

2023 Regular Session

HOUSE BILL NO. 340

BY REPRESENTATIVE ROMERO

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 provides for extended benefits

1 AN ACT

2 To amend and reenact R.S. 23:1595 and to enact R.S. 23:1606, relative to unemployment  
3 compensation; to provide for the duration of benefits; to provide definitions; to  
4 provide for extended benefits; to provide for the termination of extended benefits;  
5 to provide for the promulgation of rules; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:1595 is hereby amended and reenacted and R.S. 23:1606 is hereby  
8 enacted to read as follows:

9 §1595. Duration of benefits

10 A. Any otherwise eligible individual shall be entitled during any benefit year  
11 to a total amount of benefits equal to ~~twenty-six~~ twenty times his weekly benefit  
12 amount as determined pursuant to R.S. 23:1592 provided that such total amount of  
13 benefits, if not a multiple of one dollar, shall be computed to the nearest multiple of  
14 one dollar. No claimant shall receive a benefit check for any week beyond the  
15 number of weeks computed on his initial claim unless that claimant is participating  
16 in a program providing partial unemployment as set forth in R.S. 23:1472(19)(a) or  
17 has been paid wages for part-time or full-time work. Further, if a base period  
18 employer has provided severance pay, which when prorated weekly is an amount  
19 which equals or exceeds the claimant's weekly benefit amount, the claimant's benefit  
20 entitlement computed pursuant to the provisions of this Subsection shall be reduced

1 by one week for each week of severance pay, provided that no claimant's entitlement  
2 shall be reduced to less than one week.

3 B.(1) The maximum number of weekly benefits a claimant may be eligible  
4 for in a benefit year shall depend on the average of the three most recently published  
5 seasonally adjusted unemployment rates preceding the month in which the claimant  
6 files his first claim for benefits.

7 (2) For all valid unemployment compensation claims submitted, the  
8 maximum duration of benefits available to a claimant shall be based upon the  
9 average unemployment rate as determined by the administrator according to the  
10 following formula:

11 (1) When the average unemployment rate is five percent or less, the  
12 maximum duration of benefits shall be limited to twelve weeks.

13 (2) When the average unemployment rate is greater than five percent but less  
14 than five and one-half percent, the maximum duration of benefits shall be limited to  
15 thirteen weeks.

16 (3) When the average unemployment rate is equal to or greater than five and  
17 one-half percent but less than six percent, the maximum duration of benefits shall be  
18 limited to fourteen weeks.

19 (4) When the average unemployment rate is equal to or greater than six  
20 percent but less than six and one-half percent, the maximum duration of benefits  
21 shall be limited to fifteen weeks.

22 (5) When the average unemployment rate is equal to or greater than six and  
23 one-half percent but less than seven percent, the maximum duration of benefits shall  
24 be limited to sixteen weeks.

25 (6) When the average unemployment rate is equal to or greater than seven  
26 percent but less than seven and one-half percent, the maximum duration of benefits  
27 shall be limited to seventeen weeks.

1           (7) When the average unemployment rate is equal to or greater than seven  
2           and one-half percent but less than eight percent, the maximum duration of benefits  
3           shall be limited to eighteen weeks.

4           (8) When the average unemployment rate is equal to or greater than eight  
5           percent but less than eight and one-half percent, the maximum duration of benefits  
6           shall be limited to nineteen weeks.

7           (9) When the average unemployment rate is equal to or greater than eight  
8           and one-half percent, the maximum duration of benefits shall be limited to twenty  
9           weeks.

10           C. On a monthly basis, the Louisiana Workforce Commission shall publish  
11           on its website the maximum number of weekly benefits a claimant may be eligible  
12           for in a benefit year, provided for in Subsection B of this Section, for a claimant who  
13           has filed an initial claim for unemployment benefits in any week in that month.

14           ~~B.D.~~ For the purposes of this Section, "wages" shall be counted as "wages  
15           for insured work" for the benefit purposes with respect to any benefit year only if the  
16           benefit year begins subsequent to the date on which the employing unit by whom the  
17           wages were paid became an employer within the meaning of this Chapter.

