

Option (5)- Increase Minimum Disqualification

a) **Definition:**

Currently, if an individual loses his or her job without good cause, they can be disqualified for a period of five to twenty six weeks. It is proposed that the minimum disqualification be raised from five to ten weeks on claims where the separation was “discharged for cause”.

b) **Current Policy/Practice**

Minimum disqualification is five weeks

c) **Other States’ Practice in This Area**

See attached charts (Pages 54-67)

d) **Proposed Change:**

Raise minimum number of weeks to ten

e) **Estimated Fiscal Impact on Fund Per Year:**

Based upon an analysis of the last two years worth of claims, the amount of savings would be approximately \$12 million annually.

f) **Pros and Cons of This Change:**

Pros- Will reduce amount of benefits paid

Cons- Employer perspective-None
Claimant perspective-Less benefits received

g) **Required Action to Implement:**

Legislative

h) **Time Frame Required for Implementation**

One to three months

i) **Impact on Agency in Implementation:**

IT programming time/modifications of procedure manuals/training

j) **Agency Recommendation:**

Yes

k) **Other Comments/Considerations**

None

DISQUALIFICATION FOR VOLUNTARILY LEAVING WORK

Unemployment compensation is intended only for workers who are out of work through no fault of their own. Every state disqualifies individuals who bring about or perpetuate their own unemployment, either because they quit their job without good cause, committed misconduct in connection with their work, or refused a suitable job. In most states, the disqualification for voluntarily quitting without good cause runs for the duration of the claimant's unemployment and until the individual reaches a specified minimum length of employment and/or wages in another job. If laid off from this subsequent job for nondisqualifying reasons, the individual may be eligible for benefits. In a few states, the disqualification provided is for a fixed number of weeks or a variable number, depending on the circumstances of the case.

Some states reduce the claimant's entitlement by the number of weeks of disqualification.

As Table 26 shows, most states restrict "good cause" only to causes connected with the work or the employer. Good personal cause is not ordinarily considered enough justification for leaving a job to avoid a disqualification. Most states, however, provide exceptions to their restricted "good cause" provisions. It should be noted that a claimant who is not disqualified for voluntarily quitting is not necessarily eligible for benefits. If a claimant left because of illness, for example, he/she may not be able to work or be available for work. In most states, ineligibility for benefits would extend until the individual was able and available for work.

**Table 26—DISQUALIFICATION FOR VOLUNTARILY LEAVING WORK
WITHOUT GOOD CAUSE**

State (1)	Benefits Post- poned ¹ (2)	Benefits Reduced ¹ (3)	Duration of Unemploy- ment, Plus ¹ (4)	Good Cause Includes:				
				Only Work- Connected Cause (5)	Claim- ant's Illness (6)	Leaving to Accept Other Job (7)	Compulsory Retirement (8)	Other (9)
Alabama ²		6-12 x WBA	10 x WBA ¹³	X	X	X	X	
Alaska ⁴	W +5 or 8 x WBA ¹²	3 x WBA			X	X		X ¹⁸
Arizona			5 x WBA	X ⁴	X	X	X	
Arkansas			30 days insured work	X ⁴	X			X ¹⁷
California			5 x WBA	X ⁴	X	X	X	X ^{17,18}
Colorado	WF + 10 ⁷	employer potential charges		X ⁴	X ⁶	X ¹⁰	X	X ¹⁸
Connecticut			10 x WBA	X ⁴	X ⁶	X ¹⁰	X	X ¹⁸
Delaware			4 wks work and 4 x WBA	X	X			
D.C. ²			10 weeks work and 10 x WBA ²⁵	X				X ¹⁸
Florida ²			17 x WBA	X ⁴	X	X ⁵		X ¹⁷
Georgia			10 x WBA	X		X ¹⁷		X ¹⁷
Hawaii			5 x WBA		X	X	X	X ^{17,18}
Idaho ²			14 x WBA	X	X	X ²⁴		X ¹⁸
Illinois ²			WBA in each of 4 weeks	X ⁴	X ⁶	X ¹⁰		X ¹⁸
Indiana		By 25% ²¹	WBA in each of 8 weeks	X	X	X	X	X ¹⁸

Table 26—DISQUALIFICATION FOR VOLUNTARILY LEAVING WORK WITHOUT GOOD CAUSE — Continued

State (1)	Benefits Post- poned ¹ (2)	Benefits Reduced ¹ (3)	Duration of Unemploy- ment, Plus ¹ (4)	Good Cause Includes:				
				Only Work- Connected Cause (5)	Claim- ant's Illness (6)	Leaving to Accept Other Job (7)	Compulsory Retirement (8)	Other (9)
Iowa ²			10 x WBA	X ⁴	X	X		
Kansas			3 x WBA	X	X	X		X ^{17,18}
Kentucky			10 x WBA earned in at least 10 weeks ²⁶	X		X	X	X
Louisiana ²			10 x WBA	X			X ²⁰	
Maine ²			4 x WBA ¹	X	X ⁶	X		X ^{17,18}
Maryland ²	W+4-9 ⁹		15 x WBA	X ⁴				
Massachusetts ²			WBA in each of 8 weeks		X	X	X	X ¹⁸
Michigan ³			12 x WBA	X ⁴	X ⁶	X		
Minnesota			8 x WBA	X ^{4,19}	X	X		X ¹⁸
Mississippi			8 x WBA		X	X	X	X ¹⁸
Missouri ²			10 x WBA	X ⁴	X ^{8,27}	X ⁵		
Montana			6 x WBA	X ⁴	X ⁶		X	X ^{18,22}
Nebraska ³	W+12 ¹¹	Equal		X	X	X ¹⁸		X ¹⁸
Nevada			WBA earned in each of 10 wks. 20% more than WBA in each of 5 weeks	X ⁴	X	X		X ^{4,17}
New Hampshire				X ⁴	X ⁶	X ¹⁴		X ¹⁸
New Jersey			4 wks. work and 6 x WBA	X ⁴	X ⁶		X	X ^{17,18}
New Mexico			5 x WBA	X				X ¹⁸
New York			5 x WBA					X ¹⁸
North Carolina ²			10 x WBA earned in at least 5 weeks	X ⁴	X			X ¹⁸
North Dakota ³			8 x WBA	X ^{4,19}	X ^{4,6}	X ¹⁰		
Ohio ²			6 wks. work and 6 x 27.5% of SAWW	X ⁴	X ⁶	X ¹⁰		
Oklahoma			10 x WBA	X	X ⁶			X ^{17,18,28,29}
Oregon		8 x WBA	4 x WBA ¹		X			X ¹⁸
Pennsylvania			6 x WBA	X ⁴	X	X		
Puerto Rico			10 x WBA earned in at least 4 weeks		X			
Rhode Island			20 x min. hourly wage in each of 8 weeks		X	X	X	X ¹⁸
South Carolina			8 x WBA	X				X ²³
South Dakota ²			WBA in each of 6 weeks	X ⁴	X ⁶	X ⁵		
Tennessee ³			10 x WBA	X				

