

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 HOUSE BILL 3596

By: Hill

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6 AS INTRODUCED

7 An Act relating to labor; amending 40 O.S. 2021,
8 Sections 1-201, as amended by Section 1, Chapter 360,
9 O.S.L. 2022, 1-218, 1-223, as amended by Section 7,
10 Chapter 360, O.S.L. 2022, 1-224, as amended by
11 Section 8, Chapter 360, O.S.L. 2022, 3, Chapter 287,
12 O.S.L. 2022, 2-104, 2-106, as amended by Section 2,
13 Chapter 287, O.S.L. 2022, and 2-603, (40 O.S. Supp.
14 2023, Sections 1-201, 1-223, 1-224, 1-231 and 2-106),
15 which relate to the Employment Security Act of 1980;
16 modifying definition; adding certain compensation as
17 qualifiers for amount of payment; modifying
18 percentages based on conditional factors; modifying
19 definitions; modifying time limit for maximum benefit
20 duration; modifying maximum weekly benefit amount;
21 reducing percentages for maximum benefit amount;
22 clarifying time limit for appeal; repealing 40 O.S.
23 2021, Section 3-201, which relates to employers; and
24 providing an effective date.
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 40 O.S. 2021, Section 1-201, as
amended by Section 1, Chapter 360, O.S.L. 2022 (40 O.S. Supp. 2023,
Section 1-201), is amended to read as follows:

Section 1-201. GENERAL DEFINITIONS. As used in the Employment
Security Act of 1980:

1 1. "Additional initial claim" means a claim application which
2 reactivates a claim during an existing benefit year and certifies to
3 a period of employment which occurred subsequent to the date of the
4 filing of the last initial, additional, or reopened claim;

5 2. "Alternative base period" means the most recent four (4)
6 completed calendar quarters immediately preceding the first day of
7 an individual's benefit year. In the event that an individual's
8 claim uses an alternative base period to meet the wage requirement
9 under Section 2-207 of this title, this alternative base period
10 shall be substituted for base period for all other purposes under
11 the Employment Security Act of 1980;

12 3. "Assigned tax rate" means the tax rate assigned to an
13 employer pursuant to Section 3-110.1 of this title when the employer
14 does not have sufficient experience history to meet the At-Risk Rule
15 set out in paragraph 3 of Section 3-110.1 of this title;

16 4. "Base period" means the first four (4) of the last five (5)
17 completed calendar quarters immediately preceding the first day of
18 an individual's benefit year;

19 5. "Benefit year" with respect to any individual means the one-
20 year period beginning with the first day of the first week with
21 respect to which the individual first files a valid claim for
22 benefits and thereafter the one-year period beginning with the first
23 day of the first week with respect to which the individual next
24 files a valid claim for benefits after the termination of his or her
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1 last preceding benefit year. Any claim for benefits shall be deemed
2 a valid claim for the purpose of this section if the individual has
3 been paid the wages for insured work required under the Employment
4 Security Act of 1980;

5 6. "Benefit wages" means the taxable wages earned by a claimant
6 during the claimant's base period which are not in excess of the
7 current maximum weekly benefit amount, as determined under Section
8 2-104 of this title, multiplied by the maximum number of weeks for
9 which benefits could be paid to any individual ~~(now twenty-six (26)~~
10 ~~weeks)~~ pursuant to Section 2-106 of this title, multiplied by three
11 (3); provided, however, no wages shall be included as benefit wages
12 unless and until the claimant has been paid benefits for five (5)
13 weeks in one (1) benefit year;

14 7. "Benefits" means the money payments payable to an individual
15 as provided in the Employment Security Act of 1980 with respect to
16 his or her unemployment, including extended benefits. The federal
17 share of such extended benefits shall not be construed as benefits
18 for the purposes of computing contribution rates under the
19 Employment Security Act of 1980;

20 8. "Calendar quarter" means the period of three (3) consecutive
21 calendar months ending on March 31, June 30, September 30, or
22 December 31, or the equivalent thereof as the Commission may by
23 regulation prescribe;

