

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-30-82

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1982

— ● —

ENROLLED

Com. Sub. for
HOUSE BILL No. 1849

(By Mr. Speaker, Mr. Lee)

— ● —

Passed March 13, 1982

In Effect From Passage

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 1849

(By MR. SPEAKER, MR. SEE)

[Passed March 13, 1982; in effect from passage.]

AN ACT to amend and reenact sections five and seven, article five, chapter twenty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section four, article six of said chapter; to further amend said article six by adding thereto a new section, designated section sixteen; to amend and reenact section one, article six-a of said chapter; to amend and reenact sections two and eleven, article ten of said chapter; and to further amend said article ten by adding thereto three new sections, designated sections nineteen, twenty and twenty-one, all relating to employment security generally; establishing a minimum contribution for certain employers; extending to the last day of September, one thousand nine hundred eighty-one, as the time during which certain delinquent contributions from certain employers may be made without additional penalty; employee eligibility and benefits; employees receiving federal employment supplement; deduction of child support; extended benefit program; when benefits begin; assignment of benefits prohibited; exemption from process; disclosure of information to child support agencies; disclosure to food stamp agencies; and recovery of benefits paid in error.

Be it enacted by the Legislature of West Virginia:

That sections five and seven, article five, chapter twenty-one-a,

of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that section four, article six of said chapter be amended and reenacted; that said article six be further amended by adding thereto a new section, designated section sixteen; that section one, article six-a of said chapter be amended and reenacted; that sections two and eleven, article ten of said chapter be amended and reenacted; and that said article ten be further amended by adding thereto three new sections, designated sections nineteen, twenty and twenty-one, all to read as follows:

ARTICLE 5. EMPLOYER COVERAGE AND RESPONSIBILITY.

§21A-5-5. Rate of contribution.

1 On or after January first, one thousand nine hundred forty-
2 one, an employer shall make payments to the unemployment
3 compensation fund equal to two and seven-tenths percent of
4 wages paid by him with respect to employment during each
5 calendar year beginning with the calendar year one thou-
6 sand nine hundred forty-one, subject, however, to other pro-
7 visions of this article; except that on and after January first,
8 one thousand nine hundred seventy-two, each employer subject
9 to this chapter shall pay contributions at the rate of one
10 and five-tenths percent of wages paid by him with respect
11 to employment during each calendar year until he has been
12 an employer for not less than thirty-six consecutive months
13 ending on the computation date; thereafter, his contribution
14 rate shall be determined in accordance with the provisions
15 of section ten of this article.

16 On and after July one, one thousand nine hundred eighty-
17 one, each employer subject to this chapter shall pay contri-
18 butions at the rate of two and seven-tenths percent of wages
19 paid by him with respect to employment during each calendar
20 year until he has been an employer for not less than thirty-
21 six consecutive months ending on the computation date;
22 thereafter, his contribution rate shall be determined in ac-
23 cordance with the provisions of section ten of this article.

24 Notwithstanding any other provision of this chapter to the
25 contrary, on or after the first day of July, one thousand nine
26 hundred seventy-eight, any foreign corporation or business

27 entity engaged in the construction trades shall pay contribu-
28 tions at the rate of two and seven-tenths percent of wages paid
29 by him with respect to employment during each calendar year.

30 Notwithstanding any other provision of this chapter to the
31 contrary, on or after the first day of July, one thousand nine
32 hundred eighty-one, any foreign corporation or business entity
33 engaged in the construction trades shall pay contribution at the
34 rate of seven and five-tenths percent of wages paid by him with
35 respect to employment during each calendar year until he has
36 been an employer for not less than thirty-six consecutive months
37 ending on the computation date; thereafter, his contribution
38 rate shall be determined in accordance with the provisions
39 of section ten of this article: *Provided*, That any corporation or
40 business entity engaged in the construction trades shall make
41 payments to the fund at the rates applicable to such em-
42 ployer as of January first, one thousand nine hundred eighty-
43 one, for wages paid with respect to employment on con-
44 struction contracts entered into for which bids are submitted
45 in this state prior to April fifteenth, one thousand nine hundred
46 eighty-one: *Provided, however*, That beginning the first day
47 of January one, one thousand nine hundred eighty-two, and
48 any calendar year thereafter, the rate which applies to such
49 corporation or business entity, shall not be less than two and
50 seven-tenths percent of such wages, unless such corporation or
51 business entity elects to have its rate of contribution determined
52 in accordance with the provisions of section ten of this
53 article: *Provided, further*, That the burden shall be on such
54 corporation or business entity to prove that any such contract
55 was executed or that any such bid was submitted therefor
56 prior to April fifteenth, one thousand nine hundred eighty-
57 one.

