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## DIGEST

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HB 456 Original

2023 Regular Session

Crews

**Abstract:** Provides for the duration of unemployment compensation benefits and creates the Job and Reemployment Act.

Present law provides that any otherwise eligible individual shall be entitled to receive unemployment compensation benefits for 26 weeks during a 12-month period.

Proposed law retains present law.

Proposed law defines "state average unemployment rate".

Proposed law provides that for all valid unemployment compensation claims submitted during a calendar year, the maximum duration of benefits shall be as follows:

- (1) If the state average unemployment rate is equal to or less than 5.5%, a claimant can claim unemployment benefits up to 12 weeks.
- (2) If the state average unemployment rate is greater than 5.5% but less than 6%, a claimant can claim unemployment benefits up to 13 weeks.
- (3) If the state average unemployment rate is equal to or greater than 6% but less than 6.5%, a claimant can claim unemployment benefits up to 14 weeks.
- (4) If the state average unemployment rate is equal to or greater than 6.5% but less than 7%, a claimant can claim unemployment benefits up to 15 weeks.
- (5) If the state average unemployment rate is equal to or greater than 7% but less than 7.5%, a claimant can claim unemployment benefits up to 16 weeks.
- (6) If the state average unemployment rate is equal to or greater than 7.5% but less than 8%, a claimant can claim unemployment benefits up to 17 weeks.
- (7) If the state average unemployment rate is equal to or greater than 8% but less than 8.5%, a claimant can claim unemployment benefits up to 18 weeks.
- (8) If the state average unemployment rate is equal to or greater than 8.5% but less than 9%, a claimant can claim unemployment benefits up to 19 weeks.

- (9) If the state average unemployment rate is equal to or greater than 9% but less than 10%, a claimant can claim unemployment benefits up to 20 weeks.
- (10) If the state average unemployment rate is equal to or greater than 10%, a claimant can claim unemployment benefits up to 26 weeks.

Proposed law provides that the La. Workforce Commission (LWC) shall promulgate all rules and regulations as are necessary for the purposes of carrying out the provisions of proposed law.

Present law provides the requirements that a claimant for unemployment benefits must meet in order to be eligible for unemployment benefits. Present law further provides that one of the aforementioned requirements is that a claimant must be able to work, available for work, and is conducting an active search for work.

Proposed law extends the aforementioned ability and availability to work requirement and actively searching for work requirement to coincided with the job and reemployment provisions of proposed law.

Proposed law requires that in addition to being in compliance with all other eligibility requirements provided for in present law, an individual shall be eligible and remain eligible for unemployment compensation benefits only if he actively seeks, and continues to seek, work by conducting at least four work search activities weekly.

Proposed law provides a thorough list of what constitutes as a sufficient work search activity.

Proposed law provides that the administrator (secretary of LWC) shall do all of the following:

- (1) Require an individual, at the time for applying for unemployment benefits and weekly thereafter, to provide proof of all work search activities.
- (2) Verify submission of proof of work search activities by individuals applying for or receiving unemployment benefits.
- (3) Determine any individual who fails to perform work search activities, or provide proof of work search activities, to be ineligible for unemployment benefits, unless the individual can reasonably explain his failure to do so or timely remedy his failure to provide such proof.

Proposed law provides that the secretary of LWC shall have the discretion to determine the sufficiency of all of the following:

- (1) Any submission of proof of work search activities.
- (2) Any explanation of a failure to submit proof of work search activities.
- (3) Any explanation of an inaccuracy identified in the submitted proof of work search activities.
- (4) Any determination that an individual has otherwise complied with the requirements of proposed law.

Proposed law provides that if an individual, who is applying for or receiving unemployment benefits, receives job referrals from LWC to a job that is considered suitable, he must apply for that job within one week of receiving the job referral and accept employment if offered.

Proposed law requires an employer to submit a report documenting any refusal to accept an offer of employment, by an individual who receive unemployment benefits and job referrals, to the secretary of LWC.

Proposed law further requires that the aforementioned report be in writing and signed by the employer and that the report will become a part of the individual's file.

Proposed law provides that if an individual, who is receiving unemployment benefits, accepts a part-time job position and his wages or less than his weekly unemployment benefit amount, then he will continue to receive unemployment benefits without reduction for those wages for the duration of his benefits period.

Proposed law exempts individuals serving on jury duty, receiving vocational training as provided for in present law, and members in good standing of a union that refers its members to employment from a union hall from the provisions of proposed law.

Proposed law requires LWC to notify individuals seeking benefits, at the time an initial claim is filed and at any other time during the benefit year that the requirements substantively change, of the obligation to actively seek work. Proposed law further requires that the notice be delivered in the method selected by the individual, which can include postal mail or email.

Proposed law provides that the notification shall include, at a minimum, all of the following:

- (1) The type of work search activities that are acceptable.
- (2) The number of work search activities that are required in any week.
- (3) The requirement that work search activities be documented.

(4) The requirement to apply, and accept if offered, a suitable job position.

Present law creates the unemployment insurance integrity program, which provides a list of requirements for LWC to complete in order to verify the eligibility of claims and to prevent fraudulent filing and payment of claims.

Proposed law extends the aforementioned requirements by requiring LWC to verify the identity of unemployment claimants by methods, including but not limited to verifying the identity of an applicant prior to awarding benefits and requiring a multi-factor authentication as part of online applications.

Effective Jan. 1, 2024.

(Amends R.S. 23:1600(3)(a) 1605(C)(6) and (H); Adds R.S. 23:1595(C), (D), and (E) and 1600.1)