1 9. "Client" shall have the same meaning as provided in
2 paragraph 1 of Section 600.2 of this title;

3 10. "Coemployer" shall have the same meaning as provided in
4 paragraph 2 of Section 600.2 of this title;

5 11. "Coemployment relationship" shall have the same meaning as
6 provided in paragraph 3 of Section 600.2 of this title;

7 12. "Commission" means the Oklahoma Employment Security
8 Commission;

9 13. "Commissioner" means a member of the Commission;

10 14. "Continued claim series" means an uninterrupted series of
11 weekly claims filed by a claimant during the benefit year;

12 15. "Contributions" means the money payments, including taxes
13 and reimbursements, required by the Employment Security Act of 1980
14 to be paid into the Unemployment Compensation Fund by an employer;

15 16. "Covered employee" shall have the same meaning as provided
16 in paragraph 5 of Section 600.2 of this title;

17 17. "Digital portal filing" means electronic communication
18 through the agency digital portal;

19 18. "Earned tax rate" means the tax rate calculated for an
20 employer with sufficient experience history to meet the At-Risk Rule
21 set out in paragraph 3 of Section 3-110.1 of this title, with the
22 tax rate calculated pursuant to the provisions of Section 3-101 et
23 seq. of this title;

1 19. "Electronic e-filing" means filing by email or fax to
2 email;

3 20. "Eligibility period" of an individual for extended benefits
4 means the period consisting of the weeks in his or her benefit year,
5 as defined by the Employment Security Act of 1980, which begin in an
6 extended benefit period and, if his or her benefit year ends within
7 such extended benefit period, any weeks thereafter which begin in
8 such extended benefit period;

9 21. "Employer" shall have the same meaning as provided in
10 Section 1-208 of this title;

11 22. "Employing unit" means any individual or type of
12 organization, including any partnership, association, trust, estate,
13 joint stock company, insurance company, limited liability company or
14 corporation, whether domestic or foreign, or the receiver, trustee
15 in bankruptcy, trustee or successor thereof, or the legal
16 representative of a deceased person, which has or subsequent to
17 January 1, 1936, had in its employ one or more individuals
18 performing services for it within this state;

19 23. "Employment" shall have the same meaning as provided in
20 Section 1-210 of this title;

21 24. "Employment office" means a free public employment office
22 or branch thereof operated by this or any other state as a part of a
23 state-controlled system of public employment offices or by a federal
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1 agency charged with the administration of an unemployment
2 compensation program or free public employment offices;

3 25. "Employment Security Administration Fund" means the fund
4 established in Section 4-602 of this title from which administration
5 expenses under the Employment Security Act of 1980 shall be paid;

6 26. "Exhaustee" shall have the same meaning as provided in
7 Section 2-712 of this title;

8 27. "Experience period" means the most recent twelve (12)
9 consecutive completed calendar quarters occurring before July 1 of
10 the year immediately preceding the year for which the employer's
11 contribution rate is being calculated;

12 28. "Extended base period" means the four (4) quarters prior to
13 the claimant's base period. These four (4) quarters may be
14 substituted for base period quarters on a quarter-by-quarter basis
15 to establish a valid claim regardless of whether the wages have been
16 used to establish a prior claim, except any wages earned that would
17 render the Commission out of compliance with applicable federal law
18 shall be excluded if used in a prior claim;

19 29. "Extended benefit period" shall have the same meaning as
20 provided in Section 2-703 of this title;

21 30. "File", "files", or "filed" shall have the same meaning as
22 provided in Section 1-224 of this title;

23 31. "Mail", "mails", "mailed", or "mailing" means communication
24 sent by a postal service with sufficient postage;

1 32. "Foreign limited liability company" shall be defined by the
2 provisions of the Oklahoma Limited Liability Company Act;

3 33. "Fund" means the Unemployment Compensation Fund established
4 in Section 3-601 of this title;

