

2026 Regular Session

HOUSE BILL NO. 923

BY REPRESENTATIVE BERAULT

LABOR: Provides relative to continuous technical corrections and revisions of provisions of Title 23 of the Louisiana Revised Statutes of 1950

1 AN ACT

2 To amend and reenact R.S. 23:4, 61, 62, 63, 64.1(A)(introductory paragraph) and (2) and

3 (B)(introductory paragraph) and (1), 76(C)(4)(f) and (i), 382, 384(A), 385(B),

4 390(C), 1123, 1178(A)(introductory paragraph), (B), and (E), 1310.3(A), 1372,

5 1378(A)(2)(c) and (E), 1538(A)(1), 1541(A), (E), and (F)(1), 1541.1(A) and (B),

6 1593, 1595(B)(1) and (C), 1599, 1601(8)(a) and (b), 1624, 1625, 1626(B) and (C),

7 1627, 1629(A), 1630, 1714(A), 1749.2(A), and 2051(A) and R.S. 36:301(C)(1), to

8 enact R.S. 23:1.1, and to repeal Part II of Chapter 1 of Title 23 of the Louisiana

9 Revised Statutes of 1950, to be comprised of R.S. 23:41 through 49, 1178(D),

10 1226(C)(2), and 1601(10)(b), relative to the continuing of technical corrections and

11 revisions of provisions of Title 23 of the Louisiana Revised Statutes of 1950; to

12 provide for the reorganization of Louisiana Works; to provide for legislative intent;

13 to provide for workforce and social service programs; to provide for community

14 action agencies; to provide definitions; to provide for the community services block

15 grant; to provide for the apprenticeship council; to provide for the duration,

16 determination, and eligibility of unemployment benefits; to provide for notification

17 requirements under certain circumstances; and to provide for related matters.

18 Be it enacted by the Legislature of Louisiana:

19 Section 1. R.S. 23:4, 61, 62, 63, 64.1(A)(introductory paragraph) and (2) and

20 (B)(introductory paragraph) and (1), 76(C)(4)(f) and (i), 382, 384(A), 385(B), 390(C), 1123,

1 1178(A)(introductory paragraph), (B), and (E), 1310.3(A), 1372, 1378(A)(2)(c) and (E),  
2 1538(A)(1), 1541(A), (E), and (F)(1), 1541.1(A) and (B), 1593, 1595(B)(1) and (C), 1599,  
3 1601(8)(a) and (b), 1624, 1625, 1626(B) and (C), 1627, 1629(A), 1630, 1714(A), 1749.2(A),  
4 and 2051(A) are hereby amended and reenacted and R.S. 23:1.1 is hereby enacted to read  
5 as follows:

6 TITLE 23

7 LABOR AND ~~WORKER'S~~ WORKERS' COMPENSATION

8 CHAPTER 1. LOUISIANA WORKS

9 PART I. ESTABLISHMENT, POWERS, AND DUTIES

10 \* \* \*

11 §1.1 Integrated case management; service integration of various workforce and  
12 social service programs

13 A. The legislature recognizes that the department provides services to  
14 support individuals with various needs and in various stages of life. However, the  
15 conventional service delivery system of requiring individuals to access various  
16 offices within the state and even within the department to address those multiple  
17 needs creates barriers for the delivery of those services and entry into the workforce.  
18 These needs can be better met, more efficiently and less costly, through integrated  
19 case management at a single service location with a single case worker, even when  
20 those services may be provided by multiple state agencies. It is the intent of the  
21 legislature to provide a comprehensive, streamlined social services and workforce  
22 delivery system that incorporates integrated case management models for customers  
23 and their families served by multiple departments and programs.

24 B. For the purposes of this Section, the following terms have the meanings  
25 ascribed to them:

26 (1) "Integrated case management" means an accessible, customer-centered  
27 approach that coordinates the necessary services that meet the needs of each  
28 individual or family which, if applicable, establishes a comprehensive, integrated

1 service plan that addresses all of those needs and outcomes, which is continually  
2 monitored and updated as necessary.

3 (2) "Integrated service plan" means a plan that is based on the customer's  
4 strengths, risks, service needs, and improvement plan.

5 (3) "Service integration" means a process by which a range of social,  
6 education, and workforce employment and training services are delivered in a  
7 coordinated and seamless manner to provide customer-oriented services, increase  
8 early intervention and prevention opportunities, improve outcomes, and establish  
9 provider accountability through performance measures. Service integration includes:

10 (a) A "One Door" business model which makes it easier for the customer to  
11 obtain services and allows various programs to work seamlessly together across  
12 multiple agencies.

13 (b) Cross-training among the various program staff across multiple  
14 governmental, nonprofit, and private sector agencies and organizations to ensure a  
15 general understanding of all programs through which a comprehensive plan may be  
16 developed for a customer to access.

17 (c) Flexible use of funding among the federal and state programs and, if  
18 applicable, departments, agencies, and community programs, comprising a multi-  
19 disciplinary team to ensure that the customer receives services for which he is  
20 eligible.

21 \* \* \*

22 §4. Divisions of the ~~commission~~ department

23 In addition to divisions, bureaus, boards, and commissions established within  
24 the ~~commission~~ department by law, the secretary, with the approval of the governor,  
25 may establish any division or bureau deemed advisable for the administration or  
26 enforcement of any law with which he is charged. The secretary may combine or  
27 consolidate the activities of two or more divisions or bureaus of the ~~commission~~  
28 department, or provide for the establishment of any other when such action is

1 deemed advisable for the more efficient and economical administration of the work  
2 and duties of the ~~commission~~ department.

3 \* \* \*

4 §61. Purpose

5 The provisions of this Part are intended to ~~maximize community participation~~  
6 ~~in the administration and implementation of programs designed to develop~~  
7 ~~employment opportunities for individuals with low income and to ameliorate the~~  
8 ~~impact of such income level on their physical and mental well-being~~ provide  
9 assistance to local communities by working through a network of community action  
10 agencies to support employment in order to reduce poverty, revitalize low-income  
11 communities, and stabilize low-income families and individuals in rural and urban  
12 areas to become fully self-sufficient. To accomplish this purpose, the legislature  
13 enacts this Part for the purpose of establishing a procedure for the designation of  
14 community action agencies; fixing the responsibilities of community action agencies;  
15 defining community action programs; and establishing a formula for the allocation  
16 of community service block grant funds.

17 §62. Definitions

18 As used in this Part:

19 (1) "Community action agency" means a public agency or private nonprofit  
20 corporation designated by Louisiana Works ~~having authority under its charter or~~  
21 ~~bylaws, or both, to administer community action programs, which has been~~  
22 ~~designated as a community action agency by the parish governing authority~~ anti-  
23 poverty, workforce, and family-support services pursuant to federal and state law.

24 (2) "Community action program" means a community-based and operated  
25 program which provides services, assistance, and other activities of sufficient scope  
26 and size to give promise of progress toward the elimination of poverty in a  
27 community.

28 (3) "Low income" means a household income level established by Louisiana  
29 Works, ~~after public hearings~~ and contained within the Community Development

1 Block Grant State Plan, herein referred to as "state plan", below which an individual  
2 will be qualified for services delivered through a community action program. The  
3 household income level shall not exceed the income eligibility guidelines established  
4 by congress.

5 (4) "One Door" means a coordinated, customer-centered service delivery  
6 model through which individuals and families may access multiple workforce,  
7 education, and human services programs through a single entry point.

