SLS 14RS-897

ORIGINAL

Regular Session, 2014

SENATE BILL NO. 594

BY SENATOR CROWE

UNEMPLOYMENT COMP. Prohibits an employer benefit account being relieved from payment when the employer failed to timely respond to request for information. (See Act)

1	AN ACT
2	To amend and reenact R.S. 23:1625.1(A)and (B) and to enact R.S. 23:1553.1, relative to
3	unemployment compensation; to provide for the determination of claims; to provide
4	for payment of benefits; to provide for prohibitions for noncharging under certain
5	circumstances; to provide for definitions; to provide for retroactive effect; and to
6	provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 23:1625.1(A) and (B) is hereby amended and reenacted and R.S.
9	23:1553.1 is hereby enacted to read as follows:
10	§1553.1. Prohibitions of noncharging due to employer fault
11	A. As used in this Section, the following words, terms and phrases shall
12	have the meaning ascribed to them in this Section:
13	(1) "Employer's reserve account" means that account which contains
14	the employer's reserve as provided for in R.S. 23:1536(D)(1).
15	(2) "Reimbursable employer's account" means that accounting method
16	provided for in R.S. 23:1552(A).
17	B. Notwithstanding the provisions of R.S. 23:1601 and R.S. 23:1625.1,

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1	no contributing employer's reserve account or reimbursable employer's account
2	shall be relieved of any charges for benefits relating to an improper benefit
3	payment to a claimant established after October 21, 2013, if the improper
4	benefit payment was made because the employer, or an agent of the employer,
5	was at fault for failing to respond timely or adequately to the request of the
6	administrator for information relating to a claim for benefits.
7	C. Any determination under this Section shall be transmitted to the last
8	known physical or electronic address provided by the employer and may be
9	appealed in accordance with the provisions of R.S. 23:1629 et seq.
10	D. The provisions of this Section shall be given retroactive effect to
11	<u>October 21, 2013.</u>
12	* * *
13	§1625.1. Prompt determination of claims; duty of employers
14	A. In making determinations of claims, the administrator shall require that
15	information necessary for the prompt determination of claims be sought from each
16	employer. Employers shall adequately and timely provide wage, employment, and
17	separation information, and shall complete all forms and reports as requested by the
18	administrator or his designee.
19	(1) A response to such requests shall be timely if it is received within ten
20	days from the date of mailing.
21	(2) A response is adequate if it provides sufficient facts to enable the
22	agency to make the correct determination. A response may not be considered
23	inadequate if the agency failed to ask for all necessary information.
24	B.(1) If an employer fails to provide information in $\frac{1}{2}$ an adequate and
25	timely manner without good cause, the employer shall be deemed to have abandoned
26	its appeal rights as provided for in R.S. 23:1629 through 1634, and a determination
27	to that effect shall be issued. Any appeal filed by such an employer, other than with
28	regard to the timeliness of fulfilling its obligations in Subsection A of this Section,
29	shall be dismissed, and such employer shall be liable for any resulting benefits paid,

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1	except as provided in Subsection C of this Section. If the employer's failure to
2	adequately or timely respond results in an improper benefit payment, the
3	employer shall also be subject to the provisions of R.S. 23:1553.1.
4	* * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST

Crowe (SB 594)

<u>Present law</u> provides that a former employee can be disqualified for unemployment benefits under certain circumstances.

<u>Present law</u> provides that when a former employee is disqualified from receiving unemployment benefits, the employer's experience rating account shall not be charged under certain circumstances so long as the employer timely filed notice.

<u>Present law</u> provides that in making determinations of unemployment claims, the administrator shall require that information necessary for the prompt determination of claims be sought from each employer. <u>Present law</u> provides that a response to such requests shall be timely if it is received within 10 days from the date of mailing.

<u>Proposed law</u> retains <u>present law</u> but provides that a response is adequate if it provides sufficient facts to enable the agency to make the correct determination.

<u>Proposed law</u> provides that a response may not be considered inadequate if the agency failed to ask for all necessary information.

<u>Proposed law</u> provides that no contributing employer's reserve account or reimbursable employer's account shall be relieved of any charges for benefits relating to an improper benefit payment to a claimant established after October 21, 2013, if the improper benefit payment was made because the employer, or an agent of the employer, was at fault for failing to respond timely or adequately to the request of the administrator for information relating to a claim for benefits.

Proposed law provides the following definitions:

- (1) "Employer's reserve account" means that employer's account which contains the amounts of money held in reserve to pay unemployment benefit claims to covered individuals who were employed by the employer.
- (2) "Reimbursable employer's account" means that accounting method used by the unemployment administrator to invoice the state, its political subdivisions, nonprofit organizations, and Indian tribes or tribal units for unemployment benefits paid to covered individuals who were employed by such entities.

Effective retroactively to October 21, 2013.

(Amends R.S. 23:1625.1(A) and (B); adds R.S. 23:1553.1)