A CONCURRENT RESOLUTION

To direct the Louisiana Workforce Commission to review all challenged claims for unemployment insurance benefits and discontinue payment of such benefits when found to be invalid.

WHEREAS, on March 11, 2020, Governor John Bel Edwards invoked his authority under the Louisiana Health Emergency Powers Act, La. R.S. 29:760, et seq., and issued Emergency Proclamation Number 25 JBE 2020, which declared a statewide public health emergency as a result of the imminent threat posed to Louisiana citizens by the outbreak of a respiratory disease caused by a novel coronavirus known commonly as COVID-19; and

WHEREAS, on March 13, 2020, the governor issued Emergency Proclamation Number 27 JBE 2020, which supplemented the measures taken in his declaration of a public health emergency with additional restrictions in order to further protect the health and safety of the public because of COVID-19 and expressly provided for "emergency-related claims . . . for unemployment compensation filed by persons whose unemployment is directly due to the impact of COVID-19 or due to their inability to get to their job or worksite because they are sick, isolated or quarantined, caring for a sick family member, or when an employee’s child's school is closed as determined by the administrator of the state's unemployment compensation program"; and
WHEREAS, on March 22, 2020, the governor issued Emergency Proclamation Number 33 JBE 2020 which implemented additional measures, including a general stay-at-home order to the public along with the temporary closure of certain businesses, and further limited the operations of certain non-essential businesses to the public to mitigate the impact of COVID-19 and to disrupt the spread of the virus; and

WHEREAS, on April 2, 2020, the governor reinforced these actions through the issuance of Emergency Proclamation Number 41 JBE 2020; and

WHEREAS, COVID-19 impacts to business operations across the state have resulted in massive numbers of workers losing their employment, which caused historic levels of unemployment benefit claiming by affected workers and overwhelmed the Louisiana Workforce Commission’s unemployment claims technology and personnel; and

WHEREAS, Louisiana’s unemployment insurance trust fund exceeded one billion two hundred million dollars prior to the declarations of a statewide public health emergency that impacted employment in the public and private sectors of the state; and

WHEREAS, the unprecedented amount of unemployment benefit claims has drawn the state’s unemployment trust fund down to a level below eight hundred million dollars within a matter of a few weeks; and

WHEREAS, some employees have chosen to file a claim for unemployment benefits when their jobs remain ongoing and no COVID-19-related circumstance compelled their unilateral decision to leave their employment; and

WHEREAS, certain businesses are able to reopen, necessitating the return of employees to their jobs, and yet some of these employees refuse to return to their employment and choose instead to continue claiming unemployment benefits even where no COVID-19-related circumstance exists; and

WHEREAS, Louisiana employers are obligated to notify the Louisiana Workforce Commission of any separation that is potentially disqualifying so that, pursuant to R.S. 23:1625.1, a proper determination of a claim can be made, and many have provided such information to the department; and
WHEREAS, pursuant to R.S. 23:1626, the Louisiana Workforce Commission is obligated to reconsider any determination it made to pay benefits that may not have been due; and

WHEREAS, failure to ensure that benefits are properly due and payable to claimants places the solvency of Louisiana’s unemployment insurance trust fund in jeopardy.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby direct the Louisiana Workforce Commission to exercise its enforcement obligation under the law and conduct administrative reviews of all claims where a challenge to its validity existed or exists and to discontinue payment of benefits when no legitimate COVID-19-related reason is found to be responsible for the individual’s unemployment.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the secretary of the Louisiana Workforce Commission.

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)]

HCR Original 2020 Regular Session Beaulieu

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