

ACT No. 184

2026 Regular Session

HOUSE BILL NO. 923

BY REPRESENTATIVE BERAULT

1 AN ACT

2 To amend and reenact R.S. 23:4, 61, 62, 63, 64.1(A)(introductory paragraph) and (2) and
3 (B)(introductory paragraph) and (1), 76(C)(4)(f) and (i), 382, 384(A), 385(B),
4 390(C), 1123, 1178(A)(introductory paragraph), (B), and (E), 1310.3(A), 1372,
5 1378(A)(2)(c) and (E), 1538(A)(1), 1541(A), (E), and (F)(1), 1541.1(A) and (B),
6 1593, 1595(B)(1) and (C), 1599, 1601(8)(a) and (b), 1624, 1625, 1626(B) and (C),
7 1627, 1629(A), 1630, 1714(A), 1749.2(A), and 2051(A) and R.S. 36:301(C)(1), to
8 enact R.S. 23:1.1, and to repeal Part II of Chapter 1 of Title 23 of the Louisiana
9 Revised Statutes of 1950, to be comprised of R.S. 23:41 through 49, 1178(D),
10 1226(C)(2), and 1601(10)(b), relative to the continuing of technical corrections and
11 revisions of provisions of Title 23 of the Louisiana Revised Statutes of 1950; to
12 provide for the reorganization of Louisiana Works; to provide for legislative intent;
13 to provide for workforce and social service programs; to provide for community
14 action agencies; to provide definitions; to provide for the community services block
15 grant; to provide for the apprenticeship council; to provide for the duration,
16 determination, and eligibility of unemployment benefits; to provide for notification
17 requirements under certain circumstances; and to provide for related matters.

18 Be it enacted by the Legislature of Louisiana:

19 Section 1. R.S. 23:4, 61, 62, 63, 64.1(A)(introductory paragraph) and (2) and
20 (B)(introductory paragraph) and (1), 76(C)(4)(f) and (i), 382, 384(A), 385(B), 390(C), 1123,
21 1178(A)(introductory paragraph), (B), and (E), 1310.3(A), 1372, 1378(A)(2)(c) and (E),

1 1538(A)(1), 1541(A), (E), and (F)(1), 1541.1(A) and (B), 1593, 1595(B)(1) and (C), 1599,
2 1601(8)(a) and (b), 1624, 1625, 1626(B) and (C), 1627, 1629(A), 1630, 1714(A), 1749.2(A),
3 and 2051(A) are hereby amended and reenacted and R.S. 23:1.1 is hereby enacted to read
4 as follows:

5 TITLE 23

6 LABOR AND ~~WORKER'S~~ WORKERS' COMPENSATION

7 CHAPTER 1. LOUISIANA WORKS

8 PART I. ESTABLISHMENT, POWERS, AND DUTIES

9 * * *

10 §1.1 Integrated case management; service integration of various workforce and
11 social service programs

12 A. The legislature recognizes that the department provides services to
13 support individuals with various needs and in various stages of life. However, the
14 conventional service delivery system of requiring individuals to access various
15 offices within the state and even within the department to address those multiple
16 needs creates barriers for the delivery of those services and entry into the workforce.
17 These needs can be better met, more efficiently and less costly, through integrated
18 case management at a single service location with a single case worker, even when
19 those services may be provided by multiple state agencies. It is the intent of the
20 legislature to provide a comprehensive, streamlined social services and workforce
21 delivery system that incorporates integrated case management models for customers
22 and their families served by multiple departments and programs.

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

25 (1) "Integrated case management" means an accessible, customer-centered
26 approach that coordinates the necessary services that meet the needs of each
27 individual or family which, if applicable, establishes a comprehensive, integrated
28 service plan that addresses all of those needs and outcomes, which is continually
29 monitored and updated as necessary.

1 §61. Purpose

2 The provisions of this Part are intended to ~~maximize community participation~~
3 ~~in the administration and implementation of programs designed to develop~~
4 ~~employment opportunities for individuals with low income and to ameliorate the~~
5 ~~impact of such income level on their physical and mental well-being~~ provide
6 assistance to local communities by working through a network of community action
7 agencies to support employment in order to reduce poverty, revitalize low-income
8 communities, and stabilize low-income families and individuals in rural and urban
9 areas to become fully self-sufficient. To accomplish this purpose, the legislature
10 enacts this Part for the purpose of establishing a procedure for the designation of
11 community action agencies; fixing the responsibilities of community action agencies;
12 defining community action programs; and establishing a formula for the allocation
13 of community service block grant funds.

14 §62. Definitions

15 As used in this Part:

16 (1) "Community action agency" means a public agency or private nonprofit
17 corporation designated by Louisiana Works ~~having authority under its charter or~~
18 ~~bylaws, or both, to administer community action programs, which has been~~
19 ~~designated as a community action agency by the parish governing authority~~ anti-
20 poverty, workforce, and family-support services pursuant to federal and state law.