Table 26—DISQUALIFICATION FOR VOLUNTARILY LEAVING WORK WITHOUT GOOD CAUSE — Continued

State (1)	Benefits Post- poned ¹ (2)	Benefits Reduced ¹ (3)	Duration of Unemploy- ment, Plus ¹ (4)	Good Cause Includes:				
				Only Work- Connected Cause (5)	Claim- ant's Illness (6)	Leaving to Accept Other Job (7)	Compulsory Retirement (8)	Other (9)
Texas			6 x WBA or 6 weeks work	X ⁴	X ⁶	X ¹⁵		X ¹⁸
Utah			6 x WBA		X	X	X	X ¹⁸
Vermont			6 x WBA	X				
Virginia ²			30 days or 240 hours of work	X ⁴	X	X ¹⁰		
Virgin Islands			4 x WBA earned in at least 4 weeks					
Washington			7 weeks elapsed and 7 x WBA ¹	X ⁴	X	X		X ^{17,18}
West Virginia			30 days work	X	X ⁶	X ⁵		
Wisconsin			W + 4 and 4 x WBA	X ⁴	X ⁶	X ¹⁶	X	X ¹⁸
Wyoming ²			8 x WBA	X	X			X ^{18,4}

FOOTNOTES FOR TABLE 26

1. "W" means week of occurrence; "WF" = week of filing. "Equal" indicates reduction equal to WBA multiplied by number of weeks of disqualification. "WBA in each of 4 weeks" means the individual must work for a minimum of 4 weeks and earn at least an amount equal to his/her weekly benefit amount in each week. **Maine:** 6 x WBA following retirement. **Oregon, Washington:** claimant's earnings must be in covered employment.
2. Disqualification applicable to last separation, except in the following states when it may apply to preceding separation. **Alabama:** if last separation was not considered bona fide work. **District of Columbia:** employer for whom the individual last performed 30 work days in covered employment. **Florida, Idaho, Illinois, Iowa, Maryland, Massachusetts, Ohio:** when employment or time period subsequent to last separation does not satisfy a potential disqualification. **Louisiana:** disqualification applies to base period, or last employer, until claimant earns 10xWBA in wages after disqualifying separation. **Maine:** if last work was not in usual trade or was intermittent. **Missouri:** preceding separations handled only if base period employer provides a timely protest to base period notice and subsequent employment does not satisfy potential disqualification. **North Carolina, South Dakota:** if employment was less than 30 days. **Virginia:** if employment was less than 30 days or 240 hours. **Wyoming:** not bona fide if less than 2 weeks and earnings less than 2X WBA.
3. Disqualification, **Michigan:** any chargeable employer; **Nebraska:** separation from any base-period and lag period employers. **North Dakota:** 8 x WBA; **Tennessee:** 10 x WBA.
4. Good cause must be related to work or attributable to the employer and in, **Alaska:** if qualified to participate in a training program under WIA and training makes them unavailable for work. **Arizona, Arkansas:** for compelling personal reasons. **California:** if individual has an irresistible compulsion to use intoxicants; or if individual elected to be laid off in place of an employee with less seniority. **Colorado:** for compelling personal reasons; or addiction to drugs or alcohol if treatment is sought and no award connected with such addiction has been granted for 10 years. **Connecticut:** individual who voluntarily quits must establish good cause attributable to employer; or if individual left to care for a seriously ill spouse, child or parent domiciled with the claimant; or if the individual left work solely by reason of government regulation or statute; or if the individual left work due to loss of transportation other than his personally-owned vehicle provided there is no other reasonable alternative to leaving; or if the individual left work to accompany a spouse who is required to relocate while on active duty with the US armed forces. **Florida:** a temporary or leased employee is subject to disqualification if, upon conclusion of his or her latest assignment, the employee without good cause, failed to contact the employer for reassignment, if the employer advised the temporary or leased employee at the time of hire that he or she must report for reassignment upon the conclusion of each assignment. The disqualification would ensue from the week in which separation occurred and continue until the claimant earned 17 x WBA. A claimant is also disqualified for any week he or she is on a leave

