

2016 Regular Session

# ACT No. 463

HOUSE BILL NO. 1142 (Substitute for House Bill No. 941 by Representative Horton)

BY REPRESENTATIVES HORTON, AMEDEE, AND COX

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AN ACT

To amend and reenact R.S. 23:1553(B)(5) through (11) and to enact R.S. 23:1553(B)(12) and 1601(1)(d), relative to unemployment compensation; to provide with respect to the disqualification for benefits; to provide for exceptions; to provide that a resignation in order to relocate pursuant to an order for a permanent change of station is not a disqualifying separation of employment for certain military spouses; to provide with respect to the noncharging of benefits against the experience rating of an employer; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:1553(B)(5) through (11) are hereby amended and reenacted and R.S. 23:1553(B)(12) and 1601(1)(d) are hereby enacted to read as follows:

§1553. Noncharging of benefits; recoupment; social charge account; social charge tax rate

\* \* \*

B.

\* \* \*

(5) Amounts noncharged as a result of the application of R.S. 23:1601(1)(d) relating to the relocation of a military spouse due to a permanent change of station order shall be recouped as a social charge to all employers.

1           (6) Amounts not charged against the experience-rating records of a base-  
 2           period employer pursuant to the provisions of R.S. 23:1533 shall be recouped as a  
 3           social charge to all employers.

4           ~~(6)~~(7) No amounts shall be credited to the Incumbent Worker Training  
 5           Account as provided under R.S. 23:1514 in any calendar year in which the applied  
 6           trust fund balance is less than seven hundred fifty million dollars. Furthermore,  
 7           following any year in which monies are appropriated from the Incumbent Worker  
 8           Training Account for use in the state general fund, such appropriated amount shall  
 9           be subtracted from amounts to be charged pursuant to Paragraphs ~~(7) and (9)~~ (8) and  
 10          (10) of this Subsection.

11          ~~(7)~~(8) Amounts not to exceed twenty million dollars to be credited to the  
 12          Incumbent Worker Training Account to fund the Incumbent Worker Training  
 13          Program as provided under R.S. 23:1514 shall be charged to this account only in any  
 14          calendar year in which the applied trust fund balance range as defined in R.S.  
 15          23:1474 is equal to or greater than seven hundred fifty million dollars, but less than  
 16          one billion two hundred fifty million dollars and only in the amount necessary to  
 17          bring the balance of unobligated funds in such subaccount to twenty million dollars.

18          ~~(8)(a)~~(9)(a) Amounts not to exceed four million dollars to be credited to the  
 19          Employment Security Administration Account as provided under R.S. 23:1515 for  
 20          use expressly in the supplemental funding of costs associated with specific  
 21          unemployment insurance and employment functions shall be restricted to those  
 22          provided according to the provisions of this Chapter for the following:

- 23                   (i) Auditing of claims filed.
- 24                   (ii) Recovery of amounts overpaid to claimants.
- 25                   (iii) Auditing of experience-rating accounts.
- 26                   (iv) Recovery of delinquent contributions.
- 27                   (v) Disposition of appeals.
- 28                   (vi) Cash management and remittance processing.

- 1 (vii) Call center services.
- 2 (viii) Outreach to employers, employees, and unemployed persons.
- 3 (ix) Information technology services.
- 4 (x) Labor exchange services.

5 (b) Such amounts shall not be expended or be available for expenditure in  
 6 any manner which would permit their substitution for, or a corresponding reduction  
 7 in, federal funds which in the absence of such monies would be made available for  
 8 the administration of this Chapter. These amounts shall be charged to this account  
 9 in a calendar year in which the administrator deems necessary.

10 ~~(9)~~(10) Amounts not to exceed thirty-five million dollars to be credited to  
 11 the Incumbent Worker Training Account to fund the Incumbent Worker Training  
 12 Program as provided under R.S. 23:1514 shall be charged to this account only in any  
 13 calendar year in which the applied trust fund balance range as defined in R.S.  
 14 23:1474 is equal to or greater than one billion two hundred fifty million dollars and  
 15 only in the amount necessary to bring the balance of unobligated funds in such  
 16 subaccount to thirty-five million dollars.

17 ~~(10)~~(11) As used in this Chapter, the following terms shall be defined as  
 18 follows:

19 (a) "Cash balance" means the actual cash balance in the Louisiana State  
 20 Treasury account and at the Louisiana Workforce Commission at the close of  
 21 business on September thirtieth.

22 (b) "Contractual obligations" means the open contract balance at the close  
 23 of business on September thirtieth.

24 (c) "Noncontractual obligations" means the allowable ten percent maximum  
 25 for administrative costs and the maximum amount to be allocated for small business  
 26 employee training costs allowable under the law.

27 (d) "Unobligated funds" means cash balance, less contractual obligations,  
 28 less noncontractual obligations.

1                   ~~(11)~~(12) Amounts noncharged as the result of the application of R.S.  
2                   23:1604 shall be recouped as a social charge to all employers.

3   \*           \*           \*

4                   §1601. Disqualification for benefits

5   An individual shall be disqualified for benefits:

6   (1)

7   \*           \*           \*

8   (d)(i) No individual who is otherwise eligible for benefits shall be  
9                   disqualified for benefits pursuant to the provisions of this Chapter if all of the  
10                   following conditions are met:

11   (aa) He is the spouse of an active-duty military service person.

12   (bb) His spouse receives an order of permanent change of station.

13   (cc) He has resigned his employment to relocate with his spouse pursuant to  
14                   an order of permanent change of station.

15   (ii) Benefits paid pursuant to the provisions of this Subparagraph shall not  
16                   be charged against the experience rating of an employer from whom an employee  
17                   leaves to relocate, however benefits paid shall be recouped as a social charge to all  
18                   employers in accordance with R.S. 23:1553(D).

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\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_