



# House of Representatives

General Assembly

**File No. 366**

January Session, 2003

House Bill No. 5551

*House of Representatives, April 15, 2003*

The Committee on Labor and Public Employees reported through REP. RYAN of the 139<sup>th</sup> Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT CONCERNING DISQUALIFICATIONS FOR UNEMPLOYMENT COMPENSATION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (16) of section 31-236 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2003*):

4 (16) For purposes of subparagraph (B) of subdivision (2) of this  
5 subsection, "wilful misconduct" means deliberate misconduct in wilful  
6 disregard of the employer's interest, or a single knowing violation of a  
7 reasonable and uniformly enforced rule or policy of the employer,  
8 when reasonably applied, provided such violation is not a result of the  
9 employee's incompetence and provided further, in the case of absence  
10 from work, "wilful misconduct" means an employee [must be] is  
11 absent without either good cause for the absence or notice to the  
12 employer which the employee could reasonably have provided under  
13 the circumstances for (A) five or more consecutive days, or (B) three

14 separate instances within an eighteen-month period. For purposes of  
15 subdivision (15) of this subsection, "temporary help service" means any  
16 person conducting a business that consists of employing individuals  
17 directly for the purpose of furnishing part-time or temporary help to  
18 others; and "temporary employee" means an employee assigned to  
19 work for a client of a temporary help service.

|                                        |                        |
|----------------------------------------|------------------------|
| This act shall take effect as follows: |                        |
| Section 1                              | <i>October 1, 2003</i> |

**LAB**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

**OFA Fiscal Note**

**State Impact:**

| <b>Agency Affected</b>    | <b>Fund-Type</b> | <b>FY 04 \$</b>       | <b>FY 05 \$</b>         |
|---------------------------|------------------|-----------------------|-------------------------|
| Department of Labor       | UCF - Savings    | Less than \$2 million | Less than \$2.7 million |
| Unemployment Compensation | GF - Savings     | Potential Minimal     | Potential Minimal       |

*UCF: Unemployment Compensation Fund; GF: General Fund*

**Municipal Impact:**

| <b>Municipalities</b>  | <b>Effect</b> | <b>FY 04 \$</b>   | <b>FY 05 \$</b>   |
|------------------------|---------------|-------------------|-------------------|
| Various Municipalities | Savings       | Potential Minimal | Potential Minimal |

**Explanation**

The bill allows that “wilful misconduct” include absences for five or more consecutive days as a disqualifier to unemployment compensation and will result in a savings to the Unemployment Compensation Fund. It is anticipated that less than 50 cases a month will result in disqualification due to the bill’s provision. The average weekly benefit rate is currently \$272 at an average of 16.7 weeks of benefits (this would result in an average annual savings to the UCF of \$4,542 per ineligible claimant). The annual savings to the Unemployment Compensation Fund is estimated to be less than \$2.7 million.

The bill could also result in a potential minimal savings to the state’s Unemployment Compensation Account (General Fund miscellaneous account administered by the Comptroller) and municipalities, as state employees make up about 1% and municipal employees make up about 1.25% of the statewide workforce. However, due to the nature of the state and municipal workforce and corresponding benefits, any

potential savings is anticipated to be minimal.

**OLR Bill Analysis**

HB 5551

**AN ACT CONCERNING DISQUALIFICATIONS FOR  
UNEMPLOYMENT COMPENSATION****SUMMARY:**

This bill broadens the definition of "willful misconduct" regarding absences from work under unemployment compensation law to include five or more consecutive absences from work without good cause or notice to the employer that the employee could have reasonably provided under the circumstances. Once the Department of Labor determines the employee had such an absence, it is required to disqualify the employee from receiving unemployment benefits.

Under current law (and unchanged by the bill), the employee must be absent without good cause or notice to the employer on three separate instances within an 18-month period to become ineligible for such benefits.

EFFECTIVE DATE: October 1, 2003

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Report

Yea 10 Nay 2