



1001 North 23rd Street
Post Office Box 94094
Baton Rouge, LA 70804-9094

(O) 225-342-3110
(F) 225-342-2051
www.laworks.net

John Bel Edwards, Governor
Ava Cates, Secretary

Office of the Secretary

November 1, 2022

Via Email to:

APA.H-LIR@legis.la.gov
Honorable Barbara Carpenter, Chairman
House Committee on Labor & Industrial Relations
Relations

APA.S-L&IR@legis.la.gov
Honorable Senator Jay Luneau, Chairman
Senate Committee on Labor & Industrial
Relations

RE: Summary Report on Rule Amendment of LAC 40:IV.379

Dear Senator Luneau and Representative Carpenter:

Pursuant to R.S. 49:968(D)(1)(b), the Louisiana Workforce Commission hereby announces its plan to proceed with rulemaking by finalizing the September 20, 2022 Notice of Intent that was promulgated on page 2490 of the *Louisiana Register*.

No request for a public hearing was made in accordance with R.S. 49:953(A)(2)(a). The Louisiana Workforce Commission received no written comments regarding this proposed rule amendment, and no changes have been made to the proposed rule amendment. The rule amendment is necessary to comply with changes to IRS's Pub. 1075, concerning frequency of background checks for individuals that handle federal tax information.

Subject to legislative oversight by either the House or Senate Committee on Labor and Industrial Relations, the Louisiana Workforce Commission anticipates adopting the Notice of Intent as a final rule in the December 20, 2022 issue of the *Louisiana Register*. A copy of the Notice of Intent that will be submitted for the final rule is attached.

In the event that you have any questions or need additional information, please contact me directly at ACates@lwc.la.gov or at 225.342.3001.

Yours truly,

A handwritten signature in blue ink, appearing to read "Ava Cates".

Ava Cates
Secretary

Enclosures (2)

cc: Office of the State Register at Reg.Submission@la.gov
Senate President at apa.senatepresident@legis.la.gov

dissemination of information about commercial fishing activities in the menhaden industry.

The sampling procedure described in the proposed rule change may increase the cost of complying with reporting requirements. Commercial vessels will be required to record the fork lengths of 15 fish from each set: five from the beginning, five from the middle, and five from the end of each set. Estimates of the expected increases in labor and reporting costs are unavailable.

The requirement to submit monthly menhaden harvest reports electronically may impose additional costs on commercial fishing vessels that do not currently have the means to record and transmit data in that form. Any increase in costs will depend on how many vessels will need to purchase computer equipment. Estimates of the number of vessels with or without computers is unknown.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is expected to have no effect on competition or employment.

Byron McClinton
Undersecretary
2209#061

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT *RULE*

**Workforce Commission
Office of Unemployment Insurance Administration**

**Background Check for Access to Federal Tax Information
(LAC 40:IV.379)**

Pursuant to the authority granted by R.S. 15:587.5, 23:1657.1, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Workforce Commission ~~proposes to amend~~ LAC 40:IV.379(C)(2). The purpose of the amendment of this Rule is to allow the frequency of conducting criminal history records checks for access to federal tax information to be dependent upon the requirements in Internal Revenue Service's Pub. 1075. *This Rule amendment Title 40 is hereby adopted on the day of promulgation.*

**LABOR AND EMPLOYMENT
Part IV. Employment Security
Subpart 1. Board of Review**

**Chapter 3. Employment Security Law
§379. Criminal History Background Check for Access to Federal Tax Information**

A. - B.1.c. ...

C. General Provisions for Criminal History Background Checks

1. ...

2. Criminal history background checks will be completed at the frequency required by the Internal Revenue Service's Pub. 1075.

C.3. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.5 and R.S. 23:1657.1.

HISTORICAL NOTE: Promulgated by the Workforce Commission, Office of Unemployment Insurance Administration, LR 44:2026 (November 2018), amended LR 48:

Family Impact Statement

Implementation of the proposed Rule should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on the six criteria set forth in R.S. 49:972(B).

