

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Records and Inspections [AMENDED]

240:1-3-9. Release of Confidential Information to Specific Government Agencies

[AMENDED]

SUMMARY:

This is a clean-up amendment to accomplish two changes. The first is to remove CompSource Oklahoma from the list of state agencies that can receive information maintained by the Oklahoma Employment Security Commission. CompSource Oklahoma no longer exists as a state agency. The second is to change the reference to the Workforce Investment Act to the current statute known as the Workforce Innovation and Opportunity Act and to correct the cite to the Federal Code for this act.

AUTHORITY:

Oklahoma Employment Security Commission, 40 O.S. §§4-302, 4-508

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on December 16, 2016, at the following address: Gina Antipov, OESC Legal Department, 2401 North Lincoln Boulevard, Room 511-6, P.O. Box 53039, Oklahoma City, OK 73152, or Gina.Antipov@oesc.state.ok.us.

PUBLIC HEARING:

A public hearing will be held at 1:30 p.m. on Monday, December 19, 2016, 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 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OESC requests that business entities affected by this proposed rule 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 16, 2016.

COPIES OF PROPOSED RULES:

Copies of the proposed rule 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 rule is also available on the OESC website at

https://www.ok.gov/oesc_web/documents/2017%20-%20PUB%20ANNOUNCEMENT%20-%20OESC.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 11, 2016.

CONTACT PERSON:

Gina Antipov, Secretary V, (405) 557-7146, Gina.Antipov@oesc.state.ok.us.

**TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION
CHAPTER 10. GENERAL PROVISIONS**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

240:10-1-3. Time computation [AMENDED]

Subchapter 3. Benefits

Part 7. Protection of Rights and Benefits

240:10-3-35. Personal Identification Numbers [AMENDED]

Subchapter 5. Contributions

Part 1. General Provisions

240:10-5-4. Surety Bond for Lessor Employing Units [AMENDED]

Part 3. Rates

240:10-5-10. Payment of Contributions [AMENDED]

Part 7. Collection of Contributions

240:10-5-31. Claims for Refund – Procedure [AMENDED]

Part 8. Waiver of Penalty and Interest

240:10-5-43. Request Letter [AMENDED]

240:10-5-45. Appeal of Initial Determination [AMENDED]

Part 15. Financing Benefits to Employees of the State

240:10-5-71. Group Accounts [REVOKED]

Part 17. Financing Benefits to Employees of Nonprofit Organizations

240:10-5-80. Establishment of Group Accounts for State, Local Governments and Nonprofit Organizations [REVOKED]

Subchapter 11. Assessment Board Procedure

Part 1. General Provisions

240:10-11-5. Jurisdiction [AMENDED]

Subchapter 13. Appeal Tribunal Procedure

Part 11. Appeals to Board of Review

240:10-13-80. Appeal Rights of Interested Parties [AMENDED]

SUMMARY:

The amendments to these rules will modify the time computation rule to make allowance for federal holidays and days state offices are closed due to Executive Order. The liability of a claimant when a personal identification number is lost is more clearly explained, citations to statutes are corrected, the receipt date of tax payments mailed through the U.S. Postal Service is more clearly delineated, procedures for claiming refunds and interest and penalty waivers are streamlined, group tax accounts are eliminated, obsolete programs are deleted from the Assessment Board jurisdiction, and clarification of the appeal rights rule for benefit claims.

AUTHORITY:

Oklahoma Employment Security Commission, 40 O.S. §§1-209.1, 2-203, 2-503, 3-102, 4-302

COMMENT PERIOD:

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COPIES OF PROPOSED RULES:

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**TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION
CHAPTER 15. BOARD OF REVIEW PROCEDURES**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Appeals to the Board of Review [REVOKED]

240:15-3-6. Certification of Fact Finding and Questions of Law From Appeal Tribunal [REVOKED]

SUMMARY:

This rule is being revoked due to changes in state law that make it obsolete. Under 40 O.S. §2-609, the Appeal Tribunal of the Oklahoma Employment Security Commission had the authority to certify certain questions of law and fact to the Board of Review for a hearing and determination by the Board. In 2014, an amendment was made to 40 O.S. §2-609 that removed the ability of the Appeal Tribunal to certify questions to the Board of Review. The Board of Review now sits as an appellate body only. Since the statutory authority allowing for the certification of questions has been removed, this rule governing that process must now be revoked.

