



Deletes the provision that the state experience factor cannot be increased more than 2.0 percent from the previous calendar whenever the balance in the Unemployment Insurance Trust Fund is equal to or greater than \$200 million as of September 30, and the state experience factor cannot be increased more than 4.0 percent from the previous calendar year. (Effective for the tax rate determination process for calendar year 2007 and thereafter.)

Deletes prior tax rate tables, and establishes new tax rate tables that expand the state experience factor range. The employer's basic assessment rates are unchanged ranging from 0.0 percent to 7.90 percent in 0.10 percent intervals, and the employer's benefit wage ratios are unchanged ranging from 10.0 percent to 790 percent in 20 percent intervals. (Effective for the tax rate determination process for calendar year 2007 and thereafter.)

**GEORGIA**                      HB 1326                      ENACTED and EFFECTIVE May 5, 2006  
(Act 863)

Financing

Extends suspension of overall rate increase to include the period of January 1, through December 31, 2007. If the State-wide Reserve Ratio is less than 1.25 percent on the computation date with respect to rates applicable to calendar year 2007, then the Commissioner of Labor shall have the option of imposing an increase in the overall rate of up to 35 percent, as of the date of computation for each employer.

**INDIANA**                      SB 321                      ENACTED March 20, 2006  
EFFECTIVE March 20, 2006  
or as otherwise indicated

Appeals

Provides that the finding and the assessment, if any, by the liability administrative law judge from an appeal of an employing unit protesting an assessment becomes final 30 days (formerly 15) thereafter absent further appeal.

Financing

Changes the normal contribution rate, that is the rate from which reduced rates are computed, from 5.4 percent to 5.6 percent of wages.

Increases, except as otherwise provided, the contribution rate from 5.4 percent to 5.6 percent for experience rated employers who fail to timely file all required contribution and wage reports and pay all contributions, penalties, and interest due (effective July 1, 2006).

Amends the SUTA dumping prevention provisions. Clarifies meaning of violating or attempting to violate the law's requirements (the transfer of a trade or business solely or primarily for the purpose of obtaining a lower employer contribution rate) and the civil and criminal penalties (effective July 1, 2006).

Establishes a special employment and training services fund; allows an annual allocation of up to \$2 million from the fund to establish reemployment training accounts to provide training and reemployment services to department employees dislocated under certain conditions.

Requires interest and civil penalties collected on overpayments to be deposited in the special employment and training services fund.

Provides that the department may grant an application for adjustment or refund, make an adjustment or refund, or set off a refund for not later than 4 years after the date upon which any contributions, skills 2016 training assessments, or interest were paid.

Provides that the department may grant such application in whole or in part and may make an adjustment without interest in connection with subsequent contribution payments or skills 2016 training assessments, or refund such amounts, without interest from the fund.

Provides that the department may set off any refund available to an employer against any delinquent contributions, payments in lieu of contributions, skills 2016 training assessments, and the interest and penalties, if any, related to the delinquent payments and assessments.

Provides that any decision by the department to grant an application for adjustment or refund; make an adjustment or refund on its own initiative; or set off a refund constitutes an initial determination and is subject to hearing and review.

#### Nonmonetary Eligibility

Provides that individuals receiving unemployment benefits determined under the domestic/family violence provisions may restrict their availability for work because of the need to address the physical, psychological, or legal effects of being a victim of domestic/family violence (effective July 1, 2006).

#### Overpayments (Effective July 1, 2006).

Provides that whenever individuals receive unemployment benefits, extended benefits, or any other Federal unemployment benefits to which they are not entitled, an overpayment and the amount of the overpayment must be established, and such individuals are liable to repay the overpayment amount.

Charges a monthly interest rate of 0.5 percent on the amount of the overpayment for fraudulent overpayments. (The individual knowing makes or causes to be made by another a false statement or representation of a material fact knowing it to be false or fails or causing another to fail to disclose a material fact which results in receipt of benefits to which not entitled.)

Modifies the time period for offsetting fraudulent overpayments from any benefits received from within the 6-year period following the filing of a claim to within the 6-year period following the later of the date the overpayment was established or becomes final following exhaustion of all appeals.

Modifies the time period for nonfraud offset from any benefits received from within the 3-year period following the date the filing of a claim to within the 3-year period following the later of the date the overpayment was established or becomes final following exhaustion of all appeals.

Permits overpayments to be waived upon request by certain individuals because of an employer or department error.

Modifies the disqualification for misrepresentation or failure to disclose by providing that

the individual forfeits any wage credits earned (formerly wage credits were cancelled) or any benefits or extended benefits that might otherwise be payable for the period in which failure to disclose earnings or facts or falsification occurs.

