

FIRST REGULAR SESSION

[TRULY AGREE TO AND FINALLY PASSED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 136

96TH GENERAL ASSEMBLY

0797L.04T

2011

AN ACT

To repeal sections 288.050, 288.090, and 288.100, RSMo, and to enact in lieu thereof four new sections relating to benefits for military spouses.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 288.050, 288.090, and 288.100, RSMo, are repealed and four new
2 sections enacted in lieu thereof, to be known as sections 288.050, 288.090, 288.100, and
3 324.008, to read as follows:

288.050. 1. Notwithstanding the other provisions of this law, a claimant shall be
2 disqualified for waiting week credit or benefits until after the claimant has earned wages for
3 work insured pursuant to the unemployment compensation laws of any state equal to ten times
4 the claimant's weekly benefit amount if the deputy finds:

5 (1) That the claimant has left work voluntarily without good cause attributable to such
6 work or to the claimant's employer. A temporary employee of a temporary help firm will be
7 deemed to have voluntarily quit employment if the employee does not contact the temporary help
8 firm for reassignment prior to filing for benefits. Failure to contact the temporary help firm will
9 not be deemed a voluntary quit unless the claimant has been advised of the obligation to contact
10 the firm upon completion of assignments and that unemployment benefits may be denied for
11 failure to do so. The claimant shall not be disqualified:

12 (a) If the deputy finds the claimant quit such work for the purpose of accepting a more
13 remunerative job which the claimant did accept and earn some wages therein;

14 (b) If the claimant quit temporary work to return to such claimant's regular employer; or

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 (c) If the deputy finds the individual quit work, which would have been determined not
16 suitable in accordance with paragraphs (a) and (b) of subdivision (3) of this subsection, within
17 twenty-eight calendar days of the first day worked;

18 (d) As to initial claims filed after December 31, 1988, if the claimant presents evidence
19 supported by competent medical proof that she was forced to leave her work because of
20 pregnancy, notified her employer of such necessity as soon as practical under the circumstances,
21 and returned to that employer and offered her services to that employer as soon as she was
22 physically able to return to work, as certified by a licensed and practicing physician, but in no
23 event later than ninety days after the termination of the pregnancy. An employee shall have been
24 employed for at least one year with the same employer before she may be provided benefits
25 pursuant to the provisions of this paragraph;

26 **(e) If the deputy finds that, due to the spouse's mandatory and permanent military**
27 **change of station order, the claimant quit work to relocate with the spouse to a new**
28 **residence from which it is impractical to commute to the place of employment and the**
29 **claimant remained employed as long as was reasonable prior to the move. The claimant's**
30 **spouse shall be a member of the U.S. Armed Forces who is on active duty, or a member of**
31 **the national guard or other reserve component of the U.S. Armed Forces who is on active**
32 **national guard or reserve duty. The provisions of this paragraph shall only apply to**
33 **individuals who have been determined to be an insured worker as provided in subdivision**
34 **(22) of subsection 1 of section 288.030;**

35 (2) That the claimant has retired pursuant to the terms of a labor agreement between the
36 claimant's employer and a union duly elected by the employees as their official representative
37 or in accordance with an established policy of the claimant's employer; or

38 (3) That the claimant failed without good cause either to apply for available suitable
39 work when so directed by a deputy of the division or designated staff of an employment office
40 as defined in subsection [16] 1 of section 288.030, or to accept suitable work when offered the
41 claimant, either through the division or directly by an employer by whom the individual was
42 formerly employed, or to return to the individual's customary self-employment, if any, when so
43 directed by the deputy. An offer of work shall be rebuttably presumed if an employer notifies
44 the claimant in writing of such offer by sending an acknowledgment via any form of certified
45 mail issued by the United States Postal Service stating such offer to the claimant at the claimant's
46 last known address. Nothing in this subdivision shall be construed to limit the means by which
47 the deputy may establish that the claimant has or has not been sufficiently notified of available
48 work.

