

## ELIGIBILITY

Table 402. – Disqualification for Discharge for Misconduct <sup>1/</sup> (See Table 403 for Disqualification for Gross Misconduct)					
	Benefits postponed for <sup>2/3/</sup>				
State	Fixed number of weeks <sup>4/</sup> (6 States)	Variable number of weeks <sup>4/</sup> (9 States)	Duration of unemployment <sup>5/</sup> (41 States)	Benefits reduced or canceled <sup>3/6/</sup>	Disqualification for disciplinary suspension (11 States)
AL <sup>12/18/</sup>	*****	W + 3-7 <sup>3/</sup>	*****	Equal	W + 1-3
AK <sup>1/</sup>	W + 5 <sup>2/</sup>	<sup>8/</sup>	*****	3 x wba	*****
AZ <sup>18/</sup>	*****	*****	+ 5 x wba	*****	*****
AR	W + 7 <sup>4/</sup>	*****	*****	*****	<sup>7/</sup>
CA	*****	*****	+ 5 x wba <sup>4/</sup>	*****	*****
CO	wf + 10 <sup>15/</sup>	*****	*****	Equal <sup>13/</sup>	*****
CT <sup>1/18/</sup>	*****	*****	+ 10 x wba	*****	*****
DE	*****	*****	+ 4 wks. of work and 4 x wba	*****	*****
DC	WF + 7 <sup>3/</sup>	*****	*****	8 x wba	*****
FL <sup>18/</sup>	*****	W + 1-52 <sup>2/3/</sup>	+ 17 x wba <sup>2/3/</sup>	*****	Duration
GA <sup>1/17/</sup>	*****	*****	+ 10 x wba	Equal	*****
HI	*****	*****	+ 5 x wba	*****	*****
ID	*****	*****	+ 12 x wba <sup>3/</sup>	*****	*****
IL	*****	*****	+wages = to wba in each of 4 wks	*****	*****
IN	*****	*****	+wages = to wba in each of 8 wks	by 25%	*****
IA <sup>1/</sup>	*****	*****	+ 10 x wba	*****	*****
KS <sup>18/</sup>	*****	*****	+ 3 x wba	*****	*****
KY	*****	*****	+ 10 wks. of covered work and wages = to 10 x wba <sup>3/</sup>	*****	X
LA <sup>18/</sup>	*****	*****	+ 10 wba	*****	*****
ME	*****	*****	+ 4 x wba	*****	*****
MD <sup>1/</sup>	*****	W + 5-10 <sup>3/</sup>	*****	*****	<sup>7/</sup>
MA	*****	*****	+ 8 wks. of work and wages of 8 x wba <sup>3/</sup>	*****	*****
MI <sup>9/18/</sup>	*****	*****	Lesser of 7 x wba or 40 x State min. hourly wage x 7	*****	*****
MN	*****	*****	+ 8 x wba	*****	Duration

(Table continued on next page)

## ELIGIBILITY

Table 402. – Disqualification for Discharge for Misconduct <u>1/</u> (Continued) (See Table 403 for Disqualification for Gross Misconduct)					
	Benefits postponed for <u>2/3/</u>				
State	Fixed number of weeks <u>4/</u> (6 States)	Variable number of weeks <u>4/</u> (9 States)	Duration of unemployment <u>5/</u> (41 States)	Benefits reduced or canceled <u>3/6/</u>	Disqualification for disciplinary suspension (11 States)
MS	*****	*****	+ 8 x wba	*****	*****
MO <u>1/</u>	*****	WF + 4-16 <u>2/3/4/</u>	*****	*****	*****
MT	*****	*****	+ wages = to 8 x wba	*****	*****
NE	*****	W + 7-10 <u>3/</u>	*****	Equal <u>3/</u>	*****
NV	*****	*****	+wages = to wba in ea. of 15 wks	*****	*****
NH	*****	*****	+5 wks. work in ea. of which earned 20% more than wba <u>2/</u>	*****	Duration
NJ	W + 5	*****	*****	*****	*****
NM	*****	*****	+ 5 x wba in covered work	*****	*****
NY	*****	*****	+3 days work in ea. of 5 wks. and 5 x wba <u>19/</u>	*****	*****
NC	*****	<u>2/14/</u>	+10 x wba earned in at least 5 wks	<u>2/</u>	<u>7/</u>
ND	*****	*****	+ 10 x wba <u>2/3/</u>	*****	Duration
OH	*****	*****	+ 6 wks. in covered work <u>3/11/</u>	*****	Duration
OK <u>18/</u>	*****	*****	+ 10 x wba	*****	*****
OR <u>1/18/</u>	*****	*****	+ 4 x wba	8 x wba	*****
PA <u>1/</u>	*****	*****	+ 6 x wba	*****	*****
PR <u>1/</u>	*****	*****	+ 4 wks. of work and wages = to 10 x wba	*****	*****
RI	*****	*****	+ 20 x min. hourly wage in ea. of 8 wks.	*****	*****
SC	*****	WF + 5-26	*****	Equal	*****
SD <u>1/</u>	*****	*****	+ 6 wks. in covered work and wages = to wba in ea. wk. <u>3/</u>	*****	*****
TN	*****	*****	+10 x wba <u>3/</u>	*****	*****
TX	*****	*****	+ 6 wks. of work or wages = to 6 x wba <u>4/</u>	*****	*****

(Table continued on next page)

Table 402. – Disqualification for Discharge for Misconduct 1/ (Continued)  
(See Table 403 for Disqualification for Gross Misconduct)