FOOTNOTES FOR TABLE 26 — Continued

- of absence if the individual voluntarily initiated the leave. This disqualification is merely a suspension in benefit payments and carries no requirement for subsequent earnings. **Illinois**: if individual elected to be laid off in place of an employee with less seniority. **Iowa**: claimant who voluntarily quits must establish good cause attributable to employer; or if individual left work because successor employer did not offer suitable work. **Maryland**: when laid off for lack of work, or after obtaining subsequent employment that pays less than prior employment and then quits subsequent employment to attend approved training; or if voluntarily quit part-time employment before the loss of full-time employment. **Michigan**: no disqualification if claim in existence when work was accepted, work was unsuitable at the time of acceptance, and claimant left within 60 days. Also no disqualification if leaving is due to following relocated military spouse. **Minnesota**: if quit unsuitable employment within 30 calendar days; or if quit unsuitable employment to enter approved training; or if quit part-time employment, providing the claimant has sufficient full-time BP employment to establish a valid claim and left full-time employment for non-disqualifying reasons. **Missouri**: if work was unsuitable and claimant left within 28 calendar days. **Montana**: if left to attend school and attended for three consecutive months; or if leaving unsuitable work to enter approved training; or if left temporary work (having accepted such because of lack of work with regular employer) to return to work for regular employer; or if unemployed because of nondisqualifying reasons; or left unsuitable work for any reason provided the individual was employed in such work for at least six weeks from the beginning of BP through the date of leaving. **Nevada**: leaving unsuitable work to enter training approved under Trade Act. **New Hampshire**: if work was unsuitable and claimant left within four weeks. **New Jersey**: No disqualification assessed if an individual participates in an employer's program for voluntary separations to mitigate the impact of a reduction in force. **North Carolina**: if left because of lack of work due to employer bankruptcy; or left work due solely to an unilateral and permanent reduction in full time work hours of more than 20% or 15% pay. **North Dakota**: the claimant leaves within 10 weeks if the claimant could have initially refused this work for good cause. **Ohio**: just cause. **South Dakota**: if individual's leaving is mandated by religious beliefs and employer has not offered reasonable accommodation. **Pennsylvania**: if left due to compelling and necessitous nature (either work or non-work related) as to make separation involuntary; and **Texas**: if left unsuitable work to enter training approved under Trade Act; or if claimant leaves work rather than provide services within the course and scope of his/her employment to an individual infected with a communicable disease because employer did not offer facilities, equipment, training, and supplies necessary to permit reasonable precautions to preclude contact with the communicable disease. **Virginia**: if left due to such urgent, compelling and necessitous nature as to make the separation involuntary. **Wisconsin**: quit after being hired for one shift and then assigned to another that precludes child care; or if quit because employee would have had to violate a state or federal law; or if quit concurrent jobs prior to layoff from second job, if second job is more than 30 hours a week; or if quitting a labor organization if it results in loss of individual's seniority rights and employment with employer which was a party to collective bargaining agreement; or if quit job held concurrent with active military duty because honorably discharged from military service; or if quit in lieu of layoff of another employee; or if quit part-time work because loss of full-time job made it economically unfeasible to continue such work; **Washington**: other work-connected conditions may be considered good cause if the individual can show that staying in the employment would have caused the individual an unreasonable hardship. Also, allowed if quit work to enter approved apprenticeship program. **Wyoming**: quit to return to approved training.
5. If under certain conditions, individual quits other work to return to regular employment, and **Missouri**: or quit such work to earn wages at a more remunerative job.
 6. **Colorado**: after providing employer with a written medical statement addressing matters related to health, if individual left due to health related reasons. (Note that benefits are not payable to persons on authorized, approved or voluntary leaves of absence.) **Connecticut**: No disqualification for voluntary leaving is imposed if the individual leaves work due to a health condition that renders the job unsuitable so long as the claimant has advised the employer of his condition and no other suitable work was available which the individual could have performed within the limits of his health restrictions. **Illinois**: due to illness of a spouse, dependent child or other member of immediate family. **Maine**: absenteeism caused by illness of the employee or immediate family member if employee made reasonable efforts to give notice of the absence; or if licensed doctor certifies that continued employment presents a health hazard. **Michigan**: if leaving is for medically substantiated illness or disability, leaving will be 'involuntary' and no disqualification will apply. **Montana**: if left due to personal illness or injury after release by physician and suitable work not available with previous employer. **New Hampshire**: Left due to personal illness, accidental injury or pregnancy and if the absence was for one (1) year or less, and the employee-employer relationship was maintained, and a physician has released the individual for full-time work, but no suitable work is available with the previous employer. **New Jersey**: no disqualification for voluntary leaving is imposed if the individual leaves work due to a medical condition that was caused or aggravated by the work provided there was no other suitable work available which the individual could have performed within the limits of the disability. **North Dakota**: when a doctor orders or notices that injury or illness is caused or aggravated by the employment, and there was no reasonable alternative to leaving work. **Ohio**: if licensed doctor certifies that continued employment presents a health hazard. **Oklahoma**: allows for medically verifiable illness of the

