

Tracking Number: PR2016-011
Department of Labor Regulation Concerning Unemployment
Compensation – Employer Response

RESPONSE TO COMMENTS

On May 24, 2016, the Connecticut Department of Labor (CTDOL) published on the Secretary of the State's website its Notice of Intent to modify regulations due to the implementation of the SIDES initiative. A thirty-day public comment period commenced on that date and a public hearing was held in CTDOL's Wethersfield office June 27, 2016. No parties attended the hearing. However, the following party provided written comments to the proposed regulations within the thirty-day public comment period:

Eric W. Gjede
Assistant Counsel
Connecticut Business and Industry Association
Government Affairs Division
350 Church Street
Hartford, CT 06103
Eric.gjede@cbia.com

CTDOL has considered the comments received and has made the following modifications to the proposed regulations. A copy of the final draft of the regulations is attached. The following is a summary of the comments received and the action taken in response to those comments. The Agency response to each comment appears in bold immediately following the comment.

- (1) CBIA indicates its support for the Department's addition of a "good cause provision" for untimely responses to notices of predetermination hearings in section 31-244-4a of the Regulations of Connecticut State Agencies, but believes that the definition should be expanded to include instances where the employer receives the notice, but receives it too late to allow time for a response to be made. CBIA additionally notes that the "disaster" exception of the good cause provision is unclear and too limiting. CBIA suggests the following language:

"...unless good cause for such late participation is shown. For purposes of this section, "good cause" means (1) agency error, or (2) circumstances beyond the employer's or its agent's control which could not have been reasonably foreseen or prevented."

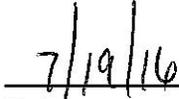
The Agency has reviewed CBIA's comments, and will modify the definition of "good cause" in accordance with CBIA's suggestion.

- (2) CBIA expressed concern regarding the proposed requirement that all written responses to notices be submitted by 11:59 of the calendar day preceding the hearing rather than by the hearing date itself. CIBA proposed the Department remove the following brackets: [in the office of the Administrator where such hearing is scheduled to be heard by the time the hearing is scheduled commence on the scheduled hearing date] and strike the proposed: by 11:59 p.m. on the calendar day preceding the hearing.

The Agency has reviewed CBIA's comments, and will not be modifying this provision. This requirement is based upon the SIDES' system operations, which require that the Department establish a date for submission by 11:59 of a particular day. As the Department requires the response by the time of the hearing in order to best effectuate the mandates of the UC program, 11:59 of the night prior to the date of the hearing is the only viable option.



Commissioner



Date