

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass

Vote: 7 - 0 - 0

Yeas: Berger, Edwards C., Esquivel, Holvey, Rosenbaum, Smith P., Schaufler

Nays: 0

Exc.: 0

Prepared By: Theresa Van Winkle, Administrator

Meeting Dates: 3/19

WHAT THE MEASURE DOES: Expands the circumstances under which the Director of the Employment Department may reconsider a determination of an unemployment tax case. Allows the Director to reconsider a determination when it resulted from misinformation provided by the Employment Department, errors caused by misapplication of law by the department, or facts not previously known to the department.

ISSUES DISCUSSED:

- Number of appeals that are filed with the department
- Potential cost savings

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The Office of Administrative Hearings (OAH) is responsible for hearing appeal actions issued by the Unemployment Tax Section of the Oregon Employment Department. Currently, the Director of the Employment Department can only make decisions regarding the reconsideration of a case if there is a clerical error, calculation error, or omission of facts. SB 194 expands the grounds for requesting the director to reconsider a case to include misinformation provided by a party to the department and errors caused by the misapplication of law. The measure's provisions are consistent with the grounds for reconsideration on appeals related to unemployment insurance benefit claims.

Currently, when there is a need to appeal a decision by the OAH due to factors outlined in the measure, it must be made to the Oregon Court of Appeals. According to the department, these appeals cost a minimum of \$5,000 in Attorney General fees.