

AMENDED IN ASSEMBLY JUNE 19, 2014

AMENDED IN ASSEMBLY JUNE 4, 2014

AMENDED IN SENATE MAY 7, 2014

SENATE BILL

No. 1314

Introduced by Senator Monning

February 21, 2014

An act to amend, repeal, and add Sections 1030, 1032.5, 1328, 1330, 1332, 1334, 1377, 3654.4, 3655, 3656, 3701, 4655, 4656, and 4701 of the Unemployment Insurance Code, relating to unemployment insurance.

LEGISLATIVE COUNSEL'S DIGEST

SB 1314, as amended, 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 make a prompt notification of various rulings, determinations, and computations, including a notification to an employer of a department ruling or determination as to the cause of a claimant's termination of employment, and a notification to a claimant of the determination of the claimant's eligibility for benefits, as specified. Existing law authorizes reconsideration of a determination of eligibility within 20 days after mailing a notice of a determination. Existing law also authorizes an appeal from a ruling, determination, or computation within 20 days of a notice, as specified, and authorizes an extension of this deadline for good cause.

This bill would extend the deadline for a reconsideration or for an appeal of the above-described rulings, determinations, and computations

to 30 days after mailing a notice of determination, for those mailings that occur *days*, on or after July 1, 2015.

(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, on and after July 1, 2015, 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 1030 of the Unemployment Insurance
- 2 Code is amended to read:
- 3 1030. (a) An employer that is entitled under Section 1327 to
- 4 receive notice of the filing of a new or additional claim may, within
- 5 10 days after mailing of the notice, submit to the department any
- 6 facts within its possession disclosing whether the claimant left the
- 7 employer’s employ voluntarily and without good cause or left
- 8 under one of the following circumstances:
- 9 (1) The claimant was discharged from the employment for
- 10 misconduct connected with his or her work.
- 11 (2) The claimant’s discharge or quitting from his or her most
- 12 recent employer was the result of an irresistible compulsion to use
- 13 or consume intoxicants including alcoholic beverages.
- 14 (3) The claimant was a student employed on a temporary basis
- 15 and whose employment began within, and ended with his or her
- 16 leaving to return to school at the close of, his or her vacation
- 17 period.
- 18 (4) The claimant left the employer’s employ to accompany his
- 19 or her spouse or domestic partner to a place or to join him or her
- 20 at a place from which it is impractical to commute to the
- 21 employment, and to which a transfer of the claimant by the
- 22 employer is not available.
- 23 (5) The claimant left the employer’s employ to protect his or
- 24 her family or himself or herself from domestic violence abuse.

1 (6) The claimant left the employer's employ to take a
2 substantially better job.

3 The period during which the employer may submit these facts
4 may be extended by the director for good cause.

5 (b) A base period employer that is not entitled under Section
6 1327 to receive notice of the filing of a new or additional claim
7 and is entitled under Section 1329 to receive notice of computation
8 may, within 15 days after mailing of the notice of computation,
9 submit to the department any facts within its possession disclosing
10 whether the claimant left the employer's employ voluntarily and
11 without good cause or left under one of the following
12 circumstances:

13 (1) The claimant was discharged from the employment for
14 misconduct connected with his or her work.

15 (2) The claimant was a student employed on a temporary basis
16 and whose employment began within, and ended with his or her
17 leaving to return to school at the close of, his or her vacation
18 period.

19 (3) The claimant left the employer's employ to accompany his
20 or her spouse or domestic partner to a place or join him or her at
21 a place from which it is impractical to commute to the employment,
22 and to which a transfer of the claimant by the employer is not
23 available.

24 (4) The claimant left the employer's employ to protect his or
25 her family or himself or herself from domestic violence abuse.

26 (5) The claimant left the employer's employ to take a
27 substantially better job.

28 The period during which the employer may submit these facts
29 may be extended by the director for good cause.

30 (c) The department shall consider these facts together with any
31 information in its possession. If the employer is entitled to a ruling
32 under subdivision (b) or to a determination under Section 1328,
33 the department shall promptly notify the employer of its ruling as
34 to the cause of the termination of the claimant's employment. The
35 employer may appeal from a ruling or reconsidered ruling to an
36 administrative law judge within 20 days after mailing or personal
37 service of notice of the ruling or reconsidered ~~ruling, for mailing~~
38 ~~or personal service that occurs before July 1, 2015.~~ *ruling*. The
39 20-day period may be extended for good cause, which includes,
40 but is not limited to, mistake, inadvertence, surprise, or excusable

1 neglect. The director is an interested party to an appeal. The
2 department may for good cause reconsider a ruling or reconsidered
3 ruling within either five days after the date an appeal to an
4 administrative law judge is filed or, if an appeal is not filed, within
5 30 20 days after mailing or personal service of notice of the ruling
6 or reconsidered ruling. However, a ruling or reconsidered ruling
7 that relates to a determination that is reconsidered pursuant to
8 subdivision (a) of Section 1332 may also be reconsidered by the
9 department within the time provided for reconsideration of that
10 determination.

11 (d) For purposes of this section only, if the claimant voluntarily
12 leaves the employer's employ without notification to the employer
13 of the reasons for the leaving, and if the employer submits all of
14 the facts within its possession concerning the leaving within the
15 applicable time period referred to in this section, the leaving is
16 presumed to be without good cause.

17 (e) An individual whose employment is terminated under the
18 compulsory retirement provisions of a collective bargaining
19 agreement to which the employer is a party shall not be deemed
20 to have voluntarily left his or her employment without good cause.

21 (f) For purposes of this section "spouse" includes a person to
22 whom marriage is imminent, and "domestic partner" includes a
23 person to whom a domestic partnership, as described in Section
24 297 of the Family Code, is imminent.

25 (g) This section shall become inoperative on July 1, 2015, and,
26 as of January 1, 2016, is repealed.

27 SEC. 2. Section 1030 is added to the Unemployment Insurance
28 Code, to read:

29 1030. (a) An employer that is entitled under Section 1327 to
30 receive notice of the filing of a new or additional claim may, within
31 10 days after mailing of the notice, submit to the department any
32 facts within its possession disclosing whether the claimant left the
33 employer's employ voluntarily and without good cause or left
34 under one of the following circumstances:

35 (1) The claimant was discharged from the employment for
36 misconduct connected with his or her work.

37 (2) The claimant's discharge or quitting from his or her most
38 recent employer was the result of an irresistible compulsion to use
39 or consume intoxicants including alcoholic beverages.

1 (3) The claimant was a student employed on a temporary basis
2 and whose employment began within, and ended with his or her
3 leaving to return to school at the close of, his or her vacation
4 period.

