

SENATE BILL NO. 693

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

4082S.02I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 67.308, 167.181, 210.003, 288.030, and 288.040, RSMo, and to enact in lieu thereof seven new sections relating to COVID-19 vaccine requirements.

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

Section A. Sections 67.308, 167.181, 210.003, 288.030, and 288.040, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 67.308, 167.181, 174.336, 191.234, 210.003, 288.030, and 288.040, to read as follows:

67.308. No [county, city, town or village] **public or private entity** in this state receiving public funds **or any other public accommodation** shall require documentation of an individual having received a vaccination against COVID-19 in order for the individual to access transportation systems [or], **facilities**, services, or any other public accommodations. **As used in this section, public accommodation shall have the same meaning as "places of public accommodation" in section 213.010.**

167.181. 1. The department of health and senior services, after consultation with the department of elementary and secondary education, shall promulgate rules and regulations governing the immunization against poliomyelitis, rubella, rubeola, mumps, tetanus, pertussis, diphtheria, and hepatitis B, to be required of children attending public, private, parochial or parish schools.

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

8 Such rules and regulations may modify the immunizations that
9 are required of children in this subsection. The
10 immunizations required and the manner and frequency of their
11 administration shall conform to recognized standards of
12 medical practice. The department of health and senior
13 services shall supervise and secure the enforcement of the
14 required immunization program.

15 2. It is unlawful for any student to attend school
16 unless he has been immunized as required under the rules and
17 regulations of the department of health and senior services,
18 and can provide satisfactory evidence of such immunization;
19 except that if he produces satisfactory evidence of having
20 begun the process of immunization, he may continue to attend
21 school as long as the immunization process is being
22 accomplished in the prescribed manner. It is unlawful for
23 any parent or guardian to refuse or neglect to have his
24 child immunized as required by this section, unless the
25 child is properly exempted.

26 3. This section shall not apply to any child if one
27 parent or guardian objects in writing to his school
28 administrator against the immunization of the child, because
29 of religious beliefs or medical contraindications. In cases
30 where any such objection is for reasons of medical
31 contraindications, a statement from a duly licensed
32 physician must also be provided to the school administrator.

33 4. Each school superintendent, whether of a public,
34 private, parochial or parish school, shall cause to be
35 prepared a record showing the immunization status of every
36 child enrolled in or attending a school under his
37 jurisdiction. The name of any parent or guardian who
38 neglects or refuses to permit a nonexempted child to be
39 immunized against diseases as required by the rules and

40 regulations promulgated pursuant to the provisions of this
41 section shall be reported by the school superintendent to
42 the department of health and senior services.

43 5. The immunization required may be done by any duly
44 licensed physician or by someone under his direction. If
45 the parent or guardian is unable to pay, the child shall be
46 immunized at public expense by a physician or nurse at or
47 from the county, district, city public health center or a
48 school nurse or by a nurse or physician in the private
49 office or clinic of the child's personal physician with the
50 costs of immunization paid through the state Medicaid
51 program, private insurance or in a manner to be determined
52 by the department of health and senior services subject to
53 state and federal appropriations, and after consultation
54 with the school superintendent and the advisory committee
55 established in section 192.630. When a child receives his
56 or her immunization, the treating physician may also
57 administer the appropriate fluoride treatment to the child's
58 teeth.

59 6. Funds for the administration of this section and
60 for the purchase of vaccines for children of families unable
61 to afford them shall be appropriated to the department of
62 health and senior services from general revenue or from
63 federal funds if available.

64 7. **No student shall be required, as a condition of**
65 **school attendance or participation in school-sponsored**
66 **extracurricular activities, to be immunized against COVID-**
67 **19. No school shall require students to undergo COVID-19**
68 **diagnostic testing as an alternative to receiving a COVID-19**
69 **vaccination.**

70 8. No rule or portion of a rule promulgated under the
71 authority of this section shall become effective unless it

72 has been promulgated pursuant to the provisions of chapter
73 536. Any rule or portion of a rule, as that term is defined
74 in section 536.010, that is created under the authority
75 delegated in this section shall become effective only if it
76 complies with and is subject to all of the provisions of
77 chapter 536 and, if applicable, section 536.028. This
78 section and chapter 536 are nonseverable and if any of the
79 powers vested with the general assembly pursuant to chapter
80 536 to review, to delay the effective date or to disapprove
81 and annul a rule are subsequently held unconstitutional,
82 then the grant of rulemaking authority and any rule proposed
83 or adopted after August 28, 2001, shall be invalid and void.

