

Dear Senators PATRICK, Martin, Schmidt, and
Representatives HARTGEN, Anderson, King:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Department of Labor:

IDAPA 09.01.30 - Unemployment Insurance Benefits Administration Rules - Proposed Rule (Docket
No. 09-0130-1501).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 11/17/2015. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/16/2015.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Commerce & Human Resources Committee

FROM: Division Manager - Mike Nugent

DATE: October 28, 2015

SUBJECT: Department of Labor

IDAPA 09.01.30 - Unemployment Insurance Benefits Administration Rules - Proposed Rule (Docket No. 09-0130-1501)

The Department of Labor is proposing to promulgate a proposed administrative rule to extend from twelve to sixteen weeks the period of time an unemployment insurance claimant who has a firm attachment to an employer, industry or union who are temporarily or seasonally unemployed and expects to return to his or her former job or employer in a reasonable length of time not to exceed the proposed sixteen weeks. If during the sixteen weeks period a claimant returns to work temporarily for the job attached employer, the claimant's period of job attachment shall be extended for one week for each week of verified full-time employment.

It appears the proposed rule has been promulgated within the scope of statutory authority granted to the Department of Labor.

cc: Department of Labor
Karen Rash

IDAPA 09 - DEPARTMENT OF LABOR

09.01.30 - UNEMPLOYMENT INSURANCE BENEFITS ADMINISTRATION RULES

DOCKET NO. 09-0130-1501

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 72-1333, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

ORIGINATING LOCATION – LIVE MEETING
Thursday, November 19, 2015
10:00 a.m.(MST) 9:00 a.m.(PST)

Idaho Department of Labor –Central Office
Conference Room 2nd Floor West
317 W. Main Street
Boise, ID 83735

VIDEO CONFERENCING		
4514 Thomas Jefferson Street Caldwell, ID 83605	600 N. Thornton Street Post Falls, ID 83854	1158 Idaho Street Lewiston, ID 83501-1960
1515 E. Lincoln Road Idaho Falls, ID 83401-3653	430 N. 5th Ave. Pocatello, ID 83205-4087	420 Falls Avenue Twin Falls, ID 83301

Join the conference by phone at (208)947-1053, Conference ID# 6873450

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule change benefits seasonal employers, particularly in the timber and construction industry, by allowing them to retain skilled workers who are laid off for short periods of time. It also benefits seasonal workers with confirmed return-to-work dates by waiving the work-search requirement. This waiver would allow workers to receive unemployment insurance benefits for a maximum of 16 weeks while they are laid off if they meet all the remaining eligibility requirements of the unemployment insurance program.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: NA

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: There will be no fiscal impact to the General Fund or any dedicated fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. A great majority of the respondents were in favor of the changes or were neutral on the issue and the department, in its sole discretion, has determined it to be infeasible to hold negotiated meetings. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the September 2, 2015 Administrative Bulletin [Vol. 15-9, page 67](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Joshua McKenna Benefits Bureau Chief (208) 332-3570 ext. 3919.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 25, 2015.

DATED this October 7, 2015.

Joshua McKenna
Benefits Bureau Chief
Idaho Department of Labor
317 W. Main Street
Boise, ID 83735
(208) 332-3570 ext. 3919
(208) 334-6125 Fax
joshua.mckenna@labor.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 09-0130-1501
(Only Those Sections With Amendments Are Shown.)

575. SEEKING WORK.

Ref. Sec. 72-1366(4), (6), Idaho Code. (3-19-99)

01. Attitude and Behavior. A claimant's attitude and behavior must be conducive to a positive reaction by employers to his job search. (3-19-99)

02. Effort to Secure Employment. A claimant will be expected to do what is normally done by unemployed persons that are seeking work. (3-19-99)

03. Employer's Hiring Practices. An employer's reluctance to hire a claimant because of his appearance or physical condition is not a determining factor in ruling on the claimant's eligibility. (3-19-99)