5 (4) The claimant left the employer's employ to accompany his
6 or her spouse or domestic partner to a place or to join him or her
7 at a place from which it is impractical to commute to the
8 employment, and to which a transfer of the claimant by the
9 employer is not available.

10 (5) The claimant left the employer's employ to protect his or
11 her family or himself or herself from domestic violence abuse.

12 (6) The claimant left the employer's employ to take a
13 substantially better job.

14 The period during which the employer may submit these facts
15 may be extended by the director for good cause.

16 (b) A base period employer that is not entitled under Section
17 1327 to receive notice of the filing of a new or additional claim
18 and is entitled under Section 1329 to receive notice of computation
19 may, within 15 days after mailing of the notice of computation,
20 submit to the department any facts within its possession disclosing
21 whether the claimant left the employer's employ voluntarily and
22 without good cause or left under one of the following
23 circumstances:

24 (1) The claimant was discharged from the employment for
25 misconduct connected with his or her work.

26 (2) The claimant was a student employed on a temporary basis
27 and whose employment began within, and ended with his or her
28 leaving to return to school at the close of, his or her vacation
29 period.

30 (3) The claimant left the employer's employ to accompany his
31 or her spouse or domestic partner to a place or join him or her at
32 a place from which it is impractical to commute to the employment,
33 and to which a transfer of the claimant by the employer is not
34 available.

35 (4) The claimant left the employer's employ to protect his or
36 her family or himself or herself from domestic violence abuse.

37 (5) The claimant left the employer's employ to take a
38 substantially better job.

39 The period during which the employer may submit these facts
40 may be extended by the director for good cause.

1 (c) The department shall consider these facts together with any
2 information in its possession. If the employer is entitled to a ruling
3 under subdivision (b) or to a determination under Section 1328,
4 the department shall promptly notify the employer of its ruling as
5 to the cause of the termination of the claimant's employment. The
6 employer may appeal from a ruling or reconsidered ruling to an
7 administrative law judge within 30 days after mailing or personal
8 service of notice of the ruling or reconsidered ~~ruling, for mailing~~
9 ~~or personal service that occurs on or after July 1, 2015.~~ *ruling*. The
10 30-day period may be extended for good cause, which includes,
11 but is not limited to, mistake, inadvertence, surprise, or excusable
12 neglect. The director is an interested party to an appeal. The
13 department may for good cause reconsider a ruling or reconsidered
14 ruling within either five days after the date an appeal to an
15 administrative law judge is filed or, if an appeal is not filed, within
16 30 days after mailing or personal service of notice of the ruling or
17 reconsidered ruling. However, a ruling or reconsidered ruling that
18 relates to a determination that is reconsidered pursuant to
19 subdivision (a) of Section 1332 may also be reconsidered by the
20 department within the time provided for reconsideration of that
21 determination.

22 (d) For purposes of this section only, if the claimant voluntarily
23 leaves the employer's employ without notification to the employer
24 of the reasons for the leaving, and if the employer submits all of
25 the facts within its possession concerning the leaving within the
26 applicable time period referred to in this section, the leaving is
27 presumed to be without good cause.

28 (e) An individual whose employment is terminated under the
29 compulsory retirement provisions of a collective bargaining
30 agreement to which the employer is a party shall not be deemed
31 to have voluntarily left his or her employment without good cause.

32 (f) For purposes of this ~~section~~ *section*, "spouse" includes a
33 person to whom marriage is imminent, and "domestic partner"
34 includes a person to whom a domestic partnership, as described
35 in Section 297 of the Family Code, is imminent.

36 (g) This section shall become operative on July 1, 2015.

37 SEC. 3. Section 1032.5 of the Unemployment Insurance Code
38 is amended to read:

39 1032.5. (a) Any base period employer may, within 15 days
40 after mailing of a notice of computation under subdivision (a) of

1 Section 1329, submit to the department facts within its possession
2 disclosing that the individual claiming benefits is rendering services
3 for that employer in less than full-time work, and that the individual
4 has continuously, commencing in or prior to the beginning of the
5 base period, rendered services for that employer in such less than
6 full-time work.

7 (b) The department shall consider facts submitted under
8 subdivision (a) of this section together with any information in its
9 possession and promptly notify the employer of its ruling. If the
10 department finds that an individual is, under Section 1252,
11 unemployed in any week on the basis of his or her having less than
12 full-time work, and that the employer submitting facts under this
13 section is a base period employer for whom the individual has
14 continuously, commencing in or prior to the beginning of the base
15 period, rendered services in such less than full-time work, that
16 employer's account shall not be charged, except as provided by
17 Section 1026 or if the department determines pursuant to Section
18 1026.1 that the employer's reserve account should not be credited,
19 for benefits paid the individual in any week in which such wages
20 are payable by that employer to the individual. The employer may
21 appeal from a ruling or reconsidered ruling to an administrative
22 law judge within 20 days after mailing or personal service of notice
23 of the ruling or reconsidered ruling, ~~for mailing or personal service~~
24 ~~that occurs before July 1, 2015.~~ *ruling*. The 20-day period may be
25 extended for good cause, which shall include, but not be limited
26 to, mistake, inadvertence, surprise, or excusable neglect. The
27 director shall be an interested party to any appeal. The department
28 may for good cause reconsider any ruling or reconsidered ruling
29 within either five days after an appeal to an administrative law
30 judge is filed or, if no appeal is filed, within ~~30~~ 20 days after
31 mailing or personal service of the notice of the ruling or
32 reconsidered ruling.

33 (c) This section shall become inoperative on July 1, 2015, and,
34 as of January 1, 2016, is repealed.

35 SEC. 4. Section 1032.5 is added to the Unemployment
36 Insurance Code, to read:

37 1032.5. (a) Any base period employer may, within 15 days
38 after mailing of a notice of computation under subdivision (a) of
39 Section 1329, submit to the department facts within its possession
40 disclosing that the individual claiming benefits is rendering services

1 for that employer in less than full-time work, and that the individual
2 has continuously, commencing in or prior to the beginning of the
3 base period, rendered services for that employer in such less than
4 full-time work.