49 (a) In determining whether or not any work is suitable for an individual, the division
50 shall consider, among other factors and in addition to those enumerated in paragraph (b) of this

51 subdivision, the degree of risk involved to the individual's health, safety and morals, the
52 individual's physical fitness and prior training, the individual's experience and prior earnings, the
53 individual's length of unemployment, the individual's prospects for securing work in the
54 individual's customary occupation, the distance of available work from the individual's residence
55 and the individual's prospect of obtaining local work; except that, if an individual has moved
56 from the locality in which the individual actually resided when such individual was last
57 employed to a place where there is less probability of the individual's employment at such
58 individual's usual type of work and which is more distant from or otherwise less accessible to
59 the community in which the individual was last employed, work offered by the individual's most
60 recent employer if similar to that which such individual performed in such individual's last
61 employment and at wages, hours, and working conditions which are substantially similar to those
62 prevailing for similar work in such community, or any work which the individual is capable of
63 performing at the wages prevailing for such work in the locality to which the individual has
64 moved, if not hazardous to such individual's health, safety or morals, shall be deemed suitable
65 for the individual;

66 (b) Notwithstanding any other provisions of this law, no work shall be deemed suitable
67 and benefits shall not be denied pursuant to this law to any otherwise eligible individual for
68 refusing to accept new work under any of the following conditions:

69 a. If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

70 b. If the wages, hours, or other conditions of the work offered are substantially less
71 favorable to the individual than those prevailing for similar work in the locality;

72 c. If as a condition of being employed the individual would be required to join a
73 company union or to resign from or refrain from joining any bona fide labor organization.

74 2. If a deputy finds that a claimant has been discharged for misconduct connected with
75 the claimant's work, such claimant shall be disqualified for waiting week credit and benefits, and
76 no benefits shall be paid nor shall the cost of any benefits be charged against any employer for
77 any period of employment within the base period until the claimant has earned wages for work
78 insured under the unemployment laws of this state or any other state as prescribed in this section.
79 In addition to the disqualification for benefits pursuant to this provision the division may in the
80 more aggravated cases of misconduct, cancel all or any part of the individual's wage credits,
81 which were established through the individual's employment by the employer who discharged
82 such individual, according to the seriousness of the misconduct. A disqualification provided for
83 pursuant to this subsection shall not apply to any week which occurs after the claimant has
84 earned wages for work insured pursuant to the unemployment compensation laws of any state
85 in an amount equal to six times the claimant's weekly benefit amount. Should a claimant be
86 disqualified on a second or subsequent occasion within the base period or subsequent to the base

87 period the claimant shall be required to earn wages in an amount equal to or in excess of six
88 times the claimant's weekly benefit amount for each disqualification.

89 3. Absenteeism or tardiness may constitute a rebuttable presumption of misconduct,
90 regardless of whether the last incident alone constitutes misconduct, if the discharge was the
91 result of a violation of the employer's attendance policy, provided the employee had received
92 knowledge of such policy prior to the occurrence of any absence or tardy upon which the
93 discharge is based.

94 4. Notwithstanding the provisions of subsection 1 of this section, a claimant may not be
95 determined to be disqualified for benefits because the claimant is in training approved pursuant
96 to Section 236 of the Trade Act of 1974, as amended, (19 U.S.C.A. Sec. 2296, as amended), or
97 because the claimant left work which was not suitable employment to enter such training. For
98 the purposes of this subsection "suitable employment" means, with respect to a worker, work of
99 a substantially equal or higher skill level than the worker's past adversely affected employment,
100 and wages for such work at not less than eighty percent of the worker's average weekly wage as
101 determined for the purposes of the Trade Act of 1974.