**174.336. No public institution of higher education in
2 this state shall require any student, whether residing on
3 campus or not, to have received a COVID-19 vaccine in order
4 to access educational and other services, including, but not
5 limited to, in-class attendance, school-sponsored
6 extracurricular activities, and access to school buildings
7 and facilities. No public institution of higher education
8 in this state shall require any student to undergo COVID-19
9 diagnostic testing as an alternative to receiving a COVID-19
10 vaccination.**

**191.234. 1. For the purposes of this section,
2 "employer" shall mean any person or entity employing any
3 person for hire within the state of Missouri, including a
4 public employer.**

**2. It shall be unlawful for an employer to require an
6 employee to receive COVID-19 vaccination as a condition of
7 employment without permitting the employee to be exempted
8 from such vaccination requirements because of the employee's
9 religious or philosophical beliefs, medical condition,**

10 including pregnancy or future pregnancies, or previous
11 exposure to and recovery from COVID-19.

12 3. The employer may require the employee seeking the
13 exemption to provide such request in writing. No employer
14 shall require the employee to explain, prove, defend, or
15 otherwise substantiate his or her religious or philosophical
16 beliefs or medical conditions relating to requesting the
17 vaccination exemption.

18 4. The department of health and senior services shall
19 develop a form and make such form available to employers and
20 employees to utilize in requesting a vaccination exemption.

21 5. No employer shall require an employee who has
22 requested or received a vaccination exemption to undergo
23 COVID-19 diagnostic testing in place of a vaccination.

24 6. In the case of a public employer, any record of
25 vaccinations, exemptions, testing, or other related employee
26 information containing identifying information of the
27 employee shall be considered a closed record under chapter
28 610.

29 7. No employer shall refuse employment, discharge,
30 discipline, retaliate against, fail to promote, or otherwise
31 discriminate against an employee or prospective employee who
32 requests a vaccination exemption under this section. A
33 prospective, current, or former employee may bring a civil
34 action against an employer for a violation of this section.
35 A prevailing plaintiff shall be entitled to any one or more
36 of the following:

37 (1) Back pay or reinstatement, with three times the
38 back pay plus fringe benefits or prospective wages and
39 benefits;

40 (2) Damages, including punitive and actual damages;

41 (3) Injunctive and any other court-approved relief; and

42 **(4) Reasonable attorney's fees and costs.**

210.003. 1. No child shall be permitted to enroll in
2 or attend any public, private or parochial day care center,
3 preschool or nursery school caring for ten or more children
4 unless such child has been adequately immunized against
5 vaccine-preventable childhood illnesses specified by the
6 department of health and senior services in accordance with
7 recommendations of the Centers for Disease Control and
8 Prevention Advisory Committee on Immunization Practices
9 (ACIP), **but not including COVID-19**. The parent or guardian
10 of such child shall provide satisfactory evidence of the
11 required immunizations.

12 2. A child who has not completed all immunizations
13 appropriate for his or her age may enroll, if:

14 (1) Satisfactory evidence is produced that such child
15 has begun the process of immunization. The child may
16 continue to attend as long as the immunization process is
17 being accomplished according to the ACIP/Missouri department
18 of health and senior services recommended schedule;

19 (2) The parent or guardian has signed and placed on
20 file with the day care administrator a statement of
21 exemption which may be either of the following:

22 (a) A medical exemption, by which a child shall be
23 exempted from the requirements of this section upon
24 certification by a licensed physician that such immunization
25 would seriously endanger the child's health or life; or

26 (b) A parent or guardian exemption, by which a child
27 shall be exempted from the requirements of this section if
28 one parent or guardian files a written objection to
29 immunization with the day care administrator; or

30 (3) The child is homeless or in the custody of the
31 children's division and cannot provide satisfactory evidence

32 of the required immunizations. Satisfactory evidence shall
33 be presented within thirty days of enrollment and shall
34 confirm either that the child has completed all
35 immunizations appropriate for his or her age or has begun
36 the process of immunization. If the child has begun the
37 process of immunization, he or she may continue to attend as
38 long as the process is being accomplished according to the
39 schedule recommended by the department of health and senior
40 services.

