2023 Regular Session

HOUSE BILL NO. 456

## BY REPRESENTATIVE CREWS

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

UNEMPLOYMENT COMP: Provides relative to the duration of unemployment compensation benefits and creates the job and reemployment act

1	AN ACT
2	To amend and reenact R.S. 23:1600(3)(a) and 1605(C)(6) and (H) and to enact R.S.
3	23:1595(C), (D), and (E) and 1600.1, relative to unemployment compensation
4	benefits; to provide for the duration of unemployment compensation benefits; to
5	provide for benefit eligibility conditions; to provide additional verification
6	requirements in the unemployment insurance integrity program; to provide for the
7	exchange of information in the unemployment insurance integrity program; to
8	provide for definitions; to create the job and reemployment act; to provide for an
9	effective date; and to provide for related matters.
10	Be it enacted by the Legislature of Louisiana:
11	Section 1. R.S. 23:1600(3)(a) and 1605(C)(6) and (H) are hereby amended and
12	reenacted and R.S. 23:1595(C), (D), and (E) and 1600.1 are hereby enacted to read as
13	follows:
14	§1595. Duration of benefits
15	* * *
16	C. For the purposes of this Section, "state average unemployment rate"
17	means the average of the seasonally adjusted unemployment rates for the months
18	comprising the previous quarter of the most recent calendar year as published by the
19	Louisiana Workforce Commission.

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1	D. For all valid unemployment compensation claims submitted during a
2	calendar year, the maximum duration of benefits shall be as follows:
3	(1) If the state average unemployment rate is five and one-half percent or
4	less, the maximum duration of benefits shall be limited to twelve weeks.
5	(2) If the state average unemployment rate is greater than five and one-half
6	percent but less than six percent, the maximum duration of benefits shall be limited
7	to thirteen weeks.
8	(3) If the state average unemployment rate is equal to or greater than six
9	percent but less than six and one-half percent, the maximum duration of benefits
10	shall be limited to fourteen weeks.
11	(4) If the state average unemployment rate is equal to or greater than six and
12	one-half percent but less than seven percent, the maximum duration of benefits shall
13	be limited to fifteen weeks.
14	(5) If the state average unemployment rate is equal to or greater than seven
15	percent but less than seven and one-half percent, the maximum duration of benefits
16	shall be limited to sixteen weeks.
17	(6) If the state average unemployment rate is equal to or greater than seven
18	and one-half percent but less than eight percent, the maximum duration of benefits
19	shall be limited to seventeen weeks.
20	(7) If the state average unemployment rate is equal to or greater than eight
21	percent but less than eight and one-half percent, the maximum duration of benefits
22	shall be limited to eighteen weeks.
23	(8) If the state average unemployment rate is equal to or greater than eight
24	and one-half percent but less than nine percent, the maximum duration of benefits
25	shall be limited to nineteen weeks.
26	(9) If the state average unemployment rate is equal to or greater than nine
27	percent but less than ten percent, the maximum duration of benefits shall be limited
28	to twenty weeks.

1	(10) If the state average unemployment rate is equal to or greater than ten
2	percent, the maximum duration of benefits shall be limited to twenty-six weeks.
3	E. The Louisiana Workforce Commission shall promulgate all rules and
4	regulations as are necessary for the purposes of this Section.
5	* * *
6	§1600. Benefit eligibility conditions
7	An unemployed individual shall be eligible to receive benefits only if the
8	administrator finds that:
9	* * *
10	(3)(a) He is able to work, available for work, and is conducting an active
11	search for work as defined in R.S. 23:1600.1.
12	§1600.1. Jobs and Reemployment Act
13	A. For the purposes of this Section, "department" means the Louisiana
14	Workforce Commission.
15	B.(1) In addition to compliance with all other eligibility requirements, an
16	individual shall be eligible and shall remain eligible for unemployment benefits only
17	if he actively seeks, and continues to seek, work by conducting at least four work
18	search activities weekly.
19	(2) Any of the following shall qualify as a sufficient work search activity:
20	(a) Registering for work with a placement firm, temporary work agency, or
21	educational institution with a job placement office.
22	(b) Logging on to and looking for work in the department's Helping
23	Individuals Reach Employment (HiRE) or other online job matching system.
24	(c) Using reemployment services in job centers or completing similar online
25	or self-service activities, including but not limited to obtaining and using labor
26	market and career information, participating in Reemployment Services and
27	Eligibility Assessment (RESEA) activities, participating in skills assessments for
28	occupational matching, instructional workshops, or other specialized activities.

