

If an employer does not have an established drug testing policy that conforms to the Standards for Workplace Drug and Alcohol Testing Act, and that employer discharges someone for testing positive for drugs, the discharged individual cannot be disqualified from receiving unemployment insurance because of the positive drug test.

Deductible pay (Section 1-217, Oklahoma Employment Security Act)

Certain earnings, such as payments for severance and holidays, can be deducted from a claimant's unemployment benefit payments. Earnings are deductible the week in which they are received. OESC requires that all earnings be reported, but only earnings over \$100 are deducted. For example, if the claimant had \$115 in earnings, OESC would deduct only \$15 from the claimant's weekly benefit check.

Severance pay is only deductible if it was paid in accordance with company policy or regulation. If there is no policy or regulation, then it will not be deducted. Severance pay is only deductible during the week of receipt. For example, if a claimant receives a lump sum severance payment of \$10,000 on September 23, 2009, the payment is deductible only for week ending September 26, 2009. If the claimant receives payments on a continuing basis, such as every other week for eight weeks, the payment is deductible only during the weeks of receipt. In this situation, the claimant will have deductible severance the first week, none the second, deductible severance the third, none the fourth, and so on. Severance pay is also subject to the \$100 rule.

Vacation pay is only deductible if the claimant has a definite return to work date. Holiday pay is only deductible the week in which the holiday falls.

Able and available to work (Section 2-205, Oklahoma Employment Security Act)

The claimant must be able and available for work each week. Any individual who is able or available for work the majority of the week (three out of the five normal workdays) is considered able and available.

Retirement pay (Section 2-411, Oklahoma Employment Security Act)

Retirement pay is deductible only if the employer contributed 100 percent to the retirement account. Retirement pay is not subject to the \$100 rule. If paid in one lump