§21A-5-7. Joint and separate accounts.

1 (1) The commissioner shall maintain a separate account for
2 each employer, and shall credit his account with all con-
3 tributions paid by him prior to July first, one thousand nine
4 hundred sixty-one. On and after July first, one thousand
5 nine hundred sixty-one, the commissioner shall maintain a
6 separate account for each employer, and shall credit said
7 employer's account with all contributions of such employer

8 in excess of seven tenths of one percent of taxable wages;
9 and on and after July first, one thousand nine hundred seventy-
10 one, the commissioner shall maintain a separate account for
11 each employer, and shall credit said employer's account with all
12 contributions of such employer in excess of four tenths of one
13 percent of taxable wages: *Provided*, That any adjustment
14 made in an employer's account after the computation date
15 shall not be used in the computation of the balance of an
16 employer until the next following computation date: *Pro-*
17 *vided, however*, That nothing in this chapter shall be con-
18 strued to grant an employer or individual in his service prior
19 claims or rights to the amounts paid by him into the fund,
20 either on his behalf or on behalf of such individuals. The
21 account of any employer which has been inactive for a
22 period of four consecutive calendar years shall be terminated
23 for all purposes.

24 (2) Benefits paid to an eligible individual for regular and
25 extended total or partial unemployment beginning after the
26 effective date of this article shall be charged to the account
27 of the last employer with whom he has been employed as
28 much as thirty working days, whether or not such days are con-
29 secutive: *Provided*, That no employer's account shall be
30 charged with benefits paid to any individual who has been
31 separated from a noncovered employing unit in which he
32 was employed as much as thirty days, whether or not such
33 days are consecutive: *Provided, however*, That no employer's
34 account shall be charged with more than fifty percent of the
35 benefits paid to an eligible individual as extended benefits
36 under the provisions of article six-a of this chapter: *Pro-*
37 *vided further*, That state and local government employers shall
38 be charged with one hundred percent of the benefits paid
39 to an eligible individual as extended benefits.

40 (3) The commissioner shall, for each calendar year here-
41 after, classify employers in accordance with their actual ex-
42 perience in the payment of contributions on their own be-
43 half and with respect to benefits charged against their ac-
44 counts, with a view of fixing such contribution rates as will
45 reflect such experiences. For the purpose of fixing such con-
46 tribution rates for each calendar year, the books of the de-

47 partment shall be closed on July thirty-one of the pre-
48 ceding calendar year, and any contributions thereafter paid,
49 as well as benefits thereafter paid with respect to compensable
50 weeks ending on or before June thirty of the preceding calendar
51 year, shall not be taken into account until the next annual
52 date for fixing contribution rates: *Provided*, That if an em-
53 ployer has failed to furnish to the commissioner on or be-
54 fore July thirty-one of such preceding calendar year the wage
55 information for all past periods necessary for the computation
56 of the contribution rate, such employer's rate shall be, if it is
57 immediately prior to such July thirty-one, less than three and
58 three-tenths percent, increased to three and three-tenths
59 percent: *Provided, however*, That any payment made or any
60 information necessary for the computation of a reduced rate
61 furnished on or before the termination of an extension of time
62 for such payment or reporting of such information granted
63 pursuant to a regulation of the commissioner authorizing such
64 extension, shall be taken into account for the purposes of fixing
65 contribution rates: *Provided further*, That when the time for
66 filing any report or making any payment required hereunder
67 falls on Saturday, Sunday, or a legal holiday, the due date
68 shall be deemed to be the next succeeding business day: *And*
69 *provided further*, That whenever, through mistake or in-
70 advertence, erroneous credits or charges are found to have
71 been made to or against the reserved account of any employer,
72 the rate shall be adjusted as of January one of the calendar year
73 in which such mistake or inadvertence is discovered, but
74 payments made under any rate assigned prior to January
75 one of such year shall not be deemed to be erroneously col-
76 lected.