1	(d) Completing job applications for employers that have, or are reasonably
2	expected to have, job openings or following through on job referrals, as directed by
3	the department.
4	(e) Applying for or participating in employment and training services
5	provided by partner programs in job centers.
6	(f) Participating in work-related networking events, such as job clubs, job
7	fairs, industry association events, or networking groups.
8	(g) Making contacts with or in-person visits to employers that have, or are
9	reasonably expected to have, job openings.
10	(h) Taking a civil service examination.
11	(i) Going to interviews with employers, either in-person or virtually.
12	(j) Performing any other work search activities prescribed or allowed by
13	rules promulgated by the department.
14	B. The administrator shall do all of the following:
15	(1) Require an individual, at the time of application for unemployment
16	benefits and weekly thereafter, to provide proof of all his work search activities.
17	(2) Verify submission of proof of work search activities by individuals
18	applying for or receiving unemployment benefits.
19	(3) Determine any individual who fails to perform work search activities, or
20	provide proof of work search activities as required by this Section, ineligible to
21	receive unemployment benefits unless the individual can reasonably explain his
22	failure to do so or timely remedy the failure to provide proof of his work search
23	activities.
24	C. The administrator shall have discretion to determine the sufficiency of all
25	of the following:
26	(1) Any submission of proof of work search activities.
27	(2) Any explanation of a failure to submit proof of work search activities.
28	(3) Any explanation of an inaccuracy identified in the submitted proof of
29	work search activities.

1	(4) Any determination that an individual has otherwise complied with the
2	requirements of this Section.
3	D. The administrator, while utilizing existing resources, shall do all of the
4	following:
5	(1) Establish a process where the department will share open positions
6	submitted to or posted by the department or any other state-administered job board
7	by employers directly with individuals applying for or receiving unemployment
8	benefits.
9	(2) Establish a process to assist individuals who are applying for or receiving
10	unemployment benefits in securing suitable work. The department shall refer
11	individuals applying for or receiving unemployment benefits to such open job
12	positions, including facilitating contact between employers and those individuals and
13	monitoring whether those individuals are sufficiently responsive to the job referral.
14	E. If an individual, who is applying for or is receiving unemployment
15	benefits, receives a job referral from the department for a job that is considered
16	suitable, as determined by the administrator, he shall apply for that job within one
17	week of receiving the job referral and accept employment if offered.
18	F.(1) An employer shall submit to the administrator a report documenting
19	the refusal of any individual, who receives unemployment benefits and job referrals,
20	to accept an offer of employment.
21	(2) The report shall be made in writing and signed by the employer and in
22	a manner prescribed by the administrator.
23	(3) The report shall become part of the file of the individual's claim for
24	benefits.
25	G. Individuals receiving unemployment benefits who accept a referral to a
26	part-time open position or otherwise accepted part-time employment for which the
27	wages are less than his weekly benefit rate shall continue to receive unemployment
28	benefits without reduction for those wages for the duration of his benefits period.