AUTHORITY:

Oklahoma Employment Security Commission, 40 O.S. §§2-609, 4-302

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on December 16, 2016, at the following address: Gina Antipov, OESC Legal Department, 2401 North Lincoln Boulevard, Room 511-6, P.O. Box 53039, Oklahoma City, OK 73152, or Gina.Antipov@oesc.state.ok.us.

PUBLIC HEARING:

A public hearing will be held at 2:30 p.m. on Monday, December 19, 2016, 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 2:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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https://www.ok.gov/oesc_web/documents/2017%20-%20PUB%20ANNOUNCEMENT%20-%20BR.pdf

RULE IMPACT STATEMENT:

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**TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION
CHAPTER 21. WORKFORCE INVESTMENT ACT**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [REVOKED]

240:21-1-1. Purpose and Authority [REVOKED]

240:21-1-2. Definitions [REVOKED]

240:21-1-3. Addresses for Appeals [REVOKED]

240:21-1-4. Time Computation [REVOKED]

Subchapter 3. Denial or Termination of Eligibility of a Training Provider [REVOKED]

240:21-3-1. Reporting - Termination [REVOKED]

240:21-3-2. Notice to the Training Provider [REVOKED]

240:21-3-3. Appeal [REVOKED]

240:21-3-4. Hearing [REVOKED]

240:21-3-5. District Court Appeal [REVOKED]

240:21-3-6. Administrative Record [REVOKED]

Subchapter 5. Denial of Request for Designation as a Local Workforce Investment Area [REVOKED]

240:21-5-1. Appeal [REVOKED]

240:21-5-2. Appeal Time [REVOKED]

240:21-5-3. Hearing [REVOKED]

240:21-5-4. Decision [REVOKED]

240:21-5-5. Appeal of Decision [REVOKED]

Subchapter 7. Monitoring [REVOKED]

240:21-7-1. Monitoring and Exit Conference [REVOKED]

240:21-7-2. Monitoring Report [REVOKED]

240:21-7-3. Monitoring Resolution [REVOKED]

240:21-7-4. Final Determination [REVOKED]

240:21-7-5. Appeal [REVOKED]

240:21-7-6. Hearing [REVOKED]

Subchapter 9. Audits [REVOKED]

240:21-9-1. Audit Requirements [REVOKED]

240:21-9-2. Delinquent Audit [REVOKED]

240:21-9-3. Audit Resolution [REVOKED]

240:21-9-4. Audit Review and Request for Information [REVOKED]

240:21-9-5. Initial Determination [REVOKED]

240:21-9-6. Final Determination [REVOKED]

240:21-9-7. Appeal [REVOKED]

240:21-9-8. Hearing [REVOKED]

Subchapter 11. Grievance Procedures [REVOKED]

Part 1. General Provisions [REVOKED]

240:21-11-1. Grievances [REVOKED]

Part 3. Grievances Filed Directly With the OESC [REVOKED]

240:21-11-10. Filing [REVOKED]

240:21-11-11. Time Limit for Filing a Grievance With OESC [REVOKED]
240:21-11-12. Contents of a Grievance [REVOKED]
240:21-11-13. Referral of a Grievance Filed With OESC [REVOKED]
Part 5. Appeals to the OESC From Grievance Decisions of a Local Area [REVOKED]
240:21-11-20. Filing Grievance with Local Area [REVOKED]
240:21-11-21. Appeals With OESC [REVOKED]
240:21-11-22. Time Limit for Filing an Appeal with OESC [REVOKED]
Part 7. Informal and Formal Resolutions of Grievances [REVOKED]
240:21-11-30. Informal Resolution [REVOKED]
240:21-11-31. Hearing [REVOKED]
240:21-11-32. Remedies [REVOKED]
240:21-11-33. Appeal to Secretary or Investigation by Secretary [REVOKED]
240:21-11-34. Decision of the Secretary [REVOKED]

SUMMARY:

These rules pertain to the Workforce Investment Act. They were added to the OESC Rules shortly after the Workforce Investment Act was passed in 1998 when the OESC was named as the state agency that would monitor the program. The program has since been moved to other state agencies, and the federal government replaced the Workforce Investment Act programs with the Workforce Innovation and Opportunity Act. These rules are now obsolete and will be removed from the OESC Rulebook.

AUTHORITY:

Oklahoma Employment Security Commission, 40 O.S. §§4-302

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