

SECOND REGULAR SESSION

# SENATE BILL NO. 1112

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CLEMENS.

Read 1st time February 11, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4943S.011

## AN ACT

To repeal sections 288.040, 288.042, and 288.070, RSMo, and to enact in lieu thereof three new sections relating to unemployment compensation.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 288.040, 288.042, and 288.070, RSMo, are repealed  
2 and three new sections enacted in lieu thereof, to be known as sections 288.040,  
3 288.042, and 288.070, to read as follows:

288.040. 1. A claimant who is unemployed and has been determined to  
2 be an insured worker shall be eligible for benefits for any week only if the deputy  
3 finds that:

4 (1) The claimant has registered for work at and thereafter has continued  
5 to report at an employment office in accordance with such regulations as the  
6 division may prescribe;

7 (2) The claimant is able to work and is available for work. No person  
8 shall be deemed available for work unless such person has been and is actively  
9 and earnestly seeking work. Upon the filing of an initial or renewed claim, and  
10 prior to the filing of each weekly claim thereafter, the deputy shall notify each  
11 claimant of the number of work search contacts required to constitute an active  
12 search for work. No person shall be considered not available for work, pursuant  
13 to this subdivision, solely because he or she is a substitute teacher or is on jury  
14 duty. A claimant shall not be determined to be ineligible pursuant to this  
15 subdivision because of not actively and earnestly seeking work if:

16 (a) The claimant is participating in training approved pursuant to Section  
17 236 of the Trade Act of 1974, as amended, (19 U.S.C.A. Sec. 2296, as amended);

18 (b) The claimant is temporarily unemployed through no fault of his or her

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 own and has a definite recall date within eight weeks of his or her first day of  
20 unemployment; however, upon application of the employer responsible for the  
21 claimant's unemployment, such eight-week period may be extended not to exceed  
22 a total of sixteen weeks at the discretion of the director;

23 (3) The claimant has reported in person to an office of the division as  
24 directed by the deputy, but at least once every four weeks, except that a claimant  
25 shall be exempted from the reporting requirement of this subdivision if:

26 (a) The claimant is claiming benefits in accordance with division  
27 regulations dealing with partial or temporary total unemployment; or

28 (b) The claimant is temporarily unemployed through no fault of his or her  
29 own and has a definite recall date within eight weeks of his or her first day of  
30 unemployment; or

31 (c) The claimant resides in a county with an unemployment rate, as  
32 published by the division, of ten percent or more and in which the county seat is  
33 more than forty miles from the nearest division office;

34 (d) The director of the division of employment security has determined  
35 that the claimant belongs to a group or class of workers whose opportunities for  
36 reemployment will not be enhanced by reporting in person, or is prevented from  
37 reporting due to emergency conditions that limit access by the general public to  
38 an office that serves the area where the claimant resides, but only during the  
39 time such circumstances exist.

40 Ineligibility pursuant to this subdivision shall begin on the first day of the week  
41 which the claimant was scheduled to claim and shall end on the last day of the  
42 week preceding the week during which the claimant does report in person to the  
43 division's office;

44 (4) Prior to the first week of a period of total or partial unemployment for  
45 which the claimant claims benefits he or she has been totally or partially  
46 unemployed for a waiting period of one week. No more than one waiting week  
47 will be required in any benefit year. During calendar year 2008 and each  
48 calendar year thereafter, the one-week waiting period shall become compensable  
49 once his or her remaining balance on the claim is equal to or less than the  
50 compensable amount for the waiting period. No week shall be counted as a week  
51 of total or partial unemployment for the purposes of this subsection unless it  
52 occurs within the benefit year which includes the week with respect to which the  
53 claimant claims benefits;

54 (5) The claimant has made a claim for benefits **within fourteen days**

55 from the last day of the week being claimed. The fourteen-day period  
56 may, for good cause, be extended to twenty-eight days;

57 (6) The claimant has reported to an employment office to  
58 participate in a reemployment assessment and reemployment services  
59 as directed by the deputy or designated staff of an employment office,  
60 unless the deputy determines that good cause exists for the claimant's  
61 failure to participate in such reemployment assessment and  
62 reemployment services. For purposes of this section, "reemployment  
63 services" may include, but not be limited to, the following:

64 (a) Providing an orientation to employment office services;

