

ENGROSSED HOUSE
BILL NO. 1126

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REESE, SMITH (Bill),
SULLIVAN, VEITCH,
WEAVER, WEBB and WEESE
of the HOUSE

and

MICKLE and SMITH of the
SENATE

AN ACT RELATING TO LABOR; AMENDING 40 O.S. 1981,
SECTION 3-106, AS LAST AMENDED BY SECTION 5,
CHAPTER 333, O.S.L. 1990 (40 O.S. SUPP. 1990,
SECTION 3-106), WHICH RELATES TO UNEMPLOYMENT
BENEFIT WAGES PAID AND RELIEF THEREFROM; PROVIDING
EMPLOYER WITH SPECIFIC EXEMPTION FROM BENEFIT WAGES
CHARGED; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 40 O.S. 1981, Section 3-106, as
last amended by Section 5, Chapter 333, O.S.L. 1990 (40 O.S. Supp.
1990, Section 3-106), is amended to read as follows:

Section 3-106. BENEFIT WAGES CHARGED AND RELIEF THEREFROM.

A. The Oklahoma Employment Security Commission shall give
notice to each base period employer of a claimant promptly after the

claimant is paid his second week of benefits by the Commission or promptly after the Commission receives notice of the amounts paid as benefits by another state under a reciprocal arrangement. Notice shall be deemed given under this subsection when the Commission deposits the same in the United States mail addressed to the employer at his last-known address. Notice shall be presumed prima facie to have been given to the employer to whom addressed on the date stated in the written notice. This notice shall give the name and Social Security Number of the claimant, the date the claim was filed, and the amount of benefit wages charged to the employer in each quarter of the base period.

B. Within fourteen (14) days from the date stated upon such notice, the employer may file with the Commission his written objections to being charged with such benefit wages upon one or more of the four grounds for objection set forth in subsection D of this section. The employer's written objection must set forth specifically:

1. the date on which the employment was terminated,
2. full particulars as to the circumstances of the termination including the reason given by the individual for voluntarily leaving the employment, or the nature of the misconduct for which discharged, as the case may be, or if applicable under the third ground,
3. full particulars as to the regular scheduled part-time or full-time employment of the employee including the starting date, and ending date if any, of the continuous period of such part-time or full-time employment, and
4. such other information as called for by the notice.

C. Upon receipt of the employer's written objections, the Commission shall make a determination as to whether or not the employer is entitled to be relieved from the charging of benefit wages. The Commission shall promptly notify the employer of that

determination. The determination shall become final unless the employer files an appeal within the time and manner provided by Sections 2-601 through 2-613 of this title. Provided further, the fourteen-day time period for filing written objections with the Commission as provided for in subsection B of this section may be waived for good cause shown.

D. The benefit wages charged to an employer for a given calendar year shall be the total of the benefit wages stated in the notices given to the employer by the Commission. Provided that an employer's benefit wages shall not include wages paid by him to any employee or former employee, who:

1. left employment with that employer, or with his last employer, voluntarily, without good cause connected to the work,
2. was discharged from such employment for misconduct connected with his work,
3. was a full-time, or regular scheduled part-time employee of that employer prior to the week the employee was separated from other employment, and remained continuous each week as such an employee of that employer until the employee is paid benefits for his second compensable week of unemployment in such benefit year, or
4. was separated from his employment as a direct result of a major natural disaster, declared as such by the President pursuant to the Disaster Relief Act of 1974, P.L. 93-288, and such employee would have been entitled to disaster unemployment assistance if he had not received unemployment insurance benefits.

E. If an employer recalls a laid-off or separated employee and said employee continues to be employed or said employee voluntarily terminates employment or is discharged for misconduct within the benefit year, the employer shall be entitled to have the benefit wage charged against his experience rating for said employee reduced by the ratio of the number of weeks of remaining eligibility of said employee to the total number of weeks of entitlement.

F. An employer shall not be charged with benefit wages of a laid-off employee if the employer lists as an objection in a statement filed in accordance with subsection B of this section that said employee collecting benefits was hired to replace a United States serviceman or servicewoman called into active duty and laid-off upon the return to work by that serviceman or servicewoman. The general fund shall be charged with the benefit wages of the laid-off employee.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 20th day of February, 1991.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1991.

President of the Senate