FOOTNOTES FOR TABLE 26 — Continued

- claimant and minor child of the claimant. **South Dakota**: if licensed doctor certifies that continued employment presents a health hazard. **Texas**: if left for medically verified illness, injury, disability, while still available for work. **West Virginia**: if licensed doctor certifies that continued employment presents a health hazard. **Wisconsin**: left work due to illness of a spouse, dependent child or other member of immediate family.
7. **Colorado**: benefits are postponed when the disqualifying separation is from the last employer, only. No reduction occurs when the last employer is not a base period employer.
 8. **Missouri**: a worker returning to her employer of at least 1 year duration and offering her services within 90 days after termination of pregnancy will be eligible for benefits if no work is available.
 9. **Maryland**: valid circumstances include cause of a necessitous and compelling nature, health of claimant or other person claimant cares for if proof is furnished, or a substantial cause which is indirectly attributable to the employer or employment. Valid circumstances also include voluntarily leaving employment to follow a spouse if the spouse (1) serves in the United States military, is a civilian employee of the military, or of a federal agency involved in military operations; and (2) the spouse's employer requires a mandatory transfer to a new location.
 10. Leaving to accept other work applies under specific conditions. **Connecticut**: while on layoff from regular work the individual accepted employment with an employer which he left after recall by his former employer; the individual left work with an employer which was outside his regular apprenticeable trade to return to work in his regular apprenticeable trade; or the individual left part-time work with an employer to accept other full-time work.
 11. **Nebraska**: one week disqualification assessed if individual left work for new job under certain conditions.
 12. **Alaska**: the benefit postponement may be terminated if the claimant earns 8 x WEA during the disqualification period. The 3 x WEA is not restored.
 13. **Alabama**: in addition to earning 10 x WEA, claimant must be separated for non-disqualifying reason.
 14. **New Hampshire**: leaving to accept better full-time work and then separated for lack of work.
 15. **Texas**: if partially employed, to accept other work to increase earnings.
 16. **Wisconsin**: if partially unemployed, quit to take a job paying a higher average weekly wage; or if not partially unemployed, quit to accept other covered work offering the same or greater average weekly wage or work hours at a location significantly closer to the employee's domicile; or quit to return to work for a former employer within 52 weeks of last employment.
 17. Good cause includes in **Arkansas**: if person quit employment to move with a military spouse to another duty station. **California**: if claimant left work to accompany his/her spouse or registered domestic partner to a new location. **Florida**: if claimant quit to relocate as a result of his or her military connected spouse's permanent change of station orders, activation orders, or unit deployment orders. **Georgia**: trailing military spouse may quit without disqualification to relocate upon transfer of military member spouse to new duty station; voluntary quit to take a better job not disqualifying under certain circumstances. **Hawaii**: when there is a change in the individual's marital or domestic status. **Kansas**: when individual leaves due to voluntary or involuntary transfer of a spouse to another job and it becomes unreasonable to continue individual's work at same job. **Maine**: when leaving is necessary to accompany, follow, or join spouse to a new residence and claimant can show attachment to new labor market within 14 days. **Nevada**: includes leaving to accompany a spouse who is an active member of the armed forces and received a military transfer. **New Jersey**: includes a spouse of an active member of the armed forces who is forced to quit his or her job due to relocation of the military member outside of the State. **Oklahoma**: quitting to accompany spouse to a new location. **Washington**: quit to follow spouse for mandatory military transfer.
 18. Leaving work because of sexual harassment or domestic violence (as noted) is good cause in the following states-- **Alaska**: sexual harassment. **California**: sexual harassment, and to protect claimant's children or self from domestic violence abuse. **Colorado**: sexual harassment, and when certain specified conditions of domestic violence are met including no prior award within the preceding three years. **Connecticut**: to protect oneself or a domiciled child from becoming or remaining a victim of domestic violence, provided reasonable efforts were made to preserve employment. **District of Columbia**, **Mississippi**, **New Mexico**, **New York**, **Oklahoma**, **Oregon**: domestic violence. **Hawaii**: domestic or sexual violence. **Idaho**: sexual harassment. **Illinois**: sexual harassment, if the claimant quit because of documented domestic violence and made all reasonable efforts to preserve employment, and when the worker leaves to accompany his or her spouse on a military reassignment. **Indiana**: sexual harassment. **Kansas**, **Maine**, **Massachusetts**: sexual harassment or domestic violence. **Minnesota**: sexual harassment, or when a claimant quits because they or their minor child is a victim of documented abuse, when there is evidence of domestic abuse of the claimant and his/her minor child that required quitting, or child care problem. **Montana**, **Nebraska**: sexual, race or age harassment domestic violence, directed to perform illegal acts, unsafe working conditions, previously secured construction work, voluntary layoff to avoid bumping, required relocation not in commuting distance. **New Hampshire**: if claimant quit or was discharged because of domestic abuse and made all reasonable efforts to preserve employment. **New Jersey**: if left work voluntarily or was discharged due to a documented case of domestic violence. **North Carolina**: if claimant quit or was discharged due to domestic violence or undue family hardship. **Rhode Island**: sexual harassment or domestic

FOOTNOTES FOR TABLE 26 — Continued

- violence. **Texas**: domestic violence and stalking, or to care for a terminally ill spouse if no reasonable, alternative care is available. **Utah**: sexual harassment. **Washington**: only if the separation was necessary to protect the claimant or immediate family from domestic violence or stalking. **Wisconsin**: sexual harassment to protect claimant's children or self from domestic abuse, provided reasonable efforts were made to preserve employment. **Wyoming**: If forced to leave the most recent work as a result of being a victim of documented domestic violence.
19. **North Dakota**: if an employee of a temporary help agency completes an assignment and fails to contact the agency for reassignment prior to filing for unemployment benefits, it will be considered a voluntary quit, and **Minnesota**: claimant must contact temporary staffing agency within 5 days after completion of assignment or it is a quit, unless assignment was unsuitable work.
 20. **Louisiana**: good cause under compulsory retirement or leaving depends on facts of claim.
 21. **Indiana**: only one 25% reduction may be applied during benefit year of claim.
 22. **Montana**: includes leaving for active military duty for less than 6 weeks, and when checking back with employer, no work is available.
 23. **South Carolina**: if left work voluntarily or was discharged due to a documented case of domestic violence, or if left work voluntarily to relocate with a military spouse who has been permanently reassigned from one military assignment to another.
 24. **Idaho**: if quit a temporary job for a permanent job or quit part time employment for employment with an increase in the number of hours of work.
 25. **District of Columbia**: weeks of work must be in covered employment.
 26. **Kentucky**: does not have to be 10 consecutive weeks.
 27. **Missouri**: if left due to compelling and necessitous medical nature (either work or non-work related) as to make separation involuntary.
 28. **Oklahoma**: when adjudicating a voluntary quit from employment during a continued claim series, disqualification shall be for the week of the occurrence only.
 29. **Oklahoma**: if the claimant, pursuant to an option provided under a collective bargaining agreement or written employer plan which permits waiver of his or her right to retain the employment when there is a layoff, has elected to be separated and the employer has consented thereto.