21 (2) "Community action program" means a community-based and operated
22 program which provides services, assistance, and other activities of sufficient scope
23 and size to give promise of progress toward the elimination of poverty in a
24 community.

25 (3) "Low income" means a household income level established by Louisiana
26 Works, ~~after public hearings~~ and contained within the Community Development
27 Block Grant State Plan, herein referred to as "state plan", below which an individual
28 will be qualified for services delivered through a community action program. The
29 household income level shall not exceed the income eligibility guidelines established
30 by congress.

1 (4) "One Door" means a coordinated, customer-centered service delivery
2 model through which individuals and families may access multiple workforce,
3 education, and human services programs through a single entry point.

4 §63. Community action agency; appointment, responsibilities

5 A. ~~The parish governing authority, by resolution or ordinance, shall~~
6 ~~designate a community action agency to administer the applicable provisions of this~~
7 ~~Part and such designation shall be on an annual basis. Prior to making such~~
8 ~~designation, the parish governing authority shall conduct a public hearing, after~~
9 ~~giving public notice of its intention to designate an agency. The public hearing shall~~
10 ~~include an evaluation of the administrative and programmatic capabilities of the~~
11 ~~agency or agencies under consideration for designation as the community action~~
12 ~~agency for the area.~~

13 ~~Prior to making such designation, the local governing authority shall consider~~
14 ~~the previous accomplishments of the agency or agencies under consideration for~~
15 ~~designation and the ability of each to conduct community action programs, including~~
16 ~~but not limited to the following service components designed to assist program~~
17 ~~participants to:~~ For purposes of this Part, "community action agency" means an
18 entity which was previously designated on the day before the enactment of the Coats
19 Human Services Reauthorization Act of 1998 or is designated by the chief executive
20 officer of this state, pursuant to Section 676A of the Community Services Block
21 Grant Act and has a tripartite board as described in R.S. 23: 64.1 or other mechanism
22 as defined by the Community Services Block Grant Act.

23 B. Louisiana Works shall be the designated lead agency for the purposes of
24 carrying out state activities as provided for in the Community Services Block Grant
25 Act. Louisiana Works shall develop a state plan with assurances that funds made
26 available to community action agencies shall be used to do all of the following:

27 (1) Secure and retain meaningful employment.

28 (2) Attain an adequate education.

29 (3) Make better use of available income.

30 (4) Secure and maintain adequate housing.

1 ~~(5) Undertake family planning consistent with personal and family goals, and~~
2 ~~religious and moral convictions.~~

3 ~~(6) Obtain services for the prevention and treatment of habit forming~~
4 ~~chemicals and substances, and for rehabilitation services, where needed.~~

5 ~~(7) (5) Obtain emergency assistance through loans or grants to meet~~
6 ~~immediate and urgent individual and family needs, including health services,~~
7 ~~nutritious foods, housing, employment, and related assistance.~~

8 ~~(8) Achieve greater participation in the affairs of the community.~~

9 ~~(9) Be informed of and obtain income substitutes.~~

10 ~~(10) (6) Make more frequent and effective use of other programs, public and~~
11 ~~private, that offer services related to the purpose of this Part.~~

12 B. C. As may be determined necessary or at the request of a legislator or
13 legislative delegation representing a district or districts in which the community
14 action agency provides services, the Joint Legislative Committee on the Budget may
15 direct Louisiana Works, the appropriate state funding agency, or the legislative fiscal
16 office to conduct evaluations of community action agencies providing services ~~under~~
17 pursuant to the provisions of this Part. ~~Such~~ The evaluations may involve specific
18 programs or encompass the entire range of activities, including administration, of
19 any community action agency. ~~Such~~ The evaluations shall be transmitted to the local
20 governing authority, the appropriate legislative delegation, the department, the
21 Senate Committee on Local and Municipal Affairs, the House Committee on
22 Municipal, Parochial and Cultural Affairs, and the Joint Legislative Committee on
23 the Budget.

24 C. D. A community action agency shall:

25 (1) Compile information and data which reflects the needs of low income
26 individuals in the geographical area served by the agency and identify the extent to
27 which those needs are unmet by public and private agencies serving the area.

28 (2) Develop and implement programs and projects designed to serve unmet
29 needs of individuals with low income and provide for maximum feasible
30 participation in these programs and projects by eligible individuals.

1 (3) Establish procedures and adopt rules which enable area residents to
 2 influence the characters of services provided by community action agencies.

3 (4) Join with and encourage private organizations to undertake activities in
 4 support of the community action program that will result in additional use of private
 5 resources and capabilities in accomplishing the purposes of this Part.

6 ~~(5) Provide technical assistance to public and private agencies engaged in~~
 7 ~~activities related to the community action program to enable them to seek out,~~
 8 ~~secure, and administer public and private funds available for their activities.~~

9 ~~(6)~~ Provide other services that are determined by Louisiana Works to be
 10 consistent with the purposes of this Part. The department shall establish these
 11 requirements in accordance with the Administrative Procedure Act, R.S. 49:950 et
 12 seq.

