

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1023

6 By: McDaniel (Randy)

7 COMMITTEE SUBSTITUTE

8 An Act relating to labor; providing for certain study  
9 concerning laws and amendments that expand  
10 unemployment benefits; amending 40 O.S. 2011,  
11 Sections 1-224, 2-203, 2-404, 2-405, 2-503, as  
12 amended by Section 4, Chapter 196, O.S.L. 2012, 2-  
13 616, 3-103, 3-111, 3-111.1, 3-112, 3-115, as amended  
14 by Section 9, Chapter 196, O.S.L. 2012 and 3-403 (40  
15 O.S. Supp. 2012, Sections 2-503 and 3-115), which  
16 relate to the Employment Security Act of 1980;  
17 modifying production of documents and information;  
18 modifying definitions; modifying factors for  
19 determining good cause; providing that certain  
20 working days need not be consecutive; modifying  
21 appeals process; modifying compensation experience  
22 years for employers; providing for review and  
23 redetermination of certain untimely requests;  
24 providing for contents of petition for review;  
repealing 40 O.S. 2011, Section 3-104, which relates  
to contribution rates for certain employers;  
providing for codification; and providing an  
effective date.

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

22 SECTION 1. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 1-109 of Title 40, unless there  
24 is created a duplication in numbering, reads as follows:

1 If a proposed new law or amendment to an existing law will have  
2 the effect of expanding unemployment benefits available to  
3 unemployment benefit claimants, the Oklahoma Employment Security  
4 Commission shall study the fiscal impact the benefit expansion will  
5 have upon Oklahoma's Unemployment Trust Fund established pursuant to  
6 42 U.S.C., Section 1104. The impact study shall be presented to  
7 each house of the Legislature before the final vote on the bill  
8 containing the provision and shall be sent to the Governor before  
9 final approval of the bill containing the provision.

10 SECTION 2. AMENDATORY 40 O.S. 2011, Section 1-224, is  
11 amended to read as follows:

12 Section 1-224. FILE.

13 A. When any document is required to be filed by the provisions  
14 of the Employment Security Act of 1980 or the rules promulgated  
15 under the authority of the Employment Security Act of 1980 with the  
16 Oklahoma Employment Security Commission, any of its representatives,  
17 or the Board of Review for the Oklahoma Employment Security  
18 Commission, the term "file", "files", or "filed" shall be defined as  
19 follows:

20 1. Hand-delivered to the central administrative office of the  
21 Oklahoma Employment Security Commission by the close of business on  
22 or before the date due;

23 2. Telefaxed to the telefax number indicated on the  
24 determination letter, order or other document issued by the Oklahoma

1 Employment Security Commission by midnight on or before the date  
2 due. Timely telefaxing shall be determined by the date and time  
3 recorded by the Commission's telefax equipment;

4 3. Mailed with sufficient postage and properly addressed to the  
5 address indicated on the determination letter, order or other  
6 document issued by the Oklahoma Employment Security Commission on or  
7 before the date due. Timely mailing shall be determined by the  
8 postmark. If there is no proof from the post office of the date of  
9 mailing, the date of receipt by the Commission shall constitute the  
10 date of filing; or

11 4. Electronically transmitted via data lines to the Oklahoma  
12 Employment Security Commission, as directed by the instructions on  
13 the determination letter, order or other document issued by the  
14 Commission, by midnight on or before the date due. Timely  
15 transmission shall be determined by the Commission's transmission  
16 log file.

17 B. If the Employment Security Act of 1980 or the rules  
18 promulgated under the Employment Security Act of 1980 require that a  
19 document be filed with a court or any other agency of this state,  
20 the term "file", "files" or "filed" shall be defined by the  
21 statutes, rules or practice governing that court or agency.

22 SECTION 3. AMENDATORY 40 O.S. 2011, Section 2-203, is  
23 amended to read as follows:

24 Section 2-203. CLAIM.

1           A. An unemployed individual must file an initial claim for  
2 unemployment benefits by calling an Oklahoma Employment Security  
3 Commission claims representative in a Commission Call Center, by  
4 completing the required forms through the Internet Claims service  
5 provided by the Commission, or by completing all forms necessary to  
6 process an initial claim in a local office of the Commission or any  
7 alternate site designated by the Commission to take unemployment  
8 benefit claims. The Commission may obtain additional information  
9 regarding an individual's claim through any form of  
10 telecommunication, writing, or interview. An unemployed individual  
11 must file a claim in writing or by telecommunication for benefits  
12 with respect to each week in accordance with such rule as the  
13 Commission may prescribe.