DISQUALIFICATION FOR MISCONDUCT

Detailed interpretations of what constitutes misconduct have been developed in each state's benefit decisions. In most states, misconduct must be willful or deliberate, and it must be committed in connection with the work, in order to be disqualifying. Most cases involve violation of company rules, insubordination,

refusal to perform assigned work, and absence from work.

As Table 27 shows, several states provide more stringent disqualifications for gross misconduct which translates into criminal or dishonest acts, "flagrant, willful and unlawful misconduct," "forgery, larceny, embezzlement," or "arson, intoxication, sabotage, or dishonesty."

Table 27—DISQUALIFICATION FOR MISCONDUCT CONNECTED WITH WORK AND GROSS MISCONDUCT

State (1)	Misconduct ⁴			Gross Misconduct		
	Benefits Postponed ¹ (2)	Benefits Reduced ¹ (3)	Duration of Unemployment, plus ¹ (4)	Benefits Postponed ¹ (5)	Benefits Reduced ¹ (6)	Duration of Unemployment, plus ¹ (7)
Alabama ^{2,4,15,17}	W + 3-7	6-12 x WEA ¹⁵	10 x WEA ¹⁵	(5)	(6)	(7)
Alaska ⁴	W + 5 or 8 x WEA ¹³	3 x WEA			Wage credits from involved employer cancelled ¹⁷	10 x WEA
Arizona ⁴			5 x WEA			X ¹¹
Arkansas	8 weeks of unemployment or 8 weeks of work at least equal to WEA					10 weeks work earning at least his/her WEA ²⁴
California			5 x WEA			
Colorado ⁴	WF + 10 ⁷	Employer potential charges		26 wks.	All wage credits cancelled	
Connecticut ⁴			10 x WEA			
Delaware			4 wks. work and 4 x WEA			
D.C. ²	W + 7	8 x WEA				
Florida ^{2,4}	W + 1-52		17 x WEA	Up to 52 wks.		10 weeks work + 10 x WEA ²³
Georgia ⁴			10 x WEA			17 x WEA
Hawaii			5 x WEA			X ⁶
Idaho ²			14 x WEA			
Illinois ^{2,4}			WEA in each of 4 weeks ⁸		All wage credits cancelled ⁸	
Indiana		by 25% ²¹	WEA in each of 8 weeks		All wage credits cancelled	
Iowa ^{2,4}			10 x WEA		All wage credits cancelled	
Kansas ⁴			3 x WEA		All wage credits cancelled	8 x WEA
Kentucky ^{3,4}			10 x WEA earned in at least 10 weeks			X
Louisiana ^{2,4}			10 x WEA		Wage credits from involved employer cancelled	10 x WEA ²⁰
Maine			4 x WEA			8 x WEA

Table 27—DISQUALIFICATION FOR MISCONDUCT CONNECTED WITH WORK AND GROSS MISCONDUCT — Continued

State (1)	Misconduct ⁴			Gross Misconduct		
	Benefits Postponed ¹ (2)	Benefits Reduced ¹ (3)	Duration of Unemployment, plus ¹ (4)	Benefits Postponed ¹ (5)	Benefits Reduced ¹ (6)	Duration of Unemployment, plus ¹ (7)
Maryland ^{2,4} Massachusetts ^{2,4}	W + 4-9		WEA in each of 8 weeks			20 x WEA ¹⁶
Michigan ^{3,4}	17 x WEA			26 requalifying weeks	13 weeks but no entitlement from employer if gross misconduct	
Minnesota ⁴			8 x WEA		Wage credits from involved employer cancelled	8 x WEA
Mississippi Missouri ^{2,4}	6 X WEA for each discharge qualification		8 x WEA		All or part of wage credits cancelled	
Montana Nebraska ³	W + 12 ¹⁸	Equal	8 x WEA	12 mos.	All wage credits cancelled	
Nevada			WEA in each of not more than 16 weeks		Benefit rights from involved employer cancelled	
New Hampshire ⁴			120% WEA in each of 5 weeks		All wage credits cancelled	
New Jersey	W + 5				Wage credits from involved employer cancelled	4 weeks work + 6 x WEA
New Mexico			5 x WEA			
New York North Carolina ^{2,4,5}			5 x WEA ¹⁹ 10 x WEA earned in at least 5 wks.	12 mos. ¹⁴		5 x WEA ¹⁹
North Dakota ^{3,4} Ohio ^{2,3,5}			10 x WEA 6 wks. work and 6 x 27.5% of SAWW	12 mos.	All wage credits from involved employer cancelled	
Oklahoma ⁴ Oregon ⁴		8 x WEA	10 x WEA 4 x WEA		All wage credits cancelled	
Pennsylvania ⁴ Puerto Rico ⁴			6 x WEA 4 weeks work and 10 x WEA			
Rhode Island ¹⁰			Until 20 x minimum hourly wage in each of 8 weeks			
South Carolina ⁴	WF + 5-26	Equal		WF + 5-26	Equal	
South Dakota ^{2,4,9}			WEA in each of 6 weeks			
Tennessee ³			10 x WEA			

