

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 SENATE BILL 1683

By: Griffin

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5
6 AS INTRODUCED

7 An Act relating to unemployment; amending 40 O.S.
8 2011, Section 2-503, as last amended by Section 6,
9 Chapter 71, O.S.L. 2013 (40 O.S. Supp. 2013, Section
10 2-503), which relates to notices and objections;
11 granting exception to prima facie notice; extending
12 certain time to object; providing for notification
13 after incorrect mailing; allowing certain appeal;
14 setting time for certain appeal; authorizing
15 suspension of benefits for certain incorrect mailing;
16 providing for additional notice under certain
17 condition; setting objection time after correct
18 mailing; and providing an effective date.

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

20 SECTION 1. AMENDATORY 40 O.S. 2011, Section 2-503, as
21 last amended by Section 6, Chapter 71, O.S.L. 2013 (40 O.S. Supp.
22 2013, Section 2-503), is amended to read as follows:

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

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

B. Promptly after an initial claim or an additional initial
claim is filed, the Commission shall give written notice of the

1 claim to the last employer of the claimant for whom he or she worked
2 at least fifteen (15) working days. The required fifteen (15)
3 working days are not required to be consecutive. Provided, that
4 promptly after the Commission is notified of the claimant's
5 separation from an employment obtained by a claimant during a
6 continued claim series, the Commission shall give written notice of
7 the claim to the last separating employer. Notices to separating
8 employers during a continued claim series will be given to the last
9 employer in the claim week without regard to length of employment.

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

15 D. Notices shall be deemed given when the Commission deposits
16 the same in the United States mail addressed to the employer's last-
17 known address. Notice shall be presumed prima facie to have been
18 given to the employer to whom addressed on the date stated in the
19 written notice, except as otherwise provided in this section. If
20 the employer has elected to be notified by electronic means
21 according to procedures set out in Oklahoma Employment Security
22 Commission rules, notice shall be deemed to be given when the
23 Commission transmits the notification by electronic means.

1 E. Within ~~ten (10)~~ twenty-one (21) days after the date on the
2 notice or the date of the postmark on the envelope in which the
3 notice was sent, whichever is later, an employer may file with the
4 Commission at the address prescribed in the notice written

5 objections to the claim setting forth specifically the facts which:

6 1. Make the claimant ineligible for benefits under Sections 2-
7 201 through 2-210 of this title;

8 2. Disqualify the claimant from benefits under Sections 2-401
9 through 2-419 of this title; or

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

12 F. Any notice required by this section and deposited in the
13 United States mail which was inadvertently or intentionally
14 addressed to an employer at an incorrect address, shall be grounds
15 for the employer to appeal the prima facie notice to the Commission
16 even if the time for making employer objections has lapsed. It
17 shall be the obligation of the employer to bring such incorrect
18 address and incorrect mailing of notice to the Commission at its
19 earliest possible date in writing, but not later than fourteen (14)
20 days after a claimant has been awarded benefits. The Commission
21 shall suspend claimant benefits and resend the notification to the
22 correct address, upon receipt of notification of incorrect mailing.
23 The Commission shall permit the employer to file written objections
24 pursuant to subsection E of this section based upon the corrected

1 mailing date. The Commission may proceed thereafter as provided by
2 law for an original claim of benefits, including denial of benefits
3 and request for refund of any benefits paid to claimant.

4 SECTION 2. This act shall become effective November 1, 2014.

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