5 (b) The department shall consider facts submitted under
6 subdivision (a) of this section together with any information in its
7 possession and promptly notify the employer of its ruling. If the
8 department finds that an individual is, under Section 1252,
9 unemployed in any week on the basis of his or her having less than
10 full-time work, and that the employer submitting facts under this
11 section is a base period employer for whom the individual has
12 continuously, commencing in or prior to the beginning of the base
13 period, rendered services in such less than full-time work, that
14 employer's account shall not be charged, except as provided by
15 Section 1026 or if the department determines pursuant to Section
16 1026.1 that the employer's reserve account should not be credited,
17 for benefits paid the individual in any week in which such wages
18 are payable by that employer to the individual. The employer may
19 appeal from a ruling or reconsidered ruling to an administrative
20 law judge within 30 days after mailing or personal service of notice
21 of the ruling or reconsidered ~~ruling, for mailing or personal service~~
22 ~~that occurs on and after July 1, 2015.~~ *ruling*. The 30-day period
23 may be extended for good cause, which shall include, but not be
24 limited to, mistake, inadvertence, surprise, or excusable neglect.
25 The director shall be an interested party to any appeal. The
26 department may for good cause reconsider any ruling or
27 reconsidered ruling within either five days after an appeal to an
28 administrative law judge is filed or, if no appeal is filed, within 30
29 days after mailing or personal service of the notice of the ruling
30 or reconsidered ~~ruling, for mailing or personal service occurring~~
31 ~~on or after July 1, 2015.~~ *ruling*.

32 (c) This section shall become operative on July 1, 2015.

33 SEC. 5. Section 1328 of the Unemployment Insurance Code
34 is amended to read:

35 1328. (a) The department shall consider the facts submitted
36 by an employer pursuant to Section 1327 and make a determination
37 as to the claimant's eligibility for benefits. The department shall
38 promptly notify the claimant and any employer who before the
39 determination has submitted facts or given notice pursuant to
40 Section 1327 or this section and authorized regulations of the

1 determination or reconsidered determination and the reasons
2 therefor. If, after notice of a determination or reconsidered
3 determination, the employing unit acquires knowledge of facts
4 that may affect the eligibility of the claimant and those facts could
5 not reasonably have been known within the 10-day period provided
6 by Section 1327, the employing unit shall within 10 days of
7 acquiring that knowledge submit those facts to the department,
8 and the 10-day period may be extended for good cause. The
9 claimant and the employer may appeal from a determination or
10 reconsidered determination to an administrative law judge within
11 20 days from mailing or personal service of notice of the
12 ~~determination or reconsidered determination, for mailing or~~
13 ~~personal service that occurs before July 1, 2015.~~ *determination.*
14 The 20-day period may be extended for good cause, which shall
15 include, but not be limited to, mistake, inadvertence, surprise, or
16 excusable neglect. The director shall be an interested party to any
17 appeal.

18 (b) This section shall become inoperative on July 1, 2015, and,
19 as of January 1, 2016, is repealed.

20 SEC. 6. Section 1328 is added to the Unemployment Insurance
21 Code, to read:

22 1328. (a) The department shall consider the facts submitted
23 by an employer pursuant to Section 1327 and make a determination
24 as to the claimant's eligibility for benefits. The department shall
25 promptly notify the claimant and any employer who before the
26 determination has submitted facts or given notice pursuant to
27 Section 1327 or this section and authorized regulations of the
28 determination or reconsidered determination and the reasons
29 therefor. If, after notice of a determination or reconsidered
30 determination, the employing unit acquires knowledge of facts
31 that may affect the eligibility of the claimant and those facts could
32 not reasonably have been known within the 10-day period provided
33 by Section 1327, the employing unit shall within 10 days of
34 acquiring that knowledge submit those facts to the department,
35 and the 10-day period may be extended for good cause. The
36 claimant and the employer may appeal from a determination or
37 reconsidered determination to an administrative law judge within
38 30 days from mailing or personal service of notice of the
39 ~~determination or reconsidered determination, for mailing or~~
40 ~~personal service that occurs on or after July 1, 2015.~~ *determination.*

1 The 30-day period may be extended for good cause, which shall
2 include, but not be limited to, mistake, inadvertence, surprise, or
3 excusable neglect. The director shall be an interested party to any
4 appeal.

5 (b) This section shall become operative on July 1, 2015.

6 SEC. 7. Section 1330 of the Unemployment Insurance Code
7 is amended to read:

8 1330. (a) The claimant and any base period employer to whom
9 a notice of computation or recomputation is given may, within 20
10 days after the mailing or personal service of the notice, protest the
11 accuracy of the computation or ~~recomputation, for mailing or~~
12 ~~personal service that occurs before July 1, 2015.~~ *recomputation.*
13 The 20-day period may be extended for good cause. The
14 department shall consider this protest and shall promptly notify
15 the claimant and the base period employer submitting the protest
16 of the recomputation or denial of recomputation. An appeal may
17 be taken from a notice of denial of recomputation in the manner
18 prescribed in Section 1328. The director shall be an interested
19 party to any appeal.

20 (b) “Good cause,” as used in this section, shall include, but not
21 be limited to, mistake, inadvertence, surprise, or excusable neglect.

22 (c) This section shall become inoperative on July 1, 2015, and,
23 as of January 1, 2016, is repealed.

24 SEC. 8. Section 1330 is added to the Unemployment Insurance
25 Code, to read:

26 1330. (a) The claimant and any base period employer to whom
27 a notice of computation or recomputation is given may, within 30
28 days after the mailing or personal service of the notice, protest the
29 accuracy of the computation or ~~recomputation, for mailing or~~
30 ~~personal service that occurs on or after July 1, 2015.~~ *recomputation.*
31 The 30-day period may be extended for good cause. The
32 department shall consider this protest and shall promptly notify
33 the claimant and the base period employer submitting the protest
34 of the recomputation or denial of recomputation. An appeal may
35 be taken from a notice of denial of recomputation in the manner
36 prescribed in Section 1328. The director shall be an interested
37 party to any appeal.

38 (b) “Good cause,” as used in this section, shall include, but not
39 be limited to, mistake, inadvertence, surprise, or excusable neglect.

40 (c) This section shall become operative on July 1, 2015.

1 SEC. 9. Section 1332 of the Unemployment Insurance Code
2 is amended to read:

3 1332. (a) The department shall promptly serve notice of any
4 determination of eligibility for benefits under this part or Part 3 or
5 Part 4 of this division on the claimant and on any employer or
6 employing unit which prior to this determination has furnished the
7 department with information regarding the claimant's eligibility
8 pursuant to Sections 1327 and 1331. Service shall be made
9 personally or by mail. Failure to serve this notice shall not affect
10 the determination of eligibility.

11 (1) "Notice" is that notification which apprises the party of a
12 determination of eligibility and allows that party to respond
13 accordingly.

14 (2) If the department is or should be aware that the notice was
15 not received by the party to whom it was addressed, including, but
16 not limited to, the return to the department of the notice by the
17 United States Post Office, the department shall reissue the notice
18 at such time as the department can determine a corrected mailing
19 address for the affected party or otherwise ensure receipt. The
20 affected party shall have appeal rights pursuant to subdivisions (b)
21 and (c), and pursuant to Section 1328.