Table 27—DISQUALIFICATION FOR MISCONDUCT CONNECTED WITH WORK AND GROSS MISCONDUCT — Continued

State (1)	Misconduct ⁴			Gross Misconduct		
	Benefits Postponed ¹ (2)	Benefits Reduced ¹ (3)	Duration of Unemployment, plus ¹ (4)	Benefits Postponed ¹ (5)	Benefits Reduced ¹ (6)	Duration of Unemployment, plus ¹ (7)
Texas ¹²			6 weeks work or 6 x WEA			
Utah			6 x WEA	W + 51	wage credits from involved employer cancelled	
Vermont Virginia ²	WF + 6-12 ²²		30 days or 240 hours of work			6 x WEA
Virgin Islands ⁴			4 weeks work and 4 x WEA			
Washington			10 weeks elapsed and 10 x WEA ¹		wage credits from involved employer or at least 680 wage credits cancelled	10 weeks elapsed and 10 x WEA ¹
West Virginia ² Wisconsin	W + 6	Equal Wages from work involved removed for benefit calc.	W + 7 and 14 x WEA			30 days work
Wyoming ²		12 x WEA				

FOOTNOTES FOR TABLE 27

- "W" means week of occurrence; "WF", week of filing. "Equal" indicates reduction equal to WEA multiplied by number of weeks of disqualification. "WEA in each of 4 weeks" means that individuals will not requalify for benefits until they have worked a minimum of 4 weeks and earned at least their weekly benefit amount in each week. **Washington**: claimant's earnings must be in covered employment.
- Disqualification applies to claimant's last work, except in the following states it may apply to preceding separation. **Alabama**: if last separation was not considered bona fide work. **Florida, Idaho, Iowa, Illinois, Maryland, Massachusetts**: when employment or time period subsequent to last separation does not satisfy a potential disqualification. **Louisiana**: disqualification applies to base period, or last employer, until claimant earns 10xWBA in wages after disqualifying separation. **Missouri**: preceding separations handled only if base period employer provides a timely protest to base period notice and subsequent employment does not satisfy the potential disqualification. **North Carolina, South Dakota, West Virginia**: if employment was less than 30 days. **Ohio**: when last separation does not meet 6 weeks worked and 6 X 27.5% of SAWW. **Virginia**: if employment was less than 30 days or 240 hours. **Wyoming**: not bona fide lost work if less than 2 weeks full time and earnings less than 2X WEA.
- Disqualification applicable to separation from-- **District of Columbia**: employer for whom the individual last performed 30 work days in covered employment. **Kentucky**: most recent and next most recent employer; **Nebraska**: from any base-period or lag period employers; **Michigan**: to any chargeable employer; **North Dakota**: to any employer with whom the individual earned 10 x WEA; **Ohio**: to most recent claimant worked and earned 6 x 27.5% of SAWW; **Tennessee**: from most recent employer.
- Misconduct in **Alabama**: includes disciplinary suspension. (Disqualification is for W + 1-3 weeks.) **Alaska**: includes conduct in violation of employer's policy about the use of drugs or alcohol, and disciplinary suspension. **Arizona**: for refusing to undergo drug or alcohol testing, or testing positive for drugs or alcohol. **Colorado**: separation due to on or off the job use of non-medically prescribed intoxicating beverages or controlled substances unless individual participates in an approved program of correction. **Connecticut**: due to conduct in the course of employment which constitutes deliberate misconduct, a single knowing vio-

FOOTNOTES FOR TABLE 27 — Continued

- lation of a reasonable and uniformly-enforced rule or policy, larceny of property or services whose value exceeded \$25 or theft of currency of any value, or felonious conduct. If the discharge is for absenteeism, the individual must be absent without either good cause or notice for three separate instances within a twelve month period. If, having been sentenced to a term of imprisonment of thirty days or longer and having commenced serving such sentence, he has been discharged during such period of imprisonment; or if he has been disqualified under state or federal law from performing the work for which he was hired as a result of a drug or alcohol testing program mandated by and conducted in accordance with such law. Also applies to disciplinary suspension. **Florida**: for testing positive for drugs, or disciplinary suspension. **Georgia**: failure to obey orders, rules or instructions or the failure to discharge the duties for which he or she was employed. Also includes violating an employer's drug free workplace policy, or disciplinary suspension. **Illinois**: deliberate and willful violation of a reasonable rule or policy of the employing unit, governing the individual's behavior in performance of his work, provided such violation has harmed the employing unit or other employees or has been repeated by the individual despite a warning or other explicit instruction from the employing unit. **Iowa**: includes disciplinary suspension. **Kansas**: a violation of duty or obligation reasonably owed the employer as a condition of employment. Also includes testing positive for drugs or alcohol, or refusing to be tested. **Kentucky**: includes, but is not limited to, separation initiated by an employer for falsification of an employment application to obtain employment through subterfuge; knowing violation of a reasonable and uniformly enforced rule of an employer; unsatisfactory attendance if the worker cannot show good cause for absences or tardiness; damaging the employer's property through gross negligence; refusing to obey reasonable instructions; reporting to work under the influence of alcohol or drugs, or consuming alcohol or drugs on employer's premises during working hours; conduct endangering safety of self or co-workers; and incarceration in jail following conviction of a misdemeanor or felony by a court of competent jurisdiction, which results in missing at least five (5) working days. **Louisiana**: disqualifies for using drugs on or off the job. **Maryland**: includes disciplinary suspension. **Massachusetts**: for violation of a reasonable and uniformly enforced rule or policy, or deliberate misconduct in willful disregard of the employer's interest. **Michigan**: for refusing to undergo drug testing, or testing positive for drugs. **Minnesota**: includes disciplinary suspension of more than 30 days. **Missouri**: includes disciplinary suspension and conduct in violation of the employer's alcohol and controlled substance workplace policy. **New Hampshire**: for being discharged for intoxication or drug use. (Disqualification is for 4-26 weeks.) Also includes disciplinary suspension. **North Carolina**: includes reporting to work significantly impaired by alcohol or illegal drugs, consuming alcohol or illegal drugs on an employer's premises, or conviction by a court for manufacturing, selling or distribution of a controlled substance while an employee. **North Dakota**: includes disciplinary suspension. **Ohio**: includes disciplinary suspension. **Oklahoma**: for refusing to undergo drug or alcohol testing, or testing positive for either. **Oregon**: if discharged because of tardiness or absenteeism as a result of drug or alcohol abuse, unless the claimant is participating in a recognized drug or alcohol rehabilitation center and provides documentation of participation in the program. **Pennsylvania**: willful misconduct; refusal to submit to or pass a drug or alcohol test conducted pursuant to an established substance abuse policy; includes disciplinary suspension. **Puerto Rico**: includes disciplinary suspension. **South Carolina**: disqualifies for discharge for cause connected with the employment instead of discharge for misconduct; **South Dakota**: deliberate misconduct in willful disregard of the employer's interest; disciplinary suspension. **Virgin Islands**: includes disciplinary suspension.
5. **North Carolina**: disqualifies for 4-13 weeks for a substantial fault by claimant involving his or her work that does not constitute misconduct. Disqualifies for being put on disciplinary suspension by employer, which is defined as acts or omissions by the employee connected with work. **Ohio**: disqualifies for substantial fault by the claimant that does not constitute misconduct. Disqualification can include discharge for inability to perform work when: the individual did not perform the required work, the employer made known their expectations of the individual at time of hire for that position, the expectations were reasonable, and the requirements of the job did not change since the date of hire for that particular position (in accordance with the Ohio supreme court decision).
 6. **Georgia**, for intentional conduct on the job resulting in injury to employers or others or discharge for theft of \$100 or less, 12 x WEA; for conduct resulting in property loss or damages of \$2,000 or more, theft of over \$100, sabotage, or embezzlement, 16 x WEA.
 7. **Colorado**, benefits are postponed when the disqualifying separation is from the last employer, only. No reduction occurs when the last employer is not a base period employer.
 8. **Illinois**, if reinstated by employer, requalifying requirement satisfied. Wage credits cancelled by discharge for felony or theft.
 9. **South Dakota**: conduct mandated by religious beliefs that the employer cannot reasonably accommodate will not be considered misconduct.
 10. **Rhode Island**: not disqualified if NLRB-unfair labor practice complaint issued in connection with discharge.