13 ~~D.~~ E. Each community action agency must prepare and submit annually to
 14 Louisiana Works, ~~the Senate Committee on Local and Municipal Affairs, the House~~
 15 ~~Committee on Municipal, Parochial and Cultural Affairs, and the Joint Legislative~~
 16 ~~Committee on the Budget, not later than sixty days prior to the end of the applicable~~
 17 ~~fiscal year period used by the community action agency, a budget document which~~
 18 shall present a complete financial plan for the ensuing fiscal year period which has
 19 been approved and adopted by the community action agency's governing ~~board~~ body.
 20 The chief administrative officer of the community action agency shall be responsible
 21 for the preparation of the budget document, which shall include ~~at a minimum the~~
 22 following:

23 ~~(1) A budget message signed by the chief administrative officer which shall~~
 24 ~~present a summary description of the proposed financial plan, policies, and~~
 25 ~~objectives.~~

26 ~~(2) A~~ a detailed and comprehensive breakdown of all programs administered
 27 with CSBG funds, ~~estimates of all grants and funds received,~~ estimates of
 28 expenditures itemized by function and object, administrative costs incurred, and
 29 contractual services secured, all reported for ~~both the current and succeeding fiscal~~
 30 year grant periods. The budget document shall also include a complete listing of all

1 employees and their classifications and salary levels, including any related fringe
2 benefits and shall be signed by the secretary or his designee.

3 E. F. Louisiana Works or the appropriate funding agency shall impose, by
4 rules and regulations, ~~such~~ any requirements and restrictions upon the execution of
5 community action agency budgets which provide for sound fiscal management,
6 internal controls, budgetary compliance, and overall fiscal accountability. These
7 shall, at a minimum, provide for quarterly reporting of actual revenue receipts and
8 expenditures, new or supplementary grants of funds, and all other deviations from
9 the original budget submission. ~~The departments shall report to the Senate~~
10 ~~Committee on Local and Municipal Affairs, the House Committee on Municipal,~~
11 ~~Parochial and Cultural Affairs, and the Joint Legislative Committee on the Budget~~
12 ~~instances identified wherein a community action agency's operations have not~~
13 ~~complied with the requirements of this Section.~~

14 §64.1. Governing Tripartite board

15 A. Each community action agency ~~or private nonprofit organization~~ shall
16 administer its programs through a governing board which shall consist of ~~from a~~
17 minimum of fifteen to a maximum of thirty-one members who shall be selected by
18 the community action agency ~~or private nonprofit organization~~. Agencies that are
19 serving parishes meeting the definition of rural areas as defined in R.S. 3:313 and
20 receiving an annual Community Service Block Grant allocation of less than eighty
21 thousand and one cent may petition Louisiana Works for a downward exception to
22 the minimum number of board members required. For community action agencies
23 meeting this distinction, the board shall consist of a minimum of nine to a maximum
24 of thirty-one members. Boards requesting this exception shall make a written
25 request to Louisiana Works no less than one hundred eighty days prior to the desired
26 effective date. Each board will be constituted so as to assure that:

27 * * *

28 (2) ~~At least~~ No fewer than one-third of the members of the governing board
29 shall be individuals with low income who reside in the area to be served by the
30 agency, or representatives of those individuals. Persons representing individuals

1 with low income need not themselves have incomes below the level established by
 2 Louisiana Works for purposes of this Part; however, these representatives must
 3 reside in the same geographic area as the individuals they represent and must be
 4 chosen in accordance with democratic selection procedures adequate to assure that
 5 they are representatives of the ~~poor~~ low income in the area served.

6 * * *

7 B. Each local governing authority or public agency designated as a
 8 community action agency shall establish an advisory board, with advisory powers
 9 only, ~~that shall consist of fifteen to thirty-one members~~ which shall be constituted
 10 to assure ~~that~~ both of the following:

11 (1) At least one-third of the members are persons chosen from the area
 12 served in accordance with democratic selection procedures adequate to assure that
 13 they are representative of the ~~poor~~ low-income individuals and families in the area
 14 served; ~~or.~~

15 * * *

16 §76. Forecasting

17 * * *

18 C.

19 * * *

20 (4) The principals of the conference shall be as follows:

21 * * *

22 (f) Two members, each of whom shall be a faculty member of a public or
 23 private university or college in Louisiana, who shall be ~~econometricians~~ economists
 24 and have occupational forecasting expertise or expertise in economic planning and
 25 ~~industry/occupation~~ industry-occupation matrix formulation, to be selected by the
 26 other five principals of the conference from a list of not less than three nor more than
 27 five nominees submitted by the secretary of Louisiana Board of Regents Works.

28 * * *

1 (i) One member selected by the governor from a list of three nominees
2 submitted by the Louisiana ~~Minority Supplier Development Council~~ Chamber of
3 Commerce Foundation.

