

2023 Regular Session

HOUSE BILL NO. 340

BY REPRESENTATIVE ROMERO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

UNEMPLOYMENT COMP: Provides relative to the duration of unemployment compensation benefits and provides for extended benefits

1 AN ACT

2 To amend and reenact R.S. 23:1595 and to enact R.S. 23:1606, relative to unemployment
3 compensation; to provide for the duration of benefits; to provide definitions; to
4 provide for extended benefits; to provide for the termination of extended benefits;
5 to provide for the promulgation of rules; to provide for an effective date; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 23:1595 is hereby amended and reenacted and R.S. 23:1606 is hereby
9 enacted to read as follows:

10 §1595. Duration of benefits

11 A. Any otherwise eligible individual shall be entitled during any benefit year
12 to a total amount of benefits equal to ~~twenty-six~~ twenty times his weekly benefit
13 amount as determined pursuant to R.S. 23:1592 provided that such total amount of
14 benefits, if not a multiple of one dollar, shall be computed to the nearest multiple of
15 one dollar. No claimant shall receive a benefit check for any week beyond the
16 number of weeks computed on his initial claim unless that claimant is participating
17 in a program providing partial unemployment as set forth in R.S. 23:1472(19)(a) or
18 has been paid wages for part-time or full-time work. Further, if a base period
19 employer has provided severance pay, which when prorated weekly is an amount
20 which equals or exceeds the claimant's weekly benefit amount, the claimant's benefit

1 entitlement computed pursuant to the provisions of this Subsection shall be reduced
2 by one week for each week of severance pay, provided that no claimant's entitlement
3 shall be reduced to less than one week.

4 B.(1) The maximum number of weekly benefits a claimant may be eligible
5 for in a benefit year shall depend on the average of the three most recently published
6 seasonally adjusted unemployment rates preceding the month in which the claimant
7 files his first claim for benefits.

8 (2) For all valid unemployment compensation claims submitted, the
9 maximum duration of benefits available to a claimant shall be based upon the
10 average unemployment rate as determined by the administrator according to the
11 following formula:

12 (a) When the average unemployment rate is five percent or less, the
13 maximum duration of benefits shall be limited to twelve weeks.

14 (b) When the average unemployment rate is greater than five percent but less
15 than five and one-half percent, the maximum duration of benefits shall be limited to
16 thirteen weeks.

17 (3) When the average unemployment rate is equal to or greater than five and
18 one-half percent but less than six percent, the maximum duration of benefits shall be
19 limited to fourteen weeks.

20 (4) When the average unemployment rate is equal to or greater than six
21 percent but less than six and one-half percent, the maximum duration of benefits
22 shall be limited to fifteen weeks.

23 (5) When the average unemployment rate is equal to or greater than six and
24 one-half percent but less than seven percent, the maximum duration of benefits shall
25 be limited to sixteen weeks.

26 (6) When the average unemployment rate is equal to or greater than seven
27 percent but less than seven and one-half percent, the maximum duration of benefits
28 shall be limited to seventeen weeks.

1 (7) When the average unemployment rate is equal to or greater than seven
2 and one-half percent but less than eight percent, the maximum duration of benefits
3 shall be limited to eighteen weeks.

4 (8) When the average unemployment rate is equal to or greater than eight
5 percent but less than eight and one-half percent, the maximum duration of benefits
6 shall be limited to nineteen weeks.

7 (9) When the average unemployment rate is equal to or greater than eight
8 and one-half percent, the maximum duration of benefits shall be limited to twenty
9 weeks.

10 C. On a monthly basis, the Louisiana Workforce Commission shall publish
11 on its website the maximum number of weekly benefits a claimant may be eligible
12 for in a benefit year, provided for in Subsection B of this Section, for a claimant who
13 has filed an initial claim for unemployment benefits in any week in that month.

14 ~~B.~~ D. For the purposes of this Section, "wages" shall be counted as "wages
15 for insured work" for the benefit purposes with respect to any benefit year only if the
16 benefit year begins subsequent to the date on which the employing unit by whom the
17 wages were paid became an employer within the meaning of this Chapter.

