

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass
Vote:	5 - 0 - 0
Yeas:	George, Monnes Anderson, Prozanski, Telfer, Rosenbaum
Nays:	0
Exc.:	0
Prepared By:	Jeremy Sarant, Administrator
Meeting Dates:	2/16

WHAT THE MEASURE DOES: Allows either party in an unemployment hearing to file a request to reopen the hearing following the issuance of a written decision by the administrative law judge (ALJ). Outlines conditions in which a hearing may be reopened. Allows Director of the Employment Department to provide documents by any delivery method to parties participating in unemployment hearing. Requires ALJ, when either party is unrepresented at hearing, to explain issues in hearing and matters that parties must either prove or disprove, and to ensure that the record shows a full and fair inquiry into the facts necessary for considering all issues in the case.

ISSUES DISCUSSED:

- Unintended limitation on ability of parties to request reopening

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Current law allows an Administrative Law Judge (ALJ) to dismiss an unemployment hearing when the parties fail to appear, and to reopen the hearing only for the party that requested the hearing. This limitation led to the unintended consequence that a few parties were prevented from having a hearing reopened, including cases in which there was good cause for non-appearance. This result may be out of compliance with federal law, which requires allowing any party to request that a hearing be reopened with good cause. Failure to conform to federal law could lead to the loss of a multi-million dollar administrative grant to the Employment Department, as well as the possibility of employers being required to pay an additional \$1.04 billion in federal unemployment taxes.

House Bill 2202 allows the ALJ to reopen a hearing at the request of any party if: The party requesting the reopening failed to appear at the hearing; the party files the request within 20 days after the issuance of the written decision; and the cause of the failure to appear was beyond the control of the requesting party.

Other provisions of House Bill 2202 expand the Employment Department's authority to deliver information to parties in an unemployment hearing, and require the ALJ to make additional provisions for unrepresented parties. "Unrepresented" is defined as the claimant or employer not being represented by either an attorney, legal assistant, paralegal, union representative, or someone otherwise qualified either by experience and/or training.