22 (b) The department may for good cause reconsider any
23 determination within 15 days after an appeal to an administrative
24 law judge is filed. If no appeal is filed, the department may for
25 good cause reconsider any determination within 20 days after
26 mailing or personal service of the notice of ~~determination, for~~
27 ~~mailing or personal service that occurs before July 1, 2015.~~
28 *determination*. The department may, if a claimant has not filed an
29 appeal to an administrative law judge from any determination that
30 finds that a claimant is ineligible or disqualified, or if an appeal
31 has been filed but is either withdrawn or dismissed, for good cause
32 also reconsider the determination during the benefit year or
33 extended duration period or extended benefit period to which the
34 determination relates. The department shall give notice of any
35 reconsidered determination to the claimant and any employer or
36 employing unit that received notice under Sections 1328 and 1331
37 and the claimant or employer may appeal therefrom in the manner
38 prescribed in Section 1328.

39 The director shall designate individuals to review and reconsider
40 appealed determinations. No individual designated shall be the

1 same individual who made the initial determination in the same
2 matter.

3 (c) The department may for good cause reconsider any
4 computation or recomputation provided for in this article during
5 the benefit year or extended duration period to which the notice
6 of computation or recomputation relates, except that no
7 recomputation may be considered with respect to any issue
8 considered or under consideration in an appeal taken from a denial
9 of recomputation. The department shall promptly notify the
10 claimant and each of the claimant’s base period employers of the
11 recomputation. The claimant and any base period employer may
12 protest the accuracy of the recomputation as prescribed in Section
13 1330.

14 (d) This section shall become inoperative on July 1, 2015, and,
15 as of January 1, 2016, is repealed.

16 SEC. 10. Section 1332 is added to the Unemployment Insurance
17 Code, to read:

18 1332. (a) The department shall promptly serve notice of any
19 determination of eligibility for benefits under this part or Part 3 or
20 Part 4 of this division on the claimant and on any employer or
21 employing unit which prior to this determination has furnished the
22 department with information regarding the claimant’s eligibility
23 pursuant to Sections 1327 and 1331. Service shall be made
24 personally or by mail. Failure to serve this notice shall not affect
25 the determination of eligibility.

26 (1) “Notice” is that notification which apprises the party of a
27 determination of eligibility and allows that party to respond
28 accordingly.

29 (2) If the department is or should be aware that the notice was
30 not received by the party to whom it was addressed, including, but
31 not limited to, the return to the department of the notice by the
32 United States Post Office, the department shall reissue the notice
33 at such time as the department can determine a corrected mailing
34 address for the affected party or otherwise ensure receipt. The
35 affected party shall have appeal rights pursuant to subdivisions (b)
36 and (c), and pursuant to Section 1328.

37 (b) The department may for good cause reconsider any
38 determination within 15 days after an appeal to an administrative
39 law judge is filed. If no appeal is filed, the department may for
40 good cause reconsider any determination within 30 days after

1 mailing or personal service of the notice of ~~determination, for~~
2 ~~mailing or personal service that occurs on or after July 1, 2015.~~
3 *determination*. The department may, if a claimant has not filed an
4 appeal to an administrative law judge from any determination that
5 finds that a claimant is ineligible or disqualified, or if an appeal
6 has been filed but is either withdrawn or dismissed, for good cause
7 also reconsider the determination during the benefit year or
8 extended duration period or extended benefit period to which the
9 determination relates. The department shall give notice of any
10 reconsidered determination to the claimant and any employer or
11 employing unit that received notice under Sections 1328 and 1331
12 and the claimant or employer may appeal therefrom in the manner
13 prescribed in Section 1328.

14 The director shall designate individuals to review and reconsider
15 appealed determinations. No individual designated shall be the
16 same individual who made the initial determination in the same
17 matter.

18 (c) The department may for good cause reconsider any
19 computation or recomputation provided for in this article during
20 the benefit year or extended duration period to which the notice
21 of computation or recomputation relates, except that no
22 recomputation may be considered with respect to any issue
23 considered or under consideration in an appeal taken from a denial
24 of recomputation. The department shall promptly notify the
25 claimant and each of the claimant's base period employers of the
26 recomputation. The claimant and any base period employer may
27 protest the accuracy of the recomputation as prescribed in Section
28 1330.

29 (d) This section shall become operative on July 1, 2015.

30 SEC. 11. Section 1334 of the Unemployment Insurance Code
31 is amended to read:

32 1334. (a) An administrative law judge after affording a
33 reasonable opportunity for fair hearing, shall, unless the appeal is
34 withdrawn, affirm, reverse, modify, or set aside any determination
35 that is appealed under this article. The claimant, the employer
36 becoming a party to the appeal by submitting a protest or
37 information pursuant to Sections 1326 to 1333, inclusive, of this
38 article, and the director shall be promptly notified in writing of the
39 administrative law judge's decision, together with reasons for it.
40 The decision shall be final unless, within 20 days after mailing of

1 the decision, ~~for mailing that occurs before July 1, 2015,~~ further
2 appeal is initiated to the appeals board pursuant to Section 1336.
3 The 20-day limitation may be extended for good cause.

4 (b) “Good cause,” as used in this section, shall include, but not
5 be limited to, mistake, inadvertence, surprise, or excusable neglect.

6 (c) This section shall become inoperative on July 1, 2015, and,
7 as of January 1, 2016, is repealed.

8 SEC. 12. Section 1334 is added to the Unemployment Insurance
9 Code, to read:

10 1334. (a) An administrative law judge after affording a
11 reasonable opportunity for fair hearing, shall, unless the appeal is
12 withdrawn, affirm, reverse, modify, or set aside any determination
13 that is appealed under this article. The claimant, the employer
14 becoming a party to the appeal by submitting a protest or
15 information pursuant to Sections 1326 to 1333, inclusive, of this
16 article, and the director shall be promptly notified in writing of the
17 administrative law judge’s decision, together with reasons for it.
18 The decision shall be final unless, within 30 days after mailing of
19 the decision, ~~for mailing that occurs on or after July 1, 2015,~~ further
20 appeal is initiated to the appeals board pursuant to Section 1336.
21 The 30-day limitation may be extended for good cause.

22 (b) “Good cause,” as used in this section, shall include, but not
23 be limited to, mistake, inadvertence, surprise, or excusable neglect.

24 (c) This section shall become operative on July 1, 2015.