8 §63. Community action agency; appointment, responsibilities

9 A. ~~The parish governing authority, by resolution or ordinance, shall~~  
10 ~~designate a community action agency to administer the applicable provisions of this~~  
11 ~~Part and such designation shall be on an annual basis. Prior to making such~~  
12 ~~designation, the parish governing authority shall conduct a public hearing, after~~  
13 ~~giving public notice of its intention to designate an agency. The public hearing shall~~  
14 ~~include an evaluation of the administrative and programmatic capabilities of the~~  
15 ~~agency or agencies under consideration for designation as the community action~~  
16 ~~agency for the area.~~

17 ~~Prior to making such designation, the local governing authority shall consider~~  
18 ~~the previous accomplishments of the agency or agencies under consideration for~~  
19 ~~designation and the ability of each to conduct community action programs, including~~  
20 ~~but not limited to the following service components designed to assist program~~  
21 ~~participants to:~~ For purposes of this Part, "community action agency" means an  
22 entity which was previously designated on the day before the enactment of the Coats  
23 Human Services Reauthorization Act of 1998 or is designated by the chief executive  
24 officer of this state, pursuant to Section 676A of the Community Services Block  
25 Grant Act and has a tripartite board as described in R.S. 23: 64.1 or other mechanism  
26 as defined by the Community Services Block Grant Act.

27 B. Louisiana Works shall be the designated lead agency for the purposes of  
28 carrying out state activities as provided for in the Community Services Block Grant

1 Act. Louisiana Works shall develop a state plan with assurances that funds made  
2 available to community action agencies shall be used to do all of the following:

- 3 (1) Secure and retain meaningful employment.
- 4 (2) Attain an adequate education.
- 5 (3) Make better use of available income.
- 6 (4) Secure and maintain adequate housing.
- 7 ~~(5) Undertake family planning consistent with personal and family goals, and~~
- 8 ~~religious and moral convictions.~~
- 9 ~~(6) Obtain services for the prevention and treatment of habit forming~~
- 10 ~~chemicals and substances, and for rehabilitation services, where needed.~~
- 11 ~~(7) (5) Obtain emergency assistance through loans or grants to meet~~
- 12 ~~immediate and urgent individual and family needs, including health services,~~
- 13 ~~nutritious foods, housing, employment, and related assistance.~~
- 14 ~~(8) Achieve greater participation in the affairs of the community.~~
- 15 ~~(9) Be informed of and obtain income substitutes.~~
- 16 ~~(10) (6) Make more frequent and effective use of other programs, public and~~
- 17 ~~private, that offer services related to the purpose of this Part.~~

18 B: C. As may be determined necessary or at the request of a legislator or  
19 legislative delegation representing a district or districts in which the community  
20 action agency provides services, the Joint Legislative Committee on the Budget may  
21 direct Louisiana Works, the appropriate state funding agency, or the legislative fiscal  
22 office to conduct evaluations of community action agencies providing services ~~under~~  
23 pursuant to the provisions of this Part. ~~Such~~ The evaluations may involve specific  
24 programs or encompass the entire range of activities, including administration, of  
25 any community action agency. ~~Such~~ The evaluations shall be transmitted to the local  
26 governing authority, the appropriate legislative delegation, the department, the  
27 Senate Committee on Local and Municipal Affairs, the House Committee on  
28 Municipal, Parochial and Cultural Affairs, and the Joint Legislative Committee on  
29 the Budget.

1           ~~€. D.~~ A community action agency shall:

2           (1) Compile information and data which reflects the needs of low income  
3 individuals in the geographical area served by the agency and identify the extent to  
4 which those needs are unmet by public and private agencies serving the area.

5           (2) Develop and implement programs and projects designed to serve unmet  
6 needs of individuals with low income and provide for maximum feasible  
7 participation in these programs and projects by eligible individuals.

8           (3) Establish procedures and adopt rules which enable area residents to  
9 influence the characters of services provided by community action agencies.

10          (4) Join with and encourage private organizations to undertake activities in  
11 support of the community action program that will result in additional use of private  
12 resources and capabilities in accomplishing the purposes of this Part.

13          (5) ~~Provide technical assistance to public and private agencies engaged in~~  
14 ~~activities related to the community action program to enable them to seek out,~~  
15 ~~secure, and administer public and private funds available for their activities.~~

16          ~~(6)~~ Provide other services that are determined by Louisiana Works to be  
17 consistent with the purposes of this Part. The department shall establish these  
18 requirements in accordance with the Administrative Procedure Act, R.S. 49:950 et  
19 seq.

20          ~~Đ. E.~~ Each community action agency must prepare and submit annually to  
21 Louisiana Works, ~~the Senate Committee on Local and Municipal Affairs, the House~~  
22 ~~Committee on Municipal, Parochial and Cultural Affairs, and the Joint Legislative~~  
23 ~~Committee on the Budget, not later than sixty days prior to the end of the applicable~~  
24 ~~fiscal year period used by the community action agency, a budget document which~~  
25 shall present a complete financial plan for the ensuing fiscal year period which has  
26 been approved and adopted by the community action agency's governing ~~board~~ body.  
27 The chief administrative officer of the community action agency shall be responsible  
28 for the preparation of the budget document, which shall include ~~at a minimum the~~  
29 ~~following:~~

1           (1) ~~A budget message signed by the chief administrative officer which shall~~  
2           ~~present a summary description of the proposed financial plan, policies, and~~  
3           ~~objectives.~~

4           (2) ~~A~~ a detailed and comprehensive breakdown of all programs administered  
5           with CSBG funds, ~~estimates of all grants and funds received~~, estimates of  
6           expenditures itemized by function and object, administrative costs incurred, and  
7           contractual services secured, all reported for ~~both the current and succeeding fiscal~~  
8           ~~year~~ grant periods. The budget document shall also include a complete listing of all  
9           employees and their classifications and salary levels, including any related fringe  
10          benefits and shall be signed by the secretary or his designee.

11          E. F. Louisiana Works or the appropriate funding agency shall impose, by  
12          rules and regulations, ~~such~~ any requirements and restrictions upon the execution of  
13          community action agency budgets which provide for sound fiscal management,  
14          internal controls, budgetary compliance, and overall fiscal accountability. These  
15          shall, at a minimum, provide for quarterly reporting of actual revenue receipts and  
16          expenditures, new or supplementary grants of funds, and all other deviations from  
17          the original budget submission. ~~The departments shall report to the Senate~~  
18          ~~Committee on Local and Municipal Affairs, the House Committee on Municipal,~~  
19          ~~Parochial and Cultural Affairs, and the Joint Legislative Committee on the Budget~~  
20          ~~instances identified wherein a community action agency's operations have not~~  
21          ~~complied with the requirements of this Section.~~

22          §64.1. Governing Tripartite board

23          A. Each community action agency ~~or private nonprofit organization~~ shall  
24          administer its programs through a governing board which shall consist of ~~from~~ a  
25          minimum of fifteen to a maximum of thirty-one members who shall be selected by  
26          the community action agency ~~or private nonprofit organization~~. Agencies that are  
27          serving parishes meeting the definition of rural areas as defined in R.S. 3:313 and  
28          receiving an annual Community Service Block Grant allocation of less than eighty  
29          thousand and one cent may petition Louisiana Works for a downward exception to

1 the minimum number of board members required. For community action agencies  
2 meeting this distinction, the board shall consist of a minimum of nine to a maximum  
3 of thirty-one members. Boards requesting this exception shall make a written  
4 request to Louisiana Works no less than one hundred eighty days prior to the desired  
5 effective date. Each board will be constituted so as to assure that:

6 \* \* \*

7 (2) ~~At least~~ No fewer than one-third of the members of the governing board  
8 shall be individuals with low income who reside in the area to be served by the  
9 agency, or representatives of those individuals. Persons representing individuals  
10 with low income need not themselves have incomes below the level established by  
11 Louisiana Works for purposes of this Part; however, these representatives must  
12 reside in the same geographic area as the individuals they represent and must be  
13 chosen in accordance with democratic selection procedures adequate to assure that  
14 they are representatives of the ~~poor~~ low income in the area served.