FOOTNOTES FOR TABLE 27 — Continued

11. **Alaska:** individual discharged for commission of a felony or theft in connection with work is disqualified (including EB) for week of occurrence plus the next 51 weeks or until he or she earns 20 x WEA. to the claimant the facilities, equipment, training, and supplies necessary to permit the claimant to take reasonable precautions to preclude his infection with the communicable disease. disqualification not applicable if claimant discharged due to absence due to caring for ill minor child.
12. **Texas:** claimant was discharged rather than provide services within the course and scope of his employment to an individual infected with a communicable disease is disqualified if the employer made available reasonable precautions to preclude his infection with the communicable disease. Disqualification not applicable if claimant discharged due to absence caused by caring for ill minor child.
13. **Alaska:** the benefit postponement may be terminated if a claimant earns 8 x WEA during disqualification period. The 3 x WEA reduction is not removed.
14. **New York:** if convicted of a felony or a statement admitting the act is signed.
15. **Alabama:** misconduct after warning. Claimant must also be separated for a non-disqualifying reason.
16. **Maryland:** amended category of discharge due to aggravated misconduct which is defined as behavior committed with actual malice and deliberate disregard for the property, safety or life of others that: affects the employer, fellow employees, subcontractors, invitees of the employer, members of the public, or the ultimate consumer of the employer's product or services; and consists of either physical assault or property loss or damage so serious that the penalties of misconduct or gross misconduct are not sufficient. Provides for a 30 x WEA penalty.
17. **Alabama:** gross misconduct includes a confirmed positive drug test when a reasonable drug policy exists or refusing to submit to a drug test, or knowingly altering the results of a drug test.
18. **Nebraska:** wage credits from the discharging employer are cancelled if individual is under the influence of any intoxicating beverage or controlled substance on the worksite or while engaged in work.
19. **New York:** claimant discharged for reasons that constitute misconduct may not use wages earned with that employer to establish a claim for benefits.
20. **Louisiana:** 10 x wba applies only where other BP wages permit monetary eligibility of claim.
21. **Indiana:** only one 25% reduction may be applied during benefit year of claim.
22. **Vermont:** standard is 9 weeks.
23. **District of Columbia:** weeks of work must be in covered employment.
24. **Arkansas:** if the discharge is for testing positive on a US DOT drug screening, the individual must also test negative on a US DOT screening for illegal drugs. This is in addition to the 10 weeks of work with earnings equal to at least his/her weekly benefit amount.

DISQUALIFICATION FOR REFUSAL OF SUITABLE WORK

States vary regarding what is considered suitable work and what is considered good cause for refusing it. Under federal law, all states are prohibited from denying benefits

to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (A) if the position offered is vacant due directly to a strike, lockout, or other labor dispute; (B) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (C) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization....

23 U.S.C. 3304 (a)(5).

Most state laws require agencies to consider the following criteria to determine if a job constitutes suitable work for a claimant: the degree of risk to the claimant's health, safety, and morals; the claimant's physical fitness, prior training, previous experience and earnings; the length of his or her unemployment; the prospects for securing local work in his or her customary occupation; and the distance of the available work from the claimant's residence.

