

may include an employer's attestation of the individual's verbal resignation and that work was available for the individual, if the individual did not provide a written resignation; job abandonment may include an attestation from the employer that the individual failed to report for assigned work and that work was available for the individual.

Provides that notwithstanding the provisions regarding the requirements to provide documentation or information, the Department shall make reasonable efforts to obtain the information necessary to determine the eligibility of the individual.

Overpayments

Provides that if benefits to which a person is not entitled are received by reason of fraud, the person is not eligible to receive any benefits until the total amount of the overpayment and all penalties and interest have been recovered or otherwise satisfied in compliance with a civil judgment.

LOUISIANA

HB 303
(Act No. 39)

ENACTED and EFFECTIVE May 29, 2013

Administration

Permits an employer, his duly authorized representative, or the claimant to waive the right to receive written notices or determinations by certified mail. The waiver shall be in writing and shall be mailed or transmitted electronically to the office of unemployment insurance administration within the Louisiana Workforce Commission. If the right to receive written notices and determinations by certified mail has been waived, written notices or determinations may be transmitted by first class mail or by electronic delivery. A notice or determination is deemed delivered when it has been mailed or electronically transmitted.

Appeals

Requires the appeal referee to mail a "notice to appear for a hearing" to all parties to the appeal at least 7 days (previously, 10 days) prior to the date of hearing, and copies of the statements by the claimant and employer, which were used in the appealed determination, shall be sent with such notice if requested.

Provides that a party to an appeal may expressly waive the 7-day advance notice requirement by written waiver executed after the appeal has been filed. A copy of the written waiver shall be included in the record. Nothing shall be construed to dispense with the requirement that a "notice to appear for hearing" be mailed.

LOUISIANA

HB 566
(Act No. 48)

ENACTED and EFFECTIVE May 29, 2013

Overpayments

Permits the Executive Director of the Louisiana Workforce Commission to enter into reciprocal arrangements concerning recovery of overpaid benefits with appropriate and duly authorized agencies of other States or of the United States, or both.

Defines “overpayment” to mean an improper payment of benefits from a State or Federal unemployment compensation fund that has been determined recoverable under the requesting State’s law.

Provides provisions for the requirements of the requesting State, the recovering State, and the paying State regarding the recovery of State or Federal benefit overpayments.

MARYLAND

HB 354
(CH 103)

ENACTED April 9, 2013
EFFECTIVE October 1, 2013

Financing

Requires the deposit of the 15 percent penalty on fraudulent benefits into the State’s unemployment trust fund.

Overpayments

Provides for the recovery of benefits from a claimant that were obtained fraudulently and the recovery of a monetary penalty of 15 percent and interest of 1.5 percent per month of all benefits paid to the claimant for each week for which the false statement or representation was made or for which the claimant failed to disclose a material fact. The recovery of the monetary penalty and interest are excluded from being deducted from future benefits payable to the claimant. (Applicable to benefit determinations establishing overpayments issued on or after October 1, 2013.)

OKLAHOMA

HB 1911
(CH 148)

ENACTED April 24, 2013
EFFECTIVE November 1, 2013

Administration

Provides that during the process of filing an initial claim for unemployment benefits, the claimant shall be made aware of the definition of misconduct and shall affirmatively certify that the answers given to all questions in the initial claim process are true and correct to the best of the claimant’s knowledge and that no information has been intentionally withheld or misrepresented in an attempt by the claimant to receive benefits to which he or she is not entitled.

Monetary Entitlement

Deletes the alternative base period of the last 4 completed calendar quarters used for purposes of establishing a base year.

Defines “base period” to mean the first 4 of the last 5 completed calendar quarters immediately preceding the first day of an individual’s benefit year; provided, that if the first quarter of the last 5 completed calendar quarters was included in the base period applicable to any individual’s previous benefit year, the individual’s base period shall be the last 4 completed calendar quarters. For purposes of establishing a base period in cases involving persons receiving workers’ compensation benefits for temporary total disability, the Department shall exclude periods of such disability from the base period and determine the base period from the last 4 completed quarters of work before any such disability.

Deletes the provisions providing for dependent’s allowances of \$15, not to exceed a total of \$50, for each unemancipated minor child of the claimant who is wholly or mainly supported by the claimant and is less than 18 years of age and other conditions are met.

