

## AMENDMENTS TO HOUSE BILL NO. 1852

Sponsor: REPRESENTATIVE W. KELLER

Printer's No. 3094

1 Amend Bill, page 7, line 27, by inserting after "AMENDED"

2 and subsection (b) is amended by adding a paragraph

3 Amend Bill, page 8, by inserting between lines 18 and 19

4 (b) \* \* \*

5 (4) (i) Any person who has received a nonfault overpayment  
6 under this subsection shall not be required to repay the  
7 benefits nor have the benefits deducted from future compensation  
8 where such recovery would be against the best interests of the  
9 Commonwealth and the employe.

10 (ii) The department shall determine whether recoupment of a  
11 nonfault overpayment shall be waived, upon request of the  
12 employe. Factors to be considered shall include, but are not  
13 limited to the following:

14 (A) The employe's earning capacity.

15 (B) Whether other individuals depend or rely upon the  
16 employe for support and sustenance.

17 (C) The employe's employment status at the time of the  
18 request.

19 (D) The employe's current family income and reasonable  
20 expenses.

21 (E) The existing long-term and short-term debts of the  
22 employe and his family.

23 (F) Any extraordinary medical or other expenses of the  
24 employe and his family.

25 (G) Whether the employe has received benefits as a windfall,  
26 for example, where a back pay award is received.

27 (H) The notice, if any, and the clarity of the notice  
28 provided by the department to the employe regarding the  
29 possibility of a later determination of erroneously paid  
30 benefits.

31 (I) A detrimental change of position by the employe in  
32 reliance on the receipt of benefits if the employe has taken any  
33 reasonable action or incurred a necessary financial obligation  
34 in the conduct of his affairs which the employe would not have  
35 taken but for the receipt of benefits.

36 (J) Any unusual delay in the determination that the employe  
37 has erroneously received benefits.

1       (K) The contribution by the employer or the department to  
2 the erroneous payment of benefits.

3       (iii) Employees who receive a nonfault overpayment shall be  
4 notified by the department of the opportunity for a waiver under  
5 this subsection.