may include activities that did not occur at the workplace or during working hours." However, opponents of the new law question why should the employer be justified or interested in knowing what the employee is doing outside of his workplace, and why should his off-workplace behaviour be recognized as disqualifying misconduct. George Wentworth, a senior staff attorney with the National Employment Law Project said, "It's always problematic when you start making public policy that proceeds on the premise that it's OK for the employer to regulate a worker's private life." When repeatedly asked, whether misconduct is not necessarily limited to working hours, he said, "You're correct," he said. "I'm reading the language and you're correct." He concluded saying, "I'm not an attorney and I'm not gonna go down this this that that, because I'm not going to be able to justify what a lawyer would do. People that are let go because of the downside, they're going to get unemployment. They're entitled to it. But the people that do have misconduct like the things I've mentioned need not to get the benefits."