

SENATE BILL NO. 594

BY SENATOR CROWE

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) are 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.**

17 **B. Notwithstanding the provisions of R.S. 23:1601, no contributing**
18 **employer's reserve account or reimbursable employer's account shall be**
19 **relieved of any charges for benefits relating to an improper benefit payment to**
20 **a claimant established after October 21, 2013, if the improper benefit payment**
21 **was made because the employer, or an agent of the employer, was at fault for**
22 **failing to respond timely or adequately to the request of the administrator for**
23 **information relating to a claim for benefits.**

24 **C. Any determination under this Section shall be transmitted to the last**
25 **known physical or electronic address provided by the employer and may be**
26 **appealed in accordance with the provisions of R.S. 23:1629 et seq.**

27 **D. The provisions of this Section shall be given retroactive effect to**

1 October 21, 2013.

2 * * *

3 §1625.1. Prompt determination of claims; duty of employers

4 A. In making determinations of claims, the administrator shall require that
5 information necessary for the prompt determination of claims be sought from each
6 employer. Employers shall **adequately and** timely provide wage, employment, and
7 separation information, and shall complete all forms and reports ~~as requested~~ **needed**
8 by the administrator or his designee **to make a proper determination.**

9 **(1)** A response to such requests shall be timely if it is received within ~~ten~~
10 ~~days from the date of mailing~~ **the time specified in the notice.**

11 **(2)** **A response shall be adequate if it provides sufficient facts to enable**
12 **the agency to make the correct determination. A response shall not be**
13 **considered inadequate if the agency failed to ask for all necessary information.**

14 B.(1) If an employer fails to provide information in a **an adequate or** timely
15 manner without good cause, the employer shall be deemed to have abandoned its
16 appeal rights as provided for in R.S. 23:1629 through 1634, and a determination to
17 that effect shall be issued. Any appeal filed by such an employer, other than with
18 regard to the timeliness **or adequacy** of fulfilling its obligations in Subsection A of
19 this Section, shall be dismissed, and such employer shall be liable for any resulting
20 benefits paid, except as provided in Subsection C of this Section. **If the employer's**
21 **failure to adequately or timely respond results in an improper benefit payment,**
22 **the employer shall also be subject to the provisions of R.S. 23:1553.1.**

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____