## ELIGIBILITY

	Benefits postponed for <u>2/3/</u>				
State	Fixed number of weeks <u>4/</u> (6 States)	Variable number of weeks <u>4/</u> (9 States)	Duration of unemployment <u>5/</u> (41 States)	Benefits reduced or canceled <u>3/6/</u>	Disqualification for disciplinary suspension (11 States)
UT	*****	*****	+ 6 x wba in covered work	*****	*****
VT	*****	WF + 6-12 <u>4/</u>	*****	*****	*****
VA	*****	*****	+ 30 days or 240 hrs. of work <u>3/</u>	*****	*****
VI <u>1/</u>	*****	*****	+ 4 wks. of work and 4 x wba	*****	*****
WA <u>1/</u>	*****	*****	+ 7 wks. of work and wages = to wba in ea. of 7 wks.	*****	*****
WV	W + 6 <u>3/</u>	*****	*****	Equal <u>10/</u>	*****
WI	*****	*****	+ 7 wks. elapsed and 14 x wba <u>9/</u>	Benefit rights based on any work involved canceled <u>9/</u>	<u>7/</u>
WY	*****	*****	+ 12 wks. of work wages of 12 x wba	*****	*****

1/In States noted, the disqualification for disciplinary suspensions is the same as that for discharge for misconduct.

2/In FL, both the term and the duration-of-unemployment disqualifications are imposed. Disqualification is terminated if claimant returns to work and earns 8 x wba, AK and MO. In NH, disqualification is terminated if either condition is satisfied. In NC, the Commission may reduce permanent disqualification to a time certain but not less than 5 weeks. When permanent disqualification changed to time certain, benefits shall be reduced by an amount determined by multiplying the number of weeks of disqualification by wba.

3/Disqualification applicable to other than last separation as indicated: preceding separation may be considered if last employment is not considered bona fide work, AL; when employment or time period subsequent to the separation does not satisfy a potential disqualification, FL, ID, MD, MA, MO, and OH; disqualification applicable to last 30-day employing unit or during 240 hours, Va.; disqualification applicable to last 30-day employing unit on new claims and to most recent employer on additional claims, DC, SD and WV; any ER with whom the individual earned 8 x wba, ND, and 10 x wba, TN. Reduction or forfeiture of benefits applicable to separations from any BP employer, KY and NE. In MI and WI, benefits computed separately for each employer to be charged. When an employer's account becomes chargeable, reason for separation from that employer is considered.

4/W Means week of discharge or week of suspension in column 6 and WF means week of filing except that disqualification period begins with: week for which claimant first registers for work, CA; week following filing of claim, OK, TX, and VT. Weeks of disqualification must be: otherwise compensable weeks, MO, and SD; weeks in which claimant is otherwise eligible or earns wages equal to wba, AR.

5/Figures show minimum employment or wages required to requalify for benefits.

6/"Equal" indicates a reduction equal to the wba multiplied by the number of wks. of disqualification or, in NE, by the number of wks. chargeable to ER involved, whichever is less.

7/Disqualified for the lesser of 8 wks. or the duration of suspension, AR; disqualified for duration or until individual earns 20 x wba, MD; disqualified until 3 wks. have elapsed since the end of the wk. of suspension or until the suspension is terminated, whichever occurs first, WI; disqualified if claim filed at the time of disciplinary suspension, NC.

8/Disqualifies an individual discharged for commission of a felony or theft in connection with work for 1-51 wks., or until the individual earns 20 x wba, AK.

9/Claimant may be eligible for benefits based on wage credits earned subsequent to disqualification, MI and WI.

10/Deduction recredited if individual returns to covered employment for 30 days in BY, WV.

11/And wages at 27.5% of the State aww in each week, OH.

12/An individual discharged for deliberate misconduct connected with the work after repeated warnings is ineligible for the duration of unemployment and until claimant has earned 10 x wba and the total benefit amount reduced by 6-12 wks., AL.

(Footnotes for Table 402 continued on next page)

(Footnotes continued for Table 402)

13/Reduction in benefits because of a single act shall not reduce potential benefits to less than one wk., CO.

## ELIGIBILITY

14/Disqualifies an individual for substantial fault on the part of the claimant that is connected with work but not rising to the level of misconduct. The disqualification will vary from 4-13 wks. depending on the circumstances, NC.

15/An individual will be eligible for benefits if separated due to use of alcohol or a controlled substance on or off the job if the individual admits to an addiction and substantiates the addiction by a licensed physician's statement and if the individual commences to participate in an approved program of corrective action to deal with the addiction to alcohol or a controlled substance, CO.

17/An individual shall be disqualified if separated from training approved by the Commissioner, due to claimant's failure to abide by rules of the training facility; also disqualifies individuals who violate the ER's drug free work place policy, GA.

18/An individual shall be disqualified for the use of illegal drugs on or off the job, LA; disqualified for use of, possession of, or impairment caused by a nonprescribed controlled substance, an alcoholic or cereal malt beverage if evidence shows such abuse, KS; disqualified for refusing to undergo drug or alcohol testing or having been tested positive for drugs or alcohol, AZ, MI and OK; disqualified for testing positive for illegal drugs after being warned of possible dismissal or for refusing to undergo a drug test or for knowingly altering a blood or urine specimen, AL; disqualified for testing positive for drugs, FL; an individual will be disqualified for action involving the unlawful use of a controlled substance and the use of alcohol, unless the individual meets certain requirements; also for failure to comply with terms and conditions of an employer, policy concerning the use, sale, possession or effects of controlled substances or alcohol in the workplace will be considered a disqualifying act, OR; disqualified if discharged or suspended due to being disqualified under a State or Federal law from performing work for which hired as a result of a drug or alcohol testing program mandated and conducted by such law, CT.

19/Effective April 1, 1999, the disqualification will be 5 x wba, NY.