41 Exemptions shall be accepted by the day care administrator
42 when the necessary information as determined by the
43 department of health and senior services is filed with the
44 day care administrator by the parent or guardian. Exemption
45 forms shall be provided by the department of health and
46 senior services.

47 3. In the event of an outbreak or suspected outbreak
48 of a vaccine-preventable disease within a particular
49 facility, the administrator of the facility shall follow the
50 control measures instituted by the local health authority or
51 the department of health and senior services or both the
52 local health authority and the department of health and
53 senior services, as established in Rule 19 CSR 20-20.040,
54 "Measures for the Control of Communicable, Environmental and
55 Occupational Diseases".

56 4. The administrator of each public, private or
57 parochial day care center, preschool or nursery school shall
58 cause to be prepared a record of immunization of every child
59 enrolled in or attending a facility under his or her
60 jurisdiction. An annual summary report shall be made by
61 January fifteenth showing the immunization status of each
62 child enrolled, using forms provided for this purpose by the

63 department of health and senior services. The immunization
64 records shall be available for review by department of
65 health and senior services personnel upon request.

66 5. For purposes of this section, "satisfactory
67 evidence of immunization" means a statement, certificate or
68 record from a physician or other recognized health facility
69 or personnel, stating that the required immunizations have
70 been given to the child and verifying the type of vaccine
71 and the month, day and year of administration.

72 6. Nothing in this section shall preclude any
73 political subdivision from adopting more stringent rules
74 regarding the immunization of preschool children.

75 7. All public, private, and parochial day care
76 centers, preschools, and nursery schools shall notify the
77 parent or guardian of each child at the time of initial
78 enrollment in or attendance at the facility that the parent
79 or guardian may request notice of whether there are children
80 currently enrolled in or attending the facility for whom an
81 immunization exemption has been filed. Beginning December
82 1, 2015, all public, private, and parochial day care
83 centers, preschools, and nursery schools shall notify the
84 parent or guardian of each child currently enrolled in or
85 attending the facility that the parent or guardian may
86 request notice of whether there are children currently
87 enrolled in or attending the facility for whom an
88 immunization exemption has been filed. Any public, private,
89 or parochial day care center, preschool, or nursery school
90 shall notify the parent or guardian of a child enrolled in
91 or attending the facility, upon request, of whether there
92 are children currently enrolled in or attending the facility
93 for whom an immunization exemption has been filed.

288.030. 1. As used in this chapter, unless the
context clearly requires otherwise, the following terms mean:

(1) "Appeals tribunal", a referee or a body consisting
of three referees appointed to conduct hearings and make
decisions on appeals from administrative determinations,
petitions for reassessment, and claims referred pursuant to
subsection 2 of section 288.070;

(2) "Base period", the first four of the last five
completed calendar quarters immediately preceding the first
day of an individual's benefit year;

(3) "Benefit year", the one-year period beginning with
the first day of the first week with respect to which an
insured worker first files an initial claim for
determination of such worker's insured status, and
thereafter the one-year period beginning with the first day
of the first week with respect to which the individual,
providing the individual is then an insured worker, next
files such an initial claim after the end of the
individual's last preceding benefit year;

(4) "Benefits", the money payments payable to an
insured worker, as provided in this chapter, with respect to
such insured worker's unemployment;

(5) "Calendar quarter", the period of three
consecutive calendar months ending on March thirty-first,
June thirtieth, September thirtieth, or December thirty-
first;

(6) "Claimant", an individual who has filed an initial
claim for determination of such individual's status as an
insured worker, a notice of unemployment, a certification
for waiting week credit, or a claim for benefits;

(7) "Commission", the labor and industrial relations
commission of Missouri;

33 (8) "Common paymaster", two or more related
34 corporations in which one of the corporations has been
35 designated to disburse remuneration to concurrently employed
36 individuals of any of the related corporations;

37 (9) "Contributions", the money payments to the
38 unemployment compensation fund required by this chapter,
39 exclusive of interest and penalties;

40 (10) "Decision", a ruling made by an appeals tribunal
41 or the commission after a hearing;

42 (11) "Deputy", a representative of the division
43 designated to make investigations and administrative
44 determinations on claims or matters of employer liability or
45 to perform related work;

46 (12) "Determination", any administrative ruling made
47 by the division without a hearing;

48 (13) "Director", the administrative head of the
49 division of employment security;

50 (14) "Division", the division of employment security
51 which administers this chapter;