14           B. With respect to each week, he or she must provide the  
15 Commission with a true and correct statement of all material facts  
16 relating to: his or her unemployment; ability to work; availability  
17 for work; activities or conditions which could restrict the  
18 individual from seeking or accepting full-time employment  
19 immediately; applications for or receipt of workers' compensation  
20 benefits; employment and earnings; and the reporting of other income  
21 from retirement, pension, disability, self-employment, education or  
22 training allowances.

23           C. No claim will be allowed or paid unless the claimant resides  
24 within a state or foreign country with which the State of Oklahoma

1 has entered into a reciprocal or cooperative arrangement pursuant to  
2 Part 7 of Article IV of the Employment Security Act of 1980.

3 D. The Commission may require the individual to produce  
4 documents or information relevant to the claim for benefits. If the  
5 individual ~~has the ability to produce the documents or information~~  
6 ~~and~~ fails to produce it, the individual's claim for unemployment  
7 benefits may be disqualified indefinitely by the Commission until  
8 the information is produced. The Commission may require the  
9 individual to personally appear at a location for a purpose relevant  
10 to the individual's unemployment claim or job search. If the  
11 individual fails to appear, the individual's claim for unemployment  
12 benefits may be disqualified indefinitely by the Commission until  
13 the individual makes a personal appearance as directed. An  
14 individual that has been disqualified indefinitely by the provisions  
15 of this subsection may receive payment for any week between the  
16 initial failure and the compliance with this subsection if the  
17 claimant is otherwise eligible and has made a timely filing for each  
18 intervening week.

19 SECTION 4. AMENDATORY 40 O.S. 2011, Section 2-404, is  
20 amended to read as follows:

21 Section 2-404. LEAVING WORK VOLUNTARILY.

22 A. An individual shall be disqualified for benefits for leaving  
23 his or her last work voluntarily without good cause connected to the  
24 work, if so found by the Commission.

1 B. When adjudicating a separation from employment in an initial  
2 claim or additional initial claim, disqualification under this  
3 section shall continue for the full period of unemployment next  
4 ensuing after the individual left work voluntarily without good  
5 cause connected to the work and until the individual has become  
6 reemployed and has earned wages equal to or in excess of ten (10)  
7 times his or her weekly benefit amount.

8 C. When adjudicating a separation from employment during a  
9 continued claim series, disqualification under this section shall be  
10 for the week of the occurrence of leaving work voluntarily without  
11 good cause connected to the work.

12 ~~D. Good cause shall include but not be limited to unfair~~  
13 ~~treatment of the employee or the creating of unusually difficult~~  
14 ~~working conditions by the employer.~~

15 SECTION 5. AMENDATORY 40 O.S. 2011, Section 2-405, is  
16 amended to read as follows:

17 Section 2-405. DETERMINING GOOD CAUSE.

18 Good cause for voluntarily leaving work under Section 2-404 of  
19 this title may include, among other factors, the following:

20 1. A job working condition that had changed to such a degree it  
21 was so harmful, detrimental, or adverse to the individual's health,  
22 safety, or morals, that leaving the work was justified; ~~or~~

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1       2. Substantially unfair treatment of the employee or the  
2 creating of substantially difficult working conditions by the  
3 employer; or

4       3. If the claimant, pursuant to an option provided under a  
5 collective bargaining agreement or written employer plan which  
6 permits waiver of his or her right to retain the employment when  
7 there is a layoff, has elected to be separated and the employer has  
8 consented thereto.

9       SECTION 6.       AMENDATORY       40 O.S. 2011, Section 2-503, as  
10 amended by Section 4, Chapter 196, O.S.L. 2012 (40 O.S. Supp. 2012,  
11 Section 2-503), is amended to read as follows:

12       Section 2-503. CLAIMS, NOTICES AND OBJECTIONS.

13       A. Claims for benefits shall be made in accordance with all  
14 rules that the Oklahoma Employment Security Commission may  
15 prescribe.

16       B. Promptly after an initial claim or an additional initial  
17 claim is filed, the Commission shall give written notice of the  
18 claim to the last employer of the claimant for whom he or she worked  
19 at least fifteen (15) working days. ~~Promptly~~ The required fifteen  
20 (15) working days are not required to be consecutive. Provided,  
21 that promptly after the Commission is notified of the claimant's  
22 separation from an employment obtained by a claimant during a  
23 continued claim series, the Commission shall give written notice of  
24 the claim to the last separating employer. Notices to separating

1 employers during a continued claim series will be given to the last  
2 employer in the claim week without regard to length of employment.