18   \*       \*       \*

19           §1606. Extended benefits for training; definitions; eligibility; weekly extended  
20           benefit amount; total extended benefit amount; termination of extended  
21           benefits

22           A. For the purposes of this Section, the following terms have the meanings  
23           ascribed to them:

24           (1) "Eligibility period of an individual" means the period consisting of the  
25           weeks in an individual's benefit year which begin in an extended benefit period and,  
26           if his benefit year ends within such extended benefit period, any weeks thereafter  
27           which begin in such period.

28           (2) "Exhaustee" means an individual who, with respect to any week of  
29           unemployment in his eligibility period, either:

1           (a) Has received, prior to such week, all of the regular benefits that were  
2           available to him in accordance with this Chapter or any other unemployment  
3           insurance law of any state approved by the United States secretary of labor pursuant  
4           to the Internal Revenue Code of 1954, 26 U.S.C. §3304, including dependent's  
5           allowances and benefits payable to federal civilian employees and ex-servicemen  
6           pursuant to 5 U.S.C. Chapter 85, in his current benefit year that includes such week.  
7           For the purposes of this Paragraph, an individual shall be considered to have received  
8           all of the regular benefits that were available to him as a result of a pending appeal  
9           with respect to wages or employment, or both, that were not considered in the  
10           original monetary determination in his benefit year, he may subsequently be  
11           determined to be entitled to added regular benefits.

12           (b) His benefit year having expired prior to such week, has no wages, or has  
13           insufficient wages or employment, or both, on the basis of which he could establish  
14           a new benefit year that would include such week if all of the following apply:

15           (i) He has no right to unemployment insurance benefits or allowances, as the  
16           case may be, pursuant to the Railroad Unemployment Insurance Act, 45 U.S.C. §351  
17           et seq., or under such other federal laws as are specified in regulations issued by the  
18           United States secretary of labor.

19           (ii) He has not received and is not seeking unemployment insurance benefits  
20           under the unemployment insurance law of Canada or the United States Virgin  
21           Islands, but if the individual is seeking such benefits and the appropriate agency  
22           finally determines that the individual is not entitled to benefits under such law, the  
23           individual shall be considered an exhaustee if the other provisions of this definition  
24           are met. If the reference in this Subparagraph to the United States Virgin Islands  
25           shall be effective on the day after the day on which the United States secretary of  
26           labor approves pursuant to the Internal Revenue Code of 1954, 26 U.S.C. §3304(a),  
27           an unemployment compensation law submitted to the secretary of the United States  
28           Virgin Islands for approval.

1           (3) "Extended benefits" means benefits payable to an individual under the  
2           provisions of this Section for weeks of unemployment in his eligibility period.

3           (4) "Extended benefit period" means a period which begins upon exhaustion  
4           of regular unemployment benefits and ends upon the exhaustion or disqualification  
5           for extended benefits pursuant to this Section.

6           (5) "Regular benefits" means benefits payable to an individual in accordance  
7           with this Chapter or in accordance with the unemployment insurance law of any  
8           state, approved by the United States secretary of labor pursuant to the Internal  
9           Revenue Code of 1954, 26 U.S.C. §3304, including benefits payable to federal  
10           civilian employees and to ex-servicemen pursuant to 5 U.S.C. Chapter 85, other than  
11           extended benefits.

12           B. An individual shall be eligible to receive extended benefits with respect  
13           to any week of unemployment in his eligibility period, only if the administrator finds  
14           that with respect to such week all of the following:

15                   (1) He is an exhaustee as defined in this Section.

16                   (2) He is enrolled and participating in an approved training program as  
17                   provided in R.S. 23:1602 at the time his regular benefits are exhausted.

18           C. The weekly extended benefit amount payable to an individual for a week  
19           of total unemployment in his eligibility period shall be an amount equal to the  
20           weekly benefit amount determined pursuant to R.S. 23:1592 payable to him during  
21           his benefit year with respect to which he last became an exhaustee.

