

State of Louisiana



Executive Department EXECUTIVE ORDER NUMBER JBE 2016-63

EMERGENCY SUSPENSION OF CERTAIN UNEMPLOYMENT INSURANCE LAWS

- WHEREAS,** pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, the Governor declared a state of emergency in Proclamation No. 111 JBE 2016;
- WHEREAS,** the State of Louisiana has suffered severe flooding and damage to the state which threatens the safety, health, and security of the citizens of the State of Louisiana, along with private property and public facilities;
- WHEREAS,** the flooding resulting from this event has displaced thousands of workers and employers from their homes and places of business;
- WHEREAS,** in addition to the displaced individuals, the flooding has caused numerous communication challenges due to the interruption of mail service, phone service and electricity;
- WHEREAS,** the evacuations, displacements, communication issues, the inability of employers to access personnel files, and the extraordinary volume of resulting unemployment claims pose serious challenges to the effective and timely administration of the unemployment compensation system;
- WHEREAS,** Louisiana Revised Statute 29:724 confers upon the Governor emergency powers to deal with emergencies and disasters and to ensure that preparations of this state will be adequate to deal with such emergencies or disasters, and to preserve the lives and property of the citizens of the State of Louisiana, including the authority to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency; and
- WHEREAS,** the executive director of the Louisiana Workforce Commission has requested the Governor, due to the extreme volume of claims to be processed, suspend the application of La. R.S. 23:1533, 1552, 1600(2) and (3), and 1601(1), (2) and (7)(a), (b) and (d) for disaster-related claims, so as to allow the timely and fair administration of the unemployment insurance program.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

- SECTION 1:** For the purpose of this executive order, "disaster-related claims" shall mean claims for unemployment compensation filed by persons whose unemployment is directly due to the effects of flooding or due to their inability to get to their job or worksite because they cannot travel through a disaster parish, as determined by the administrator of the state's unemployment compensation program, i.e., the executive director of the Louisiana Workforce Commission. Disaster-related

claims will not necessarily include all claims in all parishes included in the flooding disaster proclamations, declarations or orders.

SECTION 2:

The following statutes relative to unemployment insurance are hereby suspended to the extent and in the manner described below:

- A. La. R.S. 23:1533, which provides for claimants' benefits to be charged against base period employers for purposes of employers' tax experience rating and the protesting of such charges by employers, shall be suspended for disaster-related claims made during the effective period of this Order.
- B. La. R.S. 23:1552, which provides for the charging of claimants' benefits to certain employers, shall be suspended for disaster-related claims made during the effective period of this Order.
- C. La. R.S. 23:1600(2) and (3) shall be suspended while this Order is in effect for disaster-related claims to the extent that they require claimants to register and search for work, but the requirements in La. R.S. 23:1600(2) that claimants continue to report at an employment office in the manner prescribed by the administrator, and in La. R.S. 23:1600(3) that claimants be able to work and be available for work, are not waived. The requirement to continue to report at an employment office, which is accomplished through either an automated telephone system or the Internet, is not impractical and avoids overpayments, which claimants would be liable to repay. In the immediate aftermath of the flooding, waived requirements are not practical for claimants without fixed temporary or permanent housing and verification of such activities is not practical in many areas affected by the flooding.
- D. La. R.S. 23:1601(1), (2) and (7)(a), (b) and (d), which provide certain disqualifications for otherwise eligible claimants, shall be suspended for disaster-related claims beginning while this Order is in effect. Persons having disaster-related claims were not discharged from their employment nor did they quit or leave their employment as contemplated by La. R.S. 23:1601(1) and (2), and the case-by-case adjudication of these issues would be an unproductive and unnecessary use of agency resources that should be devoted to processing the extraordinary high volume of disaster-related claims that will be filed. Persons who are paid by their employers, but who performed no services for the week(s) paid, are not unemployed and therefore are not eligible to receive unemployment benefits for any such week. Also, this waiver shall not affect the offset of wages from a claimant's weekly benefit amount pursuant to La. R.S. 23:1593.

SECTION 3:

This Order is effective upon signature for those parishes already covered by the Major Disaster Presidential Declaration, dated August 14, 2016, and to those parishes covered by any subsequent expansion of the August 14, 2016 Declaration. This Order shall apply retroactively from Friday, August 12, 2016, and shall continue through Monday, September 12, 2016, unless amended, modified, terminated, or rescinded by the Governor prior thereto.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the City of Baton Rouge, on this 2nd day of September, 2016.

GOVERNOR OF LOUISIANA

ATTEST BY
THE GOVERNOR

SECRETARY OF STATE