

House File 531

S-3229

1 Amend House File 531, as passed by the House, as follows:

2 1. Page 1, before line 34 by inserting:

3 <Sec. _____. Section 96.5, subsection 2, Code 2019, is amended
4 by adding the following new paragraph:

5 NEW PARAGRAPH. *d.* For purposes of this subsection,
6 "*misconduct*" means a deliberate act or omission by an
7 employee that constitutes a material breach of the duties
8 and obligations arising out of the employee's contract of
9 employment. "*Misconduct*" is limited to conduct evincing such
10 willful or wanton disregard of an employer's interest as
11 is found in deliberate violation or disregard of standards
12 of behavior which the employer has the right to expect of
13 employees, or in carelessness or negligence of such degree of
14 recurrence as to manifest equal culpability, wrongful intent
15 or evil design, or to show an intentional and substantial
16 disregard of the employer's interests or of the employee's
17 duties and obligations to the employer. "*Misconduct*" includes
18 but is not limited to all of the following:

19 (1) Falsification by the individual of an employment
20 application to obtain employment.

21 (2) Knowing violation by the individual of a reasonable and
22 uniformly enforced rule of an employer.

23 (3) Damage of the employer's property through intentional
24 conduct by the individual.

25 (4) Dishonesty with the employer by the individual in
26 relation to the individual's employment.

27 (5) Consumption by the individual of alcohol, illegal or
28 nonprescribed prescription drugs, or an impairing substance
29 in an off-label manner, or a combination of such substances,
30 on the employer's premises in violation of the employer's
31 employment policies.

32 (6) Reporting to work under the influence of alcohol,
33 illegal or nonprescribed prescription drugs, or an impairing
34 substance used in an off-label manner, or a combination of such
35 substances, in violation of the employer's employment policies,

1 unless the individual is compelled to report to work by the
2 employer outside of scheduled or on-call working hours.

3 (7) Conduct by the individual that endangers the personal
4 safety of the individual, coworkers, or the general public.

5 (8) Incarceration of the individual that results in missing
6 work for an act for which one could reasonably expect to be
7 incarcerated.

8 (9) Incarceration of the individual following conviction of
9 a misdemeanor or felony by a court of competent jurisdiction.

10 (10) Excessive unexcused tardiness or absenteeism.

11 (11) Falsification by the individual of any work-related
12 report, task, or job that could expose the employer or
13 coworkers to legal liability or sanction for violation of
14 health or safety laws.

15 (12) Failure by the individual to maintain any license,
16 registration, or certification that is reasonably required by
17 the employer, that is required by law, or that is a functional
18 requirement to perform the individual's regular job duties,
19 unless the failure is not within the control of the individual.

20 (13) Conduct by the individual that is libelous or
21 slanderous toward the employer or an employee of the employer
22 if such conduct is not protected under state or federal law.

23 (14) Conduct by the individual creating or attempting to
24 create dissention or animus against the employer or a coworker
25 if such conduct is not protected under state or federal law.

26 (15) Theft of funds or property of the employer or a
27 coworker by the individual.

28 (16) Misrepresentation by the individual of time worked
29 or work carried out that results in the individual receiving
30 unearned wages or unearned benefits.>

31 2. Page 3, by striking lines 30 and 31 and inserting:

32 <Sec. ____ . Section 96.40, subsection 2, paragraph e, Code
33 2019, is amended to read as follows:>

34 3. By striking page 3, line 35, through page 4, line 2.

35 4. Page 4, by striking lines 3 through 7.

- 1 5. Page 5, line 6, by striking <paragraphs "e" and "i"> and
- 2 inserting <paragraph "e">
- 3 6. Page 5, by striking lines 7 and 8.
- 4 7. By renumbering as necessary.

JIM CARLIN