3 C. Promptly after the claim is paid for the fifth week of  
4 benefits the Commission shall give written notice of the claim to  
5 all other employers of the claimant during the claimant's base  
6 period. The notice will be given pursuant to Section 3-106 of this  
7 title.

8 D. Notices shall be deemed given when the Commission deposits  
9 the same in the United States mail addressed to the employer's last-  
10 known address. Notice shall be presumed prima facie to have been  
11 given to the employer to whom addressed on the date stated in the  
12 written notice. If the employer has elected to be notified by  
13 electronic means according to procedures set out in Oklahoma  
14 Employment Security Commission rules, notice shall be deemed to be  
15 given when the Commission transmits the notification by electronic  
16 means.

17 E. Within ten (10) days after the date on the notice or the  
18 date of the postmark on the envelope in which the notice was sent,  
19 whichever is later, an employer may file with the Commission at the  
20 address prescribed in the notice written objections to the claim  
21 setting forth specifically the facts which:

22 1. Make the claimant ineligible for benefits under Sections 2-  
23 201 through 2-210 of this title;

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1           2. Disqualify the claimant from benefits under Sections 2-401  
2 through ~~2-418~~ 2-419 of this title; or

3           3. Relieve such employer from being charged for the benefits  
4 wages of such claimant.

5           SECTION 7.           AMENDATORY           40 O.S. 2011, Section 2-616, is  
6 amended to read as follows:

7           Section 2-616. NOTICE OF OVERPAYMENT DETERMINATION.

8           If the Oklahoma Employment Security Commission or its  
9 representative determines that an individual has been overpaid  
10 unemployment benefits pursuant to Section 2-613 of this title, the  
11 individual shall be sent a notice of overpayment determination. If  
12 the individual disagrees with this determination, the individual may  
13 file an appeal of the determination with the Appeal Tribunal within  
14 twenty (20) days after the date of the mailing of the notice to the  
15 individual's last-known address or, if the notice is not mailed,  
16 within twenty (20) days after the date of the delivery of the  
17 notice. If the individual fails to appeal the determination within  
18 the time provided, without good cause, then the determination will  
19 be deemed final and no further appeal shall be allowed.

20           SECTION 8.           AMENDATORY           40 O.S. 2011, Section 3-103, is  
21 amended to read as follows:

22           Section 3-103. COMPUTATION - PERCENTAGE OF WAGES PAYABLE.

23           Beginning January 1, 1996, each employer, unless otherwise  
24 prescribed in Sections ~~3-104~~, 3-111, 3-111.1, 3-112, 3-701 or 3-801

1 of this title, shall pay contributions equal to a percent of taxable  
2 wages paid by the employer with respect to employment which shall be  
3 the greater of one percent (1%) or the average contribution rate  
4 paid by all employers during the second year preceding the current  
5 calendar year. The average contribution rate shall be calculated by  
6 dividing annual net contributions received by total annual taxable  
7 wages.

8 SECTION 9. AMENDATORY 40 O.S. 2011, Section 3-111, is  
9 amended to read as follows:

10 Section 3-111. SUCCESSOR AND PREDECESSOR EMPLOYERS.

11 A. Any employing unit, whether or not an employing unit at the  
12 time of the acquisition, which acquires substantially all of the  
13 trade, organization, employees, business, or assets of any employer  
14 (excepting in such case any assets retained by that employer  
15 incident to the liquidation of the employer's obligations) and who  
16 continues the operations of the predecessor employer as a going  
17 business, shall be determined to be a successor employer. The  
18 successor employer shall acquire the ~~merit~~ experience rating account  
19 of the predecessor employer, including the predecessor's actual  
20 contribution and benefit experience, annual payrolls, and  
21 contribution rate. The successor employer shall also become jointly  
22 and severally liable with the predecessor employer for all current  
23 or delinquent contributions, interest, penalties and fees owed to  
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1 the Oklahoma Employment Security Commission by the predecessor  
2 employer.

3       Written notice of all current or delinquent contributions,  
4 interest, penalties and fees owed to the Commission by the  
5 predecessor employer shall be provided to the successor employer by  
6 the predecessor employer prior to the sale of the business. Failure  
7 to give such notice may subject the predecessor employer to a  
8 penalty as specified by the rules of the Commission.