04. Job Attachment Classifications. For the purpose of administering the work search requirements of Section 72-1366(4) and (6), Idaho Code, a claimant will be classified according to his attachment to an employer or industry, as follows: (3-19-99)

a. Code R-Recall, U-Union or X-Both. A claimant who has a firm attachment to an employer, industry or union, or who are temporarily or seasonally unemployed, and expect to return to his former job or employer in a reasonable length of time not to exceed a maximum of ~~twelve (12)~~ sixteen (16) weeks. If during the sixteen (16) weeks a claimant returns to work temporarily for the job attached employer, the claimant's period of job attachment shall be extended by one (1) week for each week of verified full-time employment as defined by Section 72-1312, Idaho Code. ~~(3-20-14)()~~

b. Code B. A claimant who possesses marketable skills in an occupation, but has no immediate prospects for reemployment, and whose employment expectations (i.e., wages, hours, etc.) are realistic in relation to the normal labor market supply and demand in his area of availability. (3-19-99)

c. Code C. A claimant who has no marketable skills or whose skills have become obsolete and who is unable to return to his former occupation, or who has a special need for employment-related services. (3-19-99)

d. Code D. A claimant who is assigned to a training course under the provisions of Section 72-1366(8), Idaho Code. (3-19-99)

05. Jobs Availability. A claimant will not be required to make useless employer contacts if there are no jobs available in the area due to seasonal factors. (3-19-99)

06. No Employment Prospects. A claimant shall apply for and accept a lower or beginning pay rate for employment if he has no prospects for a better paying job in the locality. (3-19-99)

07. Registering and Reporting on Work-Seeking Activity. A claimant must register for work and report as required to be eligible for benefits. Ref. Sec. 72-1366(1), (2), Idaho Code. (4-11-06)

08. Seasonal Availability. A claimant who is regularly employed on a seasonal basis shall be available for other types of work in the off-season to be eligible for benefits. (3-19-99)

09. Work-Seeking Requirement Categories. A claimant shall seek work in accordance with the following categories of work-seeking activity, as instructed by a Department representative or as notified by the Department via electronic claims messaging. A claimant must meet the requirements of the code to which the claimant is assigned. A claimant's category of work-seeking activity will be determined and modified based on the claimant's prevailing local labor market conditions and/or the average county unemployment rates. A claimant that has not registered for work when filing his claim and that is required to secure employment must register with the local office within two (2) weeks of filing an initial claim for benefits. Failure to comply with work-seeking requirements may result in a denial of benefits. (4-11-06)

a. Code O claimant must: (3-15-02)

i. Maintain regular contact with their employer(s) or union. Code O claimant may also be required to engage in one (1) or more of the following activities to increase his prospects of returning to work or securing employment: (3-15-02)

ii. Make local inquiries; (3-19-99)

iii. Maintain contact with the local office; (4-11-06)

iv. Check "help-wanted" ads in newspapers or trade publications; (3-15-02)

v. Attend a Job Search Workshop; or (3-15-02)

vi. Engage in other work search activities such as resume preparation or labor market research, as prescribed by a Department representative. (4-11-06)

b. Code 1 claimant will be required to engage in one (1) or more of the following activities to increase their prospects of securing employment: (3-15-02)

i. Make at least one (1) employer contact each week in the manner prescribed by the local office; (4-11-06)

ii. Attend a Job Search Workshop; (3-15-02)

iii. Expand work search efforts to surrounding areas or states; (3-15-02)

iv. Send resumes to firms/businesses that hire people with their skills; (3-15-02)

v. Enroll in and attend a specific training program to meet the requirements of the claimant's

- employment plan; or (3-15-02)
- vi. Engage in other work search activities such as resume preparation or labor market research, as prescribed by a Department representative. (4-11-06)
- c. Code 2 claimant will be required to engage in one (1) or more of the following activities to increase his prospects of securing employment: (3-15-02)
- i. Make at least two (2) employer contacts per week in the manner prescribed by the local office; (4-11-06)
- ii. Attend a Job Search Workshop; (3-15-02)
- iii. Expand work search efforts to surrounding areas or states; (3-15-02)
- iv. Send resumes to firms/businesses that hire people with their skills; (3-15-02)
- v. Enroll in and attend a specific training program to meet the requirements of the claimant's employment plan; or (3-15-02)
- vi. Engage in other work search activities such as resume preparation or labor market research, as prescribed by a Department representative. (4-11-06)
- d. Code 3 claimant will be required to engage in one (1) or more of the following activities to increase his prospects of securing employment: (3-15-02)
- i. Make at least three (3) employer contacts per week in the manner prescribed by the local office; (4-11-06)
- ii. Attend a Job Search Workshop; (3-15-02)
- iii. Expand work search efforts to surrounding areas or states; (3-15-02)
- iv. Send resumes to firms/businesses that hire people with their skills; (3-15-02)
- v. Enroll in and attend a specific training program to meet the requirements of the claimant's employment plan; or (3-15-02)
- vi. Engage in other work search activities such as resume preparation or labor market research, as prescribed by a Department representative. (4-11-06)