288.090. 1. Contributions shall accrue and become payable by each employer for each
2 calendar year in which he is subject to this law. Such contributions shall become due and be paid
3 by each employer to the division for the fund on or before the last day of the month following
4 each calendar quarterly period of three months except when regulation requires monthly
5 payment. Any employer upon application, or pursuant to a general or special regulation, may
6 be granted an extension of time, not exceeding three months, for the making of his or her
7 quarterly contribution and wage reports or for the payment of such contributions. Payment of
8 contributions due shall be made to the treasurer designated pursuant to section 288.290.

9 (1) In the payment of any contributions due, a fractional part of a cent shall be
10 disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one
11 cent;

12 (2) Contributions shall not be deducted in whole or in part from the wages of individuals
13 in employment.

14 2. As of June thirtieth of each year, the division shall establish an average industry
15 contribution rate for the next succeeding calendar year for each of the industrial classification
16 divisions listed in the industrial classification system established by the federal government. The
17 average industry contribution rate for each standard industrial classification division shall be
18 computed by multiplying total taxable wages paid by each employer in the industrial
19 classification division during the twelve consecutive months ending on June thirtieth by the
20 employer's contribution rate established for the next calendar year and dividing the aggregate
21 product for all employers in the industrial classification division by the total of taxable wages

22 paid by all employers in the industrial classification division during the twelve consecutive
23 months ending on June thirtieth. Each employer will be assigned to an industrial classification
24 code division as determined by the division in accordance with the definitions contained in the
25 industrial classification system established by the federal government, and shall pay
26 contributions at the average industry rate established for the preceding calendar year for the
27 industrial classification division to which it is assigned or two and seven-tenths percent of
28 taxable wages paid by it, whichever is the greater, unless there have been at least twelve
29 consecutive calendar months immediately preceding the calculation date throughout which its
30 account could have been charged with benefits. The division shall classify all employers meeting
31 this chargeability requirement for each calendar year in accordance with their actual experience
32 in the payment of contributions on their own behalf and with respect to benefits charged against
33 their accounts, with a view to fixing such contribution rates as will reflect such experience. The
34 division shall determine the contribution rate of each such employer in accordance with sections
35 288.113 to 288.126. Notwithstanding the provisions of this subsection, any employing unit
36 which becomes an employer pursuant to the provisions of subsection 7 or 8 of section 288.034
37 shall pay contributions equal to one percent of wages paid by it until its account has been
38 chargeable with benefits for the period of time sufficient to enable it to qualify for a computed
39 rate on the same basis as other employers.

40 3. Benefits paid to employees of any governmental entity and nonprofit organizations
41 shall be financed in accordance with the provisions of this subsection. For the purpose of this
42 subsection, a "nonprofit organization" is an organization (or group of organizations) described
43 in Section 501(c)(3) of the United States Internal Revenue Code which is exempt from income
44 tax under Section 501(a) of such code.

45 (1) A governmental entity which, pursuant to subsection 7 of section 288.034, or
46 nonprofit organization which, pursuant to subsection 8 of section 288.034, is, or becomes,
47 subject to this law on or after April 27, 1972, shall pay contributions due under the provisions
48 of subsections 1 and 2 of this section unless it elects, in accordance with this subdivision, to pay
49 to the division for the unemployment compensation fund an amount equal to the amount of
50 regular benefits and of one-half of the extended benefits paid, that is attributable to service in the
51 employ of such governmental entity or nonprofit organization, to individuals for weeks of
52 unemployment which begin during the effective period of such election; except that, with respect
53 to benefits paid for weeks of unemployment beginning on or after January 1, 1979, any such
54 election by a governmental entity shall be to pay to the division for the unemployment
55 compensation fund an amount equal to the amount of all regular benefits and all extended
56 benefits paid that is attributable to service in the employ of such governmental entity.

