

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: SB536

House of Origin Introduced Substitute Engrossed
 Second House In Committee Substitute Enrolled

2. Patron: Bagby

3. Committee: Passed both Houses.

4. Title: Unemployment compensation; continuation of benefits; repayment of overpayments.

5. Summary: Makes permanent provisions of the Code that expired on July 1, 2022, relating to unemployment compensation. The bill provides that when a claimant has had a determination of initial eligibility for unemployment benefits, as determined by the issuance of compensation or waiting-week credit, payments shall continue, subject to a presumption of continued eligibility, until a determination is made that provides the claimant notice and an opportunity to be heard. The bill requires the Virginia Employment Commission to waive the obligation to repay any overpayment if (i) the overpayment was made without fault on the part of the individual receiving benefits and (ii) requiring repayment would be contrary to equity and good conscience. Conditions for when overpayments are considered "without fault on the part of the individual" are outlined in the bill.

The bill further provides that the Commission shall notify each person with an unpaid overpayment of benefits that he may be entitled to a waiver of repayment and provide 30 days to request such a waiver. This applies to outstanding overpayments established for claim weeks commencing on or after March 15, 2020. The bill specifies that all costs that result from implementing provisions of the bill shall be incurred by federal administrative grants where permitted. and any remaining costs shall be incurred by the general fund.

The second enactment states that the provisions of the bill shall expire on July 1, 2028.

6. Budget Amendment Necessary: Yes, to Item 356 of HB30/SB30.

7. Fiscal Impact Estimates: Final. See Item 8.

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2024	n/a	n/a	n/a
2025	\$357,167	3	General Fund
2026	\$357,167	3	General Fund
2027	\$357,167	3	General Fund
2028	\$357,167	3	General Fund
2029	\$357,167	3	General Fund

- 8. Fiscal Implications:** This bill requires the Virginia Employment Commission (VEC) to waive the obligation to repay overpayments under certain conditions specified in the bill. In addition, the bill provides that the Commission shall notify each person with an unpaid overpayment of benefits that he may be entitled to a waiver of repayment and provide 30 days to request such a waiver. VEC estimates that approximately \$3.6 million in waivers will be granted each year. These would be absorbed within the existing Unemployment Insurance Trust Fund.

To implement the provisions of the bill, including evaluating and processing the overpayment waivers, VEC estimates the need of three positions in the Benefit Payment Control unit. As every request for a waiver is appealable, VEC anticipates additional work associated with such appeals. The annual cost of these positions and the associated technology and other non-personnel services costs is \$357,167 in each year. The bill specifies that all costs that result from implementing provisions of the bill shall be incurred by federal administrative grants where permitted. However, there are no available federal funds to allocate to this legislation; therefore, a general fund budget amendment is required.

Conference amendments to HB30/SB30 include \$357,167 in each year from the general fund and three positions to implement the provisions of this bill and its companion, HB1261.

- 9. Specific Agency or Political Subdivisions Affected:** Virginia Employment Commission.

- 10. Technical Amendment Necessary:** No.

- 11. Other Comments:** This bill makes permanent provisions of the Code that expired on July 1, 2022. Previously, VEC received general fund appropriation of \$250,000 and 5.0 positions and supplemented that with temporary pandemic related funding to support those earlier provisions.

HB1261 is the companion to this bill.