15 \* \* \*

16 B. Each local governing authority or public agency designated as a  
17 community action agency shall establish an advisory board, with advisory powers  
18 only, ~~that shall consist of fifteen to thirty-one members~~ which shall be constituted  
19 to assure ~~that~~ both of the following:

20 (1) At least one-third of the members are persons chosen from the area  
21 served in accordance with democratic selection procedures adequate to assure that  
22 they are representative of the ~~poor~~ low-income individuals and families in the area  
23 served; ~~or.~~

24 \* \* \*

25 §76. Forecasting

26 \* \* \*

27 C.

28 \* \* \*

1 (4) The principals of the conference shall be as follows:

2 \* \* \*

3 (f) Two members, each of whom shall be a faculty member of a public or  
4 private university or college in Louisiana, who shall be ~~econometricians~~ economists  
5 and have occupational forecasting expertise or expertise in economic planning and  
6 ~~industry/occupation~~ industry-occupation matrix formulation, to be selected by the  
7 other five principals of the conference from a list of not less than three nor more than  
8 five nominees submitted by the secretary of Louisiana Board of Regents Works.

9 \* \* \*

10 (i) One member selected by the governor from a list of three nominees  
11 submitted by the Louisiana Minority Supplier Development Council Chamber of  
12 Commerce Foundation.

13 \* \* \*

14 §382. Apprenticeship council

15 A. The secretary shall appoint an apprenticeship council, composed of three  
16 representatives each from employer and employee organizations respectively, and  
17 of two representatives of the general public. The three employer representatives shall  
18 be selected from lists supplied by employer organizations which are participating in  
19 bona fide apprenticeship programs. The three employee representatives may be  
20 representatives of labor organizations, who have been nominated by state labor  
21 federations. The state official in charge of trade and industrial education shall, ex  
22 officio, be a member of the council. Each member shall be appointed for a term of  
23 three years. Any member appointed to fill a vacancy occurring prior to the expiration  
24 of the term of his predecessor shall be appointed for the remainder of the term. Each  
25 member may appoint a designee to serve in his stead. Each member who desires to  
26 have a designee shall provide written notice to the secretary for approval. The written  
27 notice shall name the individual who shall be the official designee until the member  
28 or the secretary revokes the designation. Designees in a representative capacity may  
29 participate and vote in council meetings. Each member of the council not otherwise

1 compensated by public monies, shall be reimbursed for transportation and shall be  
2 paid thirty-five dollars per day for each day spent in attendance at meetings of the  
3 apprenticeship council.

4 B.(1) The apprenticeship council shall meet at the call of the secretary or the  
5 director of apprenticeship and shall aid in formulating policies for the effective  
6 administration of this Chapter. Subject to the approval of the secretary, the  
7 apprenticeship council ~~may~~ shall do all of the following:

8 (a) ~~recommend~~ Recommend standards and procedures for registration and  
9 de-registration of apprenticeship programs in conformity with established programs  
10 approved by the United States Department of Labor, Office of Apprenticeship, ~~and~~

11 (b) Recommend, for approval, ~~for approval of~~ apprenticeship agreements  
12 which in no case shall be lower than those prescribed by this Chapter and by the  
13 United States Department of Labor, Office of Apprenticeship, or lower than  
14 approved national standards; ~~shall issue such.~~

15 (c) Recommend rules and regulations as may be necessary to carry out the  
16 intent and purposes thereof; ~~and shall.~~

17 (d) ~~perform such~~ Perform other functions as the secretary may direct.

18 (2) Not less than once a year the apprenticeship council shall make a report,  
19 through the secretary, of its activities and findings to the legislature and to the public.

20 \* \* \*

21 §384. Powers and duties of director

22 A. The director, under the supervision of the secretary and with the advice  
23 and guidance of the apprenticeship council, is authorized to administer the provisions  
24 of this Chapter. The director shall, ~~in cooperation with~~ advice from the  
25 apprenticeship council, set up conditions and training standards for apprentice  
26 agreements, which shall in no case be lower than those prescribed by this Chapter  
27 and by the United States Department of Labor, Office of Apprenticeship, or lower  
28 than approved national standards.

29 \* \* \*

1 §385. Apprenticeship programs; registration and function

2 \* \* \*

3 B. An apprenticeship program shall be registered in any ~~trade~~ occupation or  
4 group of ~~trades~~ occupations in accordance with this Chapter and with the standards  
5 of United States Department of Labor, Office of Apprenticeship. An apprenticeship  
6 program shall cooperate with educational authorities in regard to the education of  
7 apprentices; shall establish a schedule of operations; shall establish wage rates and  
8 working conditions for apprentices; shall specify the ratio of apprentices to journey  
9 workers employed in any ~~trade~~ occupation in accordance with this Chapter and the  
10 United States Department of Labor, Office of Apprenticeship; and shall adjust  
11 apprenticeship disputes.

12 \* \* \*

13 §390. Settlement of controversies or complaints

14 \* \* \*

15 C. Upon the complaint of any interested person or upon his own initiative,  
16 the director of apprenticeship may investigate to determine if there has been a  
17 violation of the terms of an apprenticeship agreement made ~~under~~ pursuant to this  
18 Chapter and hold hearings, inquiries, and other proceedings necessary to ~~such~~ the  
19 investigations and determination. The director of apprenticeship shall investigate  
20 programs only as necessary to establish compliance, and then only upon proper  
21 notice. The parties to ~~such~~ the agreement shall be given a fair and impartial hearing,  
22 after reasonable notice thereof. All hearings, investigations, and determinations shall  
23 be made under authority of reasonable rules and procedure prescribed by the  
24 secretary with advice from the apprenticeship council, ~~subject to the approval of the~~  
25 secretary.

26 \* \* \*

1 §1123. Disputes as to condition or capacity to work; additional medical opinion  
2 regarding an examination under supervision of the secretary

3 If any dispute arises between two physicians as to the condition of the  
4 employee, or the employee's capacity to work, the assistant secretary, upon  
5 application of any party, shall order an additional medical opinion regarding an  
6 examination of the employee to be made by a medical practitioner selected and  
7 appointed by the assistant secretary. The medical examiner shall report his  
8 conclusions from the examination to the assistant secretary and to the parties and  
9 ~~such~~ the report shall be prima facie evidence of the facts therein stated in any  
10 subsequent proceedings ~~under~~ pursuant to this Chapter.

11 \* \* \*

12 §1178. Cost containment meeting; incentive discount

13 A. The office shall develop and implement informational cost containment  
14 meetings for all employers, upon request, on the target list compiled pursuant to R.S.  
15 23:1177 that shall, at a minimum:

16 \* \* \*

17 B. The office shall inform all eligible employers on the target list ~~of the dates~~  
18 ~~and locations~~ of the opportunity to schedule cost containment meetings ~~to be held in~~  
19 ~~areas throughout the state, as determined by the office.~~ The employers shall be  
20 informed that if a designated representative from the company attends the meeting,  
21 the company will be granted a reduction in its experience modifier at the rate  
22 determined in R.S. 23:1179(B).