52 (15) "Employing unit", any individual, organization,
53 partnership, corporation, common paymaster, or other legal
54 entity, including the legal representatives thereof, which
55 has or, subsequent to June 17, 1937, had in its employ one
56 or more individuals performing services for it within this
57 state. All individuals performing services within this
58 state for any employing unit which maintains two or more
59 separate establishments within this state shall be deemed to
60 be employed by a single employing unit for all the purposes
61 of this chapter. Each individual engaged to perform or to
62 assist in performing the work of any person in the service
63 of an employing unit shall be deemed to be engaged by such
64 employing unit for all the purposes of this chapter, whether

65 such individual was engaged or paid directly by such
66 employing unit or by such person, provided the employing
67 unit had actual or constructive knowledge of the work;

68 (16) "Employment office", a free public employment
69 office operated by this or any other state as a part of a
70 state controlled system of public employment offices
71 including any location designated by the state as being a
72 part of the one-stop career system;

73 (17) "Equipment", a motor vehicle, straight truck,
74 tractor, semitrailer, full trailer, any combination of these
75 and any other type of equipment used by authorized carriers
76 in the transportation of property for hire;

77 (18) "Fund", the unemployment compensation fund
78 established by this chapter;

79 (19) "Governmental entity", the state, any political
80 subdivision thereof, any instrumentality of any one or more
81 of the foregoing which is wholly owned by this state and one
82 or more other states or political subdivisions and any
83 instrumentality of this state or any political subdivision
84 thereof and one or more other states or political
85 subdivisions;

86 (20) "Initial claim", an application, in a form
87 prescribed by the division, made by an individual for the
88 determination of the individual's status as an insured
89 worker;

90 (21) "Insured work", employment in the service of an
91 employer;

92 (22) (a) As to initial claims filed after December
93 31, 1990, "insured worker", a worker who has been paid wages
94 for insured work in the amount of one thousand dollars or
95 more in at least one calendar quarter of such worker's base
96 period and total wages in the worker's base period equal to

97 at least one and one-half times the insured wages in that
98 calendar quarter of the base period in which the worker's
99 insured wages were the highest, or in the alternative, a
100 worker who has been paid wages in at least two calendar
101 quarters of such worker's base period and whose total base
102 period wages are at least one and one-half times the maximum
103 taxable wage base, taxable to any one employer, in
104 accordance with subsection 2 of section 288.036. For the
105 purposes of this definition, "wages" shall be considered as
106 wage credits with respect to any benefit year, only if such
107 benefit year begins subsequent to the date on which the
108 employing unit by which such wages were paid has become an
109 employer;

110 (b) As to initial claims filed after December 31,
111 2004, wages for insured work in the amount of one thousand
112 two hundred dollars or more, after December 31, 2005, one
113 thousand three hundred dollars or more, after December 31,
114 2006, one thousand four hundred dollars or more, after
115 December 31, 2007, one thousand five hundred dollars or more
116 in at least one calendar quarter of such worker's base
117 period and total wages in the worker's base period equal to
118 at least one and one-half times the insured wages in that
119 calendar quarter of the base period in which the worker's
120 insured wages were the highest, or in the alternative, a
121 worker who has been paid wages in at least two calendar
122 quarters of such worker's base period and whose total base
123 period wages are at least one and one-half times the maximum
124 taxable wage base, taxable to any one employer, in
125 accordance with subsection 2 of section 288.036;

126 (23) "Misconduct", only as the term is used in this
127 chapter, conduct or failure to act in a manner that is
128 connected with work, regardless of whether such conduct or

129 failure to act occurs at the workplace or during work hours,
130 which shall include:

131 (a) Conduct or a failure to act demonstrating knowing
132 disregard of the employer's interest or a knowing violation
133 of the standards which the employer expects of his or her
134 employee;

135 (b) Conduct or a failure to act demonstrating
136 carelessness or negligence in such degree or recurrence as
137 to manifest culpability, wrongful intent, or a knowing
138 disregard of the employer's interest or of the employee's
139 duties and obligations to the employer;

140 (c) A violation of an employer's no-call, no-show
141 policy; chronic absenteeism or tardiness in violation of a
142 known policy of the employer; or two or more unapproved
143 absences following a written reprimand or warning relating
144 to an unapproved absence unless such absences are protected
145 by law;

