

HB 3120 A STAFF MEASURE SUMMARY

Carrier: Rep. Hernandez

House Committee On Business and Labor

Action Date: 04/08/19

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 11-0-0-0

Yeas: 11 - Barker, Barreto, Boles, Bonham, Boshart Davis, Bynum, Clem, Doherty, Evans, Fahey, Holvey

Fiscal: Fiscal impact issued

Revenue: Revenue impact issued

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Meeting Dates: 4/8

WHAT THE MEASURE DOES:

Allows individual to receive unemployment insurance benefits if individual or member of individual's immediate family was or could be a victim of crime of intimidation and the individual leaves work or fails to apply for work in order to protect self or immediate family member from crime of intimidation that individual reasonably believes will occur as a result of continued employment or acceptance of work. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- How Employment Department would determine claimant is victim of intimidation

EFFECT OF AMENDMENT:

Defines "intimidation" to be conduct that, per determination of the Employment Department Director, more likely than not constitutes crime of intimidation in first degree or second degree or similar conduct defined by the Director by rule. Clarifies applicability clause.

BACKGROUND:

Generally speaking, when an individual leaves employment for good cause or is laid off, the individual can file a claim to receive unemployment insurance benefits. The individual must seek and be willing to accept suitable employment. There are exceptions, including cases where the individual or a member of the individual's immediate family is, or could become, a victim of domestic violence, stalking, or sexual assault, and the individual leaves work or fails to apply for, or accept, suitable work in order to protect themselves or an immediate family member from domestic violence, stalking, or sexual assault that the individual reasonably believes will occur as a result of continued employment or acceptance of work.

House Bill 3120-A extends the exception to include, and thus allows unemployment insurance benefits to, an individual or a member of their immediate family who is, or could become, a victim of intimidation and the individual reasonably believes that intimidation will occur as a result if the employee continues to work.