

COMMITTEE ON COMMERCE

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2147

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 23-772, Arizona Revised Statutes, is amended to  
3 read:

4 23-772. Claims for benefits; notice to employer of initial  
5 claim; posting printed statements dealing with  
6 claims

7 A. Claims for benefits shall be made in accordance with such  
8 regulations as the department prescribes. AN INDIVIDUAL CLAIMING BENEFITS  
9 SHALL PROVIDE INFORMATION AND DOCUMENTS ON WHICH THE CLAIM IS BASED AT THE  
10 TIME OF FILING THE CLAIM.

11 B. All base-period employers of a claimant for benefits shall be  
12 promptly notified when a claimant files an initial claim for benefits during  
13 a period of unemployment.

14 C. Each employer shall post and maintain printed statements dealing  
15 with claims for benefits in places readily accessible to individuals in ~~his~~  
16 THE EMPLOYER'S service, and shall make available to each individual at the  
17 time ~~he~~ THE INDIVIDUAL becomes unemployed, a printed statement dealing with  
18 claims for benefits. Printed statements shall be supplied by the department  
19 to each employer without cost.

20 Sec. 2. Title 23, chapter 4, article 6, Arizona Revised Statutes, is  
21 amended by adding section 23-774, to read:

22 23-774. Burden of proof

23 A. AN INDIVIDUAL WHO FILES A CLAIM FOR BENEFITS SHALL PROVIDE  
24 DOCUMENTATION OR INFORMATION SUFFICIENT FOR THE DEPARTMENT TO DETERMINE THE  
25 INDIVIDUAL'S ELIGIBILITY FOR BENEFITS.

26 B. ON REQUEST BY THE DEPARTMENT, AN EMPLOYER SHALL PROVIDE RELEVANT  
27 DOCUMENTATION TO THE DEPARTMENT TO ALLOW THE DEPARTMENT TO DETERMINE THE  
28 INDIVIDUAL'S ELIGIBILITY FOR BENEFITS.

29 C. IF AN EMPLOYER PROVIDES DOCUMENTATION THAT AN INDIVIDUAL EITHER  
30 VOLUNTARILY RESIGNED FROM EMPLOYMENT OR ABANDONED THE INDIVIDUAL'S

1 EMPLOYMENT, THE BURDEN OF PROVIDING DOCUMENTATION TO DETERMINE AN  
2 INDIVIDUAL'S ELIGIBILITY FOR BENEFITS SHIFTS TO THE INDIVIDUAL.

3 D. DOCUMENTATION FROM AN EMPLOYER TO SHOW THE INDIVIDUAL'S VOLUNTARY  
4 RESIGNATION OR ABANDONMENT OF EMPLOYMENT MAY INCLUDE WRITTEN OR VERBAL  
5 STATEMENTS FROM THE EMPLOYER DETAILING THE INDIVIDUAL'S CIRCUMSTANCES FOR  
6 LEAVING EMPLOYMENT. SUPPORTING DOCUMENTATION OF:

7 1. A VOLUNTARY RESIGNATION MAY INCLUDE AN EMPLOYER'S ATTESTATION OF  
8 THE INDIVIDUAL'S VERBAL RESIGNATION AND THAT WORK WAS AVAILABLE FOR THE  
9 INDIVIDUAL, IF THE INDIVIDUAL DID NOT PROVIDE A WRITTEN RESIGNATION.

10 2. JOB ABANDONMENT MAY INCLUDE AN ATTESTATION FROM THE EMPLOYER THAT  
11 THE INDIVIDUAL FAILED TO REPORT FOR ASSIGNED WORK AND THAT WORK WAS AVAILABLE  
12 FOR THE INDIVIDUAL.

13 Sec. 3. Section 23-787, Arizona Revised Statutes, is amended to read:

14 23-787. Repayment of and deductions for benefits obtained by  
15 claimants not entitled to benefits; collection

16 A. A person who receives any amount as benefits under this chapter to  
17 which the person is not entitled is liable to repay the overpaid amount to  
18 the department. The department may deduct all or a portion of the  
19 overpayment from future benefits payable to the person under this chapter.

20 B. If benefits to which a person is not entitled are received by  
21 reason of fraud as determined by the department, the person is not eligible  
22 to receive any benefits under this chapter until the total amount of the  
23 overpayment has been recovered or otherwise satisfied in compliance with a  
24 civil judgment.

25 C. If benefits to which a person is not entitled are received without  
26 any fault on the person's part and if repayment or deduction from future  
27 benefits would be against equity and good conscience, the department may  
28 waive all or a portion of the amount overpaid.

29 D. If benefits to which a person is not entitled are received without  
30 any fault on the person's part, deductions made by the department pursuant to  
31 subsection A from benefits payable to an individual for any week shall not  
32 exceed twenty-five per cent of the individual's weekly benefit amount unless

1 required by federal law, except that the amount recouped from benefits  
2 payable may be fifty per cent of the weekly benefit amount if the individual  
3 has previously received benefits but has not received benefits for at least  
4 twelve consecutive months ~~prior to~~ BEFORE the most recent receipt of benefits  
5 and there has been no reasonable attempt to repay the indebtedness during  
6 that period. The fifty per cent recoupment rate may not be put in effect  
7 ~~prior to~~ BEFORE one year after the establishment of the overpayment.

8 E. The department shall adopt rules to implement ~~the provisions of~~  
9 subsection D.

10 F. The attorney general or the appropriate county attorney may  
11 institute appropriate court proceedings to recover in the name of the  
12 department any amount for which a person is liable to the department.

13 G. A PERSON WHO RECEIVES BENEFITS UNDER THIS CHAPTER TO WHICH THE  
14 PERSON IS NOT ENTITLED SHALL NOT RECEIVE ANY ADDITIONAL BENEFITS UNTIL THE  
15 OVERPAYMENT AND ALL ASSOCIATED PENALTIES AND INTEREST HAVE BEEN FULLY PAID TO  
16 THE DEPARTMENT."

17 Amend title to conform

and, as so amended, it do pass

THOMAS FORESE  
Chairman

2147-se-com  
1/30/13  
H:lae