

# HOUSE RESEARCH

## Bill Summary

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### Article 1 - Policy

#### Section

- 1 **Wages.** Specifies that the definition of wages does not include income to a former employee resulting from the exercise of nonqualified stock options. Moves language from rule to statute dealing with payments to the operator and supplier of a vehicle.
- 2 **Experience rating history transfer.** Modifies statute to specify that for the purposes of transfer of the experience rating from a predecessor employer to a successor employer, concurrent ownership, management or control of the predecessor and successor is not required. Removes unused language related to a “distinct severable portion” for determining the percentage transferred to successor employer.
- 3 **Interest on amounts past due.** Reduces interest rate assessed on unpaid unemployment insurance taxes from 18 percent to 12 percent.
- 4 **Payments that delay unemployment benefits.** Clarifying and technical changes regarding deductible payments an applicant “will receive.” Clarifies that the “last level of regular weekly pay” includes commissions, bonuses, and overtime pay if they are part of the applicant’s regular compensation.
- 5 **Employer-agent appeals filed online.** Exempts attorneys who are hired by an employer to represent them on an individual case from online filing requirement.

## Section

- 6 **Interest.** Lowers the interest rate assessed against applicants on fraud overpayments from 18 percent to 12 percent.
- 7 **Records; audits.** Modifies and moves from rule to statute the employer payroll record retention requirements. Currently the requirement is eight years plus the current year. The change would reduce the requirement to four years plus the current year.
- 8 **Effective date.**

## Article 2 - Housekeeping

- 1 **Agricultural employment.** Adopts federal unemployment tax act definition of “agricultural labor.” Relocates definition of crew leader.
- 2 **Base period.** Clarifying change.
- 3 **Covered agricultural employment.** Clarifies definition of “covered agricultural employment” to align with court decision.
- 4 **Covered employment.** Clarifying language.
- 5 **Noncovered employment.** Eliminates unconstitutional language.
- 6 **State and United States.** Clarifies definition of “United States” to include Puerto Rico, Washington, D.C., and the Virgin Islands.
- 7 **Credit adjustments; refunds.** Changes the term “notice” to “determination.”
- 8 **Determination and right to hearing.** Changes the term “notice” to “determination.”
- 9 **Social security old age insurance benefits.** Technical, divides language relating to social security benefits into separate sections.
- 10 **Social security disability benefits.** Technical, divides language relating to social security benefits into separate sections.
- 11 **Receipt of back pay.** Clarifying language.
- 12 **Continued request for unemployment benefits by electronic transmission.** Clarifying language.
- 13 **Continued request for unemployment benefits by mail.** Clarifying language.
- 14 **Quit defined.** Clarifying language.
- 15 **Hearing by unemployment law judge.** Removes obsolete language.
- 16 **Request for reconsideration.** Clarifies that an unemployment law judge must dismiss a request for reconsideration as untimely if the request was not filed within the statutory time

**Section**

period.

- 17**      **Effect of decisions.** Clarifying language.
- 18**      **Use of evidence; data privacy.** Clarifying language.
- 19**      **Representation; fees.** Clarifying language and specifies that attorney fees may not be awarded against the department.
- 20**      **Administrative penalties.** Removes obsolete reference.
- 21**      **Notification and misreporting penalties.** Specifies that penalty money is placed in the unemployment insurance trust fund.
- 22**      **Administration account.** Clarifying language.
- 23**      **Day of the week and date requirement.** Removes obsolete language.
- 24**      **Revisor instructions.** Updates and renumbers portions of the statute.
- 25**      **Repealer.**
- 26**      **Effective date.**