
HOUSE COMMITTEE AMENDMENTS

2016 Regular Session

Substitute for Original House Bill No. 941 by Representative Horton as proposed by the House Committee on Labor and Industrial Relations

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To amend and reenact R.S. 23:1553(B)(5) through (11) and to enact R.S. 23:1553(D)(12) and 1601(1)(d), relative to unemployment compensation; to provide with respect to the disqualification for benefits; to provide for exceptions; to provide that a resignation in order to relocate pursuant to an order for a permanent change of station is not a disqualifying separation of employment for certain military spouses; to provide with respect to the noncharging of benefits against the experience rating of an employer; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:1553(B)(5) through (11) are hereby amended and reenacted and R.S. 23:1553(D)(12) and 1601(1)(d) are hereby enacted to read as follows:

§1553. Noncharging of benefits; recoupment; social charge account; social charge tax rate

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B.

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(5) Amounts noncharged as a result of the application of R.S. 23:1601(1)(d) relating to the relocation of a military spouse due to a permanent change of station order shall be recouped as a social charge to all employers.

(6) Amounts not charged against the experience-rating records of a base-period employer pursuant to the provisions of R.S. 23:1533 shall be recouped as a social charge to all employers.

~~(6)(7)~~ No amounts shall be credited to the Incumbent Worker Training Account as provided under R.S. 23:1514 in any calendar year in which the applied trust fund balance is less than seven hundred fifty million dollars. Furthermore,

following any year in which monies are appropriated from the Incumbent Worker Training Account for use in the state general fund, such appropriated amount shall be subtracted from amounts to be charged pursuant to Paragraphs (7) and (9) of this Subsection.

~~(7)~~(8) Amounts not to exceed twenty million dollars to be credited to the Incumbent Worker Training Account to fund the Incumbent Worker Training Program as provided under R.S. 23:1514 shall be charged to this account only in any calendar year in which the applied trust fund balance range as defined in R.S. 23:1474 is equal to or greater than seven hundred fifty million dollars, but less than one billion two hundred fifty million dollars and only in the amount necessary to bring the balance of unobligated funds in such subaccount to twenty million dollars.

~~(8)~~~~(a)~~(9)(a) Amounts not to exceed four million dollars to be credited to the Employment Security Administration Account as provided under R.S. 23:1515 for use expressly in the supplemental funding of costs associated with specific unemployment insurance and employment functions shall be restricted to those provided according to the provisions of this Chapter for the following:

- (i) Auditing of claims filed.
 - (ii) Recovery of amounts overpaid to claimants.
 - (iii) Auditing of experience-rating accounts.
 - (iv) Recovery of delinquent contributions.
 - (v) Disposition of appeals.
 - (vi) Cash management and remittance processing.
 - (vii) Call center services.
 - (viii) Outreach to employers, employees, and unemployed persons.
 - (ix) Information technology services.
 - (x) Labor exchange services.
- (b) Such amounts shall not be expended or be available for expenditure in any manner which would permit their substitution for, or a corresponding reduction in, federal funds which in the absence of such monies would be made available for

the administration of this Chapter. These amounts shall be charged to this account in a calendar year in which the administrator deems necessary.

~~(9)~~(10) Amounts not to exceed thirty-five million dollars to be credited to the Incumbent Worker Training Account to fund the Incumbent Worker Training Program as provided under R.S. 23:1514 shall be charged to this account only in any calendar year in which the applied trust fund balance range as defined in R.S. 23:1474 is equal to or greater than one billion two hundred fifty million dollars and only in the amount necessary to bring the balance of unobligated funds in such subaccount to thirty-five million dollars.

~~(10)~~(11) As used in this Chapter, the following terms shall be defined as follows:

(a) "Cash balance" means the actual cash balance in the Louisiana State Treasury account and at the Louisiana Workforce Commission at the close of business on September thirtieth.

(b) "Contractual obligations" means the open contract balance at the close of business on September thirtieth.

(c) "Noncontractual obligations" means the allowable ten percent maximum for administrative costs and the maximum amount to be allocated for small business employee training costs allowable under the law.

(d) "Unobligated funds" means cash balance, less contractual obligations, less noncontractual obligations.

~~(11)~~(12) Amounts noncharged as the result of the application of R.S. 23:1604 shall be recouped as a social charge to all employers.

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§1601. Disqualification for benefits

An individual shall be disqualified for benefits:

(1)

* * *

(d)(i) No individual who is otherwise eligible for benefits shall be disqualified for benefits pursuant to the provisions of this Chapter if all of the following conditions are met:

(aa) He is the spouse of an active-duty military service person.

(bb) His spouse receives an order of permanent change of station.

(cc) He has resigned his employment to relocate with his spouse pursuant to an order of permanent change of station.

(ii) Benefits payed pursuant to the provisions of this Subparagraph shall not be charged against the experience rating of an employer from whom an employee leaves to relocate, however benefits paid shall be recouped as a social charge to all employers in accordance with R.S. 23:1553(D).

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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)]

HB Draft

2016 Regular Session

Abstract: Provides that a spouse of a military service member shall not be disqualified for unemployment compensation benefits if he resigns employment to relocate with his spouse pursuant to an order of permanent change of station.

Present law provides that in a claim for unemployment compensation, an individual is disqualified for benefits if he:

- (1) Left his employment without good cause attributable to a substantial change in employment.
- (2) Is employed by a staffing firm and does not contact the staffing firm for reassignment after completing an assignment.
- (3) Has been discharged for misconduct connected with his employment.
- (4) Fails to apply for available, suitable work when so directed by the administrator, or to accept suitable work when offered to him, or to return to his customary self-employment when so directed by the administrator.
- (5) Is unemployed because he is participating in a labor strike.
- (6) Is seeking unemployment compensation from another state.
- (7) Makes a false statement or representation to obtain or increase his benefits.
- (8) Has been discharged for the use of illegal drugs.

- (9) Has not, after participation in a work-release program, worked and earned wages for insured work.

Proposed law retains present law.

Present law provides an exception to disqualification by voluntarily resigning which provides that no individual shall be disqualified from benefits for leaving part-time employment in order to protect his full-time employment.

Proposed law retains present law and further provides that an individual shall not be disqualified from receiving benefits if he is otherwise eligible to receive benefits, is the spouse of a military service member, and resigns his employment in order to relocate with his spouse pursuant to an order of permanent change of station.

Present law provides that benefits charged after a requalification for benefits shall not be charged against an employer's experience-rating if the employer files a separation notice alleging disqualification, a notice of claim or a response to a notice to base period employer is filed, or the separation is determined to have been under disqualifying conditions.

Present law further provides that amounts waived that were paid out pursuant to an agency, appeal referee, board of review, or court decision shall be recouped as a social charge to all employers.

Proposed law retains present law and further provides that benefits payed out to an employee who leaves his job pursuant to his spouse's permanent change of station order shall not be charged against the experience rating of an employer from whom an employee leaves to relocate and shall be recouped as a social charge.

(Amends R.S. 23:1553(B)(5) through (11); Adds R.S. 23:1553(D)(12) and 1601(1)(d))