WEST VIRGINIA CODE CHAPTER 21a ARTICLE 2D

WV Legislature

§21A-2D-1. Definitions.

This article may be cited as the Unemployment Insurance Program Integrity Act. For the purposes of this article the following terms shall have the following meanings, unless the context in which they are used clearly indicates otherwise:

(1) “Division of Corrections and Rehabilitation” means the Division of Corrections and Rehabilitation, as defined in §15A-3-2 of this code.

(2) “Department of Commerce” means the Department of Commerce, as defined in §5B-1-1 of this code.

(3) “New hire records” means any available directory of newly hired and re-hired employees reported under state and federal law and managed by the state Department of Commerce.

(4) “Unemployment insurance enrollment” means the list of all jobless workers receiving unemployment insurance at a given moment in time.

(5) “Commissioner” means the Workforce West Virginia Commissioner, formerly known as the Bureau of Employment Programs’ Commissioner, as defined in §21A-1A-12 of this code.

(6) “Bureau” means Workforce West Virginia, formerly known as the Bureau of Employment Programs, as defined in §21A-1-4 of this code.

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§21A-2D-2. Unemployment insurance program integrity.

The commissioner shall, on a weekly basis, be required to:

(a) Check the unemployment insurance rolls against the Division of Corrections and Rehabilitation's list of imprisoned individuals to verify eligibility for unemployment benefits and ensure program integrity;

(b) Check new hire records against the National Directory of New Hires to verify eligibility for unemployment benefits; and

(c) Check the unemployment insurance rolls against a commercially available database that provides cross-matching functions to verify eligibility for unemployment benefits.

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§21A-2D-3. Data sharing.

The commissioner shall have the authority to execute a memorandum of understanding with any department, agency, or division for information required to be shared between agencies outlined in this article.

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§21A-2D-4. Action on eligibility determinations.

If the bureau receives information concerning an individual receiving unemployment insurance benefits that indicates a change in circumstances that may affect eligibility, the bureau shall review the individual's case and make a new eligibility determination within one week of receiving the information.

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§21A-2D-5. Recovering overpayments and preventing fraud.

The commissioner shall adopt and implement internal administrative policy to:

(a) Prioritize and always pursue the recovery of fraudulent unemployment overpayments to the fullest extent allowable under state and federal law;

(b) Enter into a cooperative agreement with the U.S. Department of Labor Office of Inspector General to proactively detect and investigate cases of unemployment fraud; and

(c) Recover improper overpayments of unemployment benefits, without exception, to the fullest extent possible by state and federal law.

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§21A-2D-6. Employer reporting procedure to Workforce West Virginia when employees refuse re-hire opportunities.

An employer may contact Workforce West Virginia by e-mail, telephone, or other method of communication in situations when an employee who was previously laid off by that employer is given the opportunity to be rehired but declines to do so. The bureau shall investigate such contacts from employers to determine whether the employee should continue to receive unemployment benefits.

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§21A-2D-7. Reporting to the Legislature.

The commissioner shall maintain detailed records on the ability of the bureau to carry out and implement the actions required in this article. The commissioner shall issue a written report to the legislature annually, no later than December 31. This report shall include relevant data, to the extent permitted by federal law, including, but not limited to:

(a) Whether cross-checks referenced in §21A-2D-2 of this code occurred and with what consistency they occurred;

(b) Improper unemployment benefit payment rates;

(c) Recovery of overpayments;

(d) The reasoning for and extent to which any improper unemployment benefit payments are not corrected or recovered;

(e) The number of contacts from employers under §21A-2D-6 of this code;

(f) The results of any state-federal cooperative fraud investigations; and

(g) Any savings produced or monies from activities of the bureau.

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§21A-2D-8. Rulemaking.

Workforce West Virginia shall promulgate and propose rules under §29A-3-1 *et seq*. of this code for implementing this article.

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§21A-2D-9. Effective date.

This article shall take effect July 1, 2022.

WV Legislature