5 34. "Hospital" means any hospital required to be licensed under
6 the Oklahoma Public Health Code, Section 1-101 et seq. of Title 63
7 of the Oklahoma Statutes, and includes state mental hospitals and
8 any other mental hospital or institution;

9 35. "Initial claim" means a new claim application submitted by
10 a claimant to establish a benefit year for unemployment insurance
11 benefits;

12 36. "Institution of higher education" shall have the same
13 meaning as provided in Section 1-214 of this title;

14 37. "Insured work" means employment for employers as defined by
15 the Employment Security Act of 1980;

16 38. "Lessor employing unit" means any independently established
17 business entity which engages in the business of providing leased
18 employees to any other employer, individual, organization,
19 partnership, corporation, or other legal entity, referred to herein
20 as a client lessee;

21 39. "Limited liability company" shall be defined by the
22 provisions of the Oklahoma Limited Liability Company Act;

23 40. "Probationary period" means a period of time set forth in
24 an established probationary plan, which applies to all employees or
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1 a specific group of employees, and does not exceed ninety (90)
2 calendar days from the first day a new employee begins work;

3 41. "Professional Employer Organization" or "PEO" means an
4 organization that is subject to the Oklahoma Professional Employer
5 Organization Recognition and Registration Act and which meets the
6 definition set out in paragraph 9 of Section 600.2 of this title;

7 42. "Rate of insured employment" shall have the same meaning as
8 provided in Section 2-708 of this title;

9 43. "Regular benefits" means benefits payable to an individual
10 under the Employment Security Act of 1980, or under any other state
11 law including dependents' allowances and benefits payable to federal
12 civilian employees;

13 44. "Reopened claim" means a claim application which
14 reactivates a claim during an existing benefit year when a claimant
15 stopped filing for benefits before his or her claim was exhausted,
16 but in which there occurred no intervening employment from the date
17 of the filing of the last initial, additional, or reopened claim;

18 45. "State" includes, in addition to the states of the United
19 States of America, the District of Columbia, the Commonwealth of
20 Puerto Rico, and the Virgin Islands;

21 46. "State law" means the unemployment insurance law of any
22 state, approved by the Secretary of Labor of the United States under
23 Section 3304 of the Internal Revenue Code of 1954;

1 47. "Supplemental unemployment benefit plan" means a plan that
2 provides for an employer to make payments to its employees during a
3 permanent or temporary layoff that will supplement unemployment
4 benefits received by the employees. The purpose of a supplemental
5 unemployment benefit plan is to allow an employer to sustain the
6 purchasing power of its employees or former employees during a
7 layoff;

8 48. "Taxable wages" means the wages paid to an individual with
9 respect to employment during a calendar year for services covered by
10 the Employment Security Act of 1980 or other state unemployment
11 compensation acts which shall equal the applicable percentage of the
12 state's average annual wage for the second preceding calendar year
13 as determined by the Commission, rounded to the nearest multiple of
14 One Hundred Dollars (\$100.00);

15 49. "Wages" shall have the same meaning as provided in Section
16 1-218 of this title;

17 50. "Wages paid" means wages actually paid to the worker;
18 provided, however, that in the event of any distribution of an
19 employer's assets through insolvency, receivership, composition,
20 assignment for the benefit of creditors, or termination of business,
21 wages earned but not actually paid shall be considered as paid; and

22 51. "Week" means such period of seven (7) consecutive days, as
23 the Commission may by regulation prescribe.
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1 SECTION 2. AMENDATORY 40 O.S. 2021, Section 1-218, is
2 amended to read as follows:

3 Section 1-218. WAGES.

4 "Wages" means all remuneration for services from whatever
5 source, including commissions and bonuses and the cash value of all
6 remuneration in any medium other than cash, and includes dismissal
7 payments which the employer is required by law or contract to make.
8 Gratuities customarily received by an individual in the course of
9 work from persons other than the employing unit shall be treated as
10 wages received from the employing unit. The reasonable cash value
11 of remuneration in any medium other than cash, and the reasonable
12 amount of gratuities, shall be estimated and determined in
13 accordance with rules prescribed by the Oklahoma Employment Security
14 Commission. If the Internal Revenue Code, at 26 USCA, Section 1 et
15 seq., provides that a payment made by an employer to an employee is
16 considered to be wages, that payment shall also be considered wages
17 by the Oklahoma Employment Security Commission for the purposes of
18 this act. The term wages shall not include:

19 1. The amount of any payment, with respect to services
20 performed to or on behalf of an individual in its employ under a
21 plan or system established by an employing unit which makes
22 provision for individuals in its employ generally, or for a class or
23 classes of such individuals, including any amount paid by an
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1 employing unit for insurance or annuities, or into a fund to provide
2 for any such payment, on account of:

3 a. retirement, other than employee contributions or
4 deferrals under a qualified plan as described in 26
5 U.S.C., Section 401(k), 403(b), 408(k), 457, 7701(j)
6 or 408(p),

7 b. sickness or accident disability,

8 c. medical and hospitalization expenses in connection
9 with sickness or accident disability,

10 d. death, provided the individual in its employ:

11 (1) has not the option to receive, instead of
12 provision for such death benefit, any part of
13 such payment, or if such death benefit is
14 insured, any part of the premium or contributions
15 to premiums paid by the employing unit, and

16 (2) has not the right, under the provisions of the
17 plan or system or policy of insurance providing
18 for such death benefit, to assign such benefit,
19 or to receive cash consideration in lieu of such
20 benefit either upon withdrawal from the plan or
21 system providing for such benefit or upon
22 termination of such plan or system or policy of
23 insurance or of the individual's services with
24 such employing unit, or
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1 e. a bona fide thrift or savings fund, providing:

2 (1) such payment is conditioned upon a payment of a
3 substantial sum by such individuals in its
4 employ, and

5 (2) that such sum paid by the employing unit cannot
6 under the provisions of such plan be withdrawn by
7 an individual more frequently than once in any
8 twelve-month period, except upon an individual's
9 separation from that employment;

10 2. Any payment made to, or on behalf of, an employee or his or
11 her beneficiary under a cafeteria plan of the type described in 26
12 U.S.C., Section 125 and referred to in 26 U.S.C., Section
13 3306(b) (5) (G);

14 3. Any payment made, or benefit furnished, to or for the
15 benefit of an employee if at the time of such payment or such
16 furnishing it is reasonable to believe that the employee will be
17 able to exclude such payment or benefit from income under an
18 educational assistance program as described in 26 U.S.C., Section
19 127 or a dependent care assistance program as described in 26
20 U.S.C., Section 129 and as referred to in 26 U.S.C., Section
21 3306(b) (13);

22 4. The payment by an employing unit, without deduction from the
23 remuneration of the individual in its employ, of the tax imposed
24 upon such individual in its employ under 26 U.S.C., Section 3101
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1 with respect to domestic services in a private home of the employer
2 or for agricultural labor;

3 5. Dismissal payments which the employer is not required by law
4 or contract to make;

5 6. The value of any meals and lodging furnished by or on behalf
6 of an employer to an individual in its employ; provided the meals
7 and lodging are furnished on the business premises of the employer
8 for the convenience of the employer; ~~or~~

9 7. Payments made under an approved supplemental unemployment
10 benefit plan; or

11 8. Other compensation, including, but not limited to severance
12 pay and/or one-time federal benefits.