Poverty Impact Statement

The proposed Rule will have no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule's impact on small businesses has been considered in accordance with R.S. 49:978.4 and 978.5, and it is estimated that the proposed action will have negligible impact on small businesses as defined in the Regulatory Flexibility Act. Therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, it is anticipated that this proposed Rule will have no known or foreseeable effect on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

All interested parties are invited to submit views, arguments, information, or comments on the proposed Rule amendment via U.S. mail to: Robert Wooley, Assistant Secretary, Office of Unemployment Insurance Administration, Louisiana Workforce Commission, P.O. Box 94094, Baton Rouge, LA 70804-9094. All written comments are required to be signed by the person submitting the comments, dated, and received on or before 4 p.m. on October 10, 2022.

Public Hearing

A request pursuant to R.S. 49:953(A)(2)(a) for oral presentation, argument, or a public hearing must be in writing and received by the Louisiana Workforce Commission no later than October 10, 2022. The request should be submitted by U.S. mail to: Louisiana Workforce Commission, ATTN: Robert Wooley, Assistant Secretary, P.O. Box 94094, Baton Rouge, LA 70804-9094.

Ava Cates
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Background Check for
Access to Federal Tax Information**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The purpose of this proposed amendment to LAC 40:IV.379 is to allow the frequency at which criminal background checks are repeated to follow the precedent of federal code set by the Internal Revenue Service (IRS) publication 1075, "Tax Information Security Guidelines for Federal, State and Local Agencies." The IRS recently updated the frequency requirement of background checks from every ten years to every five years. By referencing the IRS publication rather than specifying the timeframe within state administrative code, the Louisiana Workforce Commission (LWC) hopes to avoid future rule changes and associated expenses when/if the IRS changes the requirement again. Minor implementation costs of about \$707 will be included in FY24 LWC budget request as administrative costs related to the Unemployment Insurance Trust Fund in the same manner as the current background checks for the 11 employees that are expected to require the service. The services will be provided by LA State Police for federal and state background checks (estimated at \$542) and fingerprinting who will appropriate the funds by Statutory Dedication through the Criminal Identification and Information Fund and with local authorities for local background checks (estimated at \$165).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Because the expenses are administrative costs related to the Unemployment Insurance Trust Fund, they qualify for federal funding. The LWC will draw down the federal funds through the Office of Unemployment Insurance Administration Program, then transfer the funds by IAT to LA State Police, who will classify the funds into the Criminal Identification and Information Fund. The remaining federal draw will fund the payments to local authorities.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

No material impacts on costs or economic benefits are anticipated for affected personal or non-governmental groups due to this proposed rule change. No private agencies are used in the processing of background checks or fingerprinting by LWC.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No material impact on competition or employment is anticipated due to this proposed rule change.

Ava Cates
Secretary
2209#033

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

**NOTICE OF INTENT
Workforce Commission
Office of Workers' Compensation**

Hearing Rules—Required Form to Track
Written Reasons for Contempt
(LAC 40:I.5537)

The Louisiana Workforce Commission does hereby give notice of its intent to amend certain portions of the Louisiana Administrative Code, Title 40, Labor and Employment, Part I, Workers' Compensation Administration, Subpart 3, Hearing Rules, Chapter 55, Subchapter F, regarding power and authority. The purpose of this amendment is to promulgate a required form to track written reasons for contempt. This Rule is promulgated by the authority delegated to the deputy assistant secretary by R.S. 36:304(B) and vested in the assistant secretary of the Office of Workers' Compensation found in R.S. 23:1291 and R.S. 23:1310.7.

**Title 40
LABOR AND EMPLOYMENT
Part I. Workers' Compensation Administration
Subpart 3. Hearing Rules
Chapter 55. General Provisions
Subchapter F. Power and Authority
§5537. Procedure
A. ...**