146 (d) A knowing violation of a state standard or
147 regulation by an employee of an employer licensed or
148 certified by the state, which would cause the employer to be
149 sanctioned or have its license or certification suspended or
150 revoked; or

151 (e) A violation of an employer's rule, unless the
152 employee can demonstrate that:

153 a. He or she did not know, and could not reasonably
154 know, of the rule's requirements;

155 b. The rule is not lawful; or

156 c. The rule is not fairly or consistently enforced;

157 **Misconduct shall not include failure to receive a**
158 **vaccination against COVID-19 if doing so would violate the**

159 **employee's religious or philosophical beliefs or if a**
160 **vaccine is medically contraindicated for the employee;**

161 (24) "Referee", a representative of the division
162 designated to serve on an appeals tribunal;

163 (25) "State" includes, in addition to the states of
164 the United States of America, the District of Columbia,
165 Puerto Rico, the Virgin Islands, and the Dominion of Canada;

166 (26) "Temporary employee", an employee assigned to
167 work for the clients of a temporary help firm;

168 (27) "Temporary help firm", a firm that hires its own
169 employees and assigns them to clients to support or
170 supplement the clients' workforce in work situations such as
171 employee absences, temporary skill shortages, seasonal
172 workloads, and special assignments and projects;

173 (28) (a) An individual shall be deemed "totally
174 unemployed" in any week during which the individual performs
175 no services and with respect to which no wages are payable
176 to such individual;

177 (b) a. An individual shall be deemed "partially
178 unemployed" in any week of less than full-time work if the
179 wages payable to such individual for such week do not equal
180 or exceed the individual's weekly benefit amount plus twenty
181 dollars;

182 b. Effective for calendar year 2007 and each year
183 thereafter, an individual shall be deemed "partially
184 unemployed" in any week of less than full-time work if the
185 wages payable to such individual for such week do not equal
186 or exceed the individual's weekly benefit amount plus twenty
187 dollars or twenty percent of his or her weekly benefit
188 amount, whichever is greater;

189 (c) An individual's "week of unemployment" shall begin
190 the first day of the calendar week in which the individual

191 registers at an employment office except that, if for good
192 cause the individual's registration is delayed, the week of
193 unemployment shall begin the first day of the calendar week
194 in which the individual would have otherwise registered.
195 The requirement of registration may by regulation be
196 postponed or eliminated in respect to claims for partial
197 unemployment or may by regulation be postponed in case of a
198 mass layoff due to a temporary cessation of work;

199 (29) "Waiting week", the first week of unemployment
200 for which a claim is allowed in a benefit year or if no
201 waiting week has occurred in a benefit year in effect on the
202 effective date of a shared work plan, the first week of
203 participation in a shared work unemployment compensation
204 program pursuant to section 288.500.

205 2. The Missouri average annual wage shall be computed
206 as of June thirtieth of each year, and shall be applicable
207 to the following calendar year. The Missouri average annual
208 wage shall be calculated by dividing the total wages
209 reported as paid for insured work in the preceding calendar
210 year by the average of mid-month employment reported by
211 employers for the same calendar year. The Missouri average
212 weekly wage shall be computed by dividing the Missouri
213 average annual wage as computed in this subsection by fifty-
214 two.

288.040. 1. A claimant who is unemployed and has been
2 determined to be an insured worker shall be eligible for
3 benefits for any week only if the deputy finds that:

4 (1) The claimant has registered for work at and
5 thereafter has continued to report at an employment office
6 in accordance with such regulations as the division may
7 prescribe;

8 (2) The claimant is able to work and is available for
9 work. No person shall be deemed available for work unless
10 such person has been and is actively and earnestly seeking
11 work. Upon the filing of an initial or renewed claim, and
12 prior to the filing of each weekly claim thereafter, the
13 deputy shall notify each claimant of the number of work
14 search contacts required to constitute an active search for
15 work. Unless the deputy directs otherwise, a claimant shall
16 make a minimum of three work search contacts during any week
17 for which he or she claims benefits. No person shall be
18 considered not available for work, pursuant to this
19 subdivision, solely because he or she is a substitute
20 teacher or is on jury duty. A claimant shall not be
21 determined to be ineligible pursuant to this subdivision
22 because of not actively and earnestly seeking work if:

23 (a) The claimant is participating in training approved
24 pursuant to Section 236 of the Trade Act of 1974, as
25 amended, (19 U.S.C.A. Sec. 2296, as amended);

