
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 93 Original

2020 Second Extraordinary Session

Willard

Abstract: Enacts a work-sharing program.

Proposed law defines terms for the purposes of proposed law.

Proposed law provides that an employer wishing to participate in the work-sharing program shall submit a signed written work-sharing plan to the administrator for approval.

Proposed law provides that the administrator shall develop an application form to request approval of a work-sharing plan and an approval process.

Proposed law provides that the administrator shall approve or disapprove a work-sharing plan in writing within 30 days of its receipt and promptly communicate the decision to the employer. Proposed law further provides that a decision disapproving the plan shall state the reasons for the disapproval.

Proposed law provides that disapproval is final; however, the employer will be allowed to submit another work-sharing plan for approval not earlier than 15 days from the date of the disapproval.

Proposed law provides that a work-sharing plan shall be effective on the date that is mutually agreed upon by the employer and the administrative, which must be specified in the notice of approval to the employer.

Proposed law provides that the plan expires on the date specified in the notice of approval, which shall be either the date at the end of the 12th full calendar month after its effective date or an earlier date mutually agreed upon by the employer and administrator.

Proposed law provides that the an employer may terminate a work-sharing plan at any time upon written notice to the administrator.

Proposed law provides that the administrator may revoke approval of a work-sharing plan for good cause at any time, including upon the request of an affected unit's employee. Proposed law further provides that such a revocation must be in writing, specify the reasons for revocation, and the date the revocation is effective.

Proposed law provides that an employer may request a modification of an approved plan by filing a written request to the administrator. Proposed law further requires that the request must identify

the specific provisions proposed to be modified and explanation for the modification.

Proposed law requires the administrator to approve or disapprove the proposed modification in writing within 10 working days of receipt and promptly communication his decision to the employer.

Proposed law provides that the administrator may terminate an employer's plan if the employer fails to meet this reporting requirement.

Proposed law provides that if the administrator determines that the reported change is substantial, the administrator shall require the employer to request a modification to the plan.

Proposed law provides that an employee's work-sharing unemployment compensation weekly benefit amount shall be the product of the regular weekly unemployment compensation amount multiplied by the percentage of reduction in the employee's usual weekly hours of work.

Proposed law provides that an employee may be eligible for work-sharing unemployment compensation benefits or unemployment compensation, as appropriate. Proposed law further provides that no employee shall be eligible for combined benefits in any benefit year in an amount more than the maximum entitlement established for regular unemployment compensation, nor shall an employee be paid work-sharing unemployment compensation benefits for more than 52 weeks under an approved work-sharing plan.

Proposed law provides that except as otherwise provided in proposed law, work-sharing benefits shall be charged to the employers' experience rating accounts.

Proposed law provides that if federal funding is available to the state for the purpose of full reimbursement for the cost of funding work-sharing benefits paid by the agency pursuant to Section 2162 of the Layoff Prevention Act of 2012 and an approved work-sharing plan under proposed law, those benefits shall not be charged or billed to a participating employer.

Proposed law provides that an employee who has received all of the work-sharing benefits or combined unemployment compensation and work-sharing unemployment compensation benefits available in a benefit year shall be considered an exhaustee for purposes of extended benefits and, if otherwise eligible, shall be eligible to receive extended benefits.

Proposed law provides that if any provisions under proposed law would otherwise cause the United States Department of Labor to withhold the approval required to implement a work-sharing program under 26 U.S.C. §3304(a)(4)(e) of the Federal Unemployment Tax Act and 42 U.S.C. §303(a)(5) of the Social Security Act, that provision shall not be applicable.

(Adds R.S. 23:1750.1-1750.11)