



Jeff Youtz  
Director

# Legislative Services Office

## Idaho State Legislature

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### MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Commerce & Human Resources Committee

**FROM:** Division Manager - Mike Nugent

**DATE:** September 02, 2014

**SUBJECT:** Department of Labor

IDAPA 09.01.04 - Rules Pertaining To The Unemployment Insurance Benefit Fraud and Overpayment Rules - Proposed Rule (Docket No. 09-0104-1401)

IDAPA 09.01.06 - Rules Pertaining To The Rules of the Appeals Bureau - Proposed Rule (Docket No. 09-0106-1401)

IDAPA 09.01.30 - Rules Pertaining To The Unemployment Insurance Benefits Administrative Rules - Proposed Rule (Docket No. 09-0130-1401)

The Department of Labor is proposing to promulgate three sets of proposed rules relating to its unemployment insurance program. The first proposed rule will change the Department's rules to reflect the legal standard used by the Idaho Supreme Court in unemployment insurance benefit fraud cases by explaining that to "willfully" make a false statement or to "willfully" fail to report a material fact in order to obtain unemployment insurance benefits only requires a purpose or willingness to commit the act or make the omission. It does not require an intent to violate the law.

The second proposed rule change would provide that appeals of a determination shall be required to be filed by mail or electronically transmitted directly to the Department of Labor's Appeals Bureau. The rule to be revised allowed appeals to be filed in any of the twenty-five Job Service Offices in the State and then collected and routed to the Department's Appeals Bureau in Boise.

The third proposed rule change revises the Department's Unemployment Insurance Benefits Administration Rules to delete references to mailed and in person claims because the Department no longer uses them but rather claims are now filed over the internet or in special circumstances by telephone.

It appears that all three sets of proposed rules have been promulgated within the scope of statutory authority granted to the Department of Labor.

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