26 (b) The claimant is temporarily unemployed through no
27 fault of his or her own and has a definite recall date
28 within eight weeks of his or her first day of unemployment;
29 however, upon application of the employer responsible for
30 the claimant's unemployment, such eight-week period may be
31 extended not to exceed a total of sixteen weeks at the
32 discretion of the director;

33 (3) The claimant has reported to an office of the
34 division as directed by the deputy, but at least once every
35 four weeks, except that a claimant shall be exempted from
36 the reporting requirement of this subdivision if:

37 (a) The claimant is claiming benefits in accordance
38 with division regulations dealing with partial or temporary
39 total unemployment; or

40 (b) The claimant is temporarily unemployed through no
41 fault of his or her own and has a definite recall date
42 within eight weeks of his or her first day of unemployment;
43 or

44 (c) The director of the division of employment
45 security has determined that the claimant belongs to a group
46 or class of workers whose opportunities for reemployment
47 will not be enhanced by reporting, or is prevented from
48 reporting due to emergency conditions that limit access by
49 the general public to an office that serves the area where
50 the claimant resides, but only during the time such
51 circumstances exist.

52 Ineligibility pursuant to this subdivision shall begin on
53 the first day of the week which the claimant was scheduled
54 to claim and shall end on the last day of the week preceding
55 the week during which the claimant does report to the
56 division's office;

57 (4) Prior to the first week of a period of total or
58 partial unemployment for which the claimant claims benefits
59 he or she has been totally or partially unemployed for a
60 waiting period of one week. No more than one waiting week
61 will be required in any benefit year. During calendar year
62 2008 and each calendar year thereafter, the one-week waiting
63 period shall become compensable once his or her remaining
64 balance on the claim is equal to or less than the
65 compensable amount for the waiting period. No week shall be
66 counted as a week of total or partial unemployment for the
67 purposes of this subsection unless it occurs within the
68 benefit year which includes the week with respect to which
69 the claimant claims benefits;

70 (5) The claimant has made a claim for benefits within
71 fourteen days from the last day of the week being claimed.
72 The fourteen-day period may, for good cause, be extended to
73 twenty-eight days;

74 (6) The claimant has reported to an employment office
75 to participate in a reemployment assessment and reemployment
76 services as directed by the deputy or designated staff of an
77 employment office, unless the deputy determines that good
78 cause exists for the claimant's failure to participate in
79 such reemployment assessment and reemployment services. For
80 purposes of this section, "reemployment services" may
81 include, but not be limited to, the following:

82 (a) Providing an orientation to employment office
83 services;

84 (b) Providing job search assistance; and

85 (c) Providing labor market statistics or analysis;

86 Ineligibility under this subdivision shall begin on the
87 first day of the week which the claimant was scheduled to
88 report for the reemployment assessment or reemployment
89 services and shall end on the last day of the week preceding
90 the week during which the claimant does report in person to
91 the employment office for such reemployment assessment or
92 reemployment services;

93 (7) The claimant is participating in reemployment
94 services, such as job search assistance services, as
95 directed by the deputy if the claimant has been determined
96 to be likely to exhaust regular benefits and to need
97 reemployment services pursuant to a profiling system
98 established by the division, unless the deputy determines
99 that:

100 (a) The individual has completed such reemployment
101 services; or

102 (b) There is justifiable cause for the claimant's
103 failure to participate in such reemployment services.

104 **2. A claimant who is unemployed due to being**
105 **discharged from employment for failure to receive a**
106 **vaccination against COVID-19 shall not be ineligible for**
107 **benefits if the claimant failed to receive such vaccination**
108 **because doing so would violate the claimant's religious or**
109 **philosophical beliefs or if the vaccine is medically**
110 **contraindicated for the claimant.**

111 **3.** A claimant shall be ineligible for waiting week
112 credit or benefits for any week for which the deputy finds
113 he or she is or has been suspended by his or her most recent
114 employer for misconduct connected with his or her work.
115 Suspensions of four weeks or more shall be treated as
116 discharges.