23 \* \* \*

24 E. ~~Procedures to establish proof of attendance of a cost containment meeting~~  
25 ~~by designated representatives of eligible employers shall be established by rule by~~  
26 ~~the office.~~ Employers who would otherwise be eligible shall be allowed to requalify  
27 for this reduction only once every four years.

28 \* \* \*

1 §1310.3. Initiation of claims; voluntary mediation; procedure

2 A. A claim for benefits, the controversion of entitlement to benefits, or other  
3 relief ~~under~~ pursuant to the Workers' Compensation Act shall be initiated by the  
4 filing of the appropriate form with the office of workers' compensation  
5 administration. Mailing, facsimile transmission, or electronic transmission of the  
6 form and payment of the filing fee within ~~five~~ seven days of any ~~such~~ mailing or  
7 transmission constitutes the initiation of a claim ~~under~~ pursuant to R.S. 23:1209.

8 \* \* \*

9 §1372. Louisiana Workers' Compensation Second Injury Board; creation, domicile,  
10 membership

11 The Louisiana Workers' Compensation Second Injury Board, hereinafter referred to  
12 as the board, is created. The board, which shall be domiciled in Baton Rouge,  
13 Louisiana, shall be composed of five members or their designee, who shall be the  
14 secretary of state, the state treasurer, the commissioner of insurance, the secretary of  
15 the Louisiana Department of Health ~~Children and Family Services~~, and the assistant  
16 secretary of the office of workers' compensation administration.

17 \* \* \*

18 §1378. Determination of liability of fund

19 A.

20 \* \* \*

21 (2) No employer or insurer shall be entitled to reimbursement unless it is  
22 clearly established that the employer had actual knowledge of the employee's  
23 preexisting permanent partial disability prior to the subsequent injury. For injuries  
24 occurring after December 31, 2010, actual knowledge shall be established only by  
25 any one of the following circumstances:

26 \* \* \*

27 (c) The employer employs, retains, or re-employs ~~employees from the an~~  
28 employee with a PPD ~~employee registry maintained by Louisiana Works and which~~

1 ~~is created and maintained in accordance with rules promulgated by the office of~~  
2 ~~workers' compensation.~~

3 \* \* \*

4 E. Written notice of the decision of the board shall be given to all parties to  
5 the hearing and the representatives designated by the party on the reimbursement  
6 form submitted to the board. The decision of the board shall be final; however, an  
7 appeal therefrom may be taken by any of the parties within thirty days after the date  
8 of the decision of the board. If an appeal is taken, the board shall be made party  
9 defendant, and service and citation shall be made in accordance with applicable law  
10 upon the attorney general or one of his assistants and the assistant secretary of the  
11 office of workers' compensation within Louisiana Works. The appeal shall be to the  
12 Nineteenth Judicial District Court, parish of East Baton Rouge. All appeals in all  
13 ~~such~~ cases shall be tried de novo.

14 \* \* \*

15 §1538. Payroll reports; failure of employer to file; incorrect reports; determination  
16 of rates

17 A.(1) If the administrator finds that any employer has failed to file any  
18 payroll report or has filed a report which the administrator finds incorrect or  
19 insufficient, the administrator may make an estimate of the information required  
20 from the employer on the basis of the best evidence reasonably available to him at  
21 the time, and notify the employer ~~thereof by registered mail addressed to his last~~  
22 ~~known address~~ by mail or electronic delivery to the last known address or electronic  
23 contact information on record. Unless the employer files the report or a corrected or  
24 sufficient report, as the case may be, no later than twenty days after the ~~mailing of~~  
25 ~~the notice~~ date of notification, the administrator may compute ~~such~~ the employer's  
26 rate of contribution on the basis of ~~such~~ the estimates, and the rate so determined  
27 shall be subject to increase or decrease on the basis of subsequently ascertained  
28 information.

29 \* \* \*

1 §1541. Notice of benefits charged against employer's experience rating record;  
2 employer's right to contest; application for review; procedure

3 A. The administrator shall, not later than ninety days after the close of each  
4 calendar quarter, render a statement to each employer of benefits paid each  
5 individual and charged to his experience-rating record. These benefit charges are  
6 conclusive and binding upon the employer unless he files an application to review  
7 the charges setting forth his reasons therefor within thirty days after the ~~mailing of~~  
8 ~~the notice~~ date the notification is sent to his last known address or electronic contact  
9 information on record.

10 \* \* \*

11 E. The administrator shall notify each employer, no later than December  
12 thirty-first of each year, of his rate of contribution for the forthcoming calendar year  
13 as determined for any relevant experience-rating year pursuant to this Part. This  
14 determination shall be conclusive and binding upon an employer unless within thirty  
15 days after the ~~mailing of notice hereof to his last known address~~ date the notification  
16 is delivered to the employer's last known address or electronic contact information  
17 on record the employer files an application for review and redetermination, setting  
18 forth his reasons ~~therefor~~. If the administrator grants ~~such~~ the review, the employer  
19 shall be promptly notified ~~thereof~~ and shall be granted an opportunity for a fair  
20 hearing, but no employer shall have standing, in any proceeding involving his rate  
21 of contribution or contribution liability, to contest the chargeability of any benefits  
22 to his experience-rating record as to cases wherein he has previously been notified  
23 and had an opportunity for hearing, review, and appeal. The employer shall be  
24 promptly notified of the administrator's action which shall become final unless,  
25 within thirty days after the ~~mailing of notice thereof~~ date the notification is delivered  
26 to his last known address or electronic contact information on record, a petition for  
27 judicial review is filed in the district court of employer's domicile. In any proceeding  
28 ~~under this provided for in this~~ Subsection, the findings of the administrator as to facts  
29 shall be presumed to be prima facie correct if supported by substantial and competent

1 evidence. These proceedings shall be heard in a summary manner and shall be given  
2 precedence over all other civil cases except cases arising ~~under~~ pursuant to Part VI  
3 of this Chapter and Chapter 10 of this Title. An appeal may be taken from the  
4 decision of the district court in the same manner, but not inconsistent with the  
5 provisions of this Chapter as in other civil cases.

6 F.(1) Within thirty days after the ~~mailing~~ date the notification is delivered  
7 to his last known address or electronic contact information on record, the employer  
8 may contribute any amount to his experience-rating account.

9 \* \* \*

10 §1541.1. Notice of chargeability of benefits to base-period employers; employer's  
11 right to contest; appeals; procedure

12 A. The administrator shall issue, upon the commencement of payment of a  
13 claim, a determination of chargeability of benefits to base-period employers. The  
14 determination shall be conclusive and binding upon any ~~such~~ base-period employer  
15 unless he files an appeal, setting forth his reasons within thirty days after the date of  
16 ~~mailing~~ notification of any ~~such~~ determination. Legal holidays and days on which  
17 the agency is closed shall serve to extend the delay periods. Except as otherwise  
18 provided in this Chapter, an appeal shall be considered timely if the appeal is filed  
19 during the benefit year in which the determination was issued and the failure to file  
20 a timely appeal was the result of an administrative error or a physical inability of the  
21 party filing the appeal. The party filing the appeal shall provide competent evidence  
22 regarding the administrative error or physical inability. Any appeal filed after the  
23 benefit year shall not be considered timely. This Subsection shall not apply if a court  
24 ruling is issued before the appeal is filed.