25 SEC. 13. Section 1377 of the Unemployment Insurance Code
26 is amended to read:

27 1377. (a) Within 20 days from the date of mailing or serving
28 of the notice of overpayment, ~~for mailing or serving that occurs~~
29 ~~before July 1, 2015,~~ the person affected may file an appeal to an
30 administrative law judge. The director shall be an interested party
31 to any such appeal. The administrative law judge, after affording
32 reasonable opportunity for a fair hearing, shall unless the appeal
33 is withdrawn, affirm, reverse, modify, or set aside the findings set
34 forth in the notice of overpayment. The party and the director shall
35 be notified of the administrative law judge’s decision, together
36 with his or her reasons therefor, which shall be final unless within
37 20 days from the date of notification or mailing of the decision a
38 further appeal is initiated to the appeals board pursuant to ~~Section~~
39 ~~1336, for notification or mailing that occurs before July 1, 2015.~~

1 *Section 1336.* The 20-day period for an appeal to the administrative
2 law judge or to the appeals board may be extended for good cause.

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

5 (c) This section shall become inoperative on July 1, 2015, and,
6 as of January 1, 2016, is repealed.

7 SEC. 14. Section 1377 is added to the Unemployment Insurance
8 Code, to read:

9 1377. (a) Within 30 days from the date of mailing or serving
10 of the notice of overpayment, ~~for mailing or serving that occurs~~
11 ~~on or after July 1, 2015,~~ the person affected may file an appeal to
12 an administrative law judge. The director shall be an interested
13 party to any such appeal. The administrative law judge, after
14 affording reasonable opportunity for a fair hearing, ~~shall~~ shall,
15 unless the appeal is withdrawn, affirm, reverse, modify, or set
16 aside the findings set forth in the notice of overpayment. The party
17 and the director shall be notified of the administrative law judge’s
18 decision, together with his or her reasons therefor, which shall be
19 final unless within 30 days from the date of notification or mailing
20 of the decision a further appeal is initiated to the appeals board
21 pursuant to ~~Section 1336, for notification or mailing that occurs~~
22 ~~on or after July 1, 2015.~~ *Section 1336.* The 30-day period for an
23 appeal to the administrative law judge or to the appeals board may
24 be extended for good cause.

25 (b) “Good cause,” as used in this section, shall include, but not
26 be limited to, mistake, inadvertence, surprise, or excusable neglect.

27 (c) This section shall become operative on July 1, 2015.

28 SEC. 15. Section 3654.4 of the Unemployment Insurance Code
29 is amended to read:

30 3654.4. (a) The department shall consider the facts submitted
31 by an employing unit pursuant to Section 3654.1 and make a
32 determination as to the exhaustee’s eligibility for extended duration
33 benefits under subdivision (e) of Section 3552. The department
34 shall promptly notify the exhaustee and any employing unit who
35 prior to the determination has submitted any facts pursuant to
36 Section 3654.1 of the determination and the reasons therefor. The
37 exhaustee and the employing unit may appeal therefrom to an
38 administrative law judge within 20 days from mailing or personal
39 service of notice of the ~~determination, for mailing or personal~~
40 ~~service that occurs before July 1, 2015.~~ *determination.* The 20-day

1 period may be extended for good cause. The director shall be an
2 interested party to any appeal.

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

5 (c) This section shall become inoperative on July 1, 2015, and,
6 as of January 1, 2016, is repealed.

7 SEC. 16. Section 3654.4 is added to the Unemployment
8 Insurance Code, to read:

9 3654.4. (a) The department shall consider the facts submitted
10 by an employing unit pursuant to Section 3654.1 and make a
11 determination as to the exhaustee’s eligibility for extended duration
12 benefits under subdivision (e) of Section 3552. The department
13 shall promptly notify the exhaustee and any employing unit who
14 prior to the determination has submitted any facts pursuant to
15 Section 3654.1 of the determination and the reasons therefor. The
16 exhaustee and the employing unit may appeal therefrom to an
17 administrative law judge within 30 days from mailing or personal
18 service of notice of the ~~determination, for mailing or personal~~
19 ~~service that occurs on or after July 1, 2015.~~ *determination.* The
20 30-day period may be extended for good cause. The director shall
21 be an interested party to any appeal.

22 (b) “Good cause,” as used in this section, shall include, but not
23 be limited to, mistake, inadvertence, surprise, or excusable neglect.

24 (c) This section shall become operative on July 1, 2015.

25 SEC. 17. Section 3655 of the Unemployment Insurance Code
26 is amended to read:

27 3655. (a) The Employment Development Department shall
28 consider the facts submitted by an employer pursuant to Section
29 3654 and, if benefits are claimed subsequent to the filing of the
30 extended duration benefits claim, make a determination as to the
31 exhaustee’s eligibility for the extended duration benefits. The
32 Employment Development Department shall promptly notify the
33 exhaustee and any employer who prior to the determination has
34 submitted any facts pursuant to Section 3654 of the determination
35 and the reasons therefor. The exhaustee and this employer may
36 appeal therefrom to an administrative law judge within 20 days
37 from mailing or personal service of notice of the ~~determination,~~
38 ~~for mailing or personal service that occurs before July 1, 2015.~~
39 *determination.* The 20-day period may be extended for good cause.

1 The Director of Employment Development shall be an interested
2 party to any appeal.

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

5 (c) This section shall become inoperative on July 1, 2015, and,
6 as of January 1, 2016, is repealed.

7 SEC. 18. Section 3655 is added to the Unemployment Insurance
8 Code, to read:

9 3655. (a) The Employment Development Department shall
10 consider the facts submitted by an employer pursuant to Section
11 3654 and, if benefits are claimed subsequent to the filing of the
12 extended duration benefits claim, make a determination as to the
13 exhaustee’s eligibility for the extended duration benefits. The
14 Employment Development Department shall promptly notify the
15 exhaustee and any employer who prior to the determination has
16 submitted any facts pursuant to Section 3654 of the determination
17 and the reasons therefor. The exhaustee and this employer may
18 appeal therefrom to an administrative law judge within 30 days
19 from mailing or personal service of notice of the ~~determination,~~
20 ~~for mailing or personal service that occurs on or after July 1, 2015.~~
21 *determination*. The 30-day period may be extended for good cause.
22 The Director of Employment Development shall be an interested
23 party to any appeal.

24 (b) “Good cause,” as used in this section, shall include, but not
25 be limited to, mistake, inadvertence, surprise, or excusable neglect.

26 (c) This section shall take effect on July 1, 2015.

