

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	11 - 0 - 0
Yeas:	Barton, Fagan, Freeman, Holvey, Kennemer, Matthews, Thatcher, Thompson, Weidner, Witt, Doherty
Nays:	0
Exc.:	0
Prepared By:	Jan Nordlund, Administrator
Meeting Dates:	2/3, 2/5

WHAT THE MEASURE DOES: Authorizes Employment Department to make public all decisions of the Employment Appeals Board. Applies to all decisions made before, on or after the effective date. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Usefulness of access to past decisions for employees, employers, and attorneys
- Only decisions to be released, not documents in the record
- Identifying information to be redacted

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The Legislative Assembly created the Employment Appeals Board (EAB) in the Employment Department in 1959 to review contested unemployment insurance claims decisions issued by the Office of Administrative Hearings (OAH). The EAB consists of three board members appointed by the Governor to four-year terms, four legal staff and two clerical staff. EAB issues between 2,000 and 2,500 decisions per year. Appeal of an EAB decision is to the Court of Appeals.

From 2007 to July 2013, the EAB published its decisions in a searchable format on its website. Publication ended when the Employment Department received legal advice that the publication of decisions violated a statute that exempts most records of the Employment Department from disclosure under public records law. The EAB decisions have been used by employers and employees to help understand their respective rights and obligations as they prepare to go before an administrative law judge in the OAH or when filing an application for the EAB to review a decision of the administrative law judge.