Establishes civil penalties for knowingly failing to disclose or falsifying any fact in addition to the amounts forfeited as follows: for the first instance, 25 percent; the second, 50 percent; and the third and each thereafter, 100 percent of the benefit overpayment.

**LOUISIANA**                      SB 217                      ENACTED and EFFECTIVE June 2, 2006  
(Act No. 116)

Financing

Prohibits charging experience-rated employers for benefits paid pursuant to the governor-issued executive orders dealing with hurricane Katrina and Rita layoffs.

Prohibits recoupment of such benefits by spreading the noncharged benefits to all employers through the social charge account.

**LOUISIANA**                      SB 744                      ENACTED and EFFECTIVE June 23, 2006  
(Act No. 633)

Financing

Extends the time period from January 1, 2007, to July 1, 2007, for deferring, without assessment of penalty and interest, the reimbursement of benefits paid pursuant to specific executive orders and hurricane-related layoffs that are chargeable to the accounts of nonprofit organizations, the state, its political subdivisions and Indian tribes or tribal units to allow time for such benefit charges to be identified and quantified and for payment arrangements to be made through loans, grants, or state or federal legislation.

Changes the beginning time from January 1, 2007, to July 1, 2007, for quarterly payments for benefit charges assessed as a result of hurricanes Katrina and Rita and the specific executive orders.

**NORTH CAROLINA**                      HB 2885                      ENACTED August 13, 2006  
(CH 242)                      EFFECTIVE October 1, 2006

Appeals

Requires employers to receive written notice of the employer's appeal rights and any forms that are required to allow the employer to protest the claim. All forms must contain a section referencing the appropriate rules pertaining to appeals and the instructions on how to file an appeal. (Applies to claims filed on or after October 1, 2006.)

Nonmonetary Eligibility

Reduces the interested employer's protest period from 15 to 10 days from the earlier of mailing or delivery of the notice of filing a claim. Requires that a copy of the notice of claim filing be sent contemporaneously to the employer by telefacsimile if a fax number is on file. (Applies to claims filed on or after October 1, 2006.)

**NORTH CAROLINA**                      SB 2012                      ENACTED and EFFECTIVE August 16, 2006  
(CH 251)

## Financing

Provides that for the purpose of determining an employer's rate of contributions no experience shall be transferred to the successor employing unit when the assets of the predecessor are acquired in a sale in bankruptcy, unless the successor employing unit shares common ownership with the predecessor. (Applies to acquisitions made on or after August 1, 2003.)

## **OKLAHOMA**

SB 1634  
(CH 182)

ENACTED May 22, 2006  
EFFECTIVE July 1, 2006

## Administration

Permits the Commission to release employer tax information and benefit claim information to the State Department of Rehabilitation Services for use in assessing results and outcomes of clients served.

## Appeals

Requires the Board of Review to certify and file with the court a certified copy of the record of the case within 60 days of the filing of the petition.

Modifies the appeal of determinations provisions to allow employers to file a written request for a review and redetermination on determinations regarding any aspect of an employer's account; determination becomes final for failure to file such request. Requires the Commission to provide for a review and issue a Notice of Redetermination. Allows the employer to appeal via a written protest the redetermination within 14 days of the date of the mailing of the notice; redetermination becomes final for failing to appeal, and no further appeal allowed. Requires the Commission to provide for an oral hearing de novo to allow evidence to be presented in support of the protest. Provides that the order issued pursuant to the hearing may be appealed via Petition of Review by the employer or the Commission to the district court of the county in which the employer has its principal place of business, and if the employer does not have a principal place of business in any county in Oklahoma, then the Petition for Review must be filed with the Oklahoma County District Court.

Specifies that determinations made under the following UI law provisions may be appealed by employers under the appeal (formerly protest) of determinations provisions: successor and predecessor employers, election by employer, and assessments.

## Coverage

Amends the definition of employer to include any individual or employing unit which acquires substantially all of the employees of an employer or an employing unit.

## Financing

Defines "experience period" to mean:

For any tax year occurring before January 1, 2007, the most recent 3 consecutive completed calendar years occurring before the calendar year for which a tax rate is being calculated; and

For any tax year occurring after December 31, 2006, the most recent 12 consecutive completed calendar quarters occurring before July 1 of the year immediately preceding the year for which the employer's contribution rate is being

calculated.

Adds that the provisions pertaining to payment of contributions by employers do not apply to Indian Tribes or Tribal Units electing to make payments in lieu of contributions in addition to certain nonprofit organizations that make payments in lieu of contributions and state and political subdivisions and their instrumentalities.

Changes the date for notifying employers of their contribution rate from the calendar year before March 31 of such year, to a given calendar year on or before September 30, of the previous calendar year.