117 **[3.] 4.** (1) Benefits based on "service in
118 employment", described in subsections 7 and 8 of section
119 288.034, shall be payable in the same amount, on the same
120 terms and subject to the same conditions as compensation
121 payable on the basis of other service subject to this law;
122 except that:

123 (a) With respect to service performed in an
124 instructional, research, or principal administrative
125 capacity for an educational institution, benefits shall not
126 be paid based on such services for any week of unemployment
127 commencing during the period between two successive academic
128 years or terms, or during a similar period between two
129 regular but not successive terms, or during a period of paid
130 sabbatical leave provided for in the individual's contract,
131 to any individual if such individual performs such services

132 in the first of such academic years (or terms) and if there
133 is a contract or a reasonable assurance that such individual
134 will perform services in any such capacity for any
135 educational institution in the second of such academic years
136 or terms;

137 (b) With respect to services performed in any capacity
138 (other than instructional, research, or principal
139 administrative capacity) for an educational institution,
140 benefits shall not be paid on the basis of such services to
141 any individual for any week which commences during a period
142 between two successive academic years or terms if such
143 individual performs such services in the first of such
144 academic years or terms and there is a contract or a
145 reasonable assurance that such individual will perform such
146 services in the second of such academic years or terms;

147 (c) With respect to services described in paragraphs
148 (a) and (b) of this subdivision, benefits shall not be paid
149 on the basis of such services to any individual for any week
150 which commences during an established and customary vacation
151 period or holiday recess if such individual performed such
152 services in the period immediately before such vacation
153 period or holiday recess, and there is reasonable assurance
154 that such individual will perform such services immediately
155 following such vacation period or holiday recess;

156 (d) With respect to services described in paragraphs
157 (a) and (b) of this subdivision, benefits payable on the
158 basis of services in any such capacity shall be denied as
159 specified in paragraphs (a), (b), and (c) of this
160 subdivision to any individual who performed such services at
161 an educational institution while in the employ of an
162 educational service agency, and for this purpose the term
163 "educational service agency" means a governmental agency or

164 governmental entity which is established and operated
165 exclusively for the purpose of providing such services to
166 one or more educational institutions.

167 (2) If compensation is denied for any week pursuant to
168 paragraph (b) or (d) of subdivision (1) of this subsection
169 to any individual performing services at an educational
170 institution in any capacity (other than instructional,
171 research or principal administrative capacity), and such
172 individual was not offered an opportunity to perform such
173 services for the second of such academic years or terms,
174 such individual shall be entitled to a retroactive payment
175 of the compensation for each week for which the individual
176 filed a timely claim for compensation and for which
177 compensation was denied solely by reason of paragraph (b) or
178 (d) of subdivision (1) of this subsection.

179 [4.] 5. (1) A claimant shall be ineligible for
180 waiting week credit, benefits or shared work benefits for
181 any week for which he or she is receiving or has received
182 remuneration exceeding his or her weekly benefit amount or
183 shared work benefit amount in the form of:

184 (a) Compensation for temporary partial disability
185 pursuant to the workers' compensation law of any state or
186 pursuant to a similar law of the United States;

187 (b) A governmental or other pension, retirement or
188 retired pay, annuity, or other similar periodic payment
189 which is based on the previous work of such claimant to the
190 extent that such payment is provided from funds provided by
191 a base period or chargeable employer pursuant to a plan
192 maintained or contributed to by such employer; but, except
193 for such payments made pursuant to the Social Security Act
194 or the Railroad Retirement Act of 1974 (or the corresponding
195 provisions of prior law), the provisions of this paragraph

196 shall not apply if the services performed for such employer
197 by the claimant after the beginning of the base period (or
198 remuneration for such services) do not affect eligibility
199 for or increase the amount of such pension, retirement or
200 retired pay, annuity or similar payment.

201 (2) If the remuneration referred to in this subsection
202 is less than the benefits which would otherwise be due, the
203 claimant shall be entitled to receive for such week, if
204 otherwise eligible, benefits reduced by the amount of such
205 remuneration, and, if such benefit is not a multiple of one
206 dollar, such amount shall be lowered to the next multiple of
207 one dollar.

208 (3) Notwithstanding the provisions of subdivisions (1)
209 and (2) of this subsection, if a claimant has contributed in
210 any way to the Social Security Act or the Railroad
211 Retirement Act of 1974, or the corresponding provisions of
212 prior law, no part of the payments received pursuant to such
213 federal law shall be deductible from the amount of benefits
214 received pursuant to this chapter.