77 (4) The commissioner may prescribe regulations for the
78 establishment, maintenance and dissolution of joint accounts
79 by two or more employers, and shall, in accordance with
80 such regulations and upon application by two or more em-
81 ployers to establish such an account, or to merge their
82 several individual accounts in a joint account, maintain such
83 joint account as if it constituted a single employer's account.

84 (5) State and local government employers are hereby
85 authorized to enter into joint accounts and to maintain such

86 joint account or accounts as if it or they constituted a single
87 employer's account or accounts.

88 (6) Effective on and after July one, one thousand nine
89 hundred eighty-one, if an employer has failed to furnish to
90 the commissioner on or before August thirty-one of one thou-
91 sand nine hundred eighty, and each year thereafter, with the
92 exception of one thousand nine hundred eighty-one, which
93 due date shall be September thirty, one thousand nine hundred
94 eighty-one, the wage information for all past periods neces-
95 sary for the computation of the contribution rate, such em-
96 ployer's rate shall be, if it is immediately prior to July one,
97 one thousand nine hundred eighty-one, less than seven and
98 five-tenths percent, increased to seven and five-tenths per-
99 cent.

ARTICLE 6. EMPLOYEE ELIGIBILITY; BENEFITS.

§21A-6-4. Individual not denied benefits by receiving vocational training.

1 Notwithstanding any other provision in this article, no
2 individual shall be denied unemployment compensation bene-
3 fits because of his receiving training as part of an area
4 vocational program, or similar program, which has as its
5 object the training of unemployed individuals in new oc-
6 cupational skills: *Provided*, That such individual's training
7 and training institution are approved by the commissioner,
8 and such individual produces evidence of his continued at-
9 tendance and satisfactory progress at such training institution
10 when requested to do so by the commissioner.

11 Notwithstanding any other provisions of this chapter, no
12 otherwise eligible individual shall be denied benefits for any
13 week because he or she is in training approved under section
14 236(a)(1) of the Federal Trade Act of 1974, nor shall such
15 individual be denied benefits by reason of leaving work to
16 enter such training, if the work left is not suitable employ-
17 ment, or because of the application of the provisions of this
18 chapter or any applicable federal unemployment compensa-
19 tion law relating to availability for work, active search for work
20 or refusal to work to any such week in training.

21 For purposes of this section, the term "suitable employ-
22 ment" means with respect to an individual, work of a sub-
23 stantially equal or higher skill level than the individual's past
24 adversely affected employment as defined for purposes of
25 the Federal Trade Act of 1974 and wages for such work
26 at not less than eighty percent of the individual's average
27 weekly wage as determined for the purposes of the Federal
28 Trade Act of 1974.

§21A-6-16. Child support intercept of unemployment benefits.

1 (a) An individual filing a new claim for unemployment
2 compensation shall, at the time of filing such claim, dis-
3 close whether or not the individual owes child support ob-
4 ligations as hereafter defined under subsection (g). If any
5 such individual discloses that he or she owes child support
6 obligations and is determined to be eligible for unemploy-
7 ment compensation, the commissioner shall notify the de-
8 partment of welfare that the individual has been determined
9 to be eligible for unemployment compensation.

10 (b) The commissioner shall deduct and withhold from
11 any unemployment compensation payable to an individual
12 that owes such child support obligations as defined under
13 subsection (g):

14 (1) The amount specified by the individual to the com-
15 missioner to be deducted and withheld under this subsection,
16 if neither subdivision (2) nor subdivision (3) is applicable;
17 or

18 (2) The amount, if any, determined pursuant to an agree-
19 ment submitted to the commissioner under section 454(20)
20 (B)(i) of the Social Security Act by the department of welfare,
21 unless subdivision (3) is applicable; or

22 (3) Any amount otherwise required to be deducted and
23 withheld from such unemployment compensation pursuant to
24 legal process, as that term is defined in section 462(e) of
25 the Social Security Act, properly served upon the commis-
26 sioner.