25 B. If appealed, then upon being given the opportunity to be heard, the  
26 employer shall be promptly notified of the administrative law judge's action, which  
27 shall be final unless the employer files a petition for judicial review in the ~~state~~  
28 judicial district court of the employer's domicile within thirty days of the date of  
29 ~~mailing~~ notification of an ~~such~~ action. In any court proceeding ~~under~~ pursuant to this

1 Subsection, the findings of the administrative law judge as to facts shall be presumed  
 2 to be prima facie correct, if supported by substantial and competent evidence. These  
 3 proceedings shall be heard in summary manner and shall be given precedence over  
 4 all other civil cases, except cases arising ~~under~~ pursuant to Part VI of this Chapter  
 5 or Chapter 10 of this Title. An appeal may be further taken from the decision of the  
 6 ~~state~~ judicial district court in the same manner, but not inconsistent with the  
 7 provisions of this Chapter, as provided in other civil cases.

8 \* \* \*

9 §1593. Weekly benefits payable; deduction of earnings

10 An eligible individual who is employed in any week shall be paid with  
 11 respect to such week a benefit equal to his weekly benefit amount less any wages  
 12 payable to him with respect to such week in excess of fifty percent of his current  
 13 weekly benefit amount, ~~or fifty dollars, whichever is lower.~~ This benefit, if not a  
 14 multiple of one dollar, shall be computed to the nearest multiple of one dollar.

15 \* \* \*

16 §1595. Duration of benefits

17 \* \* \*

18 B.(1) The maximum number of weekly benefits that a claimant may be  
 19 eligible for in a benefit year shall ~~depend on the average of the three most recently~~  
 20 ~~published state seasonally adjusted unemployment rates preceding the month in~~  
 21 ~~which the claimant files his first claim for benefits~~ be determined semi-annually,  
 22 based on the average of the three most recently published state seasonally adjusted  
 23 unemployment rates available prior to January first and July first of each calendar  
 24 year. A claimant filing an initial claim for benefits between January first and June  
 25 thirtieth shall be subject to the maximum duration determined based on the average  
 26 unemployment rate preceding January first. A claimant filing an initial claim  
 27 between July first and December thirty-first shall be subject to the maximum  
 28 duration determined based on the average unemployment rate preceding July first.

29 \* \* \*



1 commission of the fraudulent act and continuing until the benefits so obtained plus  
2 any penalty imposed in accordance with R.S. 23:1714 are repaid, or ~~until ten years~~  
3 ~~have elapsed from the date of disqualification~~ the claim for repayment has  
4 prescribed, whichever comes first.

5 (b) All benefits paid with respect to such weeks shall be immediately due  
6 and on demand paid in accordance with department regulations to the administrator  
7 for the fund, and ~~such~~ the individual shall not be entitled to further benefits until  
8 repayment has been made or the claim for repayment has prescribed. If information  
9 indicating that a claimant has earned any unreported wages for weeks claimed is  
10 obtained by the administrator, prior to the administrator rendering a determination  
11 on the issue, the claimant shall be notified by mail or other delivery method,  
12 including electronic delivery. The claimant shall have seven days from the date of  
13 mailing to respond, or if notice is not by mail, then the claimant shall have seven  
14 days from the delivery date of ~~such~~ the notice to respond as directed by the  
15 department.

16 \* \* \*

17 §1624. Monetary determination and notice of claim

18 ~~An agent designated by the administrator shall take the claim.~~ A  
19 determination of eligibility made on the basis of base period wage credits shall be  
20 made promptly and shall include a statement as to whether benefits are payable, the  
21 week with respect to which benefits shall commence, the weekly benefit amount  
22 payable and the maximum duration of benefits. Within thirty days of the date the  
23 claim was filed, notice of this monetary determination shall be mailed or  
24 electronically delivered to the claimant and, if the claimant is eligible, to the last  
25 employer or employing unit and to all of the base period employers or mailed to their  
26 last known address or electronic contact information on record. For any  
27 determination that begins a statutory period for appeal, protest, or other action,  
28 delivery by mail or electronic transmission shall satisfy the notice requirements.  
29 Delivery, whether mailed or electronically transmitted, shall be deemed complete on

1 the date shown on the notice. Delivery to the last known address or electronic  
2 contact information on record shall constitute sufficient notice.

3 \* \* \*

4 §1625. Notice of determination on claims

5 If a disqualification is alleged, or appears to exist, notice of the determination  
6 together with the reasons therefor shall be promptly delivered to the claimant and to  
7 the employer from whose employment the disqualification issue arose ~~or mailed to~~  
8 using their the last known address or electronic contact information on record. For  
9 any determination that begins a statutory period for appeal, protest, or other action,  
10 delivery by mail or electronic transmission shall satisfy the notice requirements.  
11 Delivery, whether mailed or electronically transmitted, shall be deemed complete on  
12 the date shown on the notice. Delivery to the last known address or electronic  
13 contact information on record shall constitute sufficient notice.

14 \* \* \*

15 §1626. Redetermination; notice

16 \* \* \*

17 B. The administrator may reconsider a nonmonetary determination whenever  
18 he finds that benefits have been allowed or denied on the basis of misrepresentation  
19 or that an error in interpretation of fact or application of law has occurred or  
20 whenever either of the parties entitled to notice of determination as specified in R.S.  
21 23:1625 protests the decision within fifteen days from the date of the determination.  
22 Legal holidays and days on which the agency is closed shall serve to extend the  
23 delay period. The administrator shall make findings and conclusions and on the  
24 basis thereof affirm, modify, or reverse the determination. Notice of ~~such~~ the  
25 redetermination shall be promptly given to the parties specified in R.S. 23:1625. If  
26 the administrator finds that the evidence at hand does not justify redetermination of  
27 a protested determination, he may, upon notification of the parties specified in R.S.  
28 23:1625, transfer the protest, without further determination, to the appeal referee for  
29 appeal proceedings. In the event that an appeal involving an original determination

1 is pending at the time a redetermination is issued, the appeal, unless withdrawn, shall  
2 be treated as an appeal from the redetermination.

3 C. Furthermore, the administrator shall reconsider a final determination or  
4 decision to pay benefits whenever he finds that ~~such~~ the determination or decision  
5 may have been improper based upon a subsequent event relative to the claimant's  
6 separation from employment, including a conviction or an admission of guilt or  
7 complicity to avoid or minimize judicial penalty which would indicate that the award  
8 of benefits may have been improper. The administrator shall promptly issue a notice  
9 of ~~such~~ the redetermination as provided by R.S. 23:1625. Legal holidays and days  
10 on which the department is closed shall serve to extend the delay periods. The  
11 administrator shall make findings and conclusions and on the basis thereof affirm,  
12 modify, or reverse the determination or decision. Any party to ~~such~~ the  
13 redetermination may file an appeal ~~therefrom~~ pursuant to R.S. 23:1629. Should a  
14 redetermination denying the award of benefits become final, ~~such~~ the benefits  
15 improperly paid shall be recoverable as provided by R.S. 23:1713. Any ~~such~~  
16 redetermination shall be made within five years of the original award.

17 §1627. Determination in labor dispute cases

18 Whenever any claim involves the application of the provisions of R.S.  
19 23:1601(4) the individual handling the claim shall, if so directed by the  
20 administrator, promptly transmit all the evidence with respect to ~~such~~ the case to the  
21 administrator. The administrator or the representatives he may designate shall, on  
22 the basis of the evidence submitted and ~~such~~ the additional evidence as he may  
23 require, make a determination with respect thereto. ~~Such~~ The determination shall be  
24 the final decision on the claim, unless within fifteen days after the date notification  
25 ~~was given or was mailed~~ or electronically delivered to a party's last known address  
26 or electronic contact information on record, an appeal is filed with an appeal referee.