9       Any remuneration for services covered by the Employment Security  
10 Act of 1980 or other state unemployment compensation acts paid by  
11 the predecessor employer shall be considered as having been paid by  
12 the successor employer. The initial determination regarding whether  
13 or not an acquiring employer will become a successor to a  
14 predecessor account shall be made by the Commission or its duly  
15 authorized representative and notice of this determination shall be  
16 delivered to the acquiring employer or mailed to his or her last-  
17 known address.

18       B. Any employing unit, whether or not an employing unit at the  
19 time of the acquisition, which acquires substantially all of the  
20 trade, employees, organization, business, or assets of an employer,  
21 at one or more separate and distinct establishments and who  
22 continues the acquired operations of the predecessor as a going  
23 business, shall acquire that portion of the experience rating  
24 account of the predecessor employer that is applicable to the

1 establishment or establishments, if the employing unit, immediately  
2 after the acquisition, is an employer; provided, however, that the  
3 employing unit shall not acquire a portion of the experience rating  
4 account unless written application therefor is received by the  
5 Commission within one hundred twenty (120) days after the date of  
6 the acquisition together with evidence sufficient for the Commission  
7 to determine which portion of the experience rating account of the  
8 predecessor is applicable to the acquired operations, and the  
9 Commission finds that the transfer will not tend to defeat or  
10 obstruct the object and purpose of the Employment Security Act of  
11 1980; and provided further, that the portion of the experience  
12 rating account so transferred, including the taxable payrolls and  
13 benefit wages, shall not thereafter be used in computing ~~an~~  
14 ~~experience rating~~ a contribution rate for the transferring employer.  
15 For the purpose of this subsection a separate and distinct  
16 establishment means all operations conducted by an employer at one  
17 business location which is readily identifiable as a separate  
18 business organization.

19 C. If the Commission finds that any report required to complete  
20 a determination of contribution rate has not been filed or if filed  
21 is incorrect or insufficient, and any such fact or information has  
22 not already been established or found in connection with some other  
23 proceeding pursuant to the provisions of the Employment Security Act  
24 of 1980, an estimate may be made of the information required on the

1 basis of the best evidence reasonably available to it at the time.  
2 Notice shall be given of the determination as provided for  
3 contribution rate in subsection C of Section 3-102 of this title and  
4 the employer may appeal therefrom as provided in subsection D of  
5 Section 3-102 of this title.

6 D. A determination made under this section may be appealed  
7 pursuant to the provisions of Section 3-115 of this title.

8 SECTION 10. AMENDATORY 40 O.S. 2011, Section 3-111.1, is  
9 amended to read as follows:

10 Section 3-111.1 SUCCESSOR AND PREDECESSOR EMPLOYERS - SPECIAL  
11 RULES ON TRANSFER OF RATES AND EXPERIENCE.

12 A. Notwithstanding any other provision of law, the following  
13 shall apply regarding assignments of rates and transfers of  
14 experience:

15 1. If an employer transfers its trade or business, or a portion  
16 thereof, to another employer and, at the time of the transfer, there  
17 is substantially common ownership, management or control of the two  
18 employers, then the ~~unemployment~~ experience rating account  
19 attributable to the transferred trade or business shall be combined  
20 with the ~~unemployment~~ experience rating account of the employer to  
21 whom such business is so transferred; and

22 2. Whenever a person who is not an employer under the  
23 Employment Security Act of 1980 at the time it acquires the trade or  
24 business of an employer, the ~~unemployment~~ experience ~~rate~~ rating

1 account of the acquired business shall not be transferred to such  
2 person if the Commission finds that the person acquired the business  
3 solely or primarily for the purpose of obtaining a lower rate of  
4 contributions. Instead, the person shall be assigned the minimum  
5 contribution rate under Section 3-110 of Title 40 of the Oklahoma  
6 Statutes. In determining whether the business was acquired solely  
7 or primarily for the purpose of obtaining a lower rate of  
8 contributions, the Commission shall use objective factors which may  
9 include the cost of acquiring the business, whether the person  
10 continued the business enterprise of the acquired business, how long  
11 such business enterprise was continued, or whether a substantial  
12 number of new employees were hired for performance of duties  
13 unrelated to the business activity conducted prior to acquisition.