57 (a) A governmental entity or nonprofit organization which is, or becomes, subject to this
58 law on or after April 27, 1972, may elect to become liable for payments in lieu of contributions
59 for a period of not less than one calendar year, provided it files with the division a written notice
60 of its election within the thirty-day period immediately following the date of the determination
61 of such subjectivity. The provisions of paragraphs (a) through [(e)] (f) of subdivision (4) of
62 subsection 1 of section 288.100 shall not apply in the calendar year 1998 and each calendar year
63 thereafter, in the case of an employer who has elected to become liable for payments in lieu of
64 contributions.

65 (b) A governmental entity or nonprofit organization which makes an election in
66 accordance with paragraph (a) of this subdivision will continue to be liable for payments in lieu
67 of contributions until it files with the division a written notice terminating its election not later
68 than thirty days prior to the beginning of the calendar year for which such termination shall first
69 be effective.

70 (c) A governmental entity or any nonprofit organization which has been paying
71 contributions under this law for a period subsequent to January 1, 1972, may change to a
72 reimbursable basis by filing with the division not later than thirty days prior to the beginning of
73 any calendar year a written notice of election to become liable for payments in lieu of
74 contributions. Such election shall not be terminable by the organization for that and the next
75 calendar year.

76 (d) The division, in accordance with such regulations as may be adopted, shall notify
77 each governmental entity or nonprofit organization of any determination of its status of an
78 employer and of the effective date of any election which it makes and of any termination of such
79 election. Such determination shall be subject to appeal as is provided in subsection 4 of section
80 288.130.

81 (2) Payments in lieu of contributions shall be made in accordance with the provisions
82 of paragraph (a) of this subdivision, as follows:

83 (a) At the end of each calendar quarter, or at the end of any other period as determined
84 by the director, the division shall bill the governmental entity or nonprofit organization (or group
85 of such organizations) which has elected to make payments in lieu of contributions for an amount
86 equal to the full amount of regular benefits plus one-half of the amount of extended benefits paid
87 during such quarter or other prescribed period that is attributable to service in the employ of such
88 organization; except that, with respect to extended benefits paid for weeks of unemployment
89 beginning on or after January 1, 1979, which are attributable to service in the employ of a
90 governmental entity, the governmental entity shall be billed for the full amount of such extended
91 benefits.

92 (b) Payment of any bill rendered under paragraph (a) of this subdivision shall be due and
93 shall be made not later than thirty days after such bill was mailed to the last known address of
94 the governmental entity or nonprofit organization or was otherwise delivered to it.

95 (c) Payments made by the governmental entity or nonprofit organization under the
96 provisions of this subsection shall not be deducted or deductible, in whole or in part, from the
97 remuneration of individuals in the employ of the organization.

98 (d) Past due payments of amounts in lieu of contributions shall be subject to the same
99 interest and penalties that apply to past due contributions. Also, unpaid amounts in lieu of
100 contributions, interest, penalties and surcharges are subject to the same assessment, civil action
101 and compromise provisions of this law as apply to unpaid contributions. Further, the provisions
102 of this law which provide for the adjustment or refund of contributions shall apply to the
103 adjustment or refund of payments in lieu of contributions.

104 (3) If any governmental entity or nonprofit organization fails to timely file a required
105 quarterly wage report, the division shall assess such entity or organization a penalty as provided
106 in subsections 1 and 2 of section 288.160.

107 (4) Except as provided in subsection 4 of this section, each employer that is liable for
108 payments in lieu of contributions shall pay to the division for the fund the amount of regular
109 benefits plus the amount of one-half of extended benefits paid that are attributable to service in
110 the employ of such employer; except that, with respect to benefits paid for weeks of
111 unemployment beginning on or after January 1, 1979, a governmental entity that is liable for
112 payments in lieu of contributions shall pay to the division for the fund the amount of all regular
113 benefits and all extended benefits paid that are attributable to service in the employ of such
114 employer. If benefits paid to an individual are based on wages paid by more than one employer
115 in the base period of the claim, the amount chargeable to each employer shall be obtained by
116 multiplying the benefits paid by a ratio obtained by dividing the base period wages from such
117 employer by the total wages appearing in the base period.

