

Regular Session, 2011

SENATE BILL NO. 121

BY SENATOR RISER

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

UNEMPLOYMENT COMP. Provides an additional exception regarding unemployment benefit payments that are not charged to an employer's experience rating. (8/15/11)

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AN ACT

To amend and reenact R.S. 23:1533, relative to unemployment compensation experience rating records; to provide for an exception for unemployment caused by acts or omissions of third parties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:1533 is hereby amended and reenacted to read as follows:

§1533. Experience rating records; administrator's duty to prepare

~~(†)~~**A.** The administrator shall prepare and maintain an experience rating record for each employer, and shall credit such record with all the contributions paid by him with respect to wages paid for the calendar quarter beginning October 1, 1941, and for each calendar quarter thereafter. Nothing in this Chapter shall be construed to grant any employer or any individual performing services for him prior claims or rights to amounts paid by the employer into the fund. The administrator shall terminate the experience rating record of an employer who has ceased to be subject to this Chapter, or may do so provided the employer has had no employment in this state for a period of three consecutive calendar years. Benefits accruing and paid on and after October 1, 1941, to an individual in accordance with the provisions

1 of this Chapter shall be charged against the experience rating records of his
2 base-period employers ~~except~~ **subject to the following limitations:**

3 (1) ~~that~~ **Only** those benefits paid to an individual in accordance with the
4 provisions of R.S. 23:1611 through R.S. 23:1616 which are not reimbursed from
5 federal funds shall be charged against the experience rating records of his
6 base-period employers.

7 (2) ~~That~~ **b**enefits paid to an individual pursuant to R.S. 23:1635 shall not
8 be charged against the experience rating records of a claimant's base-period
9 employers if it is finally determined that such claimant was not entitled to such
10 benefits. ~~and~~

11 (3) ~~That~~ **b**enefits paid to an individual who continues to remain in the
12 employ of a base-period employer without a reduction in the number of hours
13 worked or wages paid shall not be charged against the experience rating records of
14 such employer.

15 **(4) Benefits paid to an individual where unemployment is caused solely**
16 **by an act or omission of one or more third parties ,or solely by such an act or**
17 **omission in combination with an act of God or an act of war, as determined by**
18 **the United States Coast Guard or any entity empowered to make the**
19 **determination in accord with the Oil Pollution Act, 33 U.S.C. 2701, et seq.**

20 **B.** The amount so chargeable against each base-period employer's experience
21 rating record shall bear the same ratio to the total benefits paid to an individual as the
22 base-period wages paid to the individual by such employer bear to the total amount
23 of base-period wages paid to the individual by all his base-period employers;
24 provided, however, that all such charges may be computed to the nearest multiple of
25 one dollar.

26 ~~(2)~~ **C.** If the total of the benefits which were chargeable to an employer's
27 experience-rating record, and were paid on or before July 31, immediately
28 succeeding the 1975 computation date as defined in R.S. 23:1542(1), with respect
29 to weeks of unemployment beginning prior to said computation date exceeds the

1 total of his contributions paid on or before July 31, immediately succeeding the said
2 1975 computation date with respect to wages paid by him on or prior to said
3 computation date, such excess benefit charges shall be cancelled from his
4 experience-rating record for all of the purposes of R.S. 23:1536 with respect to the
5 1975 computation date and all subsequent computation dates.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Mary Dozier O'Brien.

DIGEST

Present law provides for three exceptions to the requirement that unemployment benefits paid are included in the experience rating records of employers.

Proposed law provides for a fourth exception stating that when the payment of benefits is caused by an act or omission of a third party, such benefits shall not be included in the experience rating of such employer.

Proposed law provides that such a determination of fault of a third party shall be determined by the U.S. Coast Guard or any other entity designated by the Oil Pollution Act, 33 U.S.C. 2701, et seq.

Effective August 15, 2011.

(Amends R.S. 23:1533)