215 [5.] 6. A claimant shall be ineligible for waiting
216 week credit or benefits for any week for which or a part of
217 which he or she has received or is seeking unemployment
218 benefits pursuant to an unemployment insurance law of
219 another state or the United States; provided, that if it be
220 finally determined that the claimant is not entitled to such
221 unemployment benefits, such ineligibility shall not apply.

222 [6.] 7. (1) A claimant shall be ineligible for
223 waiting week credit or benefits for any week for which the
224 deputy finds that such claimant's total or partial
225 unemployment is due to a stoppage of work which exists
226 because of a labor dispute in the factory, establishment or
227 other premises in which such claimant is or was last

228 employed. In the event the claimant secures other
229 employment from which he or she is separated during the
230 existence of the labor dispute, the claimant must have
231 obtained bona fide employment as a permanent employee for at
232 least the major part of each of two weeks in such subsequent
233 employment to terminate his or her ineligibility. If, in
234 any case, separate branches of work which are commonly
235 conducted as separate businesses at separate premises are
236 conducted in separate departments of the same premises, each
237 such department shall for the purposes of this subsection be
238 deemed to be a separate factory, establishment or other
239 premises. This subsection shall not apply if it is shown to
240 the satisfaction of the deputy that:

241 (a) The claimant is not participating in or financing
242 or directly interested in the labor dispute which caused the
243 stoppage of work; and

244 (b) The claimant does not belong to a grade or class
245 of workers of which, immediately preceding the commencement
246 of the stoppage, there were members employed at the premises
247 at which the stoppage occurs, any of whom are participating
248 in or financing or directly interested in the dispute.

249 (2) "Stoppage of work" as used in this subsection
250 means a substantial diminution of the activities, production
251 or services at the establishment, plant, factory or premises
252 of the employing unit. This definition shall not apply to a
253 strike where the employees in the bargaining unit who
254 initiated the strike are participating in the strike. Such
255 employees shall not be eligible for waiting week credit or
256 benefits during the period when the strike is in effect,
257 regardless of diminution, unless the employer has been found
258 guilty of an unfair labor practice by the National Labor

259 Relations Board or a federal court of law for an act or
260 actions preceding or during the strike.

261 [7.] 8. On or after January 1, 1978, benefits shall
262 not be paid to any individual on the basis of any services,
263 substantially all of which consist of participating in
264 sports or athletic events or training or preparing to so
265 participate, for any week which commences during the period
266 between two successive sport seasons (or similar periods) if
267 such individual performed such services in the first of such
268 seasons (or similar periods) and there is a reasonable
269 assurance that such individual will perform such services in
270 the later of such seasons (or similar periods).

271 [8.] 9. Benefits shall not be payable on the basis of
272 services performed by an alien, unless such alien is an
273 individual who was lawfully admitted for permanent residence
274 at the time such services were performed, was lawfully
275 present for purposes of performing such services, or was
276 permanently residing in the United States under color of law
277 at the time such services were performed (including an alien
278 who was lawfully present in the United States as a result of
279 the application of the provisions of Section 212(d)(5) of
280 the Immigration and Nationality Act).

281 (1) Any data or information required of individuals
282 applying for benefits to determine whether benefits are not
283 payable to them because of their alien status shall be
284 uniformly required from all applicants for benefits.

285 (2) In the case of an individual whose application for
286 benefits would otherwise be approved, no determination that
287 benefits to such individual are not payable because of such
288 individual's alien status shall be made except upon a
289 preponderance of the evidence.

290 [9.] 10. A claimant shall be ineligible for waiting
291 week credit or benefits for any week such claimant has an
292 outstanding penalty which was assessed based upon an
293 overpayment of benefits, as provided for in subsection 9 of
294 section 288.380.

295 [10.] 11. The directors of the division of employment
296 security and the division of workforce development shall
297 submit to the governor, the speaker of the house of
298 representatives, and the president pro tem of the senate no
299 later than October 15, 2006, a report outlining their
300 recommendations for how to improve work search verification
301 and claimant reemployment activities. The recommendations
302 shall include, but not limited to how to best utilize
303 "greathires.org", and how to reduce the average duration of
304 unemployment insurance claims. Each calendar year
305 thereafter, the directors shall submit a report containing
306 their recommendations on these issues by December thirty-
307 first of each year.

308 [11.] 12. For purposes of this section, a claimant may
309 satisfy reporting requirements provided under this section
310 by reporting by internet communication or any other means
311 deemed acceptable by the division of employment security.

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