118 (5) Two or more employers that have become liable for payments in lieu of
119 contributions, in accordance with the provisions of subdivision (1) of this subsection, may file
120 a joint application to the division for the establishment of a group account for the purpose of
121 sharing the cost of benefits paid that are attributable to service in the employ of such employers.
122 Each such application shall identify and authorize a group representative to act as the group's
123 agent for the purposes of this subdivision. Upon approval of the application, the division shall
124 establish a group account for such employers effective as of the beginning of the calendar quarter
125 in which the application was received and shall notify the group's representative of the effective
126 date of the account. Such account shall remain in effect for not less than two years and thereafter
127 until terminated at the discretion of the director or upon application by the group. Upon

128 establishment of the account, each member of the group shall be liable for payments in lieu of
129 contributions with respect to each calendar quarter in the amount that bears the same ratio to the
130 total benefits paid in such quarter that are attributable to service performed in the employ of all
131 members of the group as the total wages paid for service in employment by such member in such
132 quarter bears to the total wages paid during such quarter for service performed in the employ of
133 all members of the group. The director shall prescribe such regulations as he or she deems
134 necessary with respect to applications for establishment, maintenance and termination of group
135 accounts that are authorized by this subdivision, for addition of new members to, and withdrawal
136 of active members from, such accounts, and for the determination of the amounts that are
137 payable under this subdivision by members of the group and the time and manner of such
138 payments.

139 4. Any employer which elects to make payments in lieu of contributions into the
140 unemployment compensation fund as provided in subdivision (1) of subsection 3 of this section
141 shall not be liable to make such payments with respect to the benefits paid to any individual
142 whose base period wages include wages for previous work not classified as insured work as
143 defined in section 288.030 to the extent that the unemployment compensation fund is reimbursed
144 for such benefits pursuant to Section 121 of Public Law 94-566.

145 5. Beginning January 1, 1998, and each calendar year thereafter, any employer which
146 elects to make payments in lieu of contributions pursuant to subsection 3 of this section shall be
147 liable for all benefit payments and shall not have charges relieved pursuant to the provisions of
148 paragraphs (a) through [(e)] (f) of subdivision (4) of subsection 1 of section 288.100.

149 6. (1) For the purposes of this chapter, a common paymaster arrangement will not exist
150 unless approval has been obtained from the division. To receive a division-approved common
151 paymaster arrangement, the related corporation designated to be the common paymaster for the
152 related corporations must notify the division in writing at least thirty days prior to the beginning
153 of the quarter in which the common paymaster reporting is to be effective. The common
154 paymaster shall furnish the name and account number of each corporation in the related group
155 that will be utilizing the one corporation as the common paymaster. The common paymaster
156 shall also notify the division at least thirty days prior to any change in the related group of
157 corporations or termination of the common paymaster arrangement. The common paymaster
158 shall be responsible for keeping books and records for the payroll with respect to its own
159 employees and the concurrently employed individuals of the related corporations. In order for
160 remuneration to be eligible for the provisions applicable to a common paymaster, the individuals
161 must be concurrently employed and the remuneration must be disbursed through the common
162 paymaster. The common paymaster shall have the primary responsibility for remitting all
163 required quarterly contribution and wage reports, contributions due with respect to the

164 remuneration it disburses as the common paymaster and/or payments in lieu of contributions.
165 The common paymaster shall compute the contributions due as though it were the sole employer
166 of the concurrently employed individuals. If the common paymaster fails to remit the quarterly
167 contribution and wage reports, contributions due and/or payments in lieu of contributions, in
168 whole or in part, it shall remain liable for submitting the quarterly contribution and wage reports
169 and the full amount of the unpaid portion of the contributions due and/or payments in lieu of
170 contributions. In addition, each of the related corporations using the common paymaster shall
171 be jointly and severally liable for submitting quarterly contribution and wage reports, its share
172 of the contributions due and/or payments in lieu of contributions, penalties, interest and
173 surcharges which are not submitted and/or paid by the common paymaster. All contributions
174 due, payments in lieu of contributions, penalties, interest and surcharges which are not timely
175 paid to the division under a common paymaster arrangement shall be subject to the collection
176 provisions of this chapter.