4 * * *

5 §382. Apprenticeship council

6 A. The secretary shall appoint an apprenticeship council, composed of three
7 representatives each from employer and employee organizations respectively, and
8 of two representatives of the general public. The three employer representatives shall
9 be selected from lists supplied by employer organizations which are participating in
10 bona fide apprenticeship programs. The three employee representatives may be
11 representatives of labor organizations, who have been nominated by state labor
12 federations. The state official in charge of trade and industrial education shall, ex
13 officio, be a member of the council. Each member shall be appointed for a term of
14 three years. Any member appointed to fill a vacancy occurring prior to the expiration
15 of the term of his predecessor shall be appointed for the remainder of the term. Each
16 member may appoint a designee to serve in his stead. Each member who desires to
17 have a designee shall provide written notice to the secretary for approval. The written
18 notice shall name the individual who shall be the official designee until the member
19 or the secretary revokes the designation. Designees in a representative capacity may
20 participate and vote in council meetings. Each member of the council not otherwise
21 compensated by public monies, shall be reimbursed for transportation and shall be
22 paid thirty-five dollars per day for each day spent in attendance at meetings of the
23 apprenticeship council.

24 B.(1) The apprenticeship council shall meet at the call of the secretary or the
25 director of apprenticeship and shall aid in formulating policies for the effective
26 administration of this Chapter. Subject to the approval of the secretary, the
27 apprenticeship council ~~may~~ shall do all of the following:

28 (a) ~~recommend~~ Recommend standards and procedures for registration and
29 de-registration of apprenticeship programs in conformity with established programs
30 approved by the United States Department of Labor, Office of Apprenticeship, ~~and~~

1 United States Department of Labor, Office of Apprenticeship; and shall adjust
2 apprenticeship disputes.

3 * * *

4 §390. Settlement of controversies or complaints

5 * * *

6 C. Upon the complaint of any interested person or upon his own initiative,
7 the director of apprenticeship may investigate to determine if there has been a
8 violation of the terms of an apprenticeship agreement made ~~under~~ pursuant to this
9 Chapter and hold hearings, inquiries, and other proceedings necessary to ~~such~~ the
10 investigations and determination. The director of apprenticeship shall investigate
11 programs only as necessary to establish compliance, and then only upon proper
12 notice. The parties to ~~such~~ the agreement shall be given a fair and impartial hearing,
13 after reasonable notice thereof. All hearings, investigations, and determinations shall
14 be made under authority of reasonable rules and procedure prescribed by the
15 secretary with advice from the apprenticeship council, ~~subject to the approval of the~~
16 secretary.

17 * * *

18 §1123. Disputes as to condition or capacity to work; additional medical opinion
19 regarding an examination under supervision of the secretary

20 If any dispute arises between two physicians as to the condition of the
21 employee, or the employee's capacity to work, the assistant secretary, upon
22 application of any party, shall order an additional medical opinion regarding an
23 examination of the employee to be made by a medical practitioner selected and
24 appointed by the assistant secretary. The medical examiner shall report his
25 conclusions from the examination to the assistant secretary and to the parties and
26 ~~such~~ the report shall be prima facie evidence of the facts therein stated in any
27 subsequent proceedings ~~under~~ pursuant to this Chapter.

28 * * *

1 §1178. Cost containment meeting; incentive discount

2 A. The office shall develop and implement informational cost containment
3 meetings for all employers, upon request, on the target list compiled pursuant to R.S.
4 23:1177 that shall, at a minimum:

5 * * *

6 B. The office shall inform all eligible employers on the target list ~~of the dates~~
7 ~~and locations of the opportunity to schedule~~ cost containment meetings ~~to be held in~~
8 ~~areas throughout the state, as determined by the office.~~ The employers shall be
9 informed that if a designated representative from the company attends the meeting,
10 the company will be granted a reduction in its experience modifier at the rate
11 determined in R.S. 23:1179(B).

12 * * *

13 E. ~~Procedures to establish proof of attendance of a cost containment meeting~~
14 ~~by designated representatives of eligible employers shall be established by rule by~~
15 ~~the office.~~ Employers who would otherwise be eligible shall be allowed to requalify
16 for this reduction only once every four years.

17 * * *

18 §1310.3. Initiation of claims; voluntary mediation; procedure

19 A. A claim for benefits, the controversion of entitlement to benefits, or other
20 relief ~~under~~ pursuant to the Workers' Compensation Act shall be initiated by the
21 filing of the appropriate form with the office of workers' compensation
22 administration. Mailing, facsimile transmission, or electronic transmission of the
23 form and payment of the filing fee within ~~five~~ seven days of any ~~such~~ mailing or
24 transmission constitutes the initiation of a claim ~~under~~ pursuant to R.S. 23:1209.

25 * * *

26 §1372. Louisiana Workers' Compensation Second Injury Board; creation, domicile,
27 membership

28 The Louisiana Workers' Compensation Second Injury Board, hereinafter referred to
29 as the board, is created. The board, which shall be domiciled in Baton Rouge,
30 Louisiana, shall be composed of five members or their designee, who shall be the

1 secretary of state, the state treasurer, the commissioner of insurance, the secretary of
2 the Louisiana Department of Health Children and Family Services, and the assistant
3 secretary of the office of workers' compensation administration.