27 SEC. 19. Section 3656 of the Unemployment Insurance Code
28 is amended to read:

29 3656. (a) Upon the filing of a valid primary claim by an
30 exhaustee, the department shall promptly make an extended
31 duration award computation that shall set forth the maximum
32 amount of extended duration benefits potentially payable during
33 the extended duration period, the weekly benefit amount, and the
34 expiration date of the extended duration period. The department
35 shall promptly notify the exhaustee of the computation. The
36 exhaustee may, within 20 days after the mailing or personal service
37 of the notice of computation, ~~for mailing or personal service that~~
38 ~~occurs before July 1, 2015,~~ protest its accuracy. The 20-day period
39 may be extended for good cause. The department shall consider
40 the protest and shall promptly notify the exhaustee of the

1 recomputation or denial of recomputation. An appeal may be taken
2 from a notice of denial of recomputation in the manner prescribed
3 in Section 3655. The director shall be an interested party to any
4 appeal.

5 (b) “Good cause,” as used in this section, shall include, but not
6 be limited to, mistake, inadvertence, surprise, or excusable neglect.

7 (c) This section shall become inoperative on July 1, 2015, and,
8 as of January 1, 2016, is repealed.

9 SEC. 20. Section 3656 is added to the Unemployment Insurance
10 Code, to read:

11 3656. (a) Upon the filing of a valid primary claim by an
12 exhaustee, the department shall promptly make an extended
13 duration award computation that shall set forth the maximum
14 amount of extended duration benefits potentially payable during
15 the extended duration period, the weekly benefit amount, and the
16 expiration date of the extended duration period. The department
17 shall promptly notify the exhaustee of the computation. The
18 exhaustee may, within 30 days after the mailing or personal service
19 of the notice of computation, ~~for mailing or personal service that~~
20 ~~occurs on or after July 1, 2015~~, protest its accuracy. The 30-day
21 period may be extended for good cause. The department shall
22 consider the protest and shall promptly notify the exhaustee of the
23 recomputation or denial of recomputation. An appeal may be taken
24 from a notice of denial of recomputation in the manner prescribed
25 in Section 3655. The director shall be an interested party to any
26 appeal.

27 (b) “Good cause,” as used in this section, shall include, but not
28 be limited to, mistake, inadvertence, surprise, or excusable neglect.

29 (c) This section shall take effect on July 1, 2015.

30 SEC. 21. Section 3701 of the Unemployment Insurance Code
31 is amended to read:

32 3701. (a) (1) An employer that is entitled under Section 3654
33 to notice of the filing of a primary claim or additional claim and
34 that, within 10 days after mailing of the notice, submits to the
35 department any facts within its possession disclosing whether the
36 exhaustee left the most recent employment with the employer
37 voluntarily and without good cause or was discharged from the
38 employment for misconduct connected with his or her work, or
39 whether the claimant was a student employed on a temporary basis
40 and whose employment began within, and ended with his or her

1 leaving to return to school at the close of, his or her vacation
2 period, or whether the claimant left the employer's employ to
3 accompany his or her spouse or domestic partner to a place or join
4 him or her at a place from which it is impractical to commute to
5 the employment, and to which a transfer of the claimant by the
6 employer is not available, or whether the claimant's discharge or
7 quit from his or her most recent employer was the result of an
8 irresistible compulsion to use or consume intoxicants, including
9 alcoholic beverages, or whether the claimant left the employer's
10 employ to protect his or her family or himself or herself from
11 domestic violence abuse, or whether the claimant left the
12 employer's employ to take a substantially better job, shall be
13 entitled to a ruling as prescribed by this section. The period during
14 which the employer may submit these facts may be extended by
15 the director for good cause.

16 (2) For purposes of this section, "spouse" includes a person to
17 whom marriage is imminent, and "domestic partner" includes a
18 person to whom a domestic partnership, as described in Section
19 297 of the Family Code, is imminent.

20 (b) The department shall consider these facts together with any
21 information in its possession. If the employer is entitled to a
22 determination pursuant to Section 3655, the department shall
23 promptly notify the employer of its ruling as to the cause of the
24 termination of the exhaustee's most recent employment. The
25 employer may appeal from a ruling or reconsidered ruling to an
26 administrative law judge within 20 days after mailing or personal
27 service of notice of the ruling or reconsidered ~~ruling, for mailing~~
28 ~~or personal service that occurs before July 1, 2015.~~ *ruling*. The
29 20-day period may be extended for good cause, which shall include,
30 but not be limited to, mistake, inadvertence, surprise, or excusable
31 neglect. The director shall be an interested party to an appeal. The
32 department may for good cause reconsider a ruling or reconsidered
33 ruling within either five days after the date an appeal to an
34 administrative law judge is filed or, if an appeal is not filed, within
35 20 days after mailing or personal service of notice of the ruling or
36 reconsidered ruling, ~~for mailing or personal service that occurs~~
37 ~~before July 1, 2015,~~ except that a ruling or reconsidered ruling that
38 related to a determination that is reconsidered pursuant to
39 subdivision (a) of Section 1332 may also be reconsidered by the

1 department within the time provided for reconsideration of that
2 determination.

3 (c) For purposes of this section only, if the claimant voluntarily
4 leaves the employer's employ without notification to the employer
5 of the reasons therefor, and if the employer submits all of the facts
6 within its possession concerning the leaving within the applicable
7 time period referred to in this section, the leaving shall be presumed
8 to be without good cause.

9 (d) An individual whose employment is terminated under the
10 compulsory retirement provisions of a collective bargaining
11 agreement to which the employer is a party shall not be deemed
12 to have voluntarily left his or her employment without good cause.

13 (e) Rulings under this section shall have the effect prescribed
14 by Section 1032.

15 (f) This section shall become inoperative on July 1, 2015, and,
16 as of January 1, 2016, is repealed.

17 SEC. 22. Section 3701 is added to the Unemployment Insurance
18 Code, to read:

19 3701. (a) (1) An employer that is entitled under Section 3654
20 to notice of the filing of a primary claim or additional claim and
21 that, within 10 days after mailing of the notice, submits to the
22 department any facts within its possession disclosing whether the
23 exhaustee left the most recent employment with the employer
24 voluntarily and without good cause or was discharged from the
25 employment for misconduct connected with his or her work, or
26 whether the claimant was a student employed on a temporary basis
27 and whose employment began within, and ended with his or her
28 leaving to return to school at the close of, his or her vacation
29 period, or whether the claimant left the employer's employ to
30 accompany his or her spouse or domestic partner to a place or join
31 him or her at a place from which it is impractical to commute to
32 the employment, and to which a transfer of the claimant by the
33 employer is not available, or whether the claimant's discharge or
34 quit from his or her most recent employer was the result of an
35 irresistible compulsion to use or consume intoxicants, including
36 alcoholic beverages, or whether the claimant left the employer's
37 employ to protect his or her family or himself or herself from
38 domestic violence abuse, or whether the claimant left the
39 employer's employ to take a substantially better job, shall be
40 entitled to a ruling as prescribed by this section. The period during

1 which the employer may submit these facts may be extended by
2 the director for good cause.