1	H.(1) Any individual applying for or receiving unemployment benefits shall
2	be subject to the requirements of this Section, including but not limited to an
3	individual who is seasonally unemployed or laid off subject to recall by his
4	employer.
5	(2) The provisions of this Section shall not apply to the following
6	individuals:
7	(a) An individual who has received or been served with a summons for jury
8	duty or is serving on a jury in any court of this state, the United States, or any state
9	of the United States.
10	(b) An individual who is receiving vocational training as described in this
11	Chapter.
12	(c) An individual who is a member in good standing of a union that refers
13	its members to employment from a union hall.
14	I.(1) The department shall notify individuals seeking benefits, at the time an
15	initial claim is filed and at any other time during the benefit year that the
16	requirements substantively change, of the obligation to actively seek work.
17	(2) Delivery of the notification shall be made by the method selected by the
18	individual seeking benefits, and may include postal mail, electronic mail, or other
19	sufficient means of communication.
20	(3) The notification shall include, at a minimum, all of the following:
21	(a) The type of work search activities that are acceptable.
22	(b) The number of work search activities that are required in any week.
23	(c) The requirement that work search activities be documented.
24	(d) The requirement to apply, and accept if offered, a suitable job position.
25	J. The department shall promulgate all rules and regulations as are necessary
26	for the purposes of this Section.
27	* * *
28	§1605. Unemployment insurance integrity program
29	* * *

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1	C. To ensure the integrity of the unemployment insurance program and to
2	verify eligibility and to prevent fraudulent filing and payment of claims, the
3	department is required to do all of the following:
4	* * *
5	(6) Verify the identity of unemployment claimants by methods, including but
6	not limited to verifying the identity of an applicant prior to awarding benefits and
7	requiring multi-factor authentication as part of online applications.
8	* * *
9	H. The department shall have the authority to may execute a memorandum
10	of understanding exchange information with any state department, agency, or
11	division for data that is necessary to carry out the purposes of this Section as
12	necessary to carry out the requirements of this Section.
13	* * *
14	Section 2. This Act shall become effective January 1, 2024.

# 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)]

HB 456 Original 2023 Regular Session

Crews

Abstract: Provides for the duration of unemployment compensation benefits and creates the Job and Reemployment Act.

<u>Present law</u> provides that any otherwise eligible individual shall be entitled to receive unemployment compensation benefits for 26 weeks during a 12-month period.

Proposed law retains present law.

Proposed law defines "state average unemployment rate".

<u>Proposed law</u> provides that for all valid unemployment compensation claims submitted during a calendar year, the maximum duration of benefits shall be as follows:

- (1) If the state average unemployment rate is equal to or less than 5.5%, a claimant can claim unemployment benefits up to 12 weeks.
- (2) If the state average unemployment rate is greater than 5.5% but less than 6%, a claimant can claim unemployment benefits up to 13 weeks.
- (3) If the state average unemployment rate is equal to or greater than 6% but less than 6.5%, a claimant can claim unemployment benefits up to 14 weeks.

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- (4) If the state average unemployment rate is equal to or greater than 6.5% but less than 7%, a claimant can claim unemployment benefits up to 15 weeks.
- (5) If the state average unemployment rate is equal to or greater than 7% but less than 7.5%, a claimant can claim unemployment benefits up to 16 weeks.
- (6) If the state average unemployment rate is equal to or greater than 7.5% but less than 8%, a claimant can claim unemployment benefits up to 17 weeks.
- (7) If the state average unemployment rate is equal to or greater than 8% but less than 8.5%, a claimant can claim unemployment benefits up to 18 weeks.
- (8) If the state average unemployment rate is equal to or greater than 8.5% but less than 9%, a claimant can claim unemployment benefits up to 19 weeks.
- (9) If the state average unemployment rate is equal to or greater than 9% but less than 10%, a claimant can claim unemployment benefits up to 20 weeks.
- (10) If the state average unemployment rate is equal to or greater than 10%, a claimant can claim unemployment benefits up to 26 weeks.

<u>Proposed law</u> provides that the La. Workforce Commission (LWC) shall promulgate all rules and regulations as are necessary for the purposes of carrying out the provisions of <u>proposed</u> <u>law</u>.