177 (2) For the purposes of this subsection, "concurrent employment" means the
178 simultaneous existence of an employment relationship between an individual and two or more
179 related corporations for any calendar quarter in which employees are compensated through a
180 common paymaster which is one of the related corporations, those corporations shall be
181 considered one employing unit and be subject to the provisions of this chapter.

182 (3) For the purposes of this subsection, "related corporations" means that corporations
183 shall be considered related corporations for an entire calendar quarter if they satisfy any one of
184 the following tests at any time during the calendar quarter:

185 (a) The corporations are members of a "controlled group of corporations". The term
186 "controlled group of corporations" means:

187 a. Two or more corporations connected through stock ownership with a common parent
188 corporation, if the parent corporation owns stock possessing at least fifty percent of the total
189 combined voting power of all classes of stock entitled to vote or at least fifty percent of the total
190 value of shares of all classes of stock of each of the other corporations; or

191 b. Two or more corporations, if five or less persons who are individuals, estates or trusts
192 own stock possessing at least fifty percent of the total combined voting power of all classes of
193 stock entitled to vote or at least fifty percent of the total value of shares of all classes of stock of
194 each of the other corporations; or

195 (b) In the case of corporations which do not issue stock, at least fifty percent of the
196 members of one corporation's board of directors are members of the board of directors of the
197 other corporations; or

198 (c) At least fifty percent of one corporation's officers are concurrently officers of the
199 other corporations; or

200 (d) At least thirty percent of one corporation's employees are concurrently employees of
201 the other corporations.

288.100. 1. (1) The division shall maintain a separate account for each employer which
2 is paying contributions, and shall credit each employer's account with all contributions which
3 each employer has paid. A separate account shall be maintained for each employer making
4 payments in lieu of contributions to which shall be credited all such payments made. The
5 account shall also show payments due as provided in section 288.090. The division may close
6 and cancel such separate account after a period of four consecutive calendar years during which
7 such employer has had no employment in this state subject to contributions. Nothing in this law
8 shall be construed to grant any employer or individuals in the employer's service prior claims or
9 rights to the amounts paid by the employer into the fund either on the employer's own behalf or
10 on behalf of such individuals. Except as provided in subdivision (4) of this subsection, regular
11 benefits and that portion of extended benefits not reimbursed by the federal government paid to
12 an eligible individual shall be charged against the accounts of the individual's base period
13 employers who are paying contributions subject to the provisions of subdivision (4) of subsection
14 3 of section 288.090. With respect to initial claims filed after December 31, 1984, for benefits
15 paid to an individual based on wages paid by one or more employers in the base period of the
16 claim, the amount chargeable to each employer shall be obtained by multiplying the benefits paid
17 by a ratio obtained by dividing the base period wages from such employer by the total wages
18 appearing in the base period. Except as provided in [paragraph (a) of] this subdivision, the
19 maximum amount of extended benefits paid to an individual and charged against the account of
20 any employer shall not exceed one-half of the product obtained by multiplying the benefits paid
21 by a ratio obtained by dividing the base period wages from such employer by the total wages
22 appearing in the base period.

23 [(a)] The provisions of subdivision (1) of this subsection notwithstanding, with respect
24 to weeks of unemployment beginning after December 31, 1978, the maximum amount of
25 extended benefits paid to an individual and charged against the account of an employer which
26 is an employer pursuant to subdivision (3) of subsection 1 of section 288.032 and which is
27 paying contributions pursuant to subsections 1 and 2 of section 288.090 shall not exceed the
28 calculated entitlement for the extended benefit claim based upon the wages appearing within the
29 base period of the extended benefit claim.

