

2021 Regular Session

SENATE BILL NO. 225

BY SENATOR REESE

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

UNEMPLOYMENT COMP. Provides relative to unemployment insurance. (See Act)

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AN ACT

To amend and reenact R.S. 23:1474(I), 1592(A) and (E), and 1595, relative to unemployment compensation; to provide relative to the maximum weekly benefit amount; to provide for the duration of benefits; to provide for the unemployment rate; to provide definitions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:1474(I), 1592(A) and (E), and 1595 are hereby amended and reenacted to read as follows:

§1474. Administrator; Revenue Estimating Conference; "wages"; weekly benefit amounts

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I. The following table shall be applied by the administrator subsequent to his determination of comparative balance, and applied trust fund balance range, in compliance with this Section:

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Procedure	Applied Trust Fund Balance Range	Maximum Dollar Amount of "wages" under R.S. 23:1474	Formula for Computation of Benefits	Maximum Weekly Benefit Amount
1	Less than seven hundred fifty million dollars	Eight thousand five hundred dollars	Apply R.S. 23:1592 without seven percent discount under R.S. 23:1592(D) then multiply by 1.05 and then multiply such amount by 1.03	Two hundred <del>twenty</del> <b><u>fifty-one</u></b> dollars
2	Equal to or greater than seven hundred fifty million dollars but less than one billion one hundred fifty million dollars	Seven thousand seven hundred dollars	Apply R.S. 23:1592 without seven percent discount under R.S. 23:1592(C) and without five percent discount under R.S. 23:1592(D), then multiply such amount by 1.05 and then multiply such amount by 1.15	Two hundred <del>forty</del> <b><u>seventy-</u></b> seven dollars

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<p>3</p>	<p>Equal to or greater than one billion one hundred fifty million dollars but less than one billion four hundred million dollars</p>	<p>Seven thousand dollars</p>	<p>Apply R.S. 23:1592 without seven percent discount under R.S. 23:1592(C) and without five percent discount under R.S. 23:1592(D), then multiply such amount by 1.05 and then multiply such amount by 1.20</p>	<p>Two hundred <del>fifty-eight</del> <b><u>ninety</u></b> dollars</p>
<p>2</p>	<p>4</p> <p>Greater than one billion four hundred million dollars</p>	<p>Seven thousand dollars</p>	<p>Apply R.S. 23:1592 without seven percent discount under R.S. 23:1592(C) and without five percent discount under R.S. 23:1592(D), then multiply such amount by 1.05 and then multiply such amount by 1.32</p>	<p><del>Two</del> <b><u>Three</u></b> hundred <del>eighty-four</del> dollars</p>

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§1592. Weekly benefit amount

A.(1) A claimant's weekly benefit amount shall be dependent upon the state's average unemployment rate, as that term is defined in R.S. 1595(C)(2).

Whenever a claimant's base period wages for insured work is not less than one thousand two hundred dollars, his weekly benefit amount shall be as follows:

(a) ~~one twenty-fifth~~ An amount equivalent to one-twelfth of the average of his total wages for insured work paid during the four quarters of his base period when the state's average unemployment rate is at or below five and one half percent.

(b) An amount equivalent to one-thirteenth of the average of his total wages for insured work paid during the four quarters of his base period when the state's average unemployment rate is above five and one half percent and at or below six percent.

(c) An amount equivalent to one-fourteenth of the average of his total wages for insured work paid during the four quarters of his base period when the state's average unemployment rate is above six percent and at or below six and one half percent.

(d) An amount equivalent to one-fifteenth of the average of his total wages for insured work paid during the four quarters of his base period when the state's average unemployment rate is above six and one half percent and at or below seven percent.

(e) An amount equivalent to one-sixteenth of the average of his total wages for insured work paid during the four quarters of his base period when the state's average unemployment rate is above seven percent and at or below seven and one half percent.