There are many modifications to these criteria, the most common of which is how the suitability of an offered wage changes as the claimant's unemployment increases. After 12 weeks of unemployment in Maine, the individual's prior wage is no longer a criterion of suitability if a job pays at least the state average weekly wage. After 4 weeks of unemployment in Wyoming, a job paying 50% of the claimant's prior wage is not unsuitable because it does not pay enough. After 25 weeks of benefits, a job in Florida is suitable if it pays the minimum wage and is 120 percent or more of the individual's weekly benefit amount. Iowa, Georgia, Mississippi, Montana and North Dakota have similar provisions. In Washington state, work for claimants who quit because of domestic violence is only suitable if it considers their need to address the physical, psychological, legal, and other effects of the domestic violence or stalking. Federal law requires, in the case of extended benefits, that states disregard consideration of a claimant's prior experience, training, and earnings if the work offered is otherwise suitable and pays at least the minimum wage or the individual's average weekly benefit amount (whichever is higher).

Table 28—DISQUALIFICATION FOR REFUSAL OF SUITABLE WORK WITHOUT GOOD CAUSE

State (1)	Benefits Postponed ¹ (2)	Alternative Earnings Requirements ¹ (3)	Benefits Reduced ¹ (4)	Duration of Unemployment Plus: ¹ (5)
Alabama	W + 1-10			
Alaska	W + 5			
Arizona		8 x WEA	3 x WEA	
Arkansas	W + 7 or 8 ⁶			8 x WEA
California	W + 1-9			
Colorado	W + 20			
Connecticut			Equal ⁸	
Delaware			6 x WEA	
D.C.				4 wks. work + 4 x WEA
Florida	W + 1-5 ²			10 wks. work + 10 x WEA ¹⁴
Georgia			Optional	17 x WEA
Hawaii				10 x WEA
Idaho				5 x WEA
Illinois				14 x WEA
Indiana				WEA in each of 4 weeks
Iowa			By 25% ¹³	WEA in each of 8 weeks
Kansas			10 x WEA	
				3 x WEA

Table 28—DISQUALIFICATION FOR REFUSAL OF SUITABLE WORK
WITHOUT GOOD CAUSE—Continued

State (1)	Benefits Postponed ¹ (2)	Alternative Earnings Requirements ¹ (3)	Benefits Reduced ¹ (4)	Duration of Unemployment Plus: ¹ (5)
Kentucky				10 x WEA earned in at least 10 weeks
Louisiana				10 x WEA
Maine				8 x WEA
Maryland	W + 4-9	At agency discretion		10 x WEA
Massachusetts	W + 7		Not exceeding 8 weeks	
Michigan ⁹	W + 13		Equal	
Minnesota	W + 7			
Mississippi	W + 1-12			
Missouri				10 x WEA
Montana ¹⁰			Equal	6 x WEA
Nebraska	W + 12		Equal	
Nevada				WEA in each of up to 16 wks.
New Hampshire				120% WEA in each of 5 weeks
New Jersey	W + 3			
New Mexico				5 x WEA
New York				5 x WEA
North Carolina				10 x WEA in at least 5 weeks
North Dakota				10 x WEA
Ohio ¹⁵				6 wks. work + 6 times 27.5% of SAWW
Oklahoma				10 x WEA ⁵
Oregon			8 x WEA	4 x WEA
Pennsylvania				X ³
Puerto Rico				4 weeks of work + 10 x WEA
Rhode Island				until 20 x min. hourly wage in each of 8 wks.
South Carolina				8 x WEA
South Dakota				WEA in each of 6 weeks
Tennessee				10 x WEA
Texas		6 x WEA		6 weeks of work
Utah				6 x WEA
Vermont				6 x WEA
Virginia ¹¹				30 days or 240 hours of work
Virgin Islands				4 weeks work + 4 x WEA
Washington				7 weeks elapsed + 7 x WEA ¹²
West Virginia	W + 4 ⁴		Equal	
Wisconsin				W + 4 and 4 x WEA
Wyoming				8 x WEA ⁷

FOOTNOTES FOR TABLE 28

1. "W" means week of occurrence; "WF" = week of filing. "Equal" indicates reduction equal to WEA multiplied by number of weeks of disqualification. "WEA in each of 4 weeks" means the individual must work a minimum of 4 weeks and earn at least an amount equal to his weekly benefit amount in each week.
2. **Florida:** aliens who refuse resettlement or relocation employment are disqualified 1-17 weeks, or reduction by not more than 5 weeks.
3. **Pennsylvania:** if the work refused was temporary or casual, the ineligibility continues only for the period of time that work would have been available. If the work was not temporary or casual, the ineligibility continues until subsequent employment is obtained which is not of a temporary or casual nature.
4. **West Virginia:** plus additional weeks as offer remains open.
5. **Oklahoma:** disqualification can be for week of occurrence for refusal due to illness, death of a family member or other circumstances beyond the individual's control.
6. **Arkansas:** disqualifies claimant who refuses recall or voluntarily removes name from a recall list and requires 30 days of covered work to requalify.
7. **Wyoming:** disqualification also applies to union members who after 4 weeks of unemployment fail to apply for or accept nonunion work in customary occupation.
8. **Colorado:** or remaining benefits, whichever is less.
9. **Michigan:** claimant will be disqualified for refusing suitable work that pays at least 70% of the claimant's most recent gross wage before becoming unemployed.
10. **Montana:** after 13 weeks of unemployment, suitable work is work that offers at least 75% of the individual's earnings gained from previous insured work which was in the individual's occupation. No individual is required to accept a job paying less than the federal minimum wage.
11. **Virginia:** an individual whose type of work is such that it is performed by individuals working two or more shifts in a 24 hour period, shall not be deemed unavailable for work if individual is attending a class or training program that would only limit his or her availability for one shift and would otherwise be available to work any of the other shifts.
12. **Washington:** claimant's earnings must be in covered employment.
13. **Indiana:** only one 25% reduction may be applied during benefit year of claim.
14. **District of Columbia:** weeks of work must be in covered employment.
15. **Ohio:** individuals attending a training course are not subject to any disqualification because of refusal to accept an offer of suitable work or because of refusal or failure to investigate a referral to work.