27 (c) Any amount deducted and withheld under subsection

28 (b) shall be paid by the commissioner to the department of
29 welfare.

30 (d) Any amount deducted and withheld under subsection
31 (b) shall for all purposes be treated as if it were paid to
32 the individual as unemployment compensation and paid by
33 such individual to the department of welfare in satisfaction
34 of the individual's child support obligations.

35 (e) For purposes of subsections (a) through (d), the
36 term "unemployment compensation" means any compensation
37 payable under this chapter, including amounts payable by the
38 commissioner pursuant to an agreement under any federal
39 law providing for compensation, assistance or allowances with
40 respect to unemployment.

41 (f) This section applies only if appropriate arrangements
42 have been made for reimbursement by the department of
43 welfare for the administrative costs incurred by the commis-
44 sioner under this section which are attributable to child sup-
45 port obligations being enforced by the state or local child
46 support enforcement agency.

47 (g) The term "child support obligations" means, for
48 purposes of these provisions, only obligations which are being
49 enforced pursuant to a plan described in section 454 of the
50 Social Security Act which has been approved by the secre-
51 tary of health and human services under Part D of Title IV of
52 the Social Security Act.

ARTICLE 6A. EXTENDED BENEFITS PROGRAM.

§21A-6A-1. Definitions.

1 As used in this article, unless the context clearly requires
2 otherwise:

3 (1) "Extended benefit period" means a period which:

4 (A) Begins with the third week after a week for which
5 there is a state "on" indicator; and

6 (B) Ends with either of the following weeks, whichever
7 occurs later:

8 (i) The third week after the first week for which there
9 is a state "off" indicator; or

10 (ii) The thirteenth consecutive week of such period. Not-
11 withstanding the foregoing provisions of this section, no ex-
12 tended benefit period may begin by reason of a state "on"
13 indicator before the fourteenth week following the end of a
14 prior extended benefit period which was in effect with
15 respect to this state, and no extended benefit period may
16 become effective in this state prior to the sixty-first day
17 following the date of enactment of the Federal-State Ex-
18 tended Unemployment Compensation Act of 1970, and, with-
19 in the period beginning on such sixty-first day and ending
20 on December thirty-one, one thousand nine hundred seventy-
21 one, an extended benefit period may become effective and
22 be terminated in this state solely by reason of a state "on"
23 and state "off" indicator, respectively.

24 (2) There is a "state 'on' indicator" for this state for
25 a week if the commissioner determines, in accordance with
26 the regulations of the United States secretary of labor, that
27 for the period consisting of such week and the immediately
28 preceding twelve weeks, the rate of insured unemployment
29 (not seasonally adjusted) under this article:

30 (A) Equalled or exceeded one hundred twenty percent of
31 the average of such rates for the corresponding thirteen-week
32 period ending in each of the preceding two calendar years,
33 and

34 (B) Equalled or exceeded five percent.

35 (3) There is a "state 'off' indicator" for this state for
36 a week if the commissioner determines, in accordance with
37 the regulations of the United States secretary of labor, that
38 for the period consisting of such week and the immediately
39 preceding twelve weeks, the rate of insured unemployment
40 (not seasonally adjusted) under this article:

41 (A) Was less than one hundred twenty percent of the
42 average of such rates for the corresponding thirteen-week
43 period ending in each of the preceding two calendar years,
44 or

45 (B) Was less than five percent.

46 (4) "Rate of insured unemployment," for purposes of
47 subdivisions (2) and (3) of this section, means the percentage
48 derived by dividing

49 (A) The average weekly number of individuals filing claims
50 for regular compensation in this state for weeks of unem-
51 ployment with respect to the most recent thirteen-consecutive-
52 week period, as determined by the commissioner on the basis
53 of his reports to the United States secretary of labor by

54 (B) The average monthly employment covered under this
55 chapter for the first four of the most recent six completed
56 calendar quarters ending before the end of such thirteen-
57 week period.

