

SENATE No. 1162

The Commonwealth of Massachusetts

PRESENTED BY:

Lydia Edwards

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to non-fault unemployment insurance overpayments.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/11/2023</i>

SENATE No. 1162

By Ms. Edwards, a petition (accompanied by bill, Senate, No. 1162) of Lydia Edwards and Sal N. DiDomenico for legislation relative to non-fault unemployment insurance overpayments. Labor and Workforce Development.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to non-fault unemployment insurance overpayments.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 69 of chapter 151A of the General Laws is hereby amended by
2 striking out subsection (c), as appearing in the 2020 Official Edition, at lines 22 through 26, and
3 inserting in place thereof the following:-

4 (c) Waiver of Non-Fault Overpayments:

5 (i) The commissioner shall waive recovery of an overpayment of benefits, including
6 dependency allowances, paid pursuant to chapter 151A of the General Laws to an individual
7 who, in the judgment of the commissioner, is without fault.

8 (ii) The commissioner shall waive recovery of an overpayment of benefits, including
9 dependency allowances, paid through the Department of Unemployment Assistance pursuant to
10 any other state or federal law which authorizes the Department to waive recovery of
11 overpayments and to the extent permitted by any standards and consistent with any procedures

12 which may be established by the law under which the benefit payments are made, to an
13 individual who, in the judgment of the commissioner, is without fault.

14 (iii) For any overpayment of benefits which cannot be waived pursuant to subsection
15 (c)(i) or (c)(ii), the commissioner shall waive recovery of the overpayment of benefits, including
16 dependency allowances, paid pursuant to chapter 151A of the General Laws or through the
17 Department of Unemployment Assistance pursuant to any other state or federal law which
18 authorizes the Department to waive recovery of overpayments and to the extent permitted by any
19 standards and consistent with any procedures which may be established by the law under which
20 the benefit payments are made, to an individual who, in the judgment of the commissioner, is
21 without fault and where, in the judgment of the commissioner, such recovery would defeat the
22 purpose of benefits otherwise authorized or would be against equity and good conscience.

23 (iv) Any person aggrieved by a determination or decision of the commissioner that
24 recovery of an overpayment not be waived shall have the right to appeal such determination or
25 decision in accordance with the provisions set forth in sections thirty-nine to forty-two, inclusive.

26 (v) The commissioner shall provide multilingual notice of the availability of the
27 overpayment waiver standards and process described in this subsection to all individuals
28 overpaid benefits paid under chapter 151A or through the Department of Unemployment
29 Assistance pursuant to any other state or federal law which authorizes the Department to waive
30 recovery of overpayments, as required by subsection (c)(iii) of section 62A of chapter 151A.

31 SECTION 2. Section 69B of chapter 151A of the General Laws, is hereby amended by
32 striking the sentence, as so appearing, at lines 1 through 9, and inserting in place thereof the
33 following:-

34 In addition to any other remedy provided by this chapter, the commissioner may request
35 that the amount payable to the department by an individual resulting from an overpayment of
36 unemployment benefits which has become final as specified in 430 CMR 6.12 be set off against
37 any refund owed such individual by the department of revenue if and only if the commissioner
38 has determined that the individual was at fault for the overpayment to be set off in a decision
39 which has become final as specified in section 69D of chapter 151A of the General Laws;
40 provided, however, that such individual is notified of the intention to request a set off of the
41 amount owed and the right to apply to the commissioner for a review of such intention.

42 SECTION 3. Section 69B of chapter 151A of the General Laws, as appearing in the
43 2018 Official Edition, is hereby amended by striking the sentence, as so appearing, in lines 25
44 through 31 and inserting in place thereof the following:-

45 In addition to any other remedy provided by this chapter, the commissioner may request
46 that the amount payable to the department by an individual resulting from an overpayment of
47 unemployment benefits which has become final as specified in 430 CMR 6.12 be set off against
48 any federal tax refund payment owed such individual by the United States Department of
49 Treasury in accordance with the requirements of the treasury offset program pursuant to section
50 14Q if and only if the commissioner has determined that the individual was at fault for the
51 overpayment to be set off in a decision which has become final as specified in section 69D of
52 chapter 151A of the General Laws or if such set off is otherwise required by the treasury offset
53 program.