

CHAPTER 82  
FORMERLY  
HOUSE BILL NO. 91

AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 3317, Title 19 of the Delaware Code by making insertions as shown by underlining as follows:

§ 3317. Filing of claim for benefit; regulations of Department; posting.

(a) Claims for benefits shall be made in accordance with such regulations as the Department prescribes. Each employer shall post and maintain printed statements of such regulations in places readily accessible to individuals in the employer's service and shall make available to each such individual at the time the individual becomes unemployed a printed statement of such regulations. Such printed statements shall be supplied by the Department to each employer without cost to the employer.

(b) Whenever an individual files a claim for benefits, the Department shall forward to the employer by whom the claimant was most recently employed, hereafter the "last employer", or to the last employer's agent and to each base period employer or to each base period employer's agent relating to the individual's claim a separation notice. The last and base period employer(s) or agent(s) of the last and base period employer(s) shall return such notices completed, indicating the reason for the claimant's separation from work with them and the individual claimant's last date of work with them, within 7 days of the date contained on the separation notice. Any last or base period employer or any last or base period employer's agent who fails to timely return a separation notice or who fails to complete a separation notice or responds inadequately (which, for the purposes of this subsection, shall mean providing the Department insufficient information to make a determination of eligibility for the receipt of unemployment insurance benefits) within the period prescribed above shall be barred from claiming subsequently that the individual claimant to whom such separation notice applied shall be disqualified under any provisions of § 3314 of this title and shall be barred from seeking relief from benefit wage charges to its experience merit rating account under §§ 3349-3356 of this title unless the Department for reasons found to constitute good cause, shall release such employer or the employer's agent from the default. If the last or base period employer or the last or base period employer's agent fails to timely submit a completed separation notice, the Department shall not be required to issue a determination on said claim or to make an examination of said claim or be required to follow the remaining procedures as set forth in §§ 3318-3320 of this title.

(c) Upon receipt by the Department of a timely submitted and completed separation notice from the last or base period employer or the last or base period employer's agent, and if said employer's or employer agent's statement on the separation notice does not contest the claimant's entitlement to benefits by raising a potentially disqualifying issue as the reason for the claimant's separation or indicates that the claimant was laid off due to lack of work, the employer shall be subject to benefit wage charges to its experience merit rating account in accordance with §§ 3349-3356 of this title; and such employer and employer's agent shall not be entitled to any further appeal or relief of benefit wage charges on the basis of such claim. In such cases, the Department shall not be required to make an examination of said claim or of benefit wage charges to the employer's experience merit rating account, nor shall the Department be required to issue or send a determination to the last or base period employer or to the last or base period employer's agent or to the claimant on such claim for benefits, nor shall the Department be required to follow the remaining procedures for determination of such claims as set forth in §§ 3318-3320 of this title. In addition, in such cases, benefits shall be paid unless it is later determined by the Division that such claimant is not otherwise qualified or eligible for benefits, but in no event, shall such employer or the employer's agent be entitled to be a party to such later determination or be entitled to benefit wage charge relief on such claim.

Section 2. This Act shall apply to both fraud and non-fraud overpayments of unemployment insurance benefits established after October 21, 2013 resulting from an employer's or an employer's agent's failure to respond timely or adequately to the Department's request for separation information.

Approved July 01, 2013