27 \* \* \*

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 §1629. Appeals to appeal referee; time for filing; notice of hearing and decision

2 A.(1) Within fifteen days after the date of notification of a determination was  
3 ~~given or was mailed to his last known address~~, the claimant or any other party  
4 entitled to notice of a determination may file an appeal ~~from such determination~~ with  
5 an appeal referee ~~either by mailing such appeal, as evidenced by the postmarked~~  
6 ~~date, or by delivering such appeal~~ by mail or other methods prescribed by the  
7 department. Legal holidays and days on which the department is closed shall serve  
8 to extend the delay periods. The appeal referee shall ~~mail~~ provide a "notice to appear  
9 for a hearing" to all parties to the appeal at least seven days prior to the date of  
10 hearing. The notice shall be sent by mail unless the party has consented to  
11 electronic delivery. ~~and copies~~ Copies of the statements by the claimant and  
12 employer, which were used in the appealed determination, shall be sent ~~with such~~  
13 ~~notice if requested~~ to the parties if the request is received at least two business days  
14 prior to the scheduled hearing.

15 (2)(a) A party to an appeal may expressly waive the seven-day advance  
16 notice requirement ~~by written waiver executed after the appeal has been filed.~~

17 (b) ~~A copy of the written waiver shall be included in the record.~~

18 (3) Nothing in this Section shall ~~be construed to dispense with the~~  
19 ~~requirement that a "notice to appear for hearing" be mailed~~ prevent the department  
20 from providing a notice to appear for a hearing by mail, or with the party's consent,  
21 by electronic delivery.

22 (4) Except as otherwise provided in this Chapter, an appeal shall be  
23 considered timely if the appeal is filed during the benefit year in which the  
24 determination was issued and the failure to file a timely appeal was the result of an  
25 administrative error or a physical inability of the party filing the appeal. The party  
26 filing the appeal shall provide competent evidence regarding the administrative error  
27 or physical inability. Any appeal filed after the benefit year shall not be considered

1 timely. This Paragraph shall not apply if a court ruling is issued before the appeal  
2 is filed.

3 \* \* \*

4 §1630. Review of decision by board of review; notice of board's decision

5 A. The board of review may on its own motion, within fifteen days after the  
6 date of notification ~~or of mailing~~ of a decision of an appeal referee, initiate a review  
7 of ~~such the~~ the decision. The board of review may otherwise allow ~~an appeal from such~~  
8 ~~decision to be filed,~~ any party entitled to notice of a decision to file an appeal by mail  
9 or any other methods prescribed by the department within fifteen days after the date  
10 of notification ~~or of mailing~~ of a decision of an appeal referee, ~~by any party entitled~~  
11 ~~to notice of such decision, if such appeal is either mailed, as evidenced by the~~  
12 ~~postmarked date, or is delivered by any such party.~~ An appeal filed by any such  
13 party shall be allowed as of right if ~~such the~~ the decision was not unanimous, or if the  
14 determination was not affirmed by the appeal referee. Legal holidays and days on  
15 which the agency is closed shall serve to extend the delay periods. Upon review on  
16 its own motion or upon appeal, the board of review may, on the basis of the evidence  
17 previously submitted in ~~such the~~ the case, or upon the basis of ~~such any~~ any additional  
18 evidence as it may direct be taken, affirm, modify, or reverse the findings and  
19 conclusions of the appeal referee. The board of review may remove to itself or  
20 transfer to another appeal referee the proceedings on any claims pending before an  
21 appeal referee. Any proceedings so removed to the board of review prior to the  
22 completion of a fair hearing shall be heard by the board of review in accordance with  
23 the requirements of this Chapter with respect to proceedings before an appeal  
24 referee.

25 B. The board of review shall make a determination and notify all parties of  
26 its decision, including its findings and conclusions in support thereof, within sixty  
27 days from the date an appeal is received or initiated by the board. Notices shall be  
28 mailed to the party's last known address unless the party has consented to electronic  
29 delivery, in which case the notice may be transmitted electronically to the contact

1 information on record. Should the board of review, within sixty days from the date  
 2 an appeal is received or initiated, direct that additional evidence be taken, the board  
 3 of review shall make a determination and notify all parties of its decision, including  
 4 its findings and conclusions in support thereof, within sixty days from the date it  
 5 receives the additional evidence. ~~Such~~ The decision shall be final unless, within  
 6 fifteen days after ~~the mailing of notice thereof~~ the date of notification of the board's  
 7 decision to the party's last known address, ~~or, in the absence of such mailing, within~~  
 8 ~~fifteen days after the delivery of such notice~~ or electronic contact information on  
 9 record, a proceeding for judicial review is initiated pursuant to R.S. 23:1634. Upon  
 10 denial by the board of review of an application for appeal from the decision of an  
 11 appeal referee, the decision of the appeal referee shall be deemed to be a decision of  
 12 the board of review within the meaning of this Section for purposes of judicial  
 13 review and shall be subject to judicial review within the time and in the manner  
 14 provided for with respect to decision of the board of review, except that the time for  
 15 initiating ~~such~~ a review shall run from the date of notice of the order of the board of  
 16 review denying the application for appeal.

17 C. Except as otherwise provided for in this Chapter, an appeal shall be  
 18 considered timely if the appeal is filed during the benefit year in which the  
 19 determination was issued and the failure to file a timely appeal was the result of an  
 20 administrative error or a physical inability of the party filing the appeal. The party  
 21 filing the appeal shall provide competent evidence regarding the administrative error  
 22 or physical inability. Any appeal filed after the benefit year shall not be considered  
 23 timely. This Subsection shall not apply if a court ruling is issued before the appeal  
 24 is filed.

25 \* \* \*

26 §1714. Penalties

27 A. A civil penalty shall be assessed if benefits are determined to have been  
 28 overpaid as a result of a fraud disqualification made pursuant to R.S. 23:1601(8) in  
 29 the amount of ~~twenty dollars or twenty-five percent, whichever is greater,~~ fifty



1 Section 2. R.S. 36:301(C)(1) is hereby amended and reenacted as follows:

2 §301. Louisiana Works; creation; domicile; composition; purposes and functions

3 \* \* \*

4 C.(1) Louisiana Works shall be composed of ~~the executive office of the~~  
5 ~~secretary~~; the office of management and finance, the office of workforce  
6 development, the office of unemployment insurance administration, the office of  
7 workers' compensation administration, and ~~such~~ any other offices as shall be created  
8 by law. The Louisiana Workforce Investment Council, as more specifically provided  
9 in R.S. 23:2042 et seq., shall be placed within the ~~executive office of the secretary~~  
10 office of management and finance under the purview of the secretary.

11 \* \* \*

12 Section 3. Part II of Chapter 1 of Title 23 of the Louisiana Revised Statutes of 1950,  
13 comprised of R.S. 23:41 through 49, 1178(D), 1226(C)(2), and 1601(10)(b) are hereby  
14 repealed in their entirety.

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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)]

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HB 923 Reengrossed                      2026 Regular Session                      Berault

**Abstract:** Provides relative to the continuous of technical corrections and revisions of provision of Title 23 of the La. Revised Statutes of 1950.

Proposed law provides legislative intent to provide a comprehensive, streamlined social services and workforce delivery system that incorporates integrated case management models for customers and their families served by multiple departments and programs.

Proposed law defines "integrated case management", "integrated service plan", and "service integration".

Present law provides that the provisions of present law are intended to maximize community participation in the administration and implementation of programs designed to develop employment opportunities for individuals with low income and to ameliorate the impact of the income level on their physical and mental well-being.

