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John Bel Edwards, Governor  
Ava Dejoie, Secretary

**Office of the Secretary**

August 12, 2020

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 Troy Carter, Chairman  
Senate Committee on Labor & Industrial

**RE: Summary Report on Proposed Rule LAC 40:IV:381**

Dear Senator Carter 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 June 20, 2020 Notice of Intent that was promulgated on page 820 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, and no changes have been made to the proposed rule.

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 October 20, 2020 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 [adejoie@lwc.la.gov](mailto:adejoie@lwc.la.gov) or at 225.342.3001.

Yours truly,



Ava M. Dejoie  
Secretary

Enclosures (2)

cc: Office of the State Register

There is no impact on expenditures of the Department of Wildlife and Fisheries (LDWF) or local governmental units associated with the proposed rule altering the trip limit for greater amberjack. The rule changes the trip limit for greater amberjack caught commercially from 1,500 pounds per trip to 1,000 per trip.

The proposed rule also gives the Secretary of Wildlife and Fisheries the authority to alter the trip limit for any commercially harvested reef fish or species group when notified that the Regional Administrator of National Oceanographic and Atmospheric Administration (NOAA) Fisheries that an adjustment has been made to the trip limit for a species or species group in adjacent federal waters.

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

The proposed rule change is anticipated to have no effect on revenue collections of state or local governmental units.

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

The proposed lower trip limit to 1,000 pounds per trip for greater amberjack caught commercially, will have a negative impact for commercial fishers. LDWF estimates an annual loss to fishers of \$26,000.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is anticipated to have a minor negative impact on receipts or income in Louisiana.

Bryan McClinton  
Undersecretary  
2006#011

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT** *RULE*

**Workforce Commission  
Office of Unemployment Insurance Administration**

**Employer Requirement to Provide Notification of the  
Availability of Unemployment Insurance Benefits to Each  
Individual Employee at the Time of Separation  
(LAC 40:IV.381)**

Under the authority of and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., specifically R.S. 49:953(C)(1), and through the authority granted in R.S. 36:304, notice is hereby given that the Workforce Commission ~~proposes to adopt~~ LAC 40:IV.381. The ~~proposed~~ Rule sets forth the requirement that employers notify employees of the availability of unemployment insurance benefits upon separation, and details the information that must be included in the notification, as well as the methods of notification. The ~~proposed~~ Rule also advises employers of where a form that fulfills the requirements can be found on the Workforce Commission's website. The ~~proposed~~ Rule is one of the requirements for the receipt of funding by the Workforce Commission under the Families First Coronavirus Response Act, Pub. L. 116-127, more specifically, Division D of the Emergency Unemployment Insurance Stabilization and Access Act of 2020. The ~~proposed~~ Rule is being promulgated in order to continue the provisions of the April 23, 2020 Emergency Rule *and the August 20, 2020 Emergency Rule.*

**Title 40  
LABOR AND EMPLOYMENT  
Part IV. Employment Security  
Subpart 1. Board of Review**

**Chapter 3. Employment Security Law**

**§381. Employer Requirement to Provide Notification of the Availability of Unemployment Insurance Benefits to Each Individual Employee at the Time of Separation**

A. Pursuant to R.S. 23:1621, employers are required to provide notification of the availability of Unemployment Insurance Benefits (UI). This Rule prescribes an additional requirement that employers shall notify each individual employee at the time of separation from employment of the following.

1. Employees may file a UI claim in the first week that employment stops or work hours are reduced.

2. Employees shall be informed that a UI claim may be filed by phone or online stating:

a. to file a UI claim by phone, call: 1-866-783-5567;

b. to file a UI claim online, visit: [www.louisianaworks.net/hire](http://www.louisianaworks.net/hire);

c. if you have questions about the status of your UI claim, you can call the LWC at 866-783-5567 or visit [www.louisianaworks.net/hire](http://www.louisianaworks.net/hire).

3. Employees shall be given the Workforce Commission's toll free phone number and web address for filing and assistance with unemployment insurance claims.

4. Employees shall be informed of the need to provide the Workforce Commission with the following information in order for the claim to be processed:

- a. full legal name;
- b. social security number; and
- c. authorization to work (if not a U.S. Citizen or resident).