Increases the time period from 14 to 20 days from the date on the notice for a base period employer to file written objections from the written notice showing the benefit wages charged; this 20-day time period may be waived for good cause shown.

Decreases the time period from 20 to 14 days after mailing of the determination by the Commission as to whether or not the employer will be charged for benefit wages for the employer to protest and request an oral hearing; the determination becomes final for failure by the employer to file within 14 days.

Modifies the current provisions that calculate the benefit wage ratio to apply to any tax year occurring before January 1, 2007.

Provides for an additional calculation of the benefit wage ratio applicable to any tax year occurring after December 21, 2006. The benefit wage ratio of each employer will be a percentage equal to the total of the employer's benefit wages in the experience period divided by the employer's total taxable payroll for the experience period on which contributions have been paid to the Commission on or before July 31 of the calendar year immediately preceding the year for which the contribution rate is being calculated.

Modifies the calculation of the state experience factor to reflect the experience period instead of the most recent 3 consecutive completed calendar years.

Changes the date from at the beginning of each year to on July 1, of any given year for conditions a through d when a contribution rate increase is due for employers for the next calendar year.

Changes the time period for looking at net benefits paid from the most recent 5 consecutive completed calendar years to the most recent 20 consecutive completed calendar quarters for conditions a through d when a contribution rate increase is due.

Modifies the definition of "net benefits paid" to change from using the most recent 5 consecutive completed calendar years to using the most recent 20 consecutive completed calendar quarters.

Deletes the provision creating a Special Surtax Fund.

Deletes the provision imposing a special surtax for employers assigned a contribution rate in excess of 5.4 percent which is required to be transferred to the Special Surtax Fund.

Appropriates \$6,945,383.39 of the Reed Act funds transferred to the state on March 13, 2002, to pay for administrative expenses for the following programs in the following

amounts:

Employment Service Program, \$3,930,571.88  
One-Stop Career Center expenses attributable to the employment service and the unemployment insurance program, \$300,000  
Unemployment Insurance Program, \$2,713,811.51

Requires the appropriated Reed Act funds to be expended on or before December 31, 2007.

#### Nonmonetary Eligibility

Modifies the meaning of "supplemental unemployment benefit plan" to include payments made during a permanent layoff, in addition to payments made during a temporary layoff. Changes the purpose of a "supplemental unemployment benefit plan" from a plan that allows an employer the opportunity to keep the employer's workforce intact during a temporary layoff to a plan that allows an employer to sustain the purchasing power of its employees or former employees during a layoff.

Modifies the requirements that a supplemental unemployment benefit plan must meet for a temporary layoff, and establishes requirements that a supplemental unemployment benefit plan must meet for a permanent layoff.

Provides that the requirements to seek and accept work will be waived for unemployment compensation claimants receiving supplemental benefits who are on a temporary layoff only.

Modifies the seek and accept work disqualification requirements to provide that an individual will be disqualified for failing to make application for work with employers who could reasonably be expected to have work available (formerly work had to be available within that general geographic area of the state).

Waives the seek and accept work disqualification requirements if the individual has been summoned to appear for jury duty; waiver continues for as long as the individual remains on jury duty according to the summons.

Amends the good cause for voluntary leaving provision to provide that it is good cause to voluntarily leave if the claimant was separated from employment with the employer because a physician diagnosed or treated a medically verifiable illness or medical condition of the claimant or the minor child of the claimant, and based on available information, the Oklahoma Employment Security Commission finds that it was medically necessary for the claimant to stop working or change occupations (formerly the physician had to find that it was medically necessary).

**OKLAHOMA**

SB 1466  
(CH 277)

ENACTED June 7, 2006  
EFFECTIVE November 1, 2006

#### Nonmonetary Eligibility

Provides that no person drawing unemployment benefits on or after January 1, 2006, will be disqualified from benefits, nor will any overpayment recoupment action be taken against any person who receives benefits on or after January 1, 2006, if the claim of disqualification or recoupment is based upon such person's receipt of payment under a

supplemental unemployment benefit plan meeting the requirements of the Oklahoma unemployment insurance law.

**TENNESSEE**

HB 4002  
(CH 623)

ENACTED May 5, 2006  
EFFECTIVE May 5, 2006  
or as otherwise indicated

Financing

Modifies tax rates by adding a new rate table to replace the most favorable table when the Tennessee job skills fee sunsets, effective July 1, 2006. The minimum and maximum rates are unchanged, but some rates within the table are raised.

Requires employers to have filed an application for an adjustment or refund by the final day of February (formerly March 31) for an employer's assigned premium rate to be changed once an adjustment or refund has been approved, effective July 1, 2006.