14 B. 1. If a person knowingly violates or attempts to violate  
15 paragraph 1 or 2 of subsection A of this section or any other  
16 provision of the Employment Security Act of 1980 related to  
17 determining the assignment of the contribution rate, or if a person  
18 knowingly advises another person in a way that results in a  
19 violation of such provision, the person shall be subject to the  
20 following penalties:

21 a. if the person is an employer, then the employer shall  
22 be assessed a penalty equal to ten percent (10%) of  
23 the actual taxes due in the calendar quarter in which  
24 the employer violated or attempted to violate the

1 provisions of this section and a penalty equal to ten  
2 percent (10%) of the actual taxes due in each of the  
3 following three (3) calendar quarters. The funds in  
4 payment of this penalty shall be deposited in the  
5 Oklahoma Employment Security Commission Revolving Fund  
6 established under Section 4-901 of Title 40 of the  
7 Oklahoma Statutes,

8 b. if the person is not an employer, the person shall be  
9 subject to a civil money penalty of at least One  
10 Hundred Dollars (\$100.00) and not more than Five  
11 Thousand Dollars (\$5,000.00) to be determined by the  
12 Assessment Board of the Oklahoma Employment Security  
13 Commission. Any fine shall be deposited in the  
14 Oklahoma Employment Security Commission Revolving Fund  
15 established under Section 4-901 of Title 40 of the  
16 Oklahoma Statutes.

17 2. For purposes of this section, the term "knowingly" means  
18 having actual knowledge of or acting with deliberate ignorance or  
19 reckless disregard for the prohibition involved.

20 3. For the purposes of this section, the term "violates or  
21 attempts to violate" includes, but is not limited to, intent to  
22 evade, misrepresentation or willful nondisclosure.

23 4. In addition to the penalty imposed by paragraph 1 of this  
24 subsection, any person who violates the provisions of this section

1 shall be guilty of a misdemeanor and may be imprisoned for up to one  
2 (1) year.

3 C. The Commission shall establish procedures to identify the  
4 transfer or acquisition of a business for purposes of this section.

5 D. For purposes of this section:

6 1. "Person" has the meaning given such term by 26 U.S.C.

7 Section 7701(a)(1); and

8 2. "Trade or business" shall include the employers workforce.

9 E. This section shall be interpreted and applied in such a  
10 manner as to meet the minimum requirements contained in any guidance  
11 or regulations issued by the United States Department of Labor.

12 SECTION 11. AMENDATORY 40 O.S. 2011, Section 3-112, is  
13 amended to read as follows:

14 Section 3-112. EMPLOYERS WITH AT LEAST ONE ~~BUT LESS THAN THREE~~  
15 ~~YEARS~~ YEAR'S EXPERIENCE.

16 For each calendar year commencing after December 31, 1954, for  
17 those employers who have had ~~less than three (3) but~~ at least one  
18 (1) year of compensation experience, the Commission shall determine  
19 the contribution rate of each such employer on the basis of his  
20 compensation experience as determined by the fund's maximum  
21 liability for benefits to their employees who have been paid  
22 benefits modified by the state experience as to the average duration  
23 of benefit payments as provided by law.

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1 SECTION 12. AMENDATORY 40 O.S. 2011, Section 3-115, as  
2 amended by Section 9, Chapter 196, O.S.L. 2012 (40 O.S. Supp. 2012,  
3 Section 3-115), is amended to read as follows:

4 Section 3-115. APPEAL OF DETERMINATIONS.

5 A. If a determination is made by the Oklahoma Employment  
6 Security Commission on any aspect of an employer's account, and a  
7 method of appeal or protest of the determination is not set out in  
8 the statute or rule under which the determination was made, the  
9 employer may appeal or protest the determination under the procedure  
10 set forth in subsection B of this section.

11 B. 1. All determinations affecting an employer account must be  
12 made by the Commission in writing in a Notice of Determination and  
13 mailed to the employer at the employer's last-known address with the  
14 mailing date and appeal rights set out in the document. If the  
15 employer has elected to be notified by electronic means according to  
16 procedures set out in Oklahoma Employment Security Commission rules,  
17 notice shall be deemed to be given when the Commission transmits the  
18 notification by electronic means.

19 2. Within twenty (20) days after the mailing or transmission of  
20 the Notice of Determination as provided for in paragraph 1 of this  
21 subsection, the employer may file with the Commission, or its  
22 representative, a written request for a review and redetermination  
23 setting forth the employer's reasons therefor. If any employer  
24 fails to file a written request for review and redetermination

1 within twenty (20) days, then the initial determination of the  
2 Commission shall be final, and no further appeal or protest shall be  
3 allowed.