B. Employers can find a form containing this required information at [www.laworks.net/Downloads](http://www.laworks.net/Downloads).

C. Employers shall convey this information at the time of separation. This information shall be provided to employees in writing either via flyer, letter, email, or text message.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1591, R.S. 23:1472(19)(a)(iii), R.S. 23:1621, and R.S. 36:310.

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Unemployment Insurance Administration, LR 46:

**Family Impact Statement**

Implementation of this 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).

In particular, there should be no known or foreseeable effect on:

- 1. the effect on household income, assets, and financial security;
- 2. the effect on early childhood development and preschool through postsecondary education development;
- 3. the effect on employment and workforce development;
- 4. the effect on taxes and tax credits;

5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### Poverty Impact Statement

This Rule will have no known or foreseeable impact on any child, individual or family as described in R.S. 49:973.

#### Small Business Analysis

Pursuant to R.S. 49:956.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule.

This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has been considered in accordance with R.S. 49:965.6, and it is estimated that the Rule 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

This Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

#### Public Comments

All interested persons are invited to submit written comments via U.S. Mail to Assistant Secretary Robert Wooley, UI-Administration, 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 4:30 p.m. on July 10, 2020.

#### Public Hearing

A request pursuant to R.S. 49:953 (A)(2)(a) for oral presentation, argument, or public hearing must be in writing and received by the Workforce Commission no later than 4:30 p.m. on July 10, 2020. The request should be submitted by U.S. mail to the Louisiana Workforce Commission, ATTN: Robert Wooley, Post Office Box 94094, Baton Rouge, LA 70804-9094.

Ava Dejoie  
Secretary

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Employer Requirement to Provide Notification of the Availability of Unemployment Insurance Benefits to Each Individual Employee at the Time of Separation

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

The proposed rules will have no fiscal impact on state or local governmental units, other than the publication fees associated with the proposed rule change.

In accordance with the Emergency Unemployment Insurance Stabilization and Access Act of 2020, the proposed rule requires employers to notify employees upon separation that they may file a claim for unemployment benefits. This

notification may be provided to employees in writing either via flyer, letter, email, or text message.

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

Implementation of the proposed changes will have no effect on revenue collections of state or local governmental units.

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

The cost to businesses to implement the notification requirement should be minimal given that they can notify separated employees through electronic means, such as email or text. However, to the extent that more separated employees are approved for unemployment benefits as a result of this notification, employer's unemployment insurance premiums will likely increase.

There may be an economic benefit to separated employees that file an unemployment claim as a result of the notification who may not have applied otherwise. However, the amount of this benefit is not quantifiable.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed changes have no known effect on competition and employment.

Ava Dejoie  
Secretary  
2005#023

Evan Brasseur  
Staff Director  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Workforce Commission Office of Workers' Compensation Administration

#### Medical Treatment Guidelines (LAC 40:1.Chapter 20)

Editor's Note: This Notice of Intent is being repromulgated to correct citations and codification. The original Notice of Intent may be viewed in the May 20, 2020 edition of the *Louisiana Register* on pages 744-759.

The Workforce Commission does hereby give notice of its intent to amend certain portions of the Medical Guidelines contained in the Louisiana Administrative Code, Title 40, Labor and Employment, Part I, Workers' Compensation Administration, Subpart 2, Medical Guidelines, Chapter 20, regarding low back pain guidelines. This Rule is promulgated by the authority vested in the director of the Office of Workers' Compensation found in R.S. 23:1291 and R.S. 23:1310.1(C).

#### Title 40

#### LABOR AND EMPLOYMENT

#### Part I. Workers' Compensation Administration Subpart 2. Medical Guidelines

#### Chapter 20. Spine Medical Treatment Guidelines Subchapter B. Low Back Pain

Editor's Note: Form LWC-WC 1009 Disputed Claim for Medical Treatment has been moved to §2328 of this Part.

#### §2013. Introduction

A. This document has been prepared by the Workforce Commission, Office of Workers' Compensation Administration (OWCA) and should be interpreted within the context of guidelines for physicians/providers treating individuals qualifying under Louisiana Workers' Compensation Act as injured workers with low back pain. Although the primary purpose of this document is advisory