3 (2) For purposes of this section, “spouse” includes a person to
4 whom marriage is imminent, and “domestic partner” includes a
5 person to whom a domestic partnership, as described in Section
6 297 of the Family Code, is imminent.

7 (b) The department shall consider these facts together with any
8 information in its possession. If the employer is entitled to a
9 determination pursuant to Section 3655, the department shall
10 promptly notify the employer of its ruling as to the cause of the
11 termination of the exhaustee’s most recent employment. The
12 employer may appeal from a ruling or reconsidered ruling to an
13 administrative law judge within 30 days after mailing or personal
14 service of notice of the ruling or reconsidered ~~ruling, for mailing~~
15 ~~or personal service that occurs on or after July 1, 2015.~~ *ruling*. The
16 30-day period may be extended for good cause, which shall include,
17 but not be limited to, mistake, inadvertence, surprise, or excusable
18 neglect. The director shall be an interested party to an appeal. The
19 department may for good cause reconsider a ruling or reconsidered
20 ruling within either five days after the date an appeal to an
21 administrative law judge is filed or, if an appeal is not filed, within
22 30 days after mailing or personal service of notice of the ruling or
23 reconsidered ruling, ~~for mailing or personal service that occurs on~~
24 ~~or after July 1, 2015,~~ except that a ruling or reconsidered ruling
25 that related to a determination that is reconsidered pursuant to
26 subdivision (a) of Section 1332 may also be reconsidered by the
27 department within the time provided for reconsideration of that
28 determination.

29 (c) For purposes of this section only, if the claimant voluntarily
30 leaves the employer’s employ without notification to the employer
31 of the reasons therefor, and if the employer submits all of the facts
32 within its possession concerning the leaving within the applicable
33 time period referred to in this section, the leaving shall be presumed
34 to be without good cause.

35 (d) An individual whose employment is terminated under the
36 compulsory retirement provisions of a collective bargaining
37 agreement to which the employer is a party shall not be deemed
38 to have voluntarily left his or her employment without good cause.

39 (e) Rulings under this section shall have the effect prescribed
40 by Section 1032.

1 (f) This section shall become operative on July 1, 2015.
2 SEC. 23. Section 4655 of the Unemployment Insurance Code
3 is amended to read:

4 4655. (a) The Employment Development Department shall
5 consider the facts submitted by an employer pursuant to Section
6 4654 and, if benefits are claimed subsequent to the filing of the
7 federal-state extended benefits claim, make a determination as to
8 the individual’s eligibility for the federal-state extended benefits.
9 The Employment Development Department shall promptly notify
10 the individual and any employer who prior to the determination
11 has submitted any facts pursuant to Section 4654 of the
12 determination and the reasons therefor. The individual and this
13 employer may appeal therefrom to an administrative law judge
14 within 20 days from mailing or personal service of notice of the
15 ~~determination, for mailing or personal service that occurs before~~
16 ~~July 1, 2015.~~ *determination.* The 20-day period may be extended
17 for good cause. The Director of Employment Development shall
18 be an interested party to any appeal.

19 (b) “Good cause,” as used in this section, shall include, but not
20 be limited to, mistake, inadvertence, surprise, or excusable neglect.

21 (c) This section shall become inoperative on July 1, 2015, and,
22 as of January 1, 2016, is repealed.

23 SEC. 24. Section 4655 is added to the Unemployment Insurance
24 Code, to read:

25 4655. (a) The Employment Development Department shall
26 consider the facts submitted by an employer pursuant to Section
27 4654 and, if benefits are claimed subsequent to the filing of the
28 federal-state extended benefits claim, make a determination as to
29 the individual’s eligibility for the federal-state extended benefits.
30 The Employment Development Department shall promptly notify
31 the individual and any employer who prior to the determination
32 has submitted any facts pursuant to Section 4654 of the
33 determination and the reasons therefor. The individual and this
34 employer may appeal therefrom to an administrative law judge
35 within 30 days from mailing or personal service of notice of the
36 ~~determination, for mailing or personal service that occurs on or~~
37 ~~after July 1, 2015.~~ *determination.* The 30-day period may be
38 extended for good cause. The Director of Employment
39 Development shall be an interested party to any appeal.

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

3 (c) This section shall become operative on July 1, 2015.

4 SEC. 25. Section 4656 of the Unemployment Insurance Code
5 is amended to read:

6 4656. (a) Upon the filing of a valid application by an
7 individual, the department shall promptly make a federal-state
8 extended benefit award computation that shall set forth the
9 maximum amount of federal-state extended benefits potentially
10 payable during the extended benefit period, and the weekly benefit
11 amount. The department shall promptly notify the individual of
12 the computation. The individual may, within 20 days after the
13 mailing or personal service of the notice of computation or
14 recomputation, ~~for mailing or personal service that occurs before~~
15 ~~July 1, 2015,~~ protest its accuracy. The 20-day period may be
16 extended for good cause. The department shall consider this protest
17 and shall promptly notify the individual of the recomputation or
18 denial of recomputation. An appeal may be taken from a notice of
19 denial of recomputation in the manner provided in Section 4655.
20 The director shall be an interested party to any appeal.

21 (b) “Good cause,” as used in this section, shall include, but not
22 be limited to, mistake, inadvertence, surprise, or excusable neglect.

23 (c) This section shall become inoperative on July 1, 2015, and,
24 as of January 1, 2016, is repealed.

25 SEC. 26. Section 4656 is added to the Unemployment Insurance
26 Code, to read:

27 4656. (a) Upon the filing of a valid application by an
28 individual, the department shall promptly make a federal-state
29 extended benefit award computation that shall set forth the
30 maximum amount of federal-state extended benefits potentially
31 payable during the extended benefit period, and the weekly benefit
32 amount. The department shall promptly notify the individual of
33 the computation. The individual may, within 30 days after the
34 mailing or personal service of the notice of computation or
35 recomputation, ~~for mailing or personal service that occurs on or~~
36 ~~after July 1, 2015,~~ protest its accuracy. The 30-day period may be
37 extended for good cause. The department shall consider this protest
38 and shall promptly notify the individual of the recomputation or
39 denial of recomputation. An appeal may be taken from a notice of

1 denial of recomputation in the manner provided in Section 4655.

2 The director shall be an interested party to any appeal.

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

5 (c) This section shall become operative *on* July 1, 2015.