30 (2) Beginning as of June 30, 1951, and as of June thirtieth of each year thereafter, any
31 unassigned surplus in the unemployment compensation fund which is five hundred thousand
32 dollars or more in excess of five-tenths of one percent of the total taxable wages paid by all
33 employers for the preceding calendar year as shown on the division's records on such June
34 thirtieth shall be credited on a pro rata basis to all employer accounts having a credit balance in

35 the same ratio that the balance in each such account bears to the total of the credit balances
36 subject to use for rate calculation purposes for the following year in all such accounts on the
37 same date. As used in this subdivision, the term "unassigned surplus" means the amount by
38 which the total cash balance in the unemployment compensation fund exceeds a sum equal to
39 the total of all employer credit account balances. The amount thus prorated to each separate
40 employer's account shall for tax rating purposes be considered the same as contributions paid by
41 the employer and credited to the employer's account for the period preceding the calculation date
42 except that no such amount can be credited against any contributions due or that may thereafter
43 become due from such employer.

44 (3) At the conclusion of each calendar quarter the division shall, within thirty days,
45 notify each employer by mail of the benefits paid to each claimant by week as determined by the
46 division which have been charged to such employer's account subsequent to the last notice.

47 (4) (a) No benefits based on wages paid for services performed prior to the date of any
48 act for which a claimant is disqualified pursuant to section 288.050 shall be chargeable to any
49 employer directly involved in such disqualifying act.

50 (b) In the event the deputy has in due course determined pursuant to paragraph (a) of
51 subdivision (1) of subsection 1 of section 288.050 that a claimant quit his or her work with an
52 employer for the purpose of accepting a more remunerative job with another employer which the
53 claimant did accept and earn some wages therein, no benefits based on wages paid prior to the
54 date of the quit shall be chargeable to the employer the claimant quit.

55 (c) In the event the deputy has in due course determined pursuant to paragraph (b) of
56 subdivision (1) of subsection 1 of section 288.050 that a claimant quit temporary work in
57 employment with an employer to return to the claimant's regular employer, then, only for the
58 purpose of charging base period employers, all of the wages paid by the employer who furnished
59 the temporary employment shall be combined with the wages actually paid by the regular
60 employer as if all such wages had been actually paid by the regular employer. Further, charges
61 for benefits based on wages paid for part-time work shall be removed from the account of the
62 employer furnishing such part-time work if that employer continued to employ the individual
63 claiming such benefits on a regular recurring basis each week of the claimant's claim to at least
64 the same extent that the employer had previously employed the claimant and so informs the
65 division within thirty days from the date of notice of benefit charges.

66 (d) No charge shall be made against an employer's account in respect to benefits paid an
67 individual if the gross amount of wages paid by such employer to such individual is four hundred
68 dollars or less during the individual's base period on which the individual's benefit payments are
69 based. Further, no charge shall be made against any employer's account in respect to benefits
70 paid any individual unless such individual was in employment with respect to such employer

71 longer than a probationary period of twenty-eight days, if such probationary period of
72 employment has been reported to the division as required by regulation.

73 (e) In the event the deputy has in due course determined pursuant to paragraph (c) of
74 subdivision (1) of subsection 1 of section 288.050 that a claimant is not disqualified, no benefits
75 based on wages paid for work prior to the date of the quit shall be chargeable to the employer
76 the claimant quit.

77 (f) **In the event the deputy has in due course determined under paragraph (e) of**
78 **subdivision (1) of subsection 1 of section 288.050 that a claimant is not disqualified, no**
79 **benefits based on wages paid for work prior to the date of the quit shall be chargeable to**
80 **the employer the claimant quit.**

81 (g) Nothing in paragraph (b), (c), (d) [or], (e), or (f) of this subdivision shall in any way
82 affect the benefit amount, duration of benefits or the wage credits of the claimant.