(f) An amount equivalent to one-seventeenth of the average of his total wages for insured work paid during the four quarters of his base period when the state's average unemployment rate is above seven and one half percent and

1 at or below eight percent.

2 (g) An amount equivalent to one-eighteenth of the average of his total  
3 wages for insured work paid during the four quarters of his base period when  
4 the state's average unemployment rate is above eight percent and at or below  
5 eight and one half percent.

6 (h) An amount equivalent to one-nineteenth of the average of his total  
7 wages for insured work paid during the four quarters of his base period when  
8 the state's average unemployment rate is above eight and one half percent and  
9 at or below nine percent.

10 (i) An amount equivalent to one-twentieth of the average of his total  
11 wages for insured work paid during the four quarters of his base period when  
12 the state's average unemployment rate is above nine percent.

13 (2) This amount, if If the amount provided for in Paragraph (1) of this  
14 Subsection is not a multiple of one dollar, it shall be computed to the next lowest  
15 multiple of one dollar.

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17 E. In no event shall the weekly amount paid under this Section be more than  
18 ~~two~~ **three** hundred ~~eighty-four~~ dollars.

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20 §1595. Duration of benefits

21 A. (1) Any time the state's average unemployment rate is at or below five  
22 and one half percent, any otherwise eligible individual shall be entitled during any  
23 benefit year to a total amount of benefits equal to ~~twenty-six~~ **twelve** times his weekly  
24 benefit amount as determined pursuant to R.S. 23:1592 provided that such total  
25 amount of benefits, if not a multiple of one dollar, shall be computed to the nearest  
26 multiple of one dollar.

27 (2)(a) In addition to the amount provided in Paragraph (1) of this  
28 Subsection and when the state's average unemployment rate is above five and  
29 one half percent, any otherwise eligible individual shall be entitled an additional

1 amount of benefits equivalent to his weekly benefit amount as determined  
2 pursuant to R.S. 23:1592 times the number of half a percent increments that the  
3 state's average unemployment rate exceeds five and one half percent, provided  
4 that such total amount of benefits, if not a multiple of one dollar, shall be  
5 computed to the nearest multiple of one dollar.

6 (b) The additional amount provided in Subparagraph (a) of this  
7 Paragraph shall not exceed an amount equivalent to eight times his weekly  
8 benefit amount.

9 B.(1) No claimant shall receive a benefit check for any week beyond the  
10 number of weeks computed on his initial claim unless that claimant is participating  
11 in a program providing partial unemployment as set forth in R.S. 23:1472(19)(a) or  
12 has been paid wages for part-time or full-time work.

13 (2) Further, if a base period employer has provided severance pay, which  
14 when prorated weekly is an amount which equals or exceeds the claimant's weekly  
15 benefit amount, the claimant's benefit entitlement computed pursuant to the  
16 provisions of this Subsection shall be reduced by one week for each week of  
17 severance pay, provided that no claimant's entitlement shall be reduced to less than  
18 one week.

19 ~~B.C.(1)~~ For the purposes of this Section, "wages" shall be counted as "wages  
20 for insured work" for the benefit purposes with respect to any benefit year only if the  
21 benefit year begins subsequent to the date on which the employing unit by whom the  
22 wages were paid became an employer within the meaning of this Chapter.

23 (2) For the purposes of this Section, "state average unemployment rate"  
24 means the average of the three months for the most recent third calendar year  
25 quarter of the seasonally adjusted unemployment rates as published by the  
26 Louisiana Workforce Commission, who shall be responsible for collecting and  
27 publishing unemployment rate data.

28 D. The Louisiana Workforce Commission shall promulgate all rules and  
29 regulations as are necessary for the purposes of this Section.

1           Section 2. This Act shall take effect and become operative if and when the state's  
2 average unemployment rate, as defined in R.S. 23:1595, is less than five and one half percent  
3 for two consecutive calendar quarters.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Yoursheka George.

