

Introduced by Senator Monning

February 21, 2014

An act to amend Sections 1328 and 1334 of the Unemployment Insurance Code, relating to unemployment insurance.

LEGISLATIVE COUNSEL'S DIGEST

SB 1314, as introduced, Monning. Unemployment insurance benefits: determination: appeals.

(1) Existing law requires the Employment Development Department to pay unemployment compensation benefits to eligible claimants. Existing law requires the department to promptly notify, among others, the claimant of the determination of the claimant's eligibility for benefits, as specified. Existing law authorizes an appeal from a determination or reconsidered determination to an administrative law judge within 20 days of the notice of the determination or reconsidered determination, as specified.

This bill would extend the deadline for appeal to an administrative law judge to 30 days.

(2) Existing law requires an administrative law judge to affirm, reverse, modify, or set aside an appeal of a determination of eligibility for benefits and requires the administrative law judge to notify certain parties of the decision, as specified. This decision becomes final unless a further appeal is initiated to the California Unemployment Insurance Appeals Board within 20 days, as specified.

This bill would extend the deadline for appeal to the board to 30 days.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1328 of the Unemployment Insurance
2 Code is amended to read:

3 1328. The department shall consider the facts submitted by an
4 employer pursuant to Section 1327 and make a determination as
5 to the claimant's eligibility for benefits. The department shall
6 promptly notify the claimant and any employer who ~~prior to~~ *before*
7 the determination has submitted ~~any~~ facts or given ~~any~~ notice
8 pursuant to Section 1327 or this section and authorized regulations
9 of the determination or reconsidered determination and the reasons
10 therefor. ~~If~~ *If*, after notice of a determination or reconsidered
11 ~~determination~~ *determination*, the employing unit acquires
12 knowledge of facts ~~which~~ *that* may affect the eligibility of the
13 claimant and those facts could not reasonably have been known
14 within the 10-day period provided by Section 1327, the employing
15 unit shall within 10 days of acquiring that knowledge submit those
16 facts to the department, and the 10-day period may be extended
17 for good cause. The claimant and ~~any such~~ *the* employer may
18 appeal from a determination or reconsidered determination to an
19 administrative law judge within ~~20 days~~ *30 days* from mailing or
20 personal service of notice of the determination or reconsidered
21 determination. The ~~20-day~~ *30-day* period may be extended for
22 good cause, which shall include, but not be limited to, mistake,
23 inadvertence, surprise, or excusable neglect. The director shall be
24 an interested party to any appeal.

25 SEC. 2. Section 1334 of the Unemployment Insurance Code
26 is amended to read:

27 1334. (a) An administrative law judge after affording a
28 reasonable opportunity for fair hearing, shall, unless such appeal
29 is withdrawn, affirm, reverse, modify, or set aside any
30 determination which is appealed under this article. The claimant,
31 ~~any~~ *the* employer becoming a party to the appeal by submitting a
32 protest or information pursuant to Sections 1326 to 1333, inclusive,
33 of this article, and the director shall be promptly notified in writing
34 of the administrative law judge's decision, together with ~~his~~ reasons
35 ~~therefor~~ *for it*. The decision shall be final unless, within ~~20 days~~
36 *30 days* after mailing of ~~such~~ *the* decision, further appeal is initiated
37 to the appeals board pursuant to Section 1336. The ~~20-day~~ *30-day*
38 limitation may be extended for good cause.

- 1 ~~“Good~~
- 2 (b) “*Good* cause,” as used in this section, shall include, but not
- 3 be limited to, mistake, inadvertence, surprise, or excusable neglect.

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