

Discharge for misconduct and unemployment benefits

A claimant discharged from their last work for misconduct connected to the work is subject to disqualification for benefits. In cases of discharge for misconduct, the burden of proof to establish misconduct is on the employer. To lift the disqualification, the claimant must be re-employed and earn wages equal to or in excess of 10 times their weekly benefit amount.

Misconduct

Misconduct is defined as "an act or course of conduct evidencing such willful or wanton disregard of an employer's interest as is found in deliberate violation or disregard of the standard of behavior which the employer has the right to expect of his employee, or in carelessness or negligence of such a degree or recurrence to manifest equal culpability, wrongful intent or evil design, or to show an intentional or substantial disregard of the employer's interest or of the employee's duties and obligations to his employer." (*Vester v. Board of Review of the Oklahoma Employment Security Commission*)

Offers of suitable work

An individual is disqualified from receiving benefits if he/she fails to:

- diligently search for suitable employment at a pay rate generally available in that area and keeping with his/her prior experience, education and training
- apply for work with employers who could reasonably be expected to have work available within the claimant's general geographic area
- present himself/herself as an applicant in a manner designed to encourage consideration for employment
- accept an offer of work from an employer, including any former employer
- apply for or accept an offer of work when so directed by the Commission/Employment Service
- accept employment pursuant to a hiring hall agreement when so offered

Any individual violation of the first three stipulations is disqualified for the week in which the violation occurred. An individual in violation of the last three stipulations is disqualified for the week in which the violation occurred, and disqualification will continue until the individual becomes re-employed and has earned wages equal to or in excess of 10 times his/her weekly benefit amount. Any individual violating the last three requirements due to illness, death of a family member or other circumstances beyond his/her control will be disqualified for regular benefits under this section only for the week of the violation. Further, any individual disqualified for the week of the occurrence of such circumstances beyond his/her control is not eligible for extended benefits for the purposes of sections 2-701 through 2-724 of the Oklahoma Employment Security Act until