

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. NO.: 449-06  
BILL NO.: SCS for SB 114  
SUBJECT: Employment Security Benefits  
TYPE: Original  
DATE: February 19, 2001

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Unemployment Compensation Trust Fund	(Unknown) to Unknown	(Unknown) to Unknown	(Unknown) to Unknown
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>(Unknown) to Unknown</b>	<b>(Unknown) to Unknown</b>	<b>(Unknown) to Unknown</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 3 pages.

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**FISCAL ANALYSIS**

ASSUMPTION

Officials from the **Office of Administration - Division of Personnel** assume the proposed legislation would have no fiscal impact on their agency.

Officials from the **Department of Labor and Industrial Relations (DOL)** stated that currently, the Division of Employment Security (DES) finds misconduct, when an individual is discharged or suspended, for failing a drug test when: (1) the policy to test is part of a collective bargaining or hiring agreement and the individual has prior knowledge of such an agreement; and, (2) in the case of a random test there is reasonable suspicion the person is under the influence on the job; or, (3) there is conduct showing impairment to the extent that it has an impact on the work place; or, (4) the individual is in a safety sensitive position. This is providing the test procedures are reliable with supporting documentation.

Under the proposal the conditions under two, three and four described above, which are currently used by DES to determine misconduct for discharges and suspensions, would be removed. Removing these conditions would increase the number of claimants denied benefits and could decrease the amount of benefits paid, depending on the length of the suspension or the number of weeks of disqualification applied to each discharge and the number of weeks claimed.

Currently, the DES will generally deny benefits when an individual is in a rehabilitation program preventing he/she from being able and available for work. Under the proposal if the individual is in a rehabilitation program they will not be denied under the able and available provisions. This could increase the number of claimants eligible for benefits and the amount of benefits paid depending on the length of time the individual is in rehabilitation and the number of weeks claimed.

The payment of unemployment benefits is funded by employer contributions to the unemployment compensation trust fund (UCTF). The proposal could decrease the amount of benefits paid for those under the suspension and discharge provisions, but could increase the amount of benefits paid for those under the able and available for work provisions. The DES is not able to identify the current claims that fall within each subject category in order to estimate or project the potential impact of the proposal. The impact to the UCTF is not known.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	\$0	\$0	\$0

L.R. NO. 449-06  
BILL NO. SCS for SB 114  
PAGE 3 OF 3  
February 19, 2001

	FY 2002 (10 Mo.)	FY 2003	FY 2004
<u>FISCAL IMPACT - Local Government</u>	\$0	\$0	\$0

FISCAL IMPACT - Small Business

Small businesses could be affected by the provisions of this proposal.

DESCRIPTION

This proposal deems a positive test result for drugs (controlled substances) as misconduct connected with work. Claimants suspended or terminated for a positive drug test are ineligible for benefits. Such claimants may become eligible if they participate in a state approved drug treatment program.

Employers suspending or terminating employees pursuant to this proposal must publicly post a drug-free work place policy which warns that a positive drug test will be deemed misconduct and may result in suspension, drug treatment intervention, or termination.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Labor and Industrial Relations  
Office of Administration - Division of Personnel

**NOT RESPONDING: Department of Economic Development - Division of Workforce Development**



Jeanne Jarrett, CPA  
Director

February 19, 2001