

State of Arkansas

77th General Assembly

A Bill

SENATE BILL

Third Extraordinary Session, 1989

CALL ITEM

67

By: Senator Kinard

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 11-10-514 TO PROVIDE THAT ANY INDIVIDUAL DISCHARGED FROM WORK ON THE BASIS OF A POSITIVE DRUG TEST IS DISQUALIFIED FROM RECEIVING UNEMPLOYMENT INSURANCE BENEFITS; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 11-10-514 is amended to read as follows:

"(a) (1) If so found by the director, an individual shall be disqualified for benefits if he is discharged from his last work for misconduct in connection with the work.

(2) In all cases of discharge for absenteeism, the individual's attendance record for the twelve-month period immediately preceding the discharge and the reasons for the absenteeism shall be taken into consideration for purposes of determining whether the absenteeism constitutes misconduct.

(b) Except as otherwise provided in this section, disqualification for misconduct shall be for eight (8) weeks of unemployment as defined in § 11-10-512, except that, if he is discharged from his last work for misconduct in connection with the work on account of dishonesty, drinking on the job, reporting for work while under the influence of intoxicants, or wilful violation of the rules or customs of the employer pertaining to the safety of fellow employees or company property, he shall be disqualified from the date of filing his claim until he shall have ten (10) weeks of employment in each of which he shall have earned wages equal to at least his weekly benefit amount.

(c) If so found by the director, an individual shall be disqualified for benefits, if he is suspended from his last work for misconduct in connection with the work. Except as otherwise provided, the disqualification shall be for

the duration of the suspension or eight (8) weeks, whichever is the lesser.

(d) (1) If so found by the director, an individual shall be disqualified for benefits, if he is discharged from his last work on the basis of a positive confirmed drug test conducted pursuant to a written policy using standards and procedures substantially the same as those under the "Mandatory Guidelines for Federal Workplace Drug Testing Programs, Federal Guidelines Notice," Federal Register, Vol. 53, Number 69, April 11, 1988, or using standards and procedures substantially the same as under Arkansas law for drug testing in the workplace.

(2) The disqualification shall continue until, subsequent to filing a claim, he has had at least thirty (30) days of employment covered by an unemployment compensation law of this state, another state, or the United States."

SECTION 2. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.