Nonmonetary Eligibility

Provides that “misconduct” also includes any conduct constituting a criminal offense for which the claimant has been convicted or charged that involves dishonesty arising out of the claimant’s employment; or was committed while the claimant was acting within the scope of employment.

Deletes the language providing that no claimant who is otherwise eligible shall be deemed ineligible for benefits solely for the reason that the claimant seeks, applies for, or accepts only part-time work instead of full-time work, if the part-time work is for a minimum of 20 hours per week.

Defines “making a reasonable effort to secure work” to mean the claimant shall provide detailed information regarding contact with at least 3 employers per week or shall access services at a career center created by the Department. The Administrator, Division of Employment Security, shall conduct random verification audits of 1,500 (previously 1,000) claimants weekly to determine if claimants are complying with the requirement of contacting at least 3 employers per week or accessing services at a career center.

Overpayments

Provides that there shall be no 1-year limitation on the agency representative reconsidering a decision if a claimant is subsequently convicted of a misdemeanor or felony that caused the separation from the employer; provided, however, the employer gives notification of the conviction in a reasonable time to the agency. Any overpayment created as a result of a reconsideration because a claimant is subsequently convicted of a misdemeanor or felony that caused the separation from the employer shall be determined to be fraud and the Administrator shall not waive repayment of the overpaid amounts.

Allows the Administrator to waive the collection of any overpayment that is due to fraud, misrepresentation or willful nondisclosure on the part of the person who was overpaid and that is outstanding after the expiration of 6 years from the date of determination of the overpayment. (Previous law required the Administrator to waive the collection of such overpayment.)

Allows the Administrator to waive the collection of any overpayment that is not due to fraud, misrepresentation or willful nondisclosure on the part of the person who was overpaid and that is outstanding after the expiration of 6 years from the date of determination of the overpayment. (Previous law required the Administrator to waive the collection of such overpayment.)

Provides that if a waiver is given by the Administrator, such waiver shall only be made in accordance with the law and established procedures pursuant to the law.

TEXAS HB 1550
 (CH 59)

ENACTED May 18, 2013
EFFECTIVE September 1, 2013

Financing

Provides that benefits computed on benefit wage credits of an employee or former employee may not be charged to the account of an employer if the employee's last separation from the employer's employment before the employee's benefit year was due to a reason that: (a) constitutes an involuntary separation, and (b) does not constitute good cause connected with the employee's work for the employee to voluntarily leave the employment. (Applicable only to a claim for unemployment compensation benefits filed on or after September 1, 2013.)

TEXAS SB 920
 (CH 107)

ENACTED and EFFECTIVE May 18, 2013

Nonmonetary Eligibility

Requires an unemployed individual to actively seek work to be eligible for unemployment compensation benefits.

WASHINGTON HB 1396
 (CH 79)

ENACTED April 19, 2013
EFFECTIVE July 27, 2013

Extensions and Special Programs

Amends the definitions of the shared work program to:

- define affected employee as a specified employee hired on a permanent basis;
- delete the definition of fringe benefits;
- change the definition of "shared work employer" to mean an employer who has at least 2 employees, and at least one employee is covered by a shared work compensation plan; and
- define the usual weekly hours of work to mean the regular number of hours of work before the hours were reduced.

Requires that the shared work plan include employer certification that employees participating in the shared work plan continue to be provided health benefits, retirement benefits or contributions under a defined contribution benefit plan, and continue to receive paid vacation, holiday, and sick leave under the same terms and conditions as provided when working their usual hours and maintain the same coverage as nonparticipating employees. Provides that any change or reduction in the benefits that are applicable to nonparticipating employees may also apply to employees participating in the shared work program.

Provides that employers who use part-time employees may participate in the shared work program.

Requires that the shared work plan:

- include an estimate of the number of layoffs that would have occurred absent participation in the shared work plan;
- include a plan to give advance notice, when feasible, to an employee whose weekly hours of work will be reduced or explain why it is not feasible to give advance notice; and
- that a participating employer certify that participation is consistent with obligations under federal and state law.

Provides that the employee participating in a shared work plan be able and available for work his or her usual weekly hours of work (previously required additional hours of work and full-time work).

For weeks of benefits paid between July 1, 2012 and June 28, 2015, provides that shared work benefits reimbursed by the federal government shall not be charged to the employers' experience rating accounts or to employers who are liable for payments in lieu of contributions; charges shall be removed for any amount of shared work benefits reimbursed by the federal government between July 1, 2012 and the week prior to the effective date of this legislation.