18 * * *

19 §1606. Extended benefits for training; definitions; eligibility; weekly extended
20 benefit amount; total extended benefit amount; termination of extended
21 benefits

22 A. For the purposes of this Section, the following terms have the meanings
23 ascribed to them:

24 (1) "Eligibility period of an individual" means the period consisting of the
25 weeks in an individual's benefit year which begin in an extended benefit period and,
26 if his benefit year ends within such extended benefit period, any weeks thereafter
27 which begin in such period.

28 (2) "Exhaustee" means an individual who, with respect to any week of
29 unemployment in his eligibility period, either:

1 (a) Has received, prior to such week, all of the regular benefits that were
2 available to him in accordance with this Chapter or any other unemployment
3 insurance law of any state approved by the United States secretary of labor pursuant
4 to the Internal Revenue Code of 1954, 26 U.S.C. §3304, including dependent's
5 allowances and benefits payable to federal civilian employees and ex-servicemen
6 pursuant to 5 U.S.C. Chapter 85, in his current benefit year that includes such week.
7 For the purposes of this Paragraph, an individual shall be considered to have received
8 all of the regular benefits that were available to him as a result of a pending appeal
9 with respect to wages or employment, or both, that were not considered in the
10 original monetary determination in his benefit year. He may subsequently be
11 determined to be entitled to added regular benefits.

12 (b) His benefit year having expired prior to such week, has no wages, or has
13 insufficient wages or employment, or both, on the basis of which he could establish
14 a new benefit year that would include such week if all of the following apply:

15 (i) He has no right to unemployment insurance benefits or allowances, as the
16 case may be, pursuant to the Railroad Unemployment Insurance Act, 45 U.S.C. §351
17 et seq., or under such other federal laws as are specified in regulations issued by the
18 United States secretary of labor.

19 (ii) He has not received and is not seeking unemployment insurance benefits
20 under the unemployment insurance law of Canada or the United States Virgin
21 Islands, but if he is seeking such benefits and the appropriate agency finally
22 determines that he is not entitled to benefits under such law, he shall be considered
23 an exhaustee if the other provisions of this definition are met. An unemployment
24 compensation law submitted to the secretary of the United States Virgin Islands for
25 approval, shall be effective on the day after the day on which the United States
26 secretary of labor approves such law pursuant to the Internal Revenue Code of 1954,
27 26 U.S.C. §3304(a).

28 (3) "Extended benefits" means benefits payable to an individual under the
29 provisions of this Section for weeks of unemployment in his eligibility period.

1 (4) "Extended benefit period" means a period which begins upon exhaustion
2 of regular unemployment benefits and ends upon the exhaustion or disqualification
3 for extended benefits pursuant to this Section.

4 (5) "Regular benefits" means benefits payable to an individual in accordance
5 with this Chapter or in accordance with the unemployment insurance law of any
6 state, approved by the United States secretary of labor pursuant to the Internal
7 Revenue Code of 1954, 26 U.S.C. §3304, including benefits payable to federal
8 civilian employees and to ex-servicemen pursuant to 5 U.S.C. Chapter 85, other than
9 extended benefits.

10 B. An individual shall be eligible to receive extended benefits with respect
11 to any week of unemployment in his eligibility period, only if the administrator finds
12 that with respect to such week all of the following:

13 (1) He is an exhaustee as defined in this Section.

14 (2) He is enrolled and participating in an approved training program as
15 provided in R.S. 23:1602 at the time his regular benefits are exhausted.

16 C. The weekly extended benefit amount payable to an individual for a week
17 of total unemployment in his eligibility period shall be an amount equal to the
18 weekly benefit amount determined pursuant to R.S. 23:1592 payable to him during
19 his benefit year with respect to when he last became an exhaustee.

20 D. The total extended benefit amount payable to any eligible individual with
21 respect to any one benefit year shall be eight times his weekly benefit amount which
22 was payable to him in accordance with this Chapter for a week of total
23 unemployment in such benefit year.