83 2. The division may prescribe regulations for the establishment, maintenance, and
84 dissolution of joint accounts by two or more employers, and shall, in accordance with such
85 regulations and upon application by two or more employers to establish such an account, or to
86 merge their several individual accounts in a joint account, maintain such joint account as if it
87 constituted a single employer's account.

88 3. The division may by regulation provide for the compilation and publication of such
89 data as may be necessary to show the amounts of benefits not charged to any individual
90 employer's account classified by reason no such charge was made and to show the types and
91 amounts of transactions affecting the unemployment compensation fund.

324.008. 1. As used in this section, "nonresident military spouse" means a
2 **nonresident spouse of an active duty member of the armed forces of the United States who**
3 **has been transferred or is scheduled to be transferred to the state of Missouri, is domiciled**
4 **in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-**
5 **station basis.**

6 **2. Except as provided in subsection 6 of this section and notwithstanding any other**
7 **provision of law, any agency of this state or board established under state law for the**
8 **regulation of occupations and professions in this state shall, with respect to such**
9 **occupation or profession that it regulates, by rule establish criteria for the issuance of a**
10 **temporary courtesy license to a nonresident spouse of an active duty member of the**
11 **military who is transferred to this state in the course of the member's military duty, so that,**
12 **on a temporary basis, the nonresident military spouse may lawfully practice his or her**
13 **occupation or profession in this state.**

14 **3. Notwithstanding provisions to the contrary, a nonresident military spouse shall**
15 **receive a temporary courtesy license under subsection 2 of this section if, at the time of**
16 **application, the nonresident military spouse:**

17 **(1) Holds a current license or certificate in another state, district, or territory of the**
18 **United States with licensure requirements that the appropriate regulatory board or agency**
19 **determines are equivalent to those established under Missouri law for that occupation or**
20 **profession;**

21 **(2) Was engaged in the active practice of the occupation or profession for which the**
22 **nonresident military spouse seeks a temporary license or certificate in a state, district, or**
23 **territory of the United States for at least two of the five years immediately preceding the**
24 **date of application under this section;**

25 **(3) Has not committed an act in any jurisdiction that would have constituted**
26 **grounds for the refusal, suspension, or revocation of a license or certificate to practice that**
27 **occupation or profession under Missouri law at the time the act was committed;**

28 **(4) Has not been disciplined by a licensing or credentialing entity in another**
29 **jurisdiction and is not the subject of an unresolved complaint, review procedure, or**
30 **disciplinary proceeding conducted by a licensing or credentialing entity in another**
31 **jurisdiction;**

32 **(5) Authorizes the appropriate board or agency to conduct a criminal background**
33 **check and pay for any costs associated with such background check;**

34 **(6) Pays any fees required by the appropriate board or agency for that occupation**
35 **or profession; and**

36 **(7) Complies with other requirements as provided by the board.**

37 **4. Relevant full-time experience in the discharge of official duties in the military**
38 **service or an agency of the federal government shall be credited in the counting of years**
39 **of practice under subdivision (2) of subsection 3 of this section.**

40 **5. A temporary courtesy license or certificate issued under this section is valid for**
41 **one hundred eighty days and may be extended at the discretion of the applicable regulatory**
42 **board or agency for another one hundred eighty days on application of the holder of the**
43 **temporary courtesy license or certificate.**

44 **6. This section shall not apply to the practice of law or the regulation of attorneys.**

45 **7. The appropriate board or agency shall promulgate rules to implement the**
46 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**
47 **536.010, that is created under the authority delegated in this section shall become effective**
48 **only if it complies with and is subject to all of the provisions of chapter 536 and, if**
49 **applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**

50 **the powers vested with the general assembly under chapter 536 to review, to delay the**
51 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
52 **then the grant of rulemaking authority and any rule proposed or adopted after August 28,**
53 **2011, shall be invalid and void.**

✓