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## DIGEST

SB 225 Original

2021 Regular Session

Reese

Present law provides relative to the maximum weekly amount of unemployment benefits.

Present law requires the secretary of the La. Workforce Commission (commission) to provide the Revenue Estimating Conference (conference) with certification from the U.S. Treasury of the September 1st balance of the state unemployment trust fund of the current calendar year. Requires the conference to adopt and report its official projection to the commission no earlier than September 5th and no later than September 30th.

Present law provides that after the conference's adoption of the official projection of the state unemployment trust fund for September 1st of the next calendar year, the secretary shall determine the comparative balance. The comparative balance is the lesser amount of the balance of the state unemployment trust fund as certified by the U.S. Treasury as of September 1st in the current calendar year or as projected by the conference for the September 1st of the next calendar year.

Present law provides that the amount of the comparative balance shall be used by the secretary to determine the applied trust fund balance range, and simultaneously, the maximum weekly benefit.

Proposed law retains present law.

Present law sets the maximum weekly benefit as follows:

- (1) When the applied trust fund balance range is less than \$750,000,000, the maximum weekly benefit amount shall be \$221.
- (2) When the applied trust fund balance range is equal to or greater than \$750,000,000 but less than \$1,150,000,000, the maximum weekly benefit amount shall be \$247.
- (3) When the applied trust fund balance range is equal to or greater than \$1,150,000,000 but less than \$1,400,000,000, the maximum weekly benefit amount shall be \$258.
- (4) When the applied trust fund balance range is greater than \$1,400,000,000, the maximum weekly benefit amount shall be \$284.

Proposed law increases the maximum weekly benefit as follows:

- (1) When the applied trust fund balance range is less than \$750,000,000, the maximum weekly benefit amount shall be \$251.
- (2) When the applied trust fund balance range is equal to or greater than \$750,000,000 but less than \$1,150,000,000, the maximum weekly benefit amount shall be \$277.
- (3) When the applied trust fund balance range is equal to or greater than \$1,150,000,000 but less than \$1,400,000,000, the maximum weekly benefit amount shall be \$290.

- (4) When the applied trust fund balance range is greater than \$1,400,000,000, the maximum weekly benefit amount shall be \$300.

Proposed law defines "state average unemployment rate" to mean the average of the three months for the most recent third calendar year quarter of the seasonally adjusted unemployment rates as published by the commission, who shall be responsible for collecting and publishing unemployment rate data.

Present law provides that any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to 26 times his weekly benefit amount, as determined by law provided that such total amount of benefits, if not a multiple of one dollar, shall be rounded to the nearest dollar.

Proposed law changes the duration of benefits as follows:

- (1) Any time the states average unemployment rate is at or below 5.5%, any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to 12 times his weekly benefit amount as determined by law.
- (2) In addition to the amount of benefits equal to 12 times his weekly benefit and when the state's average unemployment rate is above 5.5%, any otherwise eligible individual shall be entitled to an additional amount of benefits equivalent to his weekly benefit amount determined by law times the number of .5% increments that the state's average unemployment rate exceeds 5.5%, provided that such total amount of benefits, if not one dollar, shall be rounded to the nearest dollar. Provides that the additional amounts of weekly benefits shall not exceed an amount equivalent to eight times his weekly benefit amount.

Present law provides that whenever a claimant's base period wages for insured work is not less than \$1,200, his weekly benefit amount shall be 1/25th of the average of his total wages for insured work paid during the four quarters of his base period and caps the weekly benefit amount paid at \$284.

Proposed law changes formula of the weekly benefit amount to be based on the state's average unemployment rate.

Proposed law caps the weekly benefit amount paid at \$300.

Effective when the state's average unemployment rate, as determined by the Louisiana Workforce Commission, is less than 5.5% for two consecutive calendar quarters.

(Amends R.S. 23:1474(I), 1592(A) and (E), and 1595)