

Regular Session, 2014

HOUSE BILL NO. 692

BY REPRESENTATIVE BROADWATER

EMPLOYMENT/UNEMPLOYMENT: Provides with respect to payroll reports

1 AN ACT

2 To amend R.S. 23:1538(A)(1) and 1572, relative to unemployment compensation; to provide  
3 with respect to payroll reports; to allow the administrator to make estimates in the  
4 absence of all of the relevant information; to provide with respect to the termination  
5 of employer status; to provide for the termination of coverage; to provide time  
6 frames; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 23:1538(A)(1) and 1572 are hereby amended and reenacted to read  
9 as follows:

10 §1538. Payroll reports; failure of employer to file; incorrect reports; determination  
11 of rates

12 A.(1) If the administrator finds that any employer has failed to file any  
13 payroll report or has filed a report which the administrator finds incorrect or  
14 insufficient, the administrator ~~shall~~ may make an estimate of the information  
15 required from the employer on the basis of the best evidence reasonably available to  
16 him at the time, and notify the employer thereof by registered mail addressed to his  
17 last known address. Unless the employer files the report or a corrected or sufficient  
18 report, as the case may be, no later than twenty days after the mailing of the notice,  
19 the administrator ~~shall~~ may compute such employer's rate of contribution on the

1 basis of such estimates, and the rate so determined shall be subject to increase or  
2 decrease on the basis of subsequently ascertained information.

3 \* \* \*

4 §1572. Termination of employer status; application for termination of coverage;  
5 termination by administrator

6 Except as otherwise provided in R.S. 23:1573 and R.S. 23:1574, an  
7 employing unit shall cease to be an employer subject to this Chapter as of the first  
8 day of any calendar year only if it files with the administrator during the first  
9 calendar quarter, ending March 31st of such year, a written application for  
10 termination of coverage, and the administrator finds that the employing unit has not  
11 met any of the conditions for subjectivity to the law during the preceding calendar  
12 year. If an employing unit has been inactive for at least ~~three calendar years~~ four  
13 consecutive quarters, the administrator on his own motion may terminate coverage.

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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)]

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Broadwater

HB No. 692

**Abstract:** Provides for the submission of payroll reports and the termination of coverage after a certain time frame.

Present law provides that employers accrue and must pay contributions with respect to wages for employment.

Present law provides for deadlines and time frames for the submission of reports and contributions.

Present law requires employers to file payroll reports to the Louisiana Workforce Commission (LWC).

Present law provides that if an employer fails to file a payroll report, that the administrator (the executive director of LWC) shall make an estimate of the information that is required based on what is available to him at the time.

Proposed law changes the mandate that the administrator "shall" make an estimate, authorizing an estimate.

Present law provides that unless the employer files the report no later than 20 days after the mailing of the notice, the administrator shall compute the employer's rate of contribution on the basis of estimates, which may be changed due to subsequently ascertained information

Proposed law allows the administrator to compute the employer's rate of contribution on the basis of estimates, but no longer mandates it as stated in present law.

Present law provides that an employing unit will cease to be an employer as subject to present law if the unit has been inactive for at least 3 calendar years.

Proposed law changes the time period for inactivity from 3 calendar years to 4 consecutive quarters.

Present law provides that the administrator may make a motion to terminate coverage.

Proposed law retains present law regarding the termination of coverage.

(Amends R.S. 23:1538(A)(1) and 1572)