58 (5) "Regular benefits" means benefits payable to an
59 individual under this chapter or under any other state law
60 (including benefits payable to federal civilian employees
61 and to ex-servicemen pursuant to 5 U.S.C., chapter 85) other
62 than extended benefits.

63 (6) "Extended benefits" means benefits (including bene-
64 fits payable to federal civilian employees and to ex-service-
65 men pursuant to 5 U.S.C., chapter 85) payable to an in-
66 dividual under the provisions of this article for weeks of
67 unemployment in his eligibility period.

68 (7) "Eligibility period" of an individual means the period
69 consisting of the weeks in his benefit year which begin in
70 an extended benefit period and, if his benefit year ends within
71 such extended benefit period, any weeks thereafter which be-
72 gin in such period.

73 (8) "Exhaustee" means an individual who, with respect
74 to any week of unemployment in his eligibility period:

75 (A) Has received, prior to such week, all of the regular
76 benefits which were available to him under this chapter or
77 any other state law (including dependents' allowances and
78 benefits payable to federal civilian employees and ex-servicemen
79 under 5 U.S.C., chapter 85) in his current benefit year that
80 includes such week: *Provided*, That for the purposes of this

81 subdivision, an individual shall be deemed to have received
 82 all of the regular benefits which were available to him al-
 83 though (i) as a result of a pending appeal with respect
 84 to wages and/or employment which were not considered
 85 in the original monetary determination in his benefit year,
 86 he may subsequently be determined to be entitled to added
 87 regular benefits, or (ii) he may be entitled to regular benefits
 88 with respect to future weeks of unemployment, but such
 89 benefits are not payable with respect to such week of un-
 90 employment by reason of the provisions of section one-a,
 91 article six of this chapter; or

92 (B) His benefit year having expired prior to such week,
 93 has no, or insufficient, wages and/or employment on the
 94 basis of which he could establish a new benefit year which
 95 would include such week; and

96 (C) Has no right to unemployment benefits or allowances,
 97 as the case may be, under the Railroad Unemployment In-
 98 surance Act, the Trade Expansion Act of 1962, the Automo-
 99 tive Products Trade Act of 1965 and such other federal
 100 laws as are specified in regulations issued by the United
 101 States secretary of labor; and has not received and is not
 102 seeking unemployment benefits under the unemployment com-
 103 pensation law of the Virgin Islands or of Canada; but if
 104 he is seeking such benefits and the appropriate agency finally
 105 determines that he is not entitled to benefits under such law
 106 he is considered an exhaustee.

107 (9) "State law" means the unemployment insurance law
 108 of any state, approved by the United States secretary of
 109 labor under section 3304 of the Internal Revenue Code of
 110 1954.

111 (10) No individual shall be entitled to extended benefits
 112 during a period of unemployment if he was disqualified under
 113 the provisions of subdivision (1), (2) or (3) of section
 114 three, article six of this chapter, which disqualification shall
 115 not be terminated until such individual has returned to
 116 covered employment and has been employed in covered em-
 117 ployment for at least thirty working days.

118 (11) (A) Notwithstanding any other provisions of this

119 section, an individual shall be ineligible for payment of ex-
120 tended benefits for any week of unemployment in his eligibility
121 period if the commissioner finds that during such period:

122 (i) He failed to accept any offer of suitable work or failed
123 to apply for any suitable work (as defined under subdivision
124 (11) (C) of this section, to which he was referred by the
125 commissioner; or

126 (ii) He failed to actively engage in seeking work as
127 prescribed under subdivision (11) (E).

128 (B) Any individual who has been found ineligible for
129 extended benefits by reason of the provisions in subdivision
130 (11) (A) of this section shall also be denied benefits be-
131 ginning with the first day of the week following the week
132 in which such failure occurred and until he has been em-
133 ployed in each of four subsequent weeks (whether or not
134 consecutive) and has earned remuneration equal to not less
135 than four times the extended weekly benefit amount;

136 (C) For purposes of this subdivision (11) (A) (i) of this
137 section, the term "suitable work" means, with respect to any
138 individual, any work which is within such individual's capa-
139 bilities: *Provided, however,* That the gross average weekly
140 remuneration payable for the work must exceed the sum of:

