

SECOND REGULAR SESSION

HOUSE BILL NO. 2034

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SASSMANN.

4719H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 288.050, RSMo, and to enact in lieu thereof two new sections 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Section A. Section 288.050, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 288.050 and 288.104, to read as follows: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 without good cause either to apply for available suitable
43 work when so directed by a deputy of the division or designated staff of an employment office
44 as defined in subsection 1 of section 288.030, or to accept suitable work when offered ~~the~~
45 ~~claimant, either through the division or directly by an employer by whom the individual was~~
46 ~~formerly employed], or to appear for a scheduled job interview or skills test, or to return~~
47 to the individual's customary self-employment, if any, when so directed by the deputy. An
48 offer of work shall be rebuttably presumed if an employer notifies the claimant in writing ~~[of~~
49 ~~such offer by sending an acknowledgment via any form of certified mail issued by the United~~
50 ~~States Postal Service stating such offer to the claimant at the claimant's last known address]~~
51 **or by email or telephone.** Nothing in this subdivision shall be construed to limit the means
52 by which the deputy may establish that the claimant has or has not been sufficiently notified
53 of available work. **In enforcing this subdivision, the division shall establish a method**

54 **allowing employers to report by email or telephone any individual who fails to accept or**
55 **respond to an offer of employment or appear for a previously scheduled job interview or**
56 **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.

**288.104. 1. This section shall be known and may be cited as the "Employment
2 Security Program Integrity Act of 2024".**

3 2. As used in this section, the following terms mean:

4 (1) "Department of corrections", the Missouri department of corrections;

**5 (2) "Division", the division of employment security of the Missouri department
6 of labor and industrial relations;**

**7 (3) "Employment security rolls", the list of all persons currently receiving
8 unemployment compensation benefits under this chapter, to be kept and updated by the
9 division;**

**10 (4) "National data check system", any public, private, or nonprofit national data
11 system designed to verify the identity, employment status, eligibility status, and claims
12 submitted status of any individual participating in, or applying to participate in, an
13 unemployment compensation program;**

**14 (5) "New-hire records", the directory of newly hired and rehired employees
15 reported under applicable state and federal laws;**

**16 (6) "Welfare agency", any state agency, department, or entity that distributes or
17 administers public assistance benefits, other than unemployment compensation benefits,
18 through the Temporary Assistance for Needy Families (TANF), Supplemental Nutrition
19 Assistance Program (SNAP), Medicaid, or public housing programs.**

20 **3. The division shall engage with and utilize a national data check system to**
21 **ensure that only eligible individuals receive unemployment compensation benefits**
22 **pursuant to this chapter.**

23 **4. The division shall, on a weekly basis, check its employment security rolls**
24 **against a list of incarcerated individuals, which shall be provided to the division by the**
25 **department of corrections, to verify the eligibility of unemployment compensation**
26 **benefit claimants and to ensure that only eligible individuals receive unemployment**
27 **compensation benefits pursuant to this chapter.**

28 **5. The division shall, on a weekly basis, check its employment security rolls**
29 **against state death records.**

30 **6. The division shall, on a weekly basis, check its new-hire records against the**
31 **records contained in the National Directory of New Hires in order to verify the**
32 **eligibility of the individuals named in the division's new-hire records.**

33 **7. The division shall verify the identity of unemployment compensation benefit**
34 **claimants by methods including, but not limited to:**

35 **(1) Verifying the identity of an applicant prior to awarding benefits; and**

36 **(2) Requiring multi-factor authentication as part of online applications.**

37 **8. The division shall perform a full eligibility review of suspicious or potentially**
38 **improper claims in cases including, but not limited to:**

39 **(1) Multiple or duplicative claims filed online originating from the same internet**
40 **protocol address;**

41 **(2) Claims filed online from foreign internet protocol addresses;**

42 **(3) Multiple or duplicative claims filed that are associated with the same mailing**
43 **address; and**

44 **(4) Multiple or duplicative claims filed that are associated with the same bank**
45 **account.**

46 **9. Any welfare agency, upon receipt of information that an enrolled individual**
47 **has become employed, shall notify the division in order that the division may determine**
48 **whether the individual remains eligible for unemployment compensation benefits.**

49 **10. (1) The division shall adopt and implement internal administrative policies**
50 **to prioritize and pursue the recovery of fraudulent or otherwise improper**
51 **unemployment compensation benefit overpayments to the fullest extent allowable**
52 **under applicable state and federal law. The division shall attempt to recover all**
53 **outstanding unemployment compensation benefit overpayments unless doing so would**
54 **violate state or federal law, though this section shall not be construed to apply to**
55 **overpayments issued on claims filed during a state of emergency declared by the**
56 **governor due to COVID-19.**

57 **(2) The division shall maintain records of all of its attempts to recover**
58 **unemployment compensation benefit overpayments. The division shall issue a written**
59 **report to the general assembly each year, no later than December thirty-first, describing**
60 **improper unemployment compensation benefit payments and their recovery, the extent**
61 **to which any improper unemployment compensation benefit payments have not been**
62 **corrected or recovered, and the reasons for the failure of the division to secure such**
63 **correction or recovery.**

64 **11. The division is hereby authorized to execute a memorandum of**
65 **understanding with any governmental entity of this state in order to share and**
66 **receive such information as may be necessary for the division to administer the**
67 **provisions of this section.**

68 **12. If the division receives information relating to an individual who has been**
69 **found eligible for unemployment compensation benefits and such information indicates**
70 **a change in circumstances that could affect the individual's eligibility, the division shall**
71 **review the individual's eligibility case.**

72 **13. The division may promulgate all necessary rules and regulations for the**
73 **administration of this section. Any rule or portion of a rule, as that term is defined in**
74 **section 536.010, that is created under the authority delegated in this section shall**
75 **become effective only if it complies with and is subject to all of the provisions of chapter**
76 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable**
77 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**
78 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**
79 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
80 **adopted after August 28, 2024 shall be invalid and void.**

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