

Chronic Absenteeism and Employer Policy Violations Now Preclude Employees from Collecting Unemployment Compensation Benefits

August 09, 2011

With the stroke of the Governor's pen, it is now easier for employers to show that employees were terminated for "misconduct" and should be disqualified for unemployment compensation benefits under Florida's Unemployment Compensation Law. Misconduct, under the Amended Law, now includes such things as chronic absenteeism or tardiness and violations of employer policies, under certain circumstances. Also, added to the definition of misconduct are employees' willful violations of state standards or regulations that would cause the employer to be sanctioned or its Florida license or certification to be suspended. Not only did the Amended Law add these three new categories of misconduct, but it also relaxed the standard employers must meet to show misconduct under an existing category of misconduct. Instead of showing an employee engaged in "willful and wanton disregard" of an employer's interests, an employer must now only show "conscious disregard" to disqualify the employee from benefits. Carelessness to a degree that manifests culpability or wrongful intent is still a category of misconduct, but the statute has been amended so that carelessness to a degree that manifests an "evil design" has been excluded. And, another big win for employers is that the misconduct no longer has to occur at work or during working hours. These changes are effective for all employment separations on or after June 27, 2011, the date the Governor signed the law.

Authored By



Allison Oasis Kahn



James R. Wiley

Related Practices

Labor & Employment

©2024 Carlton Fields, P.A. Carlton Fields practices law in California through Carlton Fields, LLP. Carlton Fields publications should not be construed as legal advice on any specific facts or circumstances. The contents are intended for general information and educational purposes only, and should not be relied on as if it were advice about a particular fact situation. The distribution of this publication is not intended to create, and receipt of it does not constitute, an attorney-client relationship with Carlton Fields. This publication may not be quoted or referred to in any other publication or proceeding without the prior written consent of the firm, to be given or withheld at our discretion. To request reprint permission for any of our publications, please use our Contact Us form via the link below. The views set forth herein are the personal views of the author and do not necessarily reflect those of the firm. This site may contain hypertext links to information created and maintained by other entities. Carlton Fields does not control or guarantee the accuracy or completeness of this outside information, nor is the inclusion of a link to be intended as an endorsement of those outside sites.