13 SECTION 3. AMENDATORY 40 O.S. 2021, Section 1-223, as
14 amended by Section 7, Chapter 360, O.S.L. 2022 (40 O.S. Supp. 2023,
15 Section 1-223), is amended to read as follows:

16 Section 1-223. TAXABLE WAGES - CONDITIONAL FACTORS AND
17 PERCENTAGES.

18 The applicable percentage of the state's average annual wage is
19 determined by the conditional factor in place during the calendar
20 year for which the taxable wage is being calculated. The
21 conditional factor is determined pursuant to the provisions of
22 Section 3-113 of this title. The applicable percentages are as
23 follows:
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1 1. Forty percent (40%) during any calendar year in which the
2 balance in the Unemployment Compensation Fund is in excess of the
3 amount required to initiate conditional contribution rates, pursuant
4 to the provisions of Section 3-113 of this title;

5 2. ~~Forty-two and one-half percent (42.5%)~~ Forty-five percent
6 (45%) during calendar years in which condition "a" exists; and

7 3. ~~Forty-five percent (45%)~~ Fifty percent (50%) during calendar
8 years in which condition "b" exists;

9 4. ~~Forty-seven and one-half percent (47.5%)~~ during calendar
10 years in which condition "c" exists; and

11 5. ~~Fifty percent (50%)~~ during calendar years in which condition
12 "d" exists.

13 SECTION 4. AMENDATORY 40 O.S. 2021, Section 1-224, as
14 amended by Section 8, Chapter 360, O.S.L. 2022 (40 O.S. Supp. 2023,
15 Section 1-224), is amended to read as follows:

16 Section 1-224. FILE.

17 A. For purposes of this section, "OESC 2020-21 business process
18 transformation" means a change from paper process to integrated
19 digital technology. Upon completion of the OESC 2020-21 business
20 process transformation, electronic e-filing will be the Commission's
21 preferred filing method for tendering and receiving documents. All
22 claimants and employers tendering documents to the Commission will
23 be expected to tender the documents electronically. If the claimant
24 or employer has elected to utilize other means of transmittal, it

1 will be the responsibility of the claimant or employer to notify the
2 Commission of this preference.

3 B. When the provisions of the Employment Security Act of 1980
4 or the rules promulgated under the authority of the act require any
5 document to be filed with the Oklahoma Employment Security
6 Commission or its affiliate entities, the term "file", "files", or
7 "filed" shall mean:

8 1. ~~Hand delivery to the central administrative office of the~~
9 ~~Oklahoma Employment Security Commission by the close of business on~~
10 ~~or before the date due;~~

11 ~~2.~~ Mailing by means calculated to ensure receipt by the
12 Oklahoma Employment Security Commission on or before the date due.
13 Timely mailing shall be determined by the United States Postal
14 Service postmark. If there is no such legible postmark, the date of
15 receipt by the Commission shall constitute the date of filing;

16 ~~3.~~ 2. Electronic e-filing to the Oklahoma Employment Security
17 Commission, as directed by the instructions on the determination
18 letter, order or other document issued by the Commission, by
19 midnight on or before the date due. Timely transmission shall be
20 determined by the Commission's transmission log file; or

21 ~~4.~~ 3. Digital portal filing by midnight on or before the date
22 due. Timely transmission shall be determined by the Commission's
23 transmission log file.

1 C. If the Employment Security Act of 1980 or the rules
2 promulgated under the Employment Security Act of 1980 require that a
3 document be filed with a court or any other agency of this state,
4 the term "file", "files" or "filed" shall be defined by the
5 statutes, rules or practice governing that court or agency.

6 SECTION 5. AMENDATORY Section 3, Chapter 287, O.S.L.
7 2022 (40 O.S. Supp. 2023, Section 1-231), is amended to read as
8 follows:

9 Section 1-231. A. For purposes of this section, "state average
10 unemployment insurance claims" means the weekly average of Continued
11 UI Claims for the thirteen (13) weeks beginning with the first file
12 week ending in the month of July in the calendar year prior to the
13 current calendar year as published by the Oklahoma Employment
14 Security Commission or the agency responsible for collecting and
15 publishing unemployment insurance claims data.

16 B. On January 1, 2025, for unemployment compensation claims
17 submitted during a calendar year, the duration of benefits is
18 limited to:

- 19 1. a. Sixteen (16) weeks if the state's average unemployment
20 insurance claims are at or below five thousand (5,000)
21 claims,
- 22 b. An additional two (2) weeks shall be added in addition
23 to the sixteen (16) weeks for each fifteen thousand
24 (15,000) increments if the state's average
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1 unemployment insurance claims are above five thousand
2 (5,000) claims, or

3 c. Up to the maximum of twenty (20) weeks; or

4 2. In the event that the weekly claims data of continued claims
5 administered by the Oklahoma Employment Security Commission exceeds
6 forty thousand (40,000) claims, the maximum duration of benefits
7 shall immediately be raised to twenty-six (26) weeks. This maximum
8 benefit duration shall be in place until ~~the weekly claims data of~~
9 ~~continued UI claims falls below forty thousand (40,000) claims at~~
10 ~~which time the maximum duration of benefits shall be determined~~
11 ~~pursuant to paragraph 1 of subsection B of this section~~ the end of
12 the calendar year at which time the maximum duration of benefits
13 shall be determined pursuant to paragraph 1 of subsection B of this
14 section.

15 SECTION 6. AMENDATORY 40 O.S. 2021, Section 2-104, is
16 amended to read as follows:

17 Section 2-104. COMPUTATION OF BENEFIT AMOUNT.

18 A. The weekly benefit amount of an individual shall be an
19 amount equal to one twenty-third (1/23) of the taxable wages paid to
20 the individual during that quarter of his or her base period in
21 which the taxable wages were highest. If the amount is more than
22 the maximum weekly benefit amount, it shall be reduced to the
23 maximum weekly benefit amount or if the amount is less than Sixteen
24 Dollars (\$16.00), it shall be increased to Sixteen Dollars (\$16.00).

1 B. The maximum weekly benefit amount shall be:

2 1. Sixty percent (60%) of the average weekly wage of the second
3 preceding calendar year during any calendar year in which the
4 balance in the Unemployment Compensation Fund is in excess of the
5 amount required to initiate conditional contribution rates, pursuant
6 to the provisions of Section 3-113 of this title;

7 ~~2. Fifty-seven and one-half percent (57.5%) of the average~~
8 ~~weekly wage of the second preceding calendar year during calendar~~
9 ~~years in which condition "a", as set forth in paragraph (1) of~~
10 ~~Section 3-113 of this title, exists;~~

11 ~~3.~~ Fifty-five percent (55%) of the average weekly wage of the
12 second preceding calendar year during calendar years in which
13 condition ~~"b"~~ "a", as set forth in paragraph ~~(2)~~ (1) of Section 3-
14 113 of this title, exists;

15 ~~4.~~ ~~Fifty-two and one-half percent (52.5%) of the average weekly~~
16 ~~wage of the second preceding calendar year during calendar years in~~
17 ~~which condition "c", as set forth in paragraph (3) of Section 3-113~~
18 ~~of this title, exists; and~~

19 ~~5.~~ 3. Fifty percent (50%) of the average weekly wage of the
20 second preceding calendar year during calendar years in which
21 condition ~~"d"~~ "b", as set forth in paragraph ~~(4)~~ (2) of Section 3-
22 113 of this title, exists.

1 C. Before the last day of June of each year the Commission
2 shall determine the average weekly wage of the preceding calendar
3 year in the following manner:

4 1. The sum of the total monthly employment reported for the
5 calendar year shall be divided by twelve (12) to determine the
6 average monthly employment;

7 2. The sum of the total wages reported for the previous
8 calendar year shall be divided by the average monthly employment to
9 determine the average annual wage; and

10 3. The average annual wage shall be divided by fifty-two (52)
11 to determine the average weekly wage.

