

Regular Session, 2013

HOUSE BILL NO. 303

BY REPRESENTATIVE DIXON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

UNEMPLOYMENT COMP: Provides for notice requirements in unemployment compensation

1 AN ACT

2 To amend and reenact R.S. 23:1629(A) and to enact R.S. 23:1599, relative to unemployment
3 compensation; to provide with respect to notice requirements; to waive the
4 requirement that certain notices be sent by certified mail; to shorten notice time
5 period for appeals; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:1629(A) is hereby amended and reenacted and R.S. 23:1599 is
8 hereby enacted to read as follows:

9 §1599. Waiver of certified mail requirement

10 An employer, his duly authorized representative, or the claimant may waive
11 the right under this Chapter to receive written notices or determinations by certified
12 mail. The waiver shall be in writing and shall be mailed or transmitted electronically
13 to the office of unemployment insurance administration within the Louisiana
14 Workforce Commission. If the right to receive written notices and determinations
15 by certified mail has been waived, written notices or determinations may be
16 transmitted by first class mail or by electronic delivery. A notice or determination
17 is deemed delivered when it has been mailed or electronically transmitted.

18 * * *

1 §1629. Appeals to appeal referee; time for filing; notice of hearing and decision

2 A.(1) Within fifteen days after notification was given or was mailed to his
3 last known address, the claimant or any other party entitled to notice of a
4 determination may file an appeal from such determination with an appeal referee
5 either by mailing such appeal, as evidenced by the postmarked date, or by delivering
6 such appeal. The appeal referee shall mail a "notice to appear for a hearing" to all
7 parties to the appeal at least ~~ten~~ seven days prior to the date of hearing, and copies
8 of the statements by the claimant and employer, which were used in the appealed
9 determination, shall be sent with such notice if requested.

10 (2)(a) A party to an appeal may expressly waive the seven-day advance
11 notice requirement by written waiver executed after the appeal has been filed.

12 (b) A copy of the written waiver shall be included in the record.

13 (3) Nothing in this Section shall be construed to dispense with the
14 requirement that a "notice to appear for hearing" be mailed.

15 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Dixon HB No. 303

Abstract: Reduces the time period for a "notice to appear for a hearing" to be mailed and provides for the waiver of the requirement that written notices or determinations be sent by certified mail.

Present law requires that certain notices and determinations be transmitted to parties in an unemployment compensation case by certified mail.

Proposed law provides that an employer, his representative, or the claimant may waive the right to receive any notice or determination by certified mail.

Proposed law provides that the waiver shall be in writing and be mailed or submitted electronically to La. Workforce Commission (LWC).

Proposed law provides that when the right to delivery by certified mail has been waived, the parties may receive notices and determinations by first class mail or by electronic transmission.

Proposed law provides that the notice or determination is deemed delivered when it has been mailed or electronically transmitted.

Present law provides that within 15 days of receiving notification of a determination that a claimant is disqualified from collecting unemployment benefits, the claimant may file an appeal.

Present law provides that the claimant may mail or deliver the appeal to the appeal tribunal.

Present law provides that the appeal tribunal shall mail a "notice to appear for a hearing" to all parties to the appeal at least 10 days prior to the date of hearing.

Proposed law changes the time period allowed for the "notice to appear for a hearing" to be mailed from 10 days to seven days.

Proposed law allows a party to the appeal to expressly waive the seven day advance notice requirement by written waiver.

Proposed law requires that a copy of the written waiver be included in the record.

Proposed law provides that a waiver of the seven day advance notice does not extinguish the requirement that a "notice to appear for a hearing" be sent.

(Amends R.S. 23:1629(A); Adds R.S. 23:1599)