65 (b) Providing job search assistance; and

66 (c) Providing labor market statistics or analysis;

67 Ineligibility under this subdivision shall begin on the first day of the  
68 week which the claimant was scheduled to report for the reemployment  
69 assessment or reemployment services and shall end on the last day of  
70 the week preceding the week during which the claimant does report in  
71 person to the employment office for such reemployment assessment or  
72 reemployment services;

73 [(6)] (7) The claimant is participating in reemployment services, such as  
74 job search assistance services, as directed by the deputy if the claimant has been  
75 determined to be likely to exhaust regular benefits and to need reemployment  
76 services pursuant to a profiling system established by the division, unless the  
77 deputy determines that:

78 (a) The individual has completed such reemployment services; or

79 (b) There is justifiable cause for the claimant's failure to participate in  
80 such reemployment services.

81 2. A claimant shall be ineligible for waiting week credit or benefits for any  
82 week for which the deputy finds he or she is or has been suspended by his or her  
83 most recent employer for misconduct connected with his or her  
84 work. Suspensions of four weeks or more shall be treated as discharges.

85 3. (1) Benefits based on "service in employment", defined in subsections  
86 7 and 8 of section 288.034, shall be payable in the same amount, on the same  
87 terms and subject to the same conditions as compensation payable on the basis  
88 of other service subject to this law; except that:

89 (a) With respect to service performed in an instructional, research, or  
90 principal administrative capacity for an educational institution, benefits shall not

91 be paid based on such services for any week of unemployment commencing during  
92 the period between two successive academic years or terms, or during a similar  
93 period between two regular but not successive terms, or during a period of paid  
94 sabbatical leave provided for in the individual's contract, to any individual if such  
95 individual performs such services in the first of such academic years (or terms)  
96 and if there is a contract or a reasonable assurance that such individual will  
97 perform services in any such capacity for any educational institution in the  
98 second of such academic years or terms;

99 (b) With respect to services performed in any capacity (other than  
100 instructional, research, or principal administrative capacity) for an educational  
101 institution, benefits shall not be paid on the basis of such services to any  
102 individual for any week which commences during a period between two successive  
103 academic years or terms if such individual performs such services in the first of  
104 such academic years or terms and there is a contract or a reasonable assurance  
105 that such individual will perform such services in the second of such academic  
106 years or terms;

107 (c) With respect to services described in paragraphs (a) and (b) of this  
108 subdivision, benefits shall not be paid on the basis of such services to any  
109 individual for any week which commences during an established and customary  
110 vacation period or holiday recess if such individual performed such services in the  
111 period immediately before such vacation period or holiday recess, and there is  
112 reasonable assurance that such individual will perform such services immediately  
113 following such vacation period or holiday recess;

114 (d) With respect to services described in paragraphs (a) and (b) of this  
115 subdivision, benefits payable on the basis of services in any such capacity shall  
116 be denied as specified in paragraphs (a), (b), and (c) of this subdivision to any  
117 individual who performed such services at an educational institution while in the  
118 employ of an educational service agency, and for this purpose the term  
119 "educational service agency" means a governmental agency or governmental  
120 entity which is established and operated exclusively for the purpose of providing  
121 such services to one or more educational institutions.

122 (2) If compensation is denied for any week pursuant to paragraph (b) or  
123 (d) of subdivision (1) of this subsection to any individual performing services at  
124 an educational institution in any capacity (other than instructional, research or  
125 principal administrative capacity), and such individual was not offered an  
126 opportunity to perform such services for the second of such academic years or

127 terms, such individual shall be entitled to a retroactive payment of the  
128 compensation for each week for which the individual filed a timely claim for  
129 compensation and for which compensation was denied solely by reason of  
130 paragraph (b) or (d) of subdivision (1) of this subsection.

131 4. (1) A claimant shall be ineligible for waiting week credit, benefits or  
132 shared work benefits for any week for which he or she is receiving or has received  
133 remuneration exceeding his or her weekly benefit amount or shared work benefit  
134 amount in the form of:

135 (a) Compensation for temporary partial disability pursuant to the workers'  
136 compensation law of any state or pursuant to a similar law of the United States;

137 (b) A governmental or other pension, retirement or retired pay, annuity,  
138 or other similar periodic payment which is based on the previous work of such  
139 claimant to the extent that such payment is provided from funds provided by a  
140 base period or chargeable employer pursuant to a plan maintained or contributed  
141 to by such employer; but, except for such payments made pursuant to the Social  
142 Security Act or the Railroad Retirement Act of 1974 (or the corresponding  
143 provisions of prior law), the provisions of this paragraph shall not apply if the  
144 services performed for such employer by the claimant after the beginning of the  
145 base period (or remuneration for such services) do not affect eligibility for or  
146 increase the amount of such pension, retirement or retired pay, annuity or similar  
147 payment.

148 (2) If the remuneration referred to in this subsection is less than the  
149 benefits which would otherwise be due, the claimant shall be entitled to receive  
150 for such week, if otherwise eligible, benefits reduced by the amount of such  
151 remuneration, and, if such benefit is not a multiple of one dollar, such amount  
152 shall be lowered to the next multiple of one dollar.

153 (3) Notwithstanding the provisions of subdivisions (1) and (2) of this  
154 subsection, if a claimant has contributed in any way to the Social Security Act or  
155 the Railroad Retirement Act of 1974, or the corresponding provisions of prior law,  
156 no part of the payments received pursuant to such federal law shall be deductible  
157 from the amount of benefits received pursuant to this chapter.

158 5. A claimant shall be ineligible for waiting week credit or benefits for any  
159 week for which or a part of which he or she has received or is seeking  
160 unemployment benefits pursuant to an unemployment insurance law of another  
161 state or the United States; provided, that if it be finally determined that the  
162 claimant is not entitled to such unemployment benefits, such ineligibility shall

163 not apply.

164           6. (1) A claimant shall be ineligible for waiting week credit or benefits for  
165 any week for which the deputy finds that such claimant's total or partial  
166 unemployment is due to a stoppage of work which exists because of a labor  
167 dispute in the factory, establishment or other premises in which such claimant  
168 is or was last employed. In the event the claimant secures other employment  
169 from which he or she is separated during the existence of the labor dispute, the  
170 claimant must have obtained bona fide employment as a permanent employee for  
171 at least the major part of each of two weeks in such subsequent employment to  
172 terminate his or her ineligibility. If, in any case, separate branches of work  
173 which are commonly conducted as separate businesses at separate premises are  
174 conducted in separate departments of the same premises, each such department  
175 shall for the purposes of this subsection be deemed to be a separate factory,  
176 establishment or other premises. This subsection shall not apply if it is shown  
177 to the satisfaction of the deputy that:

178           (a) The claimant is not participating in or financing or directly interested  
179 in the labor dispute which caused the stoppage of work; and

180           (b) The claimant does not belong to a grade or class of workers of which,  
181 immediately preceding the commencement of the stoppage, there were members  
182 employed at the premises at which the stoppage occurs, any of whom are  
183 participating in or financing or directly interested in the dispute.

184           (2) "Stoppage of work" as used in this subsection means a substantial  
185 diminution of the activities, production or services at the establishment, plant,  
186 factory or premises of the employing unit. This definition shall not apply to a  
187 strike where the employees in the bargaining unit who initiated the strike are  
188 participating in the strike. Such employees shall not be eligible for waiting week  
189 credit or benefits during the period when the strike is in effect, regardless of  
190 diminution, unless the employer has been found guilty of an unfair labor practice  
191 by the National Labor Relations Board or a federal court of law for an act or  
192 actions preceding or during the strike.

193           7. On or after January 1, 1978, benefits shall not be paid to any  
194 individual on the basis of any services, substantially all of which consist of  
195 participating in sports or athletic events or training or preparing to so  
196 participate, for any week which commences during the period between two  
197 successive sport seasons (or similar periods) if such individual performed such  
198 services in the first of such seasons (or similar periods) and there is a reasonable

199 assurance that such individual will perform such services in the later of such  
200 seasons (or similar periods).

201           8. Benefits shall not be payable on the basis of services performed by an  
202 alien, unless such alien is an individual who was lawfully admitted for permanent  
203 residence at the time such services were performed, was lawfully present for  
204 purposes of performing such services, or was permanently residing in the United  
205 States under color of law at the time such services were performed (including an  
206 alien who was lawfully present in the United States as a result of the application  
207 of the provisions of Section 212(d)(5) of the Immigration and Nationality Act).

208           (1) Any data or information required of individuals applying for benefits  
209 to determine whether benefits are not payable to them because of their alien  
210 status shall be uniformly required from all applicants for benefits.

211           (2) In the case of an individual whose application for benefits would  
212 otherwise be approved, no determination that benefits to such individual are not  
213 payable because of such individual's alien status shall be made except upon a  
214 preponderance of the evidence.

215           9. The directors of the division of employment security and the division  
216 of workforce development shall submit to the governor, the speaker of the house  
217 of representatives, and the president pro tem of the senate no later than October  
218 15, 2006, a report outlining their recommendations for how to improve work  
219 search verification and claimant reemployment activities. The recommendations  
220 shall include, but not limited to how to best utilize "greathires.org", and how to  
221 reduce the average duration of unemployment insurance claims. Each calendar  
222 year thereafter, the directors shall submit a report containing their  
223 recommendations on these issues by December thirty-first of each year.

288.042. 1. For purposes of this section, a "war on terror veteran" is a  
2 Missouri resident who serves or has served in the military and to whom the  
3 following criteria apply:

4           (1) The person is or was a member of the [Missouri] national guard or a  
5 member of a United States armed forces reserves unit who was officially  
6 domiciled in the state of Missouri immediately prior to deployment;

7           (2) The person was deployed as part of his or her military unit at any time  
8 after September 11, 2001, and such deployment caused the person to be unable  
9 to continue working for his or her employer;

10           (3) The person was employed either part time or full time before  
11 deployment; and

12 (4) A Missouri court or United States district court located in Missouri  
13 has found that the person was discharged from or laid off from his or her  
14 nonmilitary employment during deployment or within thirty days after the  
15 completion of his or her deployment.

16 2. Notwithstanding any provisions of sections 288.010 to 288.500, any war  
17 on terror veteran shall be entitled to receive veterans' unemployment  
18 compensation benefits under this section. A war on terror veteran shall be  
19 entitled to a weekly benefit amount of eight percent of the wages paid to the war  
20 on terror veteran during that calendar quarter during which the war on terror  
21 veteran earned the highest amount within the five completed calendar quarters  
22 during which the war on terror veteran received wages immediately before  
23 deployment. The maximum amount of a weekly benefit amount shall be one  
24 thousand one hundred fifty-three dollars and sixty-four cents.

25 3. A war on terror veteran shall be entitled to a weekly benefit amount  
26 for twenty-six weeks. [The division may collect erroneously paid benefits in the  
27 manner provided in sections 288.160 and 288.170.] **The division of  
28 employment security shall pursue recovery of overpaid unemployment  
29 compensation benefits against any person receiving such overpaid  
30 benefits through billing, setoffs against state tax refunds, setoffs  
31 against federal tax refunds to the extent permitted by federal law,  
32 intercepts of lottery winnings under section 313.321, RSMo, and  
33 collection efforts as provided for in sections 288.160, 288.170, and  
34 288.175.**

35 4. Any employer who is found in any Missouri court or United States  
36 district court located in Missouri to have terminated, demoted, or taken an  
37 adverse employment action against a war on terror veteran due to his or her  
38 absence while deployed shall be subject to an administrative penalty in the  
39 amount of thirty-five thousand dollars. The director of the division of  
40 employment security shall take judicial notice of judgments in suits brought  
41 under the Uniformed Service Employment and Reemployment Rights Act (38  
42 U.S.C. 4301). Such judgments may be considered to have a res judicata effect on  
43 the director's determination. The administrative penalty shall be collectible in  
44 the manner provided in sections 288.160 and 288.170.

45 5. A war on terror veteran shall be considered to have been discharged  
46 from his or her employment if he or she is not offered the same wages, benefits,  
47 and similar work schedule upon his or her return after deployment.

48           6. There is hereby created in the state treasury the "War on Terror  
49 Unemployment Compensation Fund", which shall consist of money collected under  
50 this section and such other state funds appropriated by the general  
51 assembly. The state treasurer shall be custodian of the fund and shall approve  
52 disbursements from the fund in accordance with sections 30.170 and 30.180,  
53 RSMo. Upon appropriation, money in the fund shall be used solely for the  
54 administration, including payment of benefits and refunds, of this  
55 section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary,  
56 any moneys remaining in the fund at the end of the biennium shall not revert to  
57 the credit of the general revenue fund. The state treasurer shall invest moneys  
58 in the fund in the same manner as other funds are invested. Any interest and  
59 money earned on such investments shall be credited to the fund.

60           7. The division of employment security may promulgate rules to enforce  
61 this section. Any rule or portion of a rule, as that term is defined in section  
62 536.010, RSMo, that is created under the authority delegated in this section shall  
63 become effective only if it complies with and is subject to all of the provisions of  
64 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and  
65 chapter 536, RSMo, are nonseverable and if any of the powers vested with the  
66 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective  
67 date, or to disapprove and annul a rule are subsequently held unconstitutional,  
68 then the grant of rulemaking authority and any rule proposed or adopted after  
69 August 28, 2006, shall be invalid and void.

288.070. 1. All claims shall be made in accordance with such regulations  
2 as the division may prescribe; except that such regulations shall not require the  
3 filing of a claim for benefits by the claimant in person for a week of  
4 unemployment occurring immediately prior to the claimant's reemployment, but  
5 claims in such cases may be made by mail, or otherwise if authorized by  
6 regulation. Notice of each initial claim filed by an insured worker which  
7 establishes the beginning of such worker's benefit year shall be promptly mailed  
8 by the division to each base period employer of such individual, **except notice**  
9 **of an initial claim shall not be mailed to any contributing base period**  
10 **employer which paid such individual gross wages in the amount of four**  
11 **hundred dollars or less during such individual's base period**, and to the  
12 last employing unit whose name is furnished by the individual when such  
13 individual files such claim. In similar manner, a notice of each renewed claim  
14 filed by an insured worker during a benefit year after a period in such year

15 during which the insured worker was employed shall be given to the last  
16 employing unit whose name is furnished by the individual when the individual  
17 files such renewed claim or to any other base period or subsequent employer of  
18 the worker who has requested such a notice. Any such base period employer or  
19 any employing unit, which employed the claimant since the beginning of the base  
20 period, who within ten calendar days after the mailing of notice of the initial  
21 claim or a renewed claim to the employer or employing unit's last known address  
22 files a written protest against the allowance of benefits, and any employing unit  
23 from whom the claimant was separated during a week [of continued claim]  
24 **claimed** other than a week in which an initial or renewed claim is effective, shall  
25 be deemed an interested party to any determination allowing benefits during the  
26 benefit year until such time as the issue or issues raised by the protest are  
27 resolved by a determination or decision which has become final.

28 **2. If the last employer or any base period employer files a**  
29 **written protest against the allowance of benefits based upon the**  
30 **claimant's refusal to accept suitable work when offered the claimant,**  
31 **either through the division or directly by such last or base period**  
32 **employer, and such protest is filed within ten calendar days of the**  
33 **claimant's refusal to work, such employer shall be deemed an**  
34 **interested party to any determination concerning the claimant's refusal**  
35 **of work until such time as the issue or issues raised by the protest are**  
36 **resolved by a determination or decision which has become final.**

37 **3. Any base period employer or any employing unit, which**  
38 **employed the claimant since the beginning of the base period, who files**  
39 **a written protest against the allowance of benefits based upon the**  
40 **claimant not being able to work or available for work shall be deemed**  
41 **an interested party to any determination concerning claimant's ability**  
42 **to work or availability for work until such time as the issue or issues**  
43 **raised by the protest are resolved by a determination or decision which**  
44 **has become final.**

45 [2.] **4. A deputy shall promptly examine each initial claim and make a**  
46 **determination of the claimant's status as an insured worker. Each such**  
47 **determination shall be based on a written statement showing the amount of**  
48 **wages for insured work paid to the claimant by each employer during the**  
49 **claimant's base period and shall include a finding as to whether such wages meet**  
50 **the requirements for the claimant to be an insured worker, and, if so, the first**

51 day of the claimant's benefit year, the claimant's weekly benefit amount, and the  
52 maximum total amount of benefits which may be payable to the claimant for  
53 weeks of unemployment in the claimant's benefit year. The deputy shall in  
54 respect to all claims for benefits thereafter filed by such individual in the  
55 claimant's benefit year make a written determination as to whether and in what  
56 amount the claimant is entitled to benefits for the week or weeks with respect to  
57 which the determination is made. Whenever claims involve complex questions of  
58 law or fact, the deputy, with the approval of the director, may refer such claims  
59 to the appeals tribunal, without making a determination, for a fair hearing and  
60 decision as provided in section 288.190.

61 [3.] 5. The deputy shall, in writing, promptly notify the claimant of such  
62 deputy's determination on an initial claim, including the reason therefor, and a  
63 copy of the written statement as provided in subsection [2] 4 of this section. The  
64 deputy shall promptly notify the claimant and all other interested parties of such  
65 deputy's determination on any claim for benefits and shall give the reason  
66 therefor; except that, where a determination on a later claim for benefits in a  
67 benefit year is the same as the determination on a preceding claim, no additional  
68 notice shall be given. A determination shall be final, when unappealed, in respect  
69 to any claim to which it applies except that an appeal from a determination on  
70 a claim for benefits shall be considered as an appeal from all later claims to  
71 which the same determination applies. The deputy may, however, not later than  
72 one year following the end of a benefit year, for good cause, reconsider any  
73 determination on any claim and shall promptly notify the claimant and other  
74 interested parties of such deputy's redetermination and the reasons  
75 therefor. Whenever the deputy shall have notified any interested employer of the  
76 denial of benefits to a claimant for any week or weeks and shall thereafter allow  
77 benefits to such claimant for a subsequent week or weeks, the deputy shall notify  
78 such interested employer of the beginning date of the allowance of benefits for  
79 such subsequent period.

80 [4.] 6. Unless the claimant or any interested party within thirty calendar  
81 days after notice of such determination is either delivered in person or mailed to  
82 the last known address of such claimant or interested party files an appeal from  
83 such determination, it shall be final. If, pursuant to a determination or  
84 redetermination, benefits are payable in any amount or in respect to any week as  
85 to which there is no dispute, such amount of benefits shall be promptly paid  
86 regardless of any appeal.

87 [5.] 7. Benefits shall be paid promptly in accordance with a  
88 determination or redetermination pursuant to this section, or the decision of an  
89 appeals tribunal, the labor and industrial relations commission of Missouri or a  
90 reviewing court upon the issuance of such determination, redetermination or  
91 decision (regardless of the pendency of the period to apply for reconsideration, file  
92 an appeal, or petition for judicial review as provided in this section, or section  
93 288.190, 288.200, or 288.210, as the case may be, or the pendency of any such  
94 application, appeal, or petition) unless and until such determination,  
95 redetermination or decision has been modified or reversed by a subsequent  
96 redetermination or decision, in which event benefits shall be paid or denied for  
97 weeks of unemployment thereafter in accordance with such modified or reversed  
98 redetermination or decision.

99 [6.] 8. Benefits paid during the pendency of the period to apply for  
100 reconsideration, file an appeal, or petition for judicial review or during the  
101 pendency of any such application, appeal, or petition shall be considered as  
102 having been due and payable regardless of any redetermination or decision unless  
103 the modifying or reversing redetermination or decision establishes that the  
104 claimant willfully failed to disclose or falsified any fact which would have  
105 disqualified the claimant or rendered the claimant ineligible for such benefits as  
106 contemplated in subsection 9 of section 288.380.

107 [7.] 9. Benefits paid during the pendency of the period to apply for  
108 reconsideration, file an appeal, or petition for judicial review or during the  
109 pendency of any such application, appeal, or petition which would not have been  
110 payable under a redetermination or decision which becomes final shall not be  
111 chargeable to any employer. Beginning with benefits paid on and after January  
112 1, 1998, the provisions of this subsection shall not apply to employers who have  
113 elected to make payments in lieu of contributions pursuant to subsection 3 of  
114 section 288.090.

115 [8.] 10. The ten-day period mentioned in [subsection] **subsections 1**  
116 **and 2** of this section and the thirty-day period mentioned in subsection [4] **6** of  
117 this section may, for good cause, be extended.

118 **11. Any notice of claim or notice of determination required to be**  
119 **mailed by the division to an employer or claimant under this section**  
120 **may be transmitted electronically by the division to any employer or**  
121 **claimant requesting such method of delivery. The date the division**  
122 **transmits such notice of claim or notice of determination shall be**

123 **deemed the date of mailing for purposes of filing a protest to the notice**  
124 **or claim or filing an appeal concerning a notice of determination.**

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