

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

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 Sec. 3. Section 23-787, Arizona Revised Statutes, is amended to read:
2 23-787. Repayment of and deductions for benefits obtained by
3 claimants not entitled to benefits; collection

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

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

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

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

28 E. The department shall adopt rules to implement ~~the provisions of~~
29 subsection D.

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

33 G. A PERSON WHO RECEIVES BENEFITS UNDER THIS CHAPTER TO WHICH THE
34 PERSON IS NOT ENTITLED SHALL NOT RECEIVE ANY ADDITIONAL BENEFITS UNTIL THE
35 OVERPAYMENT AND ALL ASSOCIATED PENALTIES AND INTEREST HAVE BEEN FULLY PAID TO
36 THE DEPARTMENT.