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John Bel Edwards, Governor  
Ava Dejoie, Secretary

## Office of the Secretary

August 12, 2020

The Honorable John Bel Edwards  
Governor of Louisiana  
900 N. Third Street, Fourth Floor  
Baton Rouge, LA 70802

VIA EMAIL ONLY TO: [sherry.lassere@la.gov](mailto:sherry.lassere@la.gov) and [john.walsh@la.gov](mailto:john.walsh@la.gov)

**RE: Emergency Rule for Unemployment Benefits to Require Employers to Provide Notification of the Availability of Unemployment Insurance Benefits at the Time of Separation**

Dear Governor Edwards:

Pursuant to R.S. 49:953(B), the Louisiana Workforce Commission hereby gives notice of the publication of an Emergency Rule on August 12, 2020, that will require employers to provide information about the availability of unemployment benefits to employees at the time of separation. Louisiana Workforce Commission finds that an imminent peril to public health, safety and welfare requires that this emergency rule be adopted without prior notice or hearing to continue the Emergency Rule on the same subject that was adopted on April 23, 2020. Failure to adopt this Rule on an emergency basis would have an adverse impact on the Louisiana Workforce Commission's eligibility for funding under the Families First Coronavirus Relief Act, Public Law 116-127, specifically Division D, the Emergency Unemployment Insurance Stabilization and Access Act of 2020.

The Emergency Rule shall be effective on August 20, 2020, and shall remain in effect for the maximum allowable period under the law or until a final Rule is promulgated, whichever occurs first. The agency shall take appropriate measures to make the Emergency Rule known to the persons who may be affected. You will find a copy of the Declaration of Emergency and the related Emergency Rule attached.

If you have any questions, please contact me at (225) 342-3001.

Yours truly,



Ava M. Dejoie  
Secretary

Enclosures (2)

cc: Clay Schexnayder, Speaker of the House; Patrick Page Cortez, Senate President; Jeff Landry, Attorney General; Office of the State Register

## **DECLARATION OF EMERGENCY**

### **Louisiana Workforce Commission Office of Unemployment Insurance Administration**

#### **Emergency Rule--Employer Requirement to Provide Notification of the Availability of Unemployment Insurance Benefits to Each Employee at the Time of Separation (LAC 40:IV.381)**

The Louisiana Workforce Commission (LWC) is exercising the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., to promulgate a Rule to address posting of information concerning the availability of unemployment insurance benefits to employees at the time of separation. This Emergency Rule is being adopted to continue in effect the provisions of the Emergency Rule adopted on April 23, 2020.

On January 31, 2020, the United States Department of Health and Human Services Secretary Alex A. Azar declared a public health emergency (PHE) for the United States to aid the nation's healthcare community in responding to the coronavirus disease (COVID-19). The United States Centers for Disease Control and Prevention (CDC) has declared COVID-19 a worldwide pandemic due to its global effect. Furthermore, on March 13, 2020, President Donald Trump invoked the Stafford Act and declared a national emergency regarding the COVID-19 outbreak. COVID-19 has been detected in the State of Louisiana with a growing number of residents testing positive for the disease. There is reason to believe that COVID-19 may spread among the population by various means of exposure, therefore posing a significant risk of substantial harm to a large number of citizens.

This Emergency Rule is necessary to provide employers with guidance about posting information concerning the availability of unemployment compensation at the time of separation. A delay in promulgating this Rule would have an adverse impact on the LWC's eligibility for funding under the Families First Coronavirus Response Act, Public Law (Pub. L.) 116-127, specifically Division D, the Emergency Unemployment Insurance Stabilization and Access Act of 2020. It is imperative that the LWC proceed expeditiously with this Rule because of the precarious position of the immense number of recently unemployed workers due to COVID-19, which is an imminent peril to public health, safety, and welfare that requires immediate action to provide benefits. Failure to adopt this Rule on an emergency basis may delay the receipt of unemployment benefits for those affected by COVID-19, and will result in the LWC failing to receive federal funding, which could imperil the unemployment insurance trust fund.

This declaration of emergency is effective August 20, 2020, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act, R.S. 49:953 (B)(1) et seq., or until adoption of the final Rule, whichever occurs first.

**Title 40**  
**LABOR AND EMPLOYMENT**  
**Part IV. Employment Security**

**Chapter 3. Employment Security Law**

**§381. Employer Requirement to Provide Notification of the Availability of Unemployment Insurance Benefits to Each Individual Employee at the Time of Separation**

A. Pursuant to R.S. 23:1621, employers are required to provide notification of the availability of Unemployment Insurance Benefits (UI). This Rule prescribes an additional requirement that employers shall notify each individual employee at the time of separation from employment of the following:


1. Employees may file a UI claim in the first week that employment stops or work hours are reduced.
2. Employees shall be informed that a UI claim may be filed by phone or online stating:
  - a. to file a UI claim by phone, call: 1-866-783-5567;
  - b. to file a UI claim online, visit: [www.louisianaworks.net/hire](http://www.louisianaworks.net/hire);
  - c. if you have questions about the status of your UI claim, you can call the LWC at 866-783-5567 or visit [www.louisianaworks.net/hire](http://www.louisianaworks.net/hire).
3. Employees shall be given the Louisiana Workforce Commission's toll free phone number and web address for filing and assistance with unemployment insurance claims.
4. Employees shall be informed of the need to provide the Louisiana Workforce Commission with the following information in order for the claim to be processed:
  - a. full legal name;
  - b. social security number; and
  - c. authorization to work (if not a U.S. Citizen or resident).

B. Employers can find a form containing this required information at [www.laworks.net/downloads](http://www.laworks.net/downloads).

C. Employers shall convey this information at the time of separation. This information shall be provided to employees in writing either via flyer, letter, email, or text message.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 23:1591, R.S. 23:1472(19)(a)(iii), R.S. 23:1621, and R.S. 36:310.

**HISTORICAL NOTE:** Promulgated by the Louisiana Workforce Commission, Office of Unemployment Insurance Administration, LR 46:663 (May 2020), repromulgated LR 46:

  
Ava M. Dejoie  
Secretary

8/12/2020