22           D. The total extended benefit amount payable to any eligible individual with  
23           respect to any one benefit year shall be eight times his weekly benefit amount which  
24           was payable to him in accordance with this Chapter for a week of total  
25           unemployment in such benefit year.

26           E. Except when the result would be inconsistent with the provisions of this  
27           Section and as provided in the regulation of the administrator, the provisions of this  
28           Chapter which apply for, or the payment of, regular benefits shall apply to claims for  
29           and the payment of, extended benefits.

- 1                    F. An individual shall not be eligible for extended benefits for any week if  
 2                    the administrator determines that the individual is no longer enrolled or participating  
 3                    in the training program or the individual has completed the training program.

## 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 340 Original

2023 Regular Session

Romero

**Abstract:** Provides for a decrease in the duration of unemployment compensation benefits and provides for extended benefits for claimants.

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

Present law provides that no claimant shall receive a benefit check for any week beyond the number of weeks computed on his initial claim unless that claimant is participating in a program providing partial unemployment or has been paid wages for part-time or full-time work.

Present law further provides that if a base period employer has provided severance pay, which when prorated weekly is an amount which equals or exceeds the claimant's weekly benefit amount, the claimant's benefit entitlement computed pursuant to present law shall be reduced by one week for each week of severance pay, provided that the claimant's entitlement shall not be reduced to less than one week.

Proposed law changes the number of weeks from 26 to 20. Proposed law otherwise retains present law.

Proposed law provides that the maximum number of weekly benefits a claimant may be eligible for in a benefit year shall depend on the average of the three most recently published seasonally adjusted unemployment rates preceding the month in which the claimant files his first claim for benefits.

Proposed law provides that for all valid unemployment claims submitted, the maximum duration of benefits available to a claimant will be based upon the average unemployment rate as determined by the administrator (the secretary of the La. Workforce Commission (LWC)) according to the following formula:

- (1) When the average unemployment rate is 5% or less, the maximum duration of benefits shall be limited to 12 weeks.
- (2) When the average unemployment rate is greater than 5% but less than 5.5%, the maximum duration of benefits shall be limited to 13 weeks.
- (3) When the average unemployment rate is equal to or greater than 5.5% but less than 6%, the maximum duration of benefits shall be limited to 14 weeks.
- (4) When the average unemployment rate is equal to or greater than 6% but less than 6.5%, the maximum duration of benefits shall be limited to 15 weeks.

- (5) When the average unemployment rate is equal to or greater than 6.5% but less than 7%, the maximum duration of benefits shall be limited to 16 weeks.
- (6) When the average unemployment rate is equal to or greater than 7% but less than 7.5%, the maximum duration of benefits shall be limited to 17 weeks.
- (7) When the average unemployment rate is equal to or greater than 7.5% but less than 8%, the maximum duration of benefits shall be limited to 18 weeks.
- (8) When the average unemployment rate is equal to or greater than 8% but less than 8.5%, the maximum duration of benefits shall be limited to 19 weeks.
- (9) When the average unemployment rate is equal to or greater than 8.5%, the maximum duration of benefits shall be limited to 20 weeks.

Proposed law provides that, on a monthly basis, LWC shall publish on its website the maximum number of weekly benefits a claimant may be eligible for in a benefit year, for a claimant who has filed an initial claim for unemployment benefits in any week in that month.

Proposed law defines "eligibility period of an individual", "exhaustee", "extended benefits", "extended benefit periods", and "regular benefits".

Proposed law provides that the weekly extended benefit amount payable to an individual for a week of total unemployment during his eligibility period shall be an amount equal to the weekly benefit amount determined pursuant to proposed law. Proposed law further provides that these weekly extended benefits shall be payable to the individual during his benefit year with respect to when he last became an exhaustee.

Proposed law provides that the individual's total extended benefit amount, with respect to any benefit year, shall be eight times his weekly benefit amount.

Proposed law provides that an individual shall not be eligible for extended benefits if the secretary of LWC, determines that the individual is no longer enrolled or participating in the training program or the individual has completed the training program.

(Amends R.S. 23:1595; Adds R.S. 23:1606)