24 E. Except when the result would be inconsistent with the provisions of this
25 Section and as provided in the regulation of the administrator, the provisions of this
26 Chapter which apply for, or the payment of, regular benefits shall apply to claims for
27 and the payment of, extended benefits.

1 F. An individual shall not be eligible for extended benefits for any week if
 2 the administrator determines that the individual is no longer enrolled or participating
 3 in the training program or the individual has completed the training program.

4 Section 2. This Act shall become effective on January 1, 2025.

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 340 Reengrossed

2023 Regular Session

Romero

Abstract: Provides for a decrease in the duration of unemployment compensation benefits and provides for extended benefits for claimants.

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

Present law provides that no claimant shall receive a benefit check for any week beyond the number of weeks computed on his initial claim unless that claimant is participating in a program providing partial unemployment or has been paid wages for part-time or full-time work.

Present law further provides that if a base period employer has provided severance pay, which when prorated weekly is an amount which equals or exceeds the claimant's weekly benefit amount, the claimant's benefit entitlement computed pursuant to present law shall be reduced by one week for each week of severance pay, provided that the claimant's entitlement shall not be reduced to less than one week.

Proposed law changes the number of weeks from 26 to 20. Proposed law otherwise retains present law.

Proposed law provides that the maximum number of weekly benefits a claimant may be eligible for in a benefit year shall depend on the average of the three most recently published seasonally adjusted unemployment rates preceding the month in which the claimant files his first claim for benefits.

Proposed law provides that for all valid unemployment claims submitted, the maximum duration of benefits available to a claimant will be based upon the average unemployment rate as determined by the administrator (the secretary of the La. Workforce Commission (LWC)) according to the following formula:

- (1) When the average unemployment rate is 5% or less, the maximum duration of benefits shall be limited to 12 weeks.
- (2) When the average unemployment rate is greater than 5% but less than 5.5%, the maximum duration of benefits shall be limited to 13 weeks.
- (3) When the average unemployment rate is equal to or greater than 5.5% but less than 6%, the maximum duration of benefits shall be limited to 14 weeks.
- (4) When the average unemployment rate is equal to or greater than 6% but less than 6.5%, the maximum duration of benefits shall be limited to 15 weeks.

- (5) When the average unemployment rate is equal to or greater than 6.5% but less than 7%, the maximum duration of benefits shall be limited to 16 weeks.
- (6) When the average unemployment rate is equal to or greater than 7% but less than 7.5%, the maximum duration of benefits shall be limited to 17 weeks.
- (7) When the average unemployment rate is equal to or greater than 7.5% but less than 8%, the maximum duration of benefits shall be limited to 18 weeks.
- (8) When the average unemployment rate is equal to or greater than 8% but less than 8.5%, the maximum duration of benefits shall be limited to 19 weeks.
- (9) When the average unemployment rate is equal to or greater than 8.5%, the maximum duration of benefits shall be limited to 20 weeks.

Proposed law provides that, on a monthly basis, LWC shall publish on its website the maximum number of weekly benefits a claimant may be eligible for in a benefit year, for a claimant who has filed an initial claim for unemployment benefits in any week in that month.

Proposed law defines "eligibility period of an individual", "exhaustee", "extended benefits", "extended benefit periods", and "regular benefits".

Proposed law provides that the weekly extended benefit amount payable to an individual for a week of total unemployment during his eligibility period shall be an amount equal to the weekly benefit amount determined pursuant to proposed law. Proposed law further provides that these weekly extended benefits shall be payable to the individual during his benefit year with respect to when he last became an exhaustee.

Proposed law provides that the individual's total extended benefit amount, with respect to any benefit year, shall be eight times his weekly benefit amount.

Proposed law provides that an individual shall not be eligible for extended benefits if the secretary of LWC, determines that the individual is no longer enrolled or participating in the training program or the individual has completed the training program.

Effective Jan. 1, 2025.

(Amends R.S. 23:1595; Adds R.S. 23:1606)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Labor and Industrial Relations to the original bill:

1. Add an effective date of Jan. 1, 2025.
2. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.