4 * * *

5 §1378. Determination of liability of fund

6 A.

7 * * *

8 (2) No employer or insurer shall be entitled to reimbursement unless it is
9 clearly established that the employer had actual knowledge of the employee's
10 preexisting permanent partial disability prior to the subsequent injury. For injuries
11 occurring after December 31, 2010, actual knowledge shall be established only by
12 any one of the following circumstances:

13 * * *

14 (c) The employer employs, retains, or re-employs ~~employees from the an~~
15 employee with a PPD employee registry maintained by Louisiana Works and which
16 ~~is created and maintained in accordance with rules promulgated by the office of~~
17 ~~workers' compensation.~~

18 * * *

19 E. Written notice of the decision of the board shall be given to all parties to
20 the hearing and the representatives designated by the party on the reimbursement
21 form submitted to the board. The decision of the board shall be final; however, an
22 appeal therefrom may be taken by any of the parties within thirty days after the date
23 of the decision of the board. If an appeal is taken, the board shall be made party
24 defendant, and service and citation shall be made in accordance with applicable law
25 upon the attorney general or one of his assistants and the assistant secretary of the
26 office of workers' compensation within Louisiana Works. The appeal shall be to the
27 Nineteenth Judicial District Court, parish of East Baton Rouge. All appeals in all
28 ~~such~~ cases shall be tried de novo.

29 * * *

1 §1538. Payroll reports; failure of employer to file; incorrect reports; determination
2 of rates

3 A.(1) If the administrator finds that any employer has failed to file any
4 payroll report or has filed a report which the administrator finds incorrect or
5 insufficient, the administrator may make an estimate of the information required
6 from the employer on the basis of the best evidence reasonably available to him at
7 the time, and notify the employer ~~thereof by registered mail addressed to his last~~
8 ~~known address~~ by mail or electronic delivery to the last known address or electronic
9 contact information on record. Unless the employer files the report or a corrected or
10 sufficient report, as the case may be, no later than twenty days after the ~~mailing of~~
11 ~~the notice~~ date of notification, the administrator may compute ~~such~~ the employer's
12 rate of contribution on the basis of ~~such~~ the estimates, and the rate so determined
13 shall be subject to increase or decrease on the basis of subsequently ascertained
14 information.

15 * * *

16 §1541. Notice of benefits charged against employer's experience rating record;
17 employer's right to contest; application for review; procedure

18 A. The administrator shall, not later than ninety days after the close of each
19 calendar quarter, render a statement to each employer of benefits paid each
20 individual and charged to his experience-rating record. These benefit charges are
21 conclusive and binding upon the employer unless he files an application to review
22 the charges setting forth his reasons therefor within thirty days after the ~~mailing of~~
23 ~~the notice~~ date the notification is sent to his last known address or electronic contact
24 information on record.

25 * * *

26 E. The administrator shall notify each employer, no later than December
27 thirty-first of each year, of his rate of contribution for the forthcoming calendar year
28 as determined for any relevant experience-rating year pursuant to this Part. This
29 determination shall be conclusive and binding upon an employer unless within thirty
30 days after the ~~mailing of notice hereof to his last known address~~ date the notification

1 is delivered to the employer's last known address or electronic contact information
 2 on record the employer files an application for review and redetermination, setting
 3 forth his reasons ~~therefor~~. If the administrator grants ~~such~~ the review, the employer
 4 shall be promptly notified ~~thereof~~ and shall be granted an opportunity for a fair
 5 hearing, but no employer shall have standing, in any proceeding involving his rate
 6 of contribution or contribution liability, to contest the chargeability of any benefits
 7 to his experience-rating record as to cases wherein he has previously been notified
 8 and had an opportunity for hearing, review, and appeal. The employer shall be
 9 promptly notified of the administrator's action which shall become final unless,
 10 within thirty days after the ~~mailing of notice thereof~~ date the notification is delivered
 11 to his last known address or electronic contact information on record, a petition for
 12 judicial review is filed in the district court of employer's domicile. In any proceeding
 13 ~~under this~~ provided for in this Subsection, the findings of the administrator as to facts
 14 shall be presumed to be prima facie correct if supported by substantial and competent
 15 evidence. These proceedings shall be heard in a summary manner and shall be given
 16 precedence over all other civil cases except cases arising ~~under~~ pursuant to Part VI
 17 of this Chapter and Chapter 10 of this Title. An appeal may be taken from the
 18 decision of the district court in the same manner, but not inconsistent with the
 19 provisions of this Chapter as in other civil cases.

20 F.(1) Within thirty days after the ~~mailing~~ date the notification is delivered
 21 to his last known address or electronic contact information on record, the employer
 22 may contribute any amount to his experience-rating account.

