

Regular Session, 2014

HOUSE BILL NO. 819

BY REPRESENTATIVE LOPINTO

EMPLOYMENT/UNEMPLOYMENT: Provides with respect to unemployment compensation benefits

1 AN ACT

2 To enact R.S. 23:1601.1, relative to unemployment compensation; to provide with respect
3 to qualification for benefits; to create a rebuttable presumption of cause in certain
4 situations; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 23:1601.1 is hereby enacted to read as follows:

7 §1601.1. Discharge for cause; rebuttable presumption

8 When an employee is discharged by an employer and the employer
9 subsequently replaces the employee with a new hire within a reasonable period of
10 time, the presumption shall be that the employee was discharged for cause. The
11 presumption provided for in this Section is rebuttable.

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)]

Lopinto

HB No. 819

Abstract: Provides that when an employee is discharged and quickly replaced, the presumption is that he was discharged for cause.

Present law provides that when an employee has left his employment without good cause attributable to a substantial change made to the employment by the employer, he shall be disqualified from receiving benefits.

Present law provides that an employee is disqualified from benefits if he was discharged for misconduct or if he fails to apply for or accept available, suitable work.

Present law provides that an employee is disqualified from benefits if he is not working due to a labor strike, or if he is receiving or has received certain remuneration payments.

Present law provides that an employee is disqualified from benefits if he knowingly makes a false statement or representation or was discharged for using illegal drugs.

Present law provides that an employee is disqualified from benefits if he did not work and make a certain amount of wages in the base period.

Proposed law retains present law and adds a presumption that, if an employer discharges an employee and then replaces the employee quickly, the employee was discharged for cause.

Proposed law provides that the presumption in proposed law is rebuttable.

(Adds R.S. 23:1601.1)