

**Department of State
Division of Publications**

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For Department of State Use Only

Sequence Number: 4264
Rule ID(s): 07-22-09
File Date: 7/30/2009
Effective Date: 12/29/2009

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. §4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Agency/Board/Commission: Department of Labor and Workforce Development
Division: Employment Security
Contact Person: Al Smith
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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/RuleTitle per row)

Chapter Number	Chapter Title
0560-01-01	Benefits
Rule Number	Rule Title
0560-01-01-.08	Employer to Initiate First Claim for Partial Benefits

Chapter Number	Chapter Title
Rule Number	Rule Title

Chapter Number	Chapter Title
Rule Number	Rule Title

Unemployment Insurance Benefits
Chapter 0560-01-01
Benefits

Amendments

Rule 0560-01-01-.08 Employer to Initiate First Claims for Partial Benefits is amended by adding the text of paragraph (4) so that, as amended, the Rule shall read:

- (4) Any employer filing more than fifty (50) partial claims in any week shall use the Department's Automated Partial Claims System.

Authority: T.C.A. §§50-7-602, 50-7-603 and 50-7-302(c).

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the (board/commission/other authority) on 10 July 2009 (date as mm/dd/yyyy), and is in compliance with the provisions of TCA 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.



Date: 10 Jul 09

Signature: James Neeley

Name of Officer: James G. Neeley

Title of Officer: Commissioner of Labor and Workforce Development

Subscribed and sworn to before me on: July 10, 2009

Notary Public Signature: Rosemary S. Cole

My commission expires on: 8-18-12

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

RE Cooper, Jr.
 Robert E. Cooper, Jr.
 Attorney General and Reporter
7-23-09
 Date

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Filed with the Department of State on: 7/30/2009

Effective on: 12/29/2009

Tre Hargett by Nym Saint, POA
 Tre Hargett
 Secretary of State

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 PUBLICATIONS

Regulatory Flexibility Addendum

Pursuant to § T.C.A. 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

This proposed Rule does not affect small businesses as defined in Public Chapter 464 because it applies only to employers that have more than fifty employees.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This amendment would require employers who are filing claims for more than fifty employees for partial unemployment in any week to use the Department's Automated Partial Claims System for this purpose rather than the other methods that are available for filing such claims.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

None

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Only employers who are filing claims for partial unemployment benefits for more than fifty employees in any week and who are not presently using the Department's Automated Partial Claims System would be affected by this rule. The position of such employers regarding the rule is not known. It is expected that there might be some opposition simply because it would require them to change the way they are presently filing these claims, but this resource is available without charge to them from the Department's web site.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

None. The administrative costs of the program are paid with federal funds.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Don Ingram, Administrator, Employment Security Division, TDLWD

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Don Ingram, Administrator, Employment Security Division, TDLWD

- (H) Office address and telephone number of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

TDLWD 220 French Landing Drive 4-B, Nashville, TN 37245 615-253-4809

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.