

PRELIMINARY STAFF MEASURE SUMMARY

CARRIER:

Senate Committee on Workforce

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

SUBSEQUENT REFERRAL TO:

Action:

Vote:

Yeas:

Nays:

Exc.:

Prepared By: Matthew Germer, Administrator

Meeting Dates: 3/30, 4/27

WHAT THE MEASURE DOES: Allows Employment Department to dismiss report for hearing with Office of Administrative Hearings under specified circumstances. Specifies that if Department dismisses a hearing request, party may request a hearing on the dismissal. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Effect on circumstances for dismissal
- Nature of authority granted to Employment Department
- Opportunity for hearing upon dispute over dismissal

EFFECT OF COMMITTEE AMENDMENT:

BACKGROUND: A claimant for unemployment insurance benefits or a party to the claim can request a hearing before an administrative law judge at the Office of Administrative Hearings. Under existing statute, only the administrative law judge may dismiss such a request, and only under specified circumstances.

House Bill 2439-A allows the Employment Department to dismiss a request for a hearing in the following four situations: 1) the request for a hearing is withdrawn by the requesting party; 2) issues are resolved by cancellation or amendment of the decision; 3) the request for a hearing is filed prior to the date of the written decision or written determination that is the subject of the request; or 4) the request was made by a party not entitled to such a request.