TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION  
CHAPTER 1. GENERAL PROVISIONS

RULEMAKING ACTION:  
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:  
Subchapter 3 – Records and Inspections  
240:1-3-4. Copies [AMENDED]  
240:1-3-5. Copying and reproduction fees [AMENDED]  
240:1-3-6. Search fees [AMENDED]  
Subchapter 5 – Local Project Funding [REVOKED]  
240:1-5-1. Purpose [REVOKED]  
240:1-5-2. Definitions [REVOKED]  
240:1-5-3. Local project funding announcement [REVOKED]  
240:1-5-4. Evaluation of local project funding contract applications [REVOKED]  
240:1-5-5. Affidavit of LPF officer [REVOKED]  
240:1-5-6. Serial numbering of local project funding contracts [REVOKED]  
240:1-5-7. Monitoring of local project funding contracts [REVOKED]  

SUMMARY:  
240:1-3-4. Copies. The amendment to this rule will inform records requestors that if the request would cause an excessive disruption of the essential functions of the OESC, there may be a delay the production of records to prevent the disruption.  
240:1-3-5. Copying and reproduction fees. The amendment to this rule will inform records requestors that if a records request would clearly cause an excessive disruption of the essential functions of the OESC, the agency may charge the requestor a reasonable fee for the cost of the records copying and reproduction, including the costs of private vendors if necessary.  
240:1-3-6. Search fees. The amendment to this rule will inform records requestors that if a records request would clearly cause an excessive disruption of the essential functions of the OESC, the agency may charge the requestor a reasonable fee for the cost of searching for the records in addition to the $10 fee set out in the rule. If the OESC must use a private vendor to complete the search, the records requestor must pay all costs associated with the private vendor.  
240:1-5-1 through 240:1-5-7. In Executive Order 2020-3, Governor Stitt required a review of all agency administrative rules to find and revoke those rules that have become obsolete and are no longer necessary. In a review of the rules of the Oklahoma Employment Security Commission, it was found that the rules concerning local project funding were obsolete and unnecessary. The local project funding rules consist of 7 rules numbered from 240:1-5-1 through 240:1-5-7. These rules were passed in 2003 to provide for "local project funding" as envisioned by Executive Order 98-37. The OESC never entered in to the type of contract provided for in the local project funding program due to restrictions on the use of its federal grant funds. The local project funding rules are now obsolete and should be revoked.  

AUTHORITY:  
Oklahoma Employment Security Commission: 40 O.S. §§4-302, 4-310.1, 4-508, and Executive Order 2020-3.  

COMMENT PERIOD:  
Persons wishing to present their views in writing may do so before 5:00 p.m. on December 11, 2020, at the following address: Gina Antipov, OESC Legal Department, 2401 North Lincoln
PUBLIC HEARING:
A public hearing will be held at 9:00 a.m. on Monday, December 14, 2020, at the Oklahoma Employment Security Commission, 5th Floor Room 511, Will Rogers Building, 2401 North Lincoln Boulevard, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 9:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
The OESC requests that business entities affected by these proposed rules provide the OESC, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, and labor to the particular business entity due to compliance with the proposed rule. Business entities may submit this information in writing to Gina Antipov, at the above address, before the close of the comment period on December 11, 2020.

COPIES OF PROPOSED RULES:
Copies of the proposed rules may be obtained from the OESC Legal Department, 2401 North Lincoln Boulevard, Room 511-6, P.O. Box 53039, Oklahoma City, OK 73152. The proposed rules are also available on the OESC website at https://oesc.ok.gov/sites/g/files/gmc821/f/documents/2020/2021_-_notice_of_rulemaking_intent_-_chapters_1_and_10.pdf

RULE IMPACT STATEMENT:
Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the OESC Legal Department at the above address beginning October 30, 2020.

CONTACT PERSON:
Gina Antipov, Secretary V, (405) 557-7146, Gina.Antipov@oesc.state.ok.us.
TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION
CHAPTER 10. UNEMPLOYMENT INSURANCE PROGRAM

RULEMAKING ACTION:
   Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
   Subchapter 3. Benefits
   Part 5. Eligibility
   240:10-3-20. Instructions to secure work [AMENDED]
   Part 11. Filing Claims — Notice
   240:10-3-54. Electronic notification for employer in unemployment benefit claims [AMENDED]
   240:10-3-55. Electronic notification for claimants in unemployment benefit claims [NEW]
   Subchapter 5. Contributions
   Part 3. Rates
   240:10-5-17. Relief from benefit wage charges – disasters [AMENDED]

SUMMARY:
   240:10-3-20. Instructions to secure work. The U.S. Department of Labor provided model UI state work search legislation in its training and employment notice of February 10, 2020. The OESC has been requested to enact the model work search legislation into its state law. Subsection (b) of this rule contains the work search requirements for the OESC. Some of the current requirements have been stricken because they were duplicated in the model language provided by the USDOL. The USDOL model language is included in subsections (b)(4) through (18). Subsection (d) is an activity log requirement and subsection (e) is a referral requirement that also come from the USDOL model legislation. The model legislation is intended to create similar requirements across the United States and to speed unemployment benefit claimants to return to work. Subsection (f) is being amended to allow for waiver of work registration requirements when there is a natural disaster, pandemic, fire, flood, or explosion and the requirement would work a hardship on claimants.

   240:10-3-54. Electronic notification for employer in unemployment benefit claims
   The proposed amendment in subsection (a) is to clarify the section of law under which this rule was passed.

   240:10-3-55. Electronic notification for claimants in unemployment benefit claims
   This is a new rule that will set out the requirements for a claimant portal that will be developed in the near future. This will allow for notification of claim determinations through a secure internet portal that claimants can access through the use of user IDs and passwords. Once completed, the claimant portal, like the employer portal provided for in 240:10-3-54, will create an efficient and secure mode of communication to unemployment benefit claimants.

   240:10-5-17. Relief from benefit wage charges – disasters
   This is a clarification amendment to state that a ”pandemic” will be considered among the reasons why relief from benefit wage charges can be granted. This is in response to the COVID-19 pandemic of 2020.

AUTHORITY:
   Oklahoma Employment Security Commission: 40 O.S. §§4-302, 4-310.1, 3-102, 3-106.1, and 4-313.
COMMENT PERIOD:
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