<u>Present law</u> provides the requirements that a claimant for unemployment benefits must meet in order to be eligible for unemployment benefits. <u>Present law</u> further provides that one of the aforementioned requirements is that a claimant must be able to work, available for work, and is conducting an active search for work.

<u>Proposed law</u> extends the aforementioned ability and availability to work requirement and actively searching for work requirement to coincided with the job and reemployment provisions of <u>proposed law</u>.

<u>Proposed law</u> requires that in additional to being in compliance with all other eligibility requirements provided for in <u>present law</u>, an individual shall be eligible and remain eligible for unemployment compensation benefits only if he actively seeks, and continues to seek, work by conducting at least four work search activities weekly.

<u>Proposed law</u> provides a thorough list of what constitutes as a sufficient work search activity.

<u>Proposed law</u> provides that the administrator (secretary of LWC) shall do all of the following:

- (1) Require an individual, at the time for applying for unemployment benefits and weekly thereafter, to provide proof of all work search activities.
- (2) Verify submission of proof of work search activities by individuals applying for or receiving unemployment benefits.
- (3) Determine any individual who fails to perform work search activities, or provide proof of work search activities, to be ineligible for unemployment benefits, unless the individual can reasonably explain his failure to do so or timely remedy his failure to provide such proof.

<u>Proposed law</u> provides that the secretary of LWC shall have the discretion to determine the sufficiency of all of the following:

- (1) Any submission of proof of work search activities.
- (2) Any explanation of a failure to submit proof of work search activities.
- (3) Any explanation of an inaccuracy identified in the submitted proof of work search activities.
- (4) Any determination that an individual has otherwise complied with the requirements of proposed law.

<u>Proposed law</u> provides that if an individual, who is applying for or receiving unemployment benefits, receives job referrals from LWC to a job that is considered suitable, he must apply for that job within one week of receiving the job referral and accept employment if offered.

<u>Proposed law</u> requires an employer to submit a report documenting any refusal to accept an offer of employment, by an individual who receive unemployment benefits and job referrals, to the secretary of LWC.

<u>Proposed law</u> further requires that the aforementioned report be in writing and signed by the employer and that the report will become a part of the individual's file.

<u>Proposed law</u> provides that if an individual, who is receiving unemployment benefits, accepts a part-time job position and his wages or less than his weekly unemployment benefit amount, then he will continue to receive unemployment benefits without reduction for those wages for the duration of his benefits period.

<u>Proposed law</u> exempts individuals serving on jury duty, receiving vocational training as provided for in <u>present law</u>, and members in good standing of a union that refers its members to employment from a union hall from the provisions of <u>proposed law</u>.

<u>Proposed law</u> requires LWC to notify individuals seeking benefits, at the time an initial claim is filed and at any other time during the benefit year that the requirements substantively change, of the obligation to actively seek work. <u>Proposed law</u> further requires that the notice be delivered in the method selected by the individual, which can include postal mail or email.

<u>Proposed law</u> provides that the notification shall include, at a minimum, all of the following:

- (1) The type of work search activities that are acceptable.
- (2) The number of work search activities that are required in any week.
- (3) The requirement that work search activities be documented.
- (4) The requirement to apply, and accept if offered, a suitable job position.

<u>Present law</u> creates the unemployment insurance integrity program, which provides a list of requirements for LWC to complete in order to verify the eligibility of claims and to prevent fraudulent filing and payment of claims.

<u>Proposed law</u> extends the aforementioned requirements by requiring LWC to verify the identity of unemployment claimants by methods, including but not limited to verifying the

identity of an applicant prior to awarding benefits and requiring a multi-factor authentication as part of online applications.

Effective Jan. 1, 2024.

(Amends R.S. 23:1600(3)(a) 1605(C)(6) and (H); Adds R.S. 23:1595(C), (D), and (E) and 1600.1)