

OKLAHOMA EMPLOYMENT SECURITY COMMISSION

PRECEDENT MANUAL - 2007 EDITION

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FORWARD

The user of this Precedent Manual should apply case law to the interpretation of the Oklahoma Employment Security Act, Title 40, Chapter 1, of the Oklahoma Statutes, only after first reviewing the purpose and objective of the Act. Care should be taken to insure that no application of the Act results in a violation of this purpose and objective.

The Purpose of the Act is contained in Section 1-201 (1):

The purpose of the act is to promote employment security by increasing opportunities for placement through the maintenance of a system of public employment offices and to provide through the accumulation of reserves for the payment of compensation to individuals with respect to their unemployment. The Legislature hereby declares its intention to provide for carrying out the purposes of this act in cooperation with the appropriate agencies of other states and of the federal government, as part of a nationwide employment security program, in order to secure for this state and the citizens thereof the grants and privileges available thereunder.

The Objective of the Act is defined in the declaration of state public policy in Section 1-103 of the Act.

As a guide to the interpretation and application of this act, the public policy of this state is declared to be as follows: Economic insecurity due to unemployment is a serious menace to the health, morals, and welfare of the people of this state. Unemployment is therefore a subject of general interest and concern which requires appropriate action by the Legislature to prevent its spread and to lighten its burden which now so often falls with crushing force upon the unemployed worker and his family. The achievement of social security requires protection against this greatest hazard of our economic life. This objective can be furthered by operating free public employment offices in affiliation with nationwide system of employment services, by devising appropriate methods for reducing the volume of unemployment and by the systematic accumulation of funds during periods of employment, thus maintaining purchasing power and limiting the serious social consequences of unemployment. The Legislature, therefore, declares that in its considered judgment the public good, and the general welfare of the citizens of this state require the enactment of this measure, under the police power of the state for the establishment and maintenance of free public employment offices and for the compulsory setting aside of unemployment reserves to be used for the benefit of persons unemployed through no fault of their own.

That we are to keep this basic objective in mind while construing the subsequent sections of the Act was made clear in *Tynes v. Uniroyal Tire Co.*, 679 P2d 1310 (Okla App 1984). In that decision the court made it clear that in sections of the Act that operate as a forfeiture of benefits, the section “*should be narrowly construed to allow maximum fulfillment of the Act’s basic purpose*” as set forth in Section 1-103. See also 76 Am. Jur. 2d Unemployment Compensation Sec. 52 (1975) as cited by the court in *Tynes*. All disqualifying sections should be construed in the light most favorable to the unemployed.