SENATE FILE 561
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 1088)

(As Amended and Passed by the Senate March 20, 2019)

_____ = New Language by the Senate

A BILL FOR

An Act concerning disqualification from eligibility for unemployment benefits due to discharge for misconduct.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

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

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

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

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

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

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

(6) Reporting to work under the influence of alcohol, illegal or nonprescribed prescription drugs, or an impairing substance used in an off-label manner, or a combination of such substances, in violation of the employer's employment policies, unless the individual is compelled to report to work by the employer outside of scheduled or on-call working hours.

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

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

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

(10) Excessive unexcused tardiness or absenteeism.

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

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

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

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

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

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