4 3. If a written request for review and redetermination is  
5 filed, the Commission shall provide for a review and issue a Notice  
6 of Redetermination in the matter. The employer may appeal the  
7 redetermination by filing a written protest within fourteen (14)  
8 days of the date of the mailing of the Notice of Redetermination.  
9 If the employer fails to file a written protest within the time  
10 allowed, the redetermination of the Commission shall be final and no  
11 further appeal or protest shall be allowed.

12 4. Upon the timely filing of a written protest, the Commission  
13 shall provide for an oral hearing de novo to allow the employer to  
14 present evidence in support of the protest. The Commission or its  
15 representatives shall, by written notice, advise the employer of the  
16 date of the hearing, which shall not be less than ten (10) days from  
17 the date of the mailing of the written notice. At the discretion of  
18 the Commission, this hearing shall be conducted by the Commission,  
19 or by a representative appointed by the Commission for this purpose.

20 5. Pursuant to the hearing, the Commission or its  
21 representative shall, as soon as practicable, make a written order  
22 setting forth its findings of fact and conclusions of law, and shall  
23 mail it to the employer at the employer's last-known address with  
24 the mailing date and appeal rights set out in the document.

1           6. The employer or the Commission may appeal the order to the  
2 district court of the county in which the employer has its principal  
3 place of business by filing a Petition for Review with the clerk of  
4 the court within thirty (30) days after the date the order was  
5 mailed to all parties. If the employer does not have a principal  
6 place of business in any county in Oklahoma, then the Petition for  
7 Review shall be filed with the Oklahoma County District Court. All  
8 appeals shall be governed by Part 4 of Article 3 of the Employment  
9 Security Act of 1980. If the employer fails to file an appeal to  
10 the district court within the time allowed, the order shall be final  
11 and no further appeal shall be allowed.

12           C. Untimely requests for review and redetermination pursuant to  
13 paragraph 2 of subsection B of this section and written protests for  
14 appeals filed pursuant to paragraph 3 of subsection B of this  
15 section may be allowed for good cause shown.

16           SECTION 13.           AMENDATORY           40 O.S. 2011, Section 3-403, is  
17 amended to read as follows:

18           Section 3-403.   PETITION FOR REVIEW AND TRANSCRIPT OF COMMISSION  
19 PROCEEDINGS.

20           Within thirty (30) days after the date of mailing of the order,  
21 ruling, or finding complained of, the party desiring to appeal shall  
22 file in the office of the clerk of the district court of the county  
23 that has the proper jurisdiction, a Petition for Review specifying  
24 the grounds upon which the appeal is based. The Petition for Review

1 shall set out the names of all parties to the case in the style of  
2 the case, which shall include:

3 1. The petitioner or entity filing the petition;

4 2. The Assessment Board as a respondent; and

5 3. All other parties in the proceeding before the Assessment  
6 Board as respondents.

7 If a Petition for Review is not filed within the time allowed by  
8 this section, the administrative order, ruling or finding will  
9 become final and the district court will not have jurisdiction to  
10 consider the appeal. The appealing party shall serve a file-stamped  
11 copy of the Petition for Review on ~~the~~ all ~~opposing party parties~~ or  
12 ~~its attorney~~ their attorneys and the ~~designated hearing officer~~  
13 Director of the Appellate Division of the Oklahoma Employment  
14 Security Commission ~~before whom the original hearing was held.~~ The  
15 ~~hearing officer of the Commission~~ Director of the Appellate Division  
16 shall then cause a certified transcript of the hearing to be made  
17 which shall consist of all testimony of the parties, all documentary  
18 evidence and other evidence introduced at the hearing, and all  
19 decisions, judgments, or orders rendered as a result of the hearing.  
20 The ~~hearing officer~~ Director of the Appellate Division shall then  
21 cause the certified transcript to be filed in the appropriate  
22 district court within sixty (60) days of receipt of the Petition for  
23 Review. Copies of the transcript shall be mailed by the ~~hearing~~  
24 ~~officer to the Commission's attorney and the employer or the~~

1 ~~employer's attorney~~ Director of the Appellate Division to all  
2 parties named in the style of the case on the Petition for Review.

3 SECTION 14. REPEALER 40 O.S. 2011, Section 3-104, is  
4 hereby repealed.

5 SECTION 15. This act shall become effective November 1, 2013.

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7 54-1-7431 EK 02/28/13

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