



Testimony for the KS Senate Business and Labor Committee
SB 352 – Employment Security Law;

February 7, 2012
Topeka, Kansas

Submitted on behalf of The Kansas State Council of the Society for
Human Resource Management (KS SHRM)

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Dear Members of the Committee:

My name is Phillip M. Hayes and I am here today on behalf of The Kansas State Council of the Society for Human Resource Management (KS SHRM). KS SHRM is a professional organization representing more than 2,300 HR Professionals from around the state. On behalf of KS SHRM, I am submitting written testimony in support of Senate Bill 352.

For those unfamiliar with KS SHRM, it is an organization comprised of human resource (HR) professionals in Kansas. Our members serve public and private sectors as well as large and small businesses. The focus of the HR professional is to facilitate between the employer and employee so that a safe and productive work environment is achieved. On a daily basis our members are on the front lines when it comes to important HR issues such as workers compensation and unemployment insurance.

Today, KS SHRM stands in support of SB 352 because it proposes to address the following issues that have been concerning to the KS HR community for a number of years:

- Many employers have become disenchanted over the past 8-10 years by the initial UI determinations and the appeals process as the decisions haven't necessarily aligned with the statutes. Additionally, claims with similar facts and circumstances presented by the same employer(s) result in competing decisions.
- KS businesses should have some predictability regarding the calculation of the claimant's benefit amount. The current system provides for two calculations and the claimant is awarded the "best case" scenario.
- Section 4 (KSA 44-706): These changes provide clarity to Kansas employers and employees as to what constitutes misconduct.
- The use of drugs and alcohol on the job is misconduct, plain and simple. However, past UI decisions have left KS employers dismayed. Current application of the law allows claimants to collect benefits for drug/alcohol use while on the job, even with a written company policy.
- Regular attendance and punctuality are part of an employee's job responsibility. Attendance, tardiness and reliability issues are clarified and classified as misconduct if certain factors are met.
- The updated disqualification provision for terminations after resignation notices are given would be a welcomed change as issues can and have arose in these situations.

Thank you for the opportunity to submit written testimony today in support of SB 352. I can be contacted at 316.619.7864 or by email at phayes@the-arnold-group.com for questions/concerns.

Respectfully,

Phillip M. Hayes, SPHR
KS Unemployment Insurance Committee Chair, KS SHRM

Senate Commerce Committee
Date: February 7, 2011
Attachment 3