

BILL SUMMARY
2nd Session of the 53rd Legislature

Bill No.:	HB 2204
Version:	Senate Amendments
Request Number:	
Author:	Rep. R. McDaniel/ Sen. Newberry
Date:	5/2/2012
Impact:	\$0

Research Analysis

The senate amendment to HB 2204 strikes the entire bill. The measure specifies that an unemployed individual must register for work within seven days of filing the initial claim for unemployment benefits and modifies the Oklahoma Employment Security Commission's authority to waive the requirement. When determining edibility for benefits, wage requirements during a base period are modified to include taxable wages of any amount and total wages equal to or more than taxable wages in a year.

The measure allows for electronic notification to the employer and claimant in several actions. In any challenge to an employee positive drug or alcohol test, the claimant will have the burden to proof a breach in the chain of custody and the employer must provide such documentation. If the claimant fails to request a confirmation test, the claimant will be ineligible for benefits. The definitions *confirmation test* and *job applicant* are modified. Circumstances where the employer is authorized to conduct drug and alcohol testing is modified and expanded.

In cases of overpayment of benefits due to fraud, the measure creates a penalty of 25% of the amount of the original overpayment. The measure modifies notice requirements for an employer's contribution rate and allows the employer to file an appeal to the rate notice; otherwise the rate will become conclusive and binding.

The measure requires a final determination that an employer owes delinquent contributions, penalties, interest or fees where the Commission is authorized to levy to collect such delinquencies. The Assessment Board of the Oklahoma Employment Security Commission, instead of the court, may issue or modify an order to levy. The measure adds new language that authorizes the Commission to collected by levy upon any earnings or contract proceeds of tax debtor and provides a process for proper notice and collection. Furthermore, new language authorizes the Commission to award funds to local offices, divisions, or units in order to encourage the improvement and modernization of employment, training and placement services for veterans.

The measure allows the Office of Juvenile Affairs to obtain employment information for use in assessing results and outcomes of clients and effectiveness of juvenile and justice programs.

Employers are authorized to release records of the tests as admissible evidence, to comply with a judicial or administrative order, or to other specified persons.

The measure repeals a duplicate section relating to definition under the Act.

Prepared By: Andrea Merten

Fiscal Analysis

Officials from the Oklahoma Employment Security Commission (OESC) contend the changes in HB 2204 do not expand or reduce unemployment benefits. OESC anticipates a positive fiscal impact related to minor savings associated with increased efficiencies related to changes in communications requirements and administration of benefits. OESC is a non appropriated state agency. The measure also makes amendments related to the Standards for Workplace Drug and Alcohol Testing Act; which are not anticipated to have a direct fiscal impact on state agencies. HB 2204 in its current form has no direct fiscal impact on the State Budget or Appropriations.

Prepared By: John McPhetridge

Other Considerations

None at this time