23 * * *

24 §1541.1. Notice of chargeability of benefits to base-period employers; employer's
 25 right to contest; appeals; procedure

26 A. The administrator shall issue, upon the commencement of payment of a
 27 claim, a determination of chargeability of benefits to base-period employers. The
 28 determination shall be conclusive and binding upon any ~~such~~ base-period employer
 29 unless he files an appeal, setting forth his reasons within thirty days after the date of
 30 ~~mailing~~ notification of any ~~such~~ determination. Legal holidays and days on which

1 the agency is closed shall serve to extend the delay periods. Except as otherwise
 2 provided in this Chapter, an appeal shall be considered timely if the appeal is filed
 3 during the benefit year in which the determination was issued and the failure to file
 4 a timely appeal was the result of an administrative error or a physical inability of the
 5 party filing the appeal. The party filing the appeal shall provide competent evidence
 6 regarding the administrative error or physical inability. Any appeal filed after the
 7 benefit year shall not be considered timely. This Subsection shall not apply if a court
 8 ruling is issued before the appeal is filed.

9 B. If appealed, then upon being given the opportunity to be heard, the
 10 employer shall be promptly notified of the administrative law judge's action, which
 11 shall be final unless the employer files a petition for judicial review in the state
 12 judicial district court of the employer's domicile within thirty days of the date of
 13 ~~mailing~~ notification of an such action. In any court proceeding under pursuant to this
 14 Subsection, the findings of the administrative law judge as to facts shall be presumed
 15 to be prima facie correct, if supported by substantial and competent evidence. These
 16 proceedings shall be heard in summary manner and shall be given precedence over
 17 all other civil cases, except cases arising under pursuant to Part VI of this Chapter
 18 or Chapter 10 of this Title. An appeal may be further taken from the decision of the
 19 state judicial district court in the same manner, but not inconsistent with the
 20 provisions of this Chapter, as provided in other civil cases.

* * *

§1593. Weekly benefits payable; deduction of earnings

23 An eligible individual who is employed in any week shall be paid with
 24 respect to such week a benefit equal to his weekly benefit amount less any wages
 25 payable to him with respect to such week in excess of fifty percent of his current
 26 weekly benefit amount, ~~or fifty dollars, whichever is lower.~~ This benefit, if not a
 27 multiple of one dollar, shall be computed to the nearest multiple of one dollar.

* * *

§1595. Duration of benefits

* * *

1 §1624. Monetary determination and notice of claim

2 ~~An agent designated by the administrator shall take the claim.~~ A
3 determination of eligibility made on the basis of base period wage credits shall be
4 made promptly and shall include a statement as to whether benefits are payable, the
5 week with respect to which benefits shall commence, the weekly benefit amount
6 payable and the maximum duration of benefits. Within thirty days of the date the
7 claim was filed, notice of this monetary determination shall be mailed or
8 electronically delivered to the claimant and, if the claimant is eligible, to the last
9 employer or employing unit and to all of the base period employers or mailed to their
10 last known address or electronic contact information on record. For any
11 determination that begins a statutory period for appeal, protest, or other action,
12 delivery by mail or electronic transmission shall satisfy the notice requirements.
13 Delivery, whether mailed or electronically transmitted, shall be deemed complete on
14 the date shown on the notice. Delivery to the last known address or electronic
15 contact information on record shall constitute sufficient notice.

16 * * *

17 §1625. Notice of determination on claims

18 If a disqualification is alleged, or appears to exist, notice of the determination
19 together with the reasons therefor shall be promptly delivered to the claimant and to
20 the employer from whose employment the disqualification issue arose ~~or mailed to~~
21 using their the last known address or electronic contact information on record. For
22 any determination that begins a statutory period for appeal, protest, or other action,
23 delivery by mail or electronic transmission shall satisfy the notice requirements.
24 Delivery, whether mailed or electronically transmitted, shall be deemed complete on
25 the date shown on the notice. Delivery to the last known address or electronic
26 contact information on record shall constitute sufficient notice.

27 * * *

28 §1626. Redetermination; notice

29 * * *

1 B. The administrator may reconsider a nonmonetary determination whenever
2 he finds that benefits have been allowed or denied on the basis of misrepresentation
3 or that an error in interpretation of fact or application of law has occurred or
4 whenever either of the parties entitled to notice of determination as specified in R.S.
5 23:1625 protests the decision within fifteen days from the date of the determination.
6 Legal holidays and days on which the agency is closed shall serve to extend the
7 delay period. The administrator shall make findings and conclusions and on the
8 basis thereof affirm, modify, or reverse the determination. Notice of ~~such~~ the
9 redetermination shall be promptly given to the parties specified in R.S. 23:1625. If
10 the administrator finds that the evidence at hand does not justify redetermination of
11 a protested determination, he may, upon notification of the parties specified in R.S.
12 23:1625, transfer the protest, without further determination, to the appeal referee for
13 appeal proceedings. In the event that an appeal involving an original determination
14 is pending at the time a redetermination is issued, the appeal, unless withdrawn, shall
15 be treated as an appeal from the redetermination.

