

REGULATION NO. 15

**NOTICE OF CLAIMS FILED AND BENEFITS CHARGED, EMPLOYER RESPONSE,
AND NONCHARGE RIGHTS**

This regulation is hereby amended, promulgated and adopted by the Director of the Arkansas Employment Security Department, pursuant to Arkansas Code 11-10-521, 11-10-522, 11-10-703, 11-10-707, 11-10-318, and 11-10-313 to read as follows:

- (A) Notice of an initial or additional claim filed shall be mailed or otherwise provided by the Employment Security Department to the employing unit known to the claimant as his last employer. This notice shall request that the employer immediately furnish pertinent information to the Employment Security Department. The last employer shall have seven (7) days from the date the notice was mailed or otherwise provided by the Employment Security Department to file his response. If mailed, a response shall be considered to have been filed as of the date of the postmark on the envelope. Provided that if it is determined by the Director of the Arkansas Employment Security Department that the response was not filed within the seven day period as a result of circumstances beyond the last employer's control, such response may be considered as having been timely filed.
- (B) Notice to base period employer of an initial claim filed shall be mailed or otherwise provided to each affected base period employer who is not also a last employer. This notice shall request that the employer furnish the Employment Security Department pertinent information. The requested information shall be filed with the Agency immediately but no later than fifteen (15) days after the date the notice was originally mailed or otherwise provided by the Employment Security Department. If mailed, the response shall be considered to have been filed as of the date of the postmark on the envelope. Provided that if it is determined by the Director of the Arkansas Employment Security Department that the response was not filed within the fifteen (15) day period as a result of circumstances beyond the employer's control, such response may be considered as having been timely filed.
- (C) Upon commencement of a labor dispute, the affected employer shall, upon request, promptly furnish the nearest Employment Security Department office a list, in duplicate, showing the names and Social Security numbers of the unemployed workers, and the last day of employment for each worker, with the further information that the unemployment is due to a labor dispute at the factory, establishment, or other premises where the workers were last employed.
- (D) An employer, upon request, shall furnish to the Employment Security Department wage information for workers filing claims in another state under an approved Interstate Wage-Combining Plan when such wages are in the base period of the paying state but have not yet been reported

on a quarterly wage report. An employer shall furnish such information within seven (7) days from the date the request is mailed. Whenever an employer fails to provide wage information as requested for an Interstate Wage-Combining claim within the required seven (7) days from the time the request is mailed, the Employment Security Department will establish the claimant's wage credits on the basis of the claimant's written statement of wages received for such employment with said employer supplemented by such other evidence as may be available and satisfactory to the Employment Security Department. Except, as provided under Arkansas Code 11-10-106 of the Arkansas Employment Security Law, if it is determined that the wage information supplied by the claimant is erroneous, no penalty shall be imposed on the claimant. A report of wages made on the basis of the claimant's written statement shall be adjusted, if necessary, upon receipt of information from an employer and such adjusted report will be delivered to the paying state for the appropriate adjustment of further benefits, if any, payable to the claimant under the approved Interstate Wage-Combining Plan on the basis of such wage credits.

- (E) Except as hereinafter provided, a last employer shall not be eligible for the noncharge provisions authorized in subsection 11-10-703 of the Arkansas Employment Security Law unless he has timely responded in compliance with paragraph (A) of this regulation. It shall be assumed that any last employer who fails to respond in compliance with paragraph (A) of this regulation agrees that the reason for separation as given by the claimant is correct; his failure to respond shall not affect his noncharge rights if the reason for separation given by the claimant would have otherwise resulted in the non-charging of benefits to the employer's account. His failure to timely respond, however, shall constitute a waiver of any right he may have to protest charges to his experience rating account of benefits paid as a result of such nonmonetary determination.
- (F) An affected base period employer not also a last employer shall not be eligible for the noncharge provisions authorized in Arkansas Code 11-10-703 of the Arkansas Employment Security Law unless he has timely responded in accordance with paragraph (B) of this regulation. In addition, any employer seeking to qualify for noncharging under the Part Time Proviso of Arkansas Code 11-10-703 of the Arkansas Employment Security Law shall provide such information on wages and hours of work as the Director of the Arkansas Employment Security Department shall request.
- (G) For purposes of this Regulation 15, Third Party (Agent) Representatives under contract to respond to notices to last and/or base period employers are required to observe the time periods for response and, in addition, must provide factual information to the local office requesting such response. The response must contain factual information sufficient to determine the basis of the separation of the former employee from the employer. Without such factual information, such response may be

considered as untimely and the employer would not be entitled to protest charges which may result.

This amended regulation shall take effect and be in full force on and after May 1, 2005.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Employment Security Department

DIVISION _____

PERSON COMPLETING THIS Roger B. Harrod, General Counsel

STATEMENT _____

TELEPHONE NO. 501-682-3150

FAX NO. 682-3124

EMAIL: _____

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT-TITLE OF THIS RULE

Regulation #5 Notice of Claims filed and Benefits Charged Employer Response, & noncharge right

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes _____ No X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain. N/A
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

Current Fiscal Year

General Revenue -0-
Federal Funds -0-
Cash Funds -0-
Special Revenue -0-
Other (Identify) -0-
Total -0-

Next Fiscal Year

General Revenue -0-
Federal Funds -0-
Cash Funds -0-
Special Revenue -0-
Other (Identify) -0-
Total -0-

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation? Identify the party subject to the proposed regulation, and explain how they are affected.

Current Fiscal Year

\$ -0-

Next Fiscal Year

\$ -0-

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

Current Fiscal Year

\$ -0-

Next Fiscal Year

\$ -0-