

HB 360 – AS INTRODUCED

2013 SESSION

13-0645
08/01

HOUSE BILL

360

AN ACT relative to overpayments caused by arbitration awards, back pay awards, settlement agreements, or jury verdicts.

SPONSORS: Rep. A. White, Graf 13

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill requires former and current employers to make joint restitution to the unemployment compensation fund in certain situations.

This bill is a request of the department of employment security.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to overpayments caused by arbitration awards, back pay awards, settlement agreements, or jury verdicts.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Total and Partial Unemployment. Amend RSA 282-A:14, III(b) to read as follows:

2 (b) The ***former or current employee and the*** employing unit shall be ***jointly*** liable to
3 make restitution to the unemployment compensation fund in full for any and all unemployment
4 benefits paid to ~~an~~ ***a former or current*** employee for a period covered by or reasonably deemed to
5 be included in any arbitration award, back pay award, settlement agreement, or jury verdict.
6 ***RSA 282-A:165 shall not apply to this subparagraph. The commissioner shall:***

7 ***(1) Collect any liability created under this subparagraph by civil action in***
8 ***any manner provided for the collection of contributions in RSA 282-A:141 through RSA 282-***
9 ***A:156;***

10 ***(2) Withhold, in whole or in part as determined by the commissioner, any***
11 ***future benefits payable to the former or current employee and credit such amount withheld***
12 ***against the liability until it is repaid in full; and***

13 ***(3) Withhold, in whole or in part as determined by the commissioner, any***
14 ***future adjustment or refund to the employing unit under RSA 282-A:149 and credit such***
15 ***amount withheld against the liability until it is repaid in full.***

16 2 Effective Date. This act shall take effect January 1, 2014.