

**Senate File 561 - Introduced**

SENATE FILE 561  
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 1088)

**A BILL FOR**

1 An Act concerning disqualification from eligibility for  
2 unemployment benefits due to discharge for misconduct.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 96.5, subsection 2, Code 2019, is amended  
2 by adding the following new paragraph:

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

- 17 (1) Falsification by the individual of an employment  
18 application to obtain employment.
- 19 (2) Knowing violation by the individual of a reasonable and  
20 uniformly enforced rule of an employer.
- 21 (3) Damage of the employer's property through intentional  
22 conduct by the individual.
- 23 (4) Dishonesty with the employer by the individual.
- 24 (5) Consumption by the individual of alcohol, illegal or  
25 nonprescribed prescription drugs, or an impairing substance  
26 in an off-label manner, or a combination of such substances,  
27 on the employer's premises in violation of the employer's  
28 employment policies.
- 29 (6) Reporting to work under the influence of alcohol,  
30 illegal or nonprescribed prescription drugs, or an impairing  
31 substance used in an off-label manner, or a combination of such  
32 substances, in violation of the employer's employment policies,  
33 unless the individual is compelled to report to work by the  
34 employer outside of scheduled or on-call working hours.
- 35 (7) Conduct by the individual that endangers the personal

1 safety of the individual or coworkers.

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

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

7 (10) Excessive unexcused tardiness or absenteeism.

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

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

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

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

23 (15) Theft of funds or property of the employer or a  
24 coworker by the individual.

25 (16) Misrepresentation by the individual of time worked  
26 or work carried out that results in the individual receiving  
27 unearned wages or unearned benefits.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with  
30 the explanation's substance by the members of the general assembly.

31 Under current law, an individual is disqualified from  
32 eligibility for unemployment benefits if the department of  
33 workforce development finds that the individual has been  
34 discharged for misconduct in connection with the individual's  
35 employment. "Misconduct" is defined by the department by rule.

1 This bill provides that "misconduct" means a deliberate act  
2 or omission by an employee that constitutes a material breach  
3 of the duties and obligations arising out of the employee's  
4 contract of employment. "Misconduct" is limited to conduct  
5 evincing such willful or wanton disregard of an employer's  
6 interest as is found in deliberate violation or disregard  
7 of standards of behavior which the employer has the right  
8 to expect of employees, or in carelessness or negligence of  
9 such degree of recurrence as to manifest equal culpability,  
10 wrongful intent or evil design, or to show an intentional and  
11 substantial disregard of the employer's interests or of the  
12 employee's duties and obligations to the employer. The bill  
13 includes a nonexclusive list of behaviors that constitute  
14 misconduct.