6 SEC. 27. Section 4701 of the Unemployment Insurance Code
7 is amended to read:

8 4701. (a) (1) An employer that is entitled under Section 4654
9 to notice of the filing of an application or additional claim and
10 who, within 10 days after mailing of the notice, submits to the
11 department any facts within its possession disclosing whether the
12 individual left the most recent employment with the employer
13 voluntarily and without good cause or was discharged from the
14 employment for misconduct connected with his or her work, or
15 whether the claimant was a student employed on a temporary basis
16 and whose employment began within, and ended with his or her
17 leaving to return to school at the close of, his or her vacation
18 period, or whether the claimant left the employer’s employ to
19 accompany his or her spouse or domestic partner to a place or to
20 join him or her at a place from which it is impractical to commute
21 to the employment, and to which a transfer of the claimant by the
22 employer is not available, or whether the claimant’s discharge or
23 quit from his or her most recent employer was the result of an
24 irresistible compulsion to use or consume intoxicants, including
25 alcoholic beverages, or whether the claimant left the employer’s
26 employ to protect his or her family or himself or herself from
27 domestic violence abuse, or whether the claimant left the
28 employer’s employ to take a substantially better job, shall be
29 entitled to a ruling as prescribed by this section. The period during
30 which the employer may submit these facts may be extended by
31 the director for good cause.

32 (2) For purposes of this section, “spouse” includes a person to
33 whom marriage is imminent, and “domestic partner” includes a
34 person to whom a domestic partnership, as described in Section
35 297 of the Family Code, is imminent.

36 (b) The department shall consider the facts together with any
37 information in its possession. If the employer is entitled to a
38 determination pursuant to Section 4655, the department shall
39 promptly issue to the employer its ruling as to the cause of the
40 termination of the individual’s most recent employment. The

1 employer may appeal from a ruling or reconsidered ruling to an
2 administrative law judge within 20 days after mailing or personal
3 service of notice of the ruling or reconsidered ~~ruling, for mailing~~
4 ~~or personal service that occurs before July 1, 2015.~~ *ruling*. The
5 20-day period may be extended for good cause, which shall include,
6 but not be limited to, mistake, inadvertence, surprise, or excusable
7 neglect. The director shall be an interested party to an appeal. The
8 department may for good cause reconsider a ruling or reconsidered
9 ruling within either five days after the date an appeal to an
10 administrative law judge is filed or, if no appeal is filed, within ~~30~~
11 *20* days after mailing or personal service of notice of the ruling or
12 reconsidered ruling, except that a ruling or reconsidered ruling
13 that relates to a determination that is reconsidered pursuant to
14 subdivision (a) of Section 1332 may also be reconsidered by the
15 department within the time provided for reconsideration of that
16 determination.

17 (c) For purposes of this section only, if the claimant voluntarily
18 leaves the employer's employ without notification to the employer
19 of the reasons therefor, and if the employer submits all of the facts
20 within its possession concerning the leaving within the applicable
21 time period referred to in this section, the leaving shall be presumed
22 to be without good cause.

23 (d) An individual whose employment is terminated under the
24 compulsory retirement provisions of a collective bargaining
25 agreement to which the employer is a party shall not be deemed
26 to have voluntarily left his or her employment without good cause.

27 (e) Rulings under this section shall have the effect prescribed
28 by Section 1032.

29 (f) This section shall become inoperative on July 1, 2015, and,
30 as of January 1, 2016, is repealed.

31 SEC. 28. Section 4701 is added to the Unemployment Insurance
32 Code, to read:

33 4701. (a) (1) An employer that is entitled under Section 4654
34 to notice of the filing of an application or additional claim and
35 who, within 10 days after mailing of the notice, submits to the
36 department any facts within its possession disclosing whether the
37 individual left the most recent employment with the employer
38 voluntarily and without good cause or was discharged from the
39 employment for misconduct connected with his or her work, or
40 whether the claimant was a student employed on a temporary basis

1 and whose employment began within, and ended with his or her
2 leaving to return to school at the close of, his or her vacation
3 period, or whether the claimant left the employer's employ to
4 accompany his or her spouse or domestic partner to a place or to
5 join him or her at a place from which it is impractical to commute
6 to the employment, and to which a transfer of the claimant by the
7 employer is not available, or whether the claimant's discharge or
8 quit from his or her most recent employer was the result of an
9 irresistible compulsion to use or consume intoxicants, including
10 alcoholic beverages, or whether the claimant left the employer's
11 employ to protect his or her family or himself or herself from
12 domestic violence abuse, or whether the claimant left the
13 employer's employ to take a substantially better job, shall be
14 entitled to a ruling as prescribed by this section. The period during
15 which the employer may submit these facts may be extended by
16 the director for good cause.

17 (2) For purposes of this section, "spouse" includes a person to
18 whom marriage is imminent, and "domestic partner" includes a
19 person to whom a domestic partnership, as described in Section
20 297 of the Family Code, is imminent.

21 (b) The department shall consider the facts together with any
22 information in its possession. If the employer is entitled to a
23 determination pursuant to Section 4655, the department shall
24 promptly issue to the employer its ruling as to the cause of the
25 termination of the individual's most recent employment. The
26 employer may appeal from a ruling or reconsidered ruling to an
27 administrative law judge within 30 days after mailing or personal
28 service of notice of the ruling or reconsidered ~~ruling, for mailing~~
29 ~~or personal service that occurs on or after July 1, 2015.~~ *ruling*. The
30 30-day period may be extended for good cause, which shall include,
31 but not be limited to, mistake, inadvertence, surprise, or excusable
32 neglect. The director shall be an interested party to an appeal. The
33 department may for good cause reconsider a ruling or reconsidered
34 ruling within either five days after the date an appeal to an
35 administrative law judge is filed or, if no appeal is filed, within 30
36 days after mailing or personal service of notice of the ruling or
37 reconsidered ruling, except that a ruling or reconsidered ruling
38 that relates to a determination that is reconsidered pursuant to
39 subdivision (a) of Section 1332 may also be reconsidered by the

1 department within the time provided for reconsideration of that
2 determination.

3 (c) For purposes of this section only, if the claimant voluntarily
4 leaves the employer's employ without notification to the employer
5 of the reasons therefor, and if the employer submits all of the facts
6 within its possession concerning the leaving within the applicable
7 time period referred to in this section, the leaving shall be presumed
8 to be without good cause.

9 (d) An individual whose employment is terminated under the
10 compulsory retirement provisions of a collective bargaining
11 agreement to which the employer is a party shall not be deemed
12 to have voluntarily left his or her employment without good cause.

13 (e) Rulings under this section shall have the effect prescribed
14 by Section 1032.

15 (f) This section shall become operative on July 1, 2015.

O