12 SECTION 7. AMENDATORY 40 O.S. 2021, Section 2-106, as
13 amended by Section 2, Chapter 287, O.S.L. 2022 (40 O.S. Supp. 2023,
14 Section 2-106), is amended to read as follows:

15 Section 2-106. MAXIMUM BENEFIT AMOUNT.

16 On January 1, 2023, an otherwise eligible individual shall be
17 entitled during any benefit year to a total amount of benefits equal
18 to whichever is the lesser of:

- 19 1. a. If prior to January 1, 2023, twenty-six (26) times the
20 weekly benefit amount of the individual,
21 b. If between January 1, 2023, and January 1, 2025,
22 sixteen (16) times the weekly benefit amount of the
23 individual, or
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1 c. If after January 1, 2025, between sixteen (16) and
2 twenty (20) times the weekly benefit amount dependent
3 upon the state's average unemployment insurance claims
4 pursuant to Section 3 of this act;

5 2. The applicable percentage of the state's average annual wage
6 for the second preceding calendar year as determined by the Oklahoma
7 Employment Security Commission, rounded to the nearest multiple of
8 One Hundred Dollars (\$100.00). The applicable percentage is
9 determined by the conditional factor in place during the calendar
10 year in which the individual files for benefits. The conditional
11 factor is determined pursuant to the provisions of Section 3-113 of
12 this title. The applicable percentages for this paragraph are as
13 follows:

14 a. twenty-five percent (25%) during any calendar year in
15 which the balance in the Unemployment Compensation
16 Fund is in excess of the amount required to initiate
17 conditional contribution rates, pursuant to the
18 provisions of Section 3-113 of this title,

19 b. ~~twenty-three and three-fourths percent (23.75%)~~
20 twenty-two and one-half percent (22.5%) during
21 calendar years in which condition "a" exists, and

22 c. ~~twenty-two and one-half percent (22.5%)~~ twenty percent
23 (20%) during calendar years in which condition "b"
24 exists; 7i

- 1 d. ~~twenty one and one fourth percent (21.25%) during~~
2 ~~calendar years in which condition "c" exists, and~~
3 e. ~~twenty percent (20%) during calendar years in which~~
4 ~~condition "d" exists, or~~

5 3. The applicable percentage of the individual's wages for
6 insured work paid during the base period of the individual. The
7 applicable percentage is determined by the conditional factor in
8 place during the calendar year in which the individual files for
9 benefits. The conditional factor is determined pursuant to the
10 provisions of Section 3-113 of this title. The applicable
11 percentages for this paragraph are as follows:

- 12 a. fifty percent (50%) during any calendar year in which
13 the balance in the Unemployment Compensation Fund is
14 in excess of the amount required to initiate
15 conditional contribution rates, pursuant to the
16 provisions of Section 3-113 of this title,
17 b. ~~forty seven and one half percent (47.5%)~~ forty-five
18 percent (45%) during calendar years in which condition
19 "a" exists, and
20 c. ~~forty five percent (45%)~~ forty percent (40%) during
21 calendar years in which condition "b" exists,
22 d. ~~forty two and one half percent (42.5%) during calendar~~
23 ~~years in which condition "c" exists, and~~

1 e. ~~forty percent (40%) during calendar years in which~~
2 ~~condition "d" exists.~~

3 SECTION 8. AMENDATORY 40 O.S. 2021, Section 2-603, is
4 amended to read as follows:

5 Section 2-603. APPEAL TRIBUNAL.

6 The claimant or any other party entitled to notice of a
7 determination may file an appeal from the determination with the
8 appeal tribunal within ten (10) calendar days after the date of
9 mailing of the notice to the claimant's or other party's last-known
10 address or, if the notice is not mailed, within ten (10) calendar
11 days after the date of delivery of the notice. The claimant or
12 other party may file an appeal in any manner allowed by Section 1-
13 224 of this title or by telephone to the Commission's call center.
14 In order to be considered timely, filing of an appeal made by
15 telephone through a claims representative must be completed before
16 the end of normal business hours.

17 SECTION 9. REPEALER 40 O.S. 2021, Section 3-201, is
18 hereby repealed.

19 SECTION 10. This act shall become effective November 1, 2024.

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21 59-2-8863 LRB 01/03/24
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