

Introduced by Senator Monning

February 21, 2014

An act to add Section 1327.5 to the Unemployment Insurance Code, relating to unemployment insurance.

LEGISLATIVE COUNSEL'S DIGEST

SB 1315, as introduced, Monning. Unemployment insurance benefits: overpayment.

Existing law requires the Employment Development Department to pay unemployment compensation benefits to eligible claimants, makes any person who is overpaid any amount as benefits liable for the amount overpaid, and requires the department to issue a notice of overpayment. Existing regulations adopted by the department require the department to notify the claimant when the department determines that an overpayment of benefits is probable, and to assist the claimant in furnishing necessary information to the department regarding the claimant's eligibility for benefits, as specified.

This bill would place in statute the requirement that the department issue a notice of probable overpayment of benefits and provide related assistance, and would require that the claimant be given a minimum of 20 days in which to respond to the notice.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1327.5 is added to the Unemployment
- 2 Insurance Code, to read:

1 1327.5. (a) Whenever the department determines that an
2 overpayment is probable, it shall promptly notify the claimant of
3 the probable overpayment, the claimant's right to request that the
4 department waive the overpayment, and the standards to obtain a
5 waiver of the overpayment. The claimant shall be provided no
6 fewer than 20 days from the mailing or personal service of the
7 notice to respond before the department issues a decision of
8 overpayment. The department shall assist and advise the claimant
9 in meeting his or her obligation to furnish the department with all
10 information necessary for the department to determine whether
11 there is an overpayment and whether the claimant is entitled to
12 waiver of an overpayment, and for establishing a repayment
13 schedule.

14 (b) This section shall not be interpreted to modify Section 1328
15 or Section 1334.