16 C. Furthermore, the administrator shall reconsider a final determination or
17 decision to pay benefits whenever he finds that ~~such~~ the determination or decision
18 may have been improper based upon a subsequent event relative to the claimant's
19 separation from employment, including a conviction or an admission of guilt or
20 complicity to avoid or minimize judicial penalty which would indicate that the award
21 of benefits may have been improper. The administrator shall promptly issue a notice
22 of ~~such~~ the redetermination as provided by R.S. 23:1625. Legal holidays and days
23 on which the department is closed shall serve to extend the delay periods. The
24 administrator shall make findings and conclusions and on the basis thereof affirm,
25 modify, or reverse the determination or decision. Any party to ~~such~~ the
26 redetermination may file an appeal ~~therefrom~~ pursuant to R.S. 23:1629. Should a
27 redetermination denying the award of benefits become final, ~~such~~ the benefits
28 improperly paid shall be recoverable as provided by R.S. 23:1713. Any ~~such~~
29 redetermination shall be made within five years of the original award.

1 §1627. Determination in labor dispute cases

2 Whenever any claim involves the application of the provisions of R.S.
 3 23:1601(4) the individual handling the claim shall, if so directed by the
 4 administrator, promptly transmit all the evidence with respect to ~~such~~ the case to the
 5 administrator. The administrator or the representatives he may designate shall, on
 6 the basis of the evidence submitted and ~~such~~ the additional evidence as he may
 7 require, make a determination with respect thereto. ~~Such~~ The determination shall be
 8 the final decision on the claim, unless within fifteen days after the date notification
 9 ~~was given or~~ was mailed or electronically delivered to a party's last known address
 10 or electronic contact information on record, an appeal is filed with an appeal referee.

11 * * *

12 §1629. Appeals to appeal referee; time for filing; notice of hearing and decision

13 A.(1) Within fifteen days after the date of notification of a determination ~~was~~
 14 ~~given or was mailed to his last known address~~, the claimant or any other party
 15 entitled to notice of a determination may file an appeal ~~from such determination~~ with
 16 an appeal referee ~~either by mailing such appeal, as evidenced by the postmarked~~
 17 ~~date, or by delivering such appeal~~ by mail or other methods prescribed by the
 18 department. Legal holidays and days on which the department is closed shall serve
 19 to extend the delay periods. The appeal referee shall ~~mail~~ provide a "notice to appear
 20 for a hearing" to all parties to the appeal at least seven days prior to the date of
 21 hearing. The notice shall be sent by mail unless the party has consented to
 22 electronic delivery. ~~and copies~~ Copies of the statements by the claimant and
 23 employer, which were used in the appealed determination, shall be sent ~~with such~~
 24 ~~notice if requested~~ to the parties if the request is received at least two business days
 25 prior to the scheduled hearing.

26 (2)(a) A party to an appeal may expressly waive the seven-day advance
 27 notice requirement ~~by written waiver executed after the appeal has been filed.~~

28 (b) ~~A copy of the written waiver shall be included in the record.~~

29 (3) Nothing in this Section shall ~~be construed to dispense with the~~
 30 ~~requirement that a "notice to appear for hearing" be mailed~~ prevent the department

1 from providing a notice to appear for a hearing by mail, or with the party's consent,
 2 by electronic delivery.

3 (4) Except as otherwise provided in this Chapter, an appeal shall be
 4 considered timely if the appeal is filed during the benefit year in which the
 5 determination was issued and the failure to file a timely appeal was the result of an
 6 administrative error or a physical inability of the party filing the appeal. The party
 7 filing the appeal shall provide competent evidence regarding the administrative error
 8 or physical inability. Any appeal filed after the benefit year shall not be considered
 9 timely. This Paragraph shall not apply if a court ruling is issued before the appeal
 10 is filed.

11 * * *

12 §1630. Review of decision by board of review; notice of board's decision

13 A. The board of review may on its own motion, within fifteen days after the
 14 date of notification ~~or of mailing~~ of a decision of an appeal referee, initiate a review
 15 of ~~such the~~ decision. The board of review may otherwise allow ~~an appeal from such~~
 16 ~~decision to be filed~~; any party entitled to notice of a decision to file an appeal by mail
 17 or any other methods prescribed by the department within fifteen days after the date
 18 of notification ~~or of mailing~~ of a decision of an appeal referee, ~~by any party entitled~~
 19 ~~to notice of such decision, if such appeal is either mailed, as evidenced by the~~
 20 ~~postmarked date, or is delivered by any such party.~~ An appeal filed by any ~~such~~
 21 party shall be allowed as of right if ~~such the~~ decision was not unanimous, or if the
 22 determination was not affirmed by the appeal referee. Legal holidays and days on
 23 which the agency is closed shall serve to extend the delay periods. Upon review on
 24 its own motion or upon appeal, the board of review may, on the basis of the evidence
 25 previously submitted in ~~such the~~ case, or upon the basis of ~~such~~ any additional
 26 evidence as it may direct be taken, affirm, modify, or reverse the findings and
 27 conclusions of the appeal referee. The board of review may remove to itself or
 28 transfer to another appeal referee the proceedings on any claims pending before an
 29 appeal referee. Any proceedings so removed to the board of review prior to the
 30 completion of a fair hearing shall be heard by the board of review in accordance with

1 the requirements of this Chapter with respect to proceedings before an appeal
2 referee.

