

Senate Engrossed House Bill

FILED

KEN BENNETT

SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

CHAPTER 17

HOUSE BILL 2147

AN ACT

AMENDING SECTION 23-772, ARIZONA REVISED STATUTES; AMENDING TITLE 23, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 23-774; AMENDING SECTION 23-787, ARIZONA REVISED STATUTES; RELATING TO UNEMPLOYMENT BENEFITS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

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 claims

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

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

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

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

21 23-774. Burden of proof

22 A. THE DEPARTMENT SHALL REQUIRE AN INDIVIDUAL WHO FILES A CLAIM FOR
23 BENEFITS TO PROVIDE DOCUMENTATION OR INFORMATION SUFFICIENT FOR THE
24 DEPARTMENT TO DETERMINE THE INDIVIDUAL'S ELIGIBILITY FOR BENEFITS. IF AN
25 INDIVIDUAL WHO FILES A CLAIM FOR BENEFITS HAS THE ABILITY TO PRODUCE
26 DOCUMENTS OR INFORMATION AND FAILS TO PRODUCE THE DOCUMENTS OR INFORMATION,
27 THE DEPARTMENT MAY FIND THE INDIVIDUAL'S CLAIM FOR UNEMPLOYMENT BENEFITS
28 INVALID UNTIL THE DOCUMENTS OR INFORMATION ARE PRODUCED.

29 B. ON REQUEST BY THE DEPARTMENT, AN EMPLOYER SHALL PROVIDE RELEVANT
30 DOCUMENTATION TO THE DEPARTMENT TO ALLOW THE DEPARTMENT TO DETERMINE THE
31 INDIVIDUAL'S ELIGIBILITY FOR BENEFITS.

32 C. IF AN EMPLOYER PROVIDES DOCUMENTATION THAT AN INDIVIDUAL EITHER
33 VOLUNTARILY RESIGNED FROM EMPLOYMENT OR ABANDONED THE INDIVIDUAL'S
34 EMPLOYMENT, THE BURDEN OF PROVIDING DOCUMENTATION TO DETERMINE AN
35 INDIVIDUAL'S ELIGIBILITY FOR BENEFITS SHIFTS TO THE INDIVIDUAL.

36 D. DOCUMENTATION FROM AN EMPLOYER TO SHOW THE INDIVIDUAL'S VOLUNTARY
37 RESIGNATION OR ABANDONMENT OF EMPLOYMENT MAY INCLUDE WRITTEN OR VERBAL
38 STATEMENTS FROM THE EMPLOYER DETAILING THE INDIVIDUAL'S CIRCUMSTANCES FOR
39 LEAVING EMPLOYMENT. SUPPORTING DOCUMENTATION OF:

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

43 2. JOB ABANDONMENT MAY INCLUDE AN ATTESTATION FROM THE EMPLOYER THAT
44 THE INDIVIDUAL FAILED TO REPORT FOR ASSIGNED WORK AND THAT WORK WAS AVAILABLE
45 FOR THE INDIVIDUAL.

1 E. NOTWITHSTANDING THIS SECTION, THE DEPARTMENT SHALL MAKE REASONABLE
2 EFFORTS TO OBTAIN THE INFORMATION NECESSARY TO DETERMINE THE ELIGIBILITY OF
3 THE INDIVIDUAL.

4 Sec. 3. Section 23-787, Arizona Revised Statutes, is amended to read:
5 23-787. Repayment of and deductions for benefits obtained by
6 claimants not entitled to benefits; collection

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

11 B. If benefits to which a person is not entitled are received by
12 reason of fraud as determined by the department, the person is not eligible
13 to receive any benefits under this chapter until the total amount of the
14 overpayment ~~has~~ AND ALL PENALTIES AND INTEREST HAVE been recovered or
15 otherwise satisfied in compliance with a civil judgment.

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

20 D. If benefits to which a person is not entitled are received without
21 any fault on the person's part, deductions made by the department pursuant to
22 subsection A from benefits payable to an individual for any week shall not
23 exceed twenty-five per cent of the individual's weekly benefit amount unless
24 required by federal law, except that the amount recouped from benefits
25 payable may be fifty per cent of the weekly benefit amount if the individual
26 has previously received benefits but has not received benefits for at least
27 twelve consecutive months ~~prior to~~ BEFORE the most recent receipt of benefits
28 and there has been no reasonable attempt to repay the indebtedness during
29 that period. The fifty per cent recoupment rate may not be put in effect
30 ~~prior to~~ BEFORE one year after the establishment of the overpayment.

31 E. The department shall adopt rules to implement ~~the provisions of~~
32 subsection D OF THIS SECTION.

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

APPROVED BY THE GOVERNOR MARCH 28, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 28, 2013.

Passed the House February 21, 20 13

Passed the Senate March 21, 20 13

by the following vote: 36 Ayes,

by the following vote: 17 Ayes,

23 Nays, 1 Not Voting

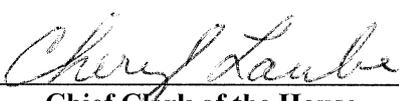
12 Nays, 1 Not Voting

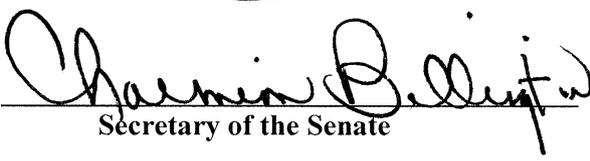




Speaker of the House

President of the Senate





Chief Clerk of the House

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

~~_____ day of _____, 20_____~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary to the Governor~~

Approved this _____ day of _____

~~at _____ o'clock _____ M.~~

~~_____
Governor of Arizona~~

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

~~this _____ day of _____, 20_____~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary of State~~

H.B. 2147

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

March 26, 2013,

by the following vote: 34 Ayes,

24 Nays, 2 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

26 day of March, 2013,

at 3:30 o'clock P M.

[Signature]
Secretary to the Governor

Approved this 28th day of

March, 2013

at 2:30 o'clock P M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 28th day of March, 2013,

at 5:07 o'clock P M.

[Signature]
Secretary of State

H.B. 2147