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

DIGEST

Present law provides that an individual shall be disqualified for unemployment compensation benefits if the administrator of the Louisiana Workforce Commission finds that the employee has left employment from a base period or subsequent employer without good cause attributable to a substantial change made to the employment by the employer.

Present law provides that such disqualification shall continue until such time as the claimant can requalify by demonstrating that he has done the following:

1. Has been paid wages for work, subject to the unemployment insurance law, equivalent to at least 10 times his weekly benefit amount following the week in which the disqualifying separation occurred.

2. Has not left the last employer under disqualifying circumstances.

Proposed law retains present law but provides that benefits charged after a requalification of a claimant shall not be charged against the experience-rating account of an employer when all of the following occur:

1. The employer timely filed a separation notice alleging disqualification.

2. Either a response to a notice of claim filed or a response to a notice to base period employer has been filed.

3. The separation of the employee from the employer was determined to be under disqualifying conditions.

Present law requires each state board, commission, department, agency, or other employing authority of the state, including but not limited to, school boards and police juries, to file with the administrator a notice of separation from service for each employee who leaves its employ for any cause which may be potentially disqualifying and provide the date of separation and the cause therefor. Requires the notice to be mailed or transmitted within three days after the date the separation occurred.

Proposed law retains present law but changes state board, commission, department, agency, or other employing authority of the state to cover all employers and requires them to file with the administrator a notice of separation from service.

Present law provides that an individual shall be disqualified for benefits for the 52 weeks immediately following the week in which it was determined that he committed a fraudulent act

relating to obtaining or increasing benefits.

Proposed law retains present law but makes the disqualification applicable to the remainder of the benefit year after the commission of the fraudulent act and then continuing for the 52 weeks following the determination of the fraudulent act.

Proposed law provides that if information indicating a claimant has earned any unreported wages for weeks claimed is obtained by the administrator prior to the administrator rendering a determination on the issue, the claimant shall be notified by mail or other delivery method. Proposed law provides that he shall have seven days from the date of mailing to respond, or if notice is not by mail, then he shall have seven days from the delivery date of such notice to respond.

Present law provides that a claim for repayment shall prescribe against the state five years from the date the determination is made that repayment is due. Proposed law increases the prescriptive period from five years to ten years.

Present law provides that an individual receiving benefit payments to which he was not entitled is liable to repay such benefits. Further provides that a waiver of the right of recovery of overpayment may be granted by an appeal referee, board of review, any court of jurisdiction, or the administrator. Proposed law limits the granting of a waiver to the administrator.

Proposed law provides that when an overpayment is $100 or more, upon default, the administrator may recover the overpayment through a garnishment of the employee's wages.

Present law provides that a penalty shall be assessed if legal collection efforts are pursued, in the amount of $20 or 25%, whichever is greater, of the total overpayment debt.

Proposed law retains present law but provides that the penalty shall be assessed if the claimant does not voluntarily repay overpaid benefits within 30 days of the date of mailing of notice of the overpayment.

Proposed law provides that the penalty to be assessed if overpayment of benefits was determined to be due to fraud committed by the employee shall be in the amount of $20 or 100%, whichever is greater, of the total overpayment debt.

Proposed law requires 15% of any such amounts collected to be deposited with the U.S. Sec. of the Treasury to credit the account of the state in the Unemployment Trust Fund.

Present law provides that the collection of contributions, assessments or penalties which were owed by employers but not properly remitted to the department are tantamount and equivalent to judgment executed by a court.

Proposed law retains present law but prohibits any employer against whom an assessment has been levied from submitting a bid or proposal for any public contracts until full payment of the

amount due under the assessment is made.

Effective August 1, 2012.

(Amends R.S. 23:1553(A), 1576, 1601(8), 1713, 1714, and 1726)