3 B. The board of review shall make a determination and notify all parties of
4 its decision, including its findings and conclusions in support thereof, within sixty
5 days from the date an appeal is received or initiated by the board. Notices shall be
6 mailed to the party's last known address unless the party has consented to electronic
7 delivery, in which case the notice may be transmitted electronically to the contact
8 information on record. Should the board of review, within sixty days from the date
9 an appeal is received or initiated, direct that additional evidence be taken, the board
10 of review shall make a determination and notify all parties of its decision, including
11 its findings and conclusions in support thereof, within sixty days from the date it
12 receives the additional evidence. ~~Such~~ The decision shall be final unless, within
13 fifteen days after ~~the mailing of notice thereof~~ the date of notification of the board's
14 decision to the party's last known address, ~~or, in the absence of such mailing, within~~
15 ~~fifteen days after the delivery of such notice~~ or electronic contact information on
16 record, a proceeding for judicial review is initiated pursuant to R.S. 23:1634. Upon
17 denial by the board of review of an application for appeal from the decision of an
18 appeal referee, the decision of the appeal referee shall be deemed to be a decision of
19 the board of review within the meaning of this Section for purposes of judicial
20 review and shall be subject to judicial review within the time and in the manner
21 provided for with respect to decision of the board of review, except that the time for
22 initiating ~~such~~ a review shall run from the date of notice of the order of the board of
23 review denying the application for appeal.

24 C. Except as otherwise provided for in this Chapter, an appeal shall be
25 considered timely if the appeal is filed during the benefit year in which the
26 determination was issued and the failure to file a timely appeal was the result of an
27 administrative error or a physical inability of the party filing the appeal. The party
28 filing the appeal shall provide competent evidence regarding the administrative error
29 or physical inability. Any appeal filed after the benefit year shall not be considered

1 timely. This Subsection shall not apply if a court ruling is issued before the appeal
2 is filed.

3 * * *

4 §1714. Penalties

5 A. A civil penalty shall be assessed if benefits are determined to have been
6 overpaid as a result of a fraud disqualification made pursuant to R.S. 23:1601(8) in
7 the amount of ~~twenty dollars or twenty-five percent, whichever is greater,~~ fifty
8 percent of the total overpayment amount. Except as otherwise provided in
9 Subsection C of this Section and any provisions of law in this state relating to the
10 deposit, administration, release, or disbursement of money in the possession or
11 custody of this state to the contrary notwithstanding, fifteen percent of each ~~such~~
12 overpayment amount recovered shall be deposited with the Secretary of the Treasury
13 of the United States of America to the credit of the account of this state in the
14 Unemployment Trust Fund established and maintained pursuant to 42 U.S.C.A.
15 §1101, et seq., as amended, and ten percent of each ~~such~~ overpayment amount
16 recovered shall be deposited in the penalty and interest account established by R.S.
17 23:1513 and used to offset collection expenses.

18 * * *

19 §1749.2. Notice of overpayment delinquency; suspension of license

20 A. ~~The commission~~ Louisiana Works may send ~~by certified mail, return~~
21 ~~receipt requested,~~ a notice of overpayment delinquency to an obligor informing the
22 obligor of the ~~commission's~~ department's intention to submit his name to the
23 licensing authority for suspension of his license. If an obligor holds multiple
24 licenses, the ~~commission~~ department may issue a single notice of its intention to
25 submit multiple suspensions.

26 * * *

27 §2051. Designees

28 A. Each council member may appoint a designee to serve in his stead. Each
29 council member who desires to have a designee shall provide written notice ~~of such~~
30 to the chairman of the council for approval by the chairman. ~~Such~~ The written notice

1 shall name the individual who shall be the official designee until the council member
2 or the chairman revokes ~~such~~ the designation. No council member shall be
3 represented in a meeting other than by the official designee.

4 * * *

5 Section 2. R.S. 36:301(C)(1) is hereby amended and reenacted as follows:

6 §301. Louisiana Works; creation; domicile; composition; purposes and functions

7 * * *

8 C.(1) Louisiana Works shall be composed of ~~the executive office of the~~
9 ~~secretary~~, the office of management and finance, the office of workforce
10 development, the office of unemployment insurance administration, the office of
11 workers' compensation administration, and ~~such~~ any other offices as shall be created
12 by law. The Louisiana Workforce Investment Council, as more specifically provided
13 in R.S. 23:2042 et seq., shall be placed within the ~~executive office of the secretary~~
14 office of management and finance under the purview of the secretary.

15 * * *

16 Section 3. Part II of Chapter 1 of Title 23 of the Louisiana Revised Statutes of 1950,
17 comprised of R.S. 23:41 through 49, 1178(D), 1226(C)(2), and 1601(10)(b) are hereby
18 repealed in their entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____