Proposed law instead provides that the provisions of present law are intended to assist local communities by working through a network of community action agencies to support employment in order to reduce poverty, revitalize low-income communities, and stabilize low-income families and individuals in rural and urban areas to become fully self-sufficient.

Present law provides that to accomplish this purpose, the legislature enacts present law for the purpose of establishing a procedure for the designation of community action agencies; fixing the responsibilities of community action agencies; defining community action programs; and establishing a formula for the allocation of community service block grant funds.

Proposed law retains present law.

Proposed law amends the definitions of "community action agency", "community action program", "low income", and "One Door".

Present law requires the parish governing authority to annually designate a community action agency to administer the applicable provisions of present law.

Present law requires that, prior to the designation, the parish governing authority conduct a public hearing after giving public notice of its intention to designate an agency.

Proposed law repeals present law.

Present law requires the public hearing to include an evaluation of the administrative and programmatic capabilities of the agency or agencies under consideration for designation as the community action agency for the area. Present law also requires consideration of previous accomplishments of the agency or agencies under consideration for designation.

Proposed law repeals present law.

Proposed law defines a community action agency as an entity which was previously designated or is designated by federal law, present law and proposed law (R.S. 23:64.1), or other mechanism defined by federal law.

Proposed law states that La. Works shall be the designated lead agency for the purposes of carrying out state activities as provided for in the Community Services Block Grant Act.

Proposed law requires La. Works to develop a state plan with assurances that funds made available to community action agencies shall be used to do any of the following:

- (1) Secure and retain meaningful employment.
- (2) Attain an adequate education.
- (3) Make better use of available income.
- (4) Secure and maintain adequate housing.
- (5) Obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs.
- (6) Make more frequent and effective use of other programs, public and private, that offer services related to the purpose of present law and proposed law.

Present law requires each community action agency or private nonprofit organization to administer its programs through a governing board that shall consist of from a minimum of 15 to a maximum of 31 members who shall be selected by the community action agency or private nonprofit organization.

Proposed law instead requires each community action agency to administer its programs through a governing board which shall consist of a minimum 15 to a maximum of 31 members who shall be selected by the community action agency.

Proposed law allows agencies that are serving parishes and meet the definition of rural areas as defined in present law (R.S. 3:313), and receiving an annual Community Service Block Grant allocation of less than \$80,001 to petition La. Works for a downward exception to the minimum number of board members required.

Proposed law requires the board of community action agencies that meet the aforementioned exception to consist of a minimum of nine to a maximum of 31 members. Proposed law further requires boards that meet this exception to make a written request to La. Works no later than 180 days prior to the desired effective date.

Present law requires the secretary of La. Works to appoint an apprenticeship council, composed of three representatives each from employer and employee organizations respectively and two representatives of the general public.

Proposed law retains present law.

Present law requires the three employer representatives to be selected from lists supplied by employer organizations that are participating in bona fide apprenticeship programs.

Present law provides that the three employee representatives may be representatives of labor organizations, who have been nominated by state labor federations.

Proposed law retains present law.

Present law requires each member to be appointed for a term of three years.

Proposed law retains present law.

Proposed law allows each member to appoint a designee to serve in his stead.

Proposed law requires each member who desires to have a designee to provide written notice to the secretary of La. Works for approval. Proposed law further requires the written notice to name the individual who will be the official designee until the member or the secretary revokes the designation.

Proposed law allows designees to participate and vote in council meetings.

Present law allows reimbursement for transportation and compensation to each member of the council for each day spent in attendance at meetings of the apprenticeship council.

Present law requires an apprenticeship program to be registered in any trade or group of trades in accordance with state and federal law. Present law further requires an apprenticeship program to cooperate with educational authorities in regard to the education of apprentices; to establish a schedule of operations; to establish wage rates and working conditions for apprentices; to specify the ratio of apprentices to journey workers employed in any trade in accordance present law and proposed law; and to adjust apprenticeship disputes.

Proposed law changes references of the word trade to occupation. Proposed law otherwise retains present law.

Present law requires that, if any dispute arises as to the condition of the employee, the assistant secretary of the office of workers' compensation administration (OWCA), upon application of any party, to order an additional medical opinion regarding an examination of the employee to be made by a medical practitioner selected and appointed by the assistant secretary.

Proposed law clarifies that the dispute as one arising between two physicians. Proposed law otherwise retains present law.

Present law requires the medical examiner to report his conclusions from the examination to the assistant secretary of OWCA and to the parties.

Proposed law retains present law.

Present law states that the medical examiner's report shall be prima facie evidence of the facts stated in any subsequent proceeding under present law.

Proposed law retains present law.

Present law requires OWCA to inform all eligible employers on the target list, as provided in present law (R.S. 23:1177), of the dates and locations of cost containment meetings.

Proposed law instead requires OWCA to inform all eligible employers on the target list of the opportunity to schedule cost containment meetings.

Present law provides that the procedures to establish proof of attendance of a cost containment meeting by designated representatives of eligible employers shall be established by rule by the office.

Proposed law repeals present law.

Present law provides that a claim for benefits, the controversion of entitlement to benefits, or other relief pursuant to present law shall be initiated by the filing of the appropriate form with OWCA.

Proposed law retains present law.

Present law provides that mailing, facsimile transmission, or electronic transmission of the form and payment of the filing fee within five days of any mailing or transmission constitutes the initiation of a claim pursuant to present law (R.S. 23:1209).

Proposed law changes the time from five to seven days. Proposed law otherwise retains present law.

Present law requires the La. Workers' Compensation Second Injury Board (the board) to be domiciled in Baton Rouge. Present law further requires the board to be composed of five members or their designees, and that membership shall be made up of the secretary of state, the state treasurer, the commissioner of insurance, the secretary of Dept. of Children and Family Services (DCFS), and the assistant secretary of OWCA.

Proposed law replaces the secretary of DCFS with the secretary of La. Dept. of Health. Proposed law otherwise retains present law.

Present law provides that if the secretary of La. Works finds that any employer has failed to file any payroll report or has filed an incorrect or insufficient report, the secretary may make an estimate of the information required from the employer on the basis of the best evidence reasonably available to him at the time, and notify the employer by registered mail addressed to his last known address.

Proposed law instead requires notification to be sent by mail or electronic delivery to the last known address or electronic contact information on record.

Present law provides that unless the employer files the report or a corrected or sufficient report no later than 20 days after the mailing of the notice, the secretary may compute the

employer's rate of contribution on the basis of the estimates, and the rate so determined shall be subject to increase or decrease on the basis of subsequently ascertained information.

Proposed law changes the reference of mailing the notice to the date of notification. Proposed law otherwise retains present law.

Present law requires the secretary to, no later than 90 days after the close of each calendar quarter, render a statement to each employer of benefits paid to each individual and charged to his experience-rating record.

Proposed law retains present law.

Present law provides that these benefit charges are conclusive and binding upon the employer unless he files an application to review the charges setting forth his reasons within 30 days after the mailing of the notice to his last known address.

Proposed law instead provides that these benefit charges are conclusive and binding upon the employer, unless he files an application to review the charges setting forth his reasons within 30 days after the date the notification is sent to his last known address or electronic contact information on record.

Present law requires the secretary of La. Works to notify each employer, no later than Dec. 31<sup>st</sup> of each year, of his rate of contribution for the forthcoming calendar year as determined for any relevant experience-rating year pursuant to present law.

Proposed law retains present law.

Present law provides that this determination shall be conclusive and binding upon an employer unless, within 30 days after the mailing of notice to his last known address, the employer files an application for review and redetermination setting forth his reasons.

Proposed law instead provides that determination shall be conclusive and binding upon an employer unless, within 30 days after the date the notification is delivered to the employer's last known address or electronic contact information on record, the employer files an application for review and redetermination setting forth his reasons.

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

Proposed law instead provides that the maximum number of weekly benefits that a claimant may be eligible for in a benefit year shall be determined semi-annually, based on the average of the three most recently published state seasonally adjusted unemployment rates available prior to Jan. 1<sup>st</sup> and July 1<sup>st</sup> of each calendar year.

Proposed law further provides that a claimant filing an initial claim for benefits between Jan. 1<sup>st</sup> and June 30<sup>th</sup> shall be subject to the maximum duration determined based on the average unemployment rate preceding Jan. 1<sup>st</sup>.

Proposed law provides that a claimant filing an initial claim between July 1<sup>st</sup> and Dec. 31<sup>st</sup> shall be subject to the maximum duration determined based on the average unemployment rate preceding July 1<sup>st</sup>.

Present law provides that a determination of eligibility made on the basis of base period wage credits shall be made promptly and shall include a statement as to whether benefits are payable, the week with respect to which benefits shall commence, the weekly benefit amount payable, and the maximum duration of benefits.

Proposed law retains present law.

Present law provides that within 30 days of the date the claim was filed, notice of this monetary determination shall be delivered to the claimant and, if the claimant is eligible, to the last employer or employing unit and to all of the base period employers or mailed to their last known address.

Proposed law clarifies that the notice shall be mailed or electronically delivered and also provides that the notice can be sent to the electronic contact information on record. Proposed law otherwise retains present law.

Proposed law provides that for any determination that begins a statutory period for appeal, protest, or other action, delivery by mail or electronic transmission shall satisfy the notice requirements.

Proposed law provides that delivery, whether mailed or electronically transmitted, shall be deemed complete on the date shown on the notice. Proposed law further provides that delivery to the last known address or electronic contact information on record shall constitute sufficient notice.

Present law enforces a civil penalty on an individual who was disqualified for fraudulently overpaid unemployment benefits. Present law provides that the civil penalty shall be in the amount of \$20 or 25%, whichever is greater, of the total overpayment amount.

Proposed law instead changes the penalty to be 50% of the total overpayment amount. Proposed law otherwise retains present law.

Present law provides that La. Works shall be composed of the executive office of the secretary, the office of management and finance, the office of workforce development, the office of unemployment insurance administration, the office of workers' compensation administration, and any other offices as shall be created by law.

Proposed law removes the executive office of the secretary as one of the offices to be maintained inside La. Works. Proposed law otherwise present law.

Present law provides that the La. Workforce Investment Council (the council), as provided in present law (R.S. 23:2042 et seq.), shall be placed within the executive office of the secretary.

Proposed law instead requires the council to be placed within the office of management and finance under the purview of the secretary.

Present law provides for the creation and establishment of the La. State Board of Boiler Inspector Examiners, which shall be placed inside La. Works.

Proposed law repeals present law.

Present law provides that the board shall consist of four members, one of whom shall be the chief inspector of the boiler inspection division, La Works, and the other three shall be special inspectors holding commissions as inspectors of steam boilers issued by the La. Works.

Proposed law repeals present law.

Present law provides that all members of the board of boiler inspector examiners, except the chief inspector, shall be appointed by the secretary, and shall serve at his pleasure, without compensation.

Proposed law repeals present law.

Present law requires the board of boiler inspector examiners to conduct written examinations for all persons desiring to secure certificates of competency and commissions as boiler inspectors in this state. Present law requires the examinations to be held at times and places as may be designated by the board, and designed to test the applicant's knowledge of the construction, installation, maintenance, and repair of steam boilers and their appurtenances.

Proposed law repeals present law.

Present law requires examinations to be given by the board to persons to be employed by any company authorized to insure boilers against explosions in this state, or inspectors of steam boilers employed by the boiler inspection division of La. Works. Present law requires applicants to have no less than three years of experience in the design, construction, or operation of high pressure boilers as a mechanical engineer, steam engineer, boilermaker, or boiler inspector.

Proposed law repeals present law.

Present law provides that individuals who hold certificates of competency as inspectors of steam boilers for states or cities having a standard of examination substantially equal to that of this state, or certificates as inspectors of steam boilers from the National Board of Boiler and Pressure Vessel Inspectors, shall not be required to take the examination.

Proposed law repeals present law.

Present law provides that any person who successfully passes the examination provided in present law (R.S. 23:44 and 23:45) or who holds a certificate of competency as an inspector of boilers for a state or a city that has a standard of examination substantially equal to that of this state, or a certificate as an inspector of boilers from the National Board of Boiler and Pressure Vessel Inspectors, shall be certified to the secretary.

Proposed law repeals present law.

Present law provides that a fee of \$40 shall be charged by the secretary for the issuance of the initial certificate of competency and commission, along with an identification card denoting that the person whose name appears on the certificate has been issued a certificate and is therefore a certified boiler inspector.

Proposed law repeals present law.

Present law provides that a fee of \$20 shall be charged each year for renewal of the identification card. Present law further provides that the fees collected shall be used to cover the cost of the printing, issuing, and handling of all certificates of competency and commission and identification cards, and the fees shall be retained and disbursed by the secretary.

Proposed law repeals present law.

Present law provides that no person shall perform or attempt to perform the work or duties of a boiler inspector, unless he possesses a certificate of competency and commission and a valid identification card signifying possession.

Proposed law repeals present law.

Present law provides a fine of \$100 and no more than \$250, or imprisonment for not less than 30 days, no more than 90 days, for anyone who violates the provisions of present law.

Proposed law repeals present law.

Present law provides that any eligible employer who has been given notice of a cost containment meeting, and fails to attend, shall be fined an amount equaling 2% of the La. workers' compensation premium for the succeeding policy year. Present law further provides that the fine shall be payable to the secretary of La. Works and be remitted to the state treasurer for deposit in the Office of Workers' Compensation Administrative Fund.

Proposed law repeals present law.

Present law provides that prior to the workers' compensation judge adjudicating an injured employee to be permanently and totally disabled, the workers' compensation judge shall determine whether there is reasonable probability that, with appropriate training or education, the injured employee may be rehabilitated to the extent that the employee can achieve suitable gainful employment and whether it is in the best interest of the individual to undertake the training or education.

Proposed law repeals present law.

Present law provides that upon requalification of a claimant's unemployment benefits, the claimant's benefits, as computed pursuant to the provisions of present law (R.S. 23:1592 and R.S. 23:1595), shall be discounted by 50% for the remainder of his benefit year.

Proposed law repeals present law.

(Amends R.S. 23:4, 61, 62, 63, 64.1(A)(intro. para.) and (2) and (B)(intro. para.) and (1), 76(C)(4)(f) and (i), 382(A) and (B), 384(A), 385(B), 390(C), 1123, 1178(A)(intro. para.), (B), and (E), 1310.3(A), 1372, 1378(A)(2)(c) and (E), 1538(A)(1), 1541(A), (E), and (F)(1), 1541.1(A) and (B), 1593, 1595(B)(1) and (C), 1599, 1601(8)(a) and (b), 1624, 1625, 1626(B) and (C), 1627, 1629(A), 1630, 1714(A), 1749.2(A), 2051(A) and R.S. 36:301(C)(1); Adds R.S. 23:1.1; Repeals R.S. 23:41-49, 1178(D), 1226(C)(2), and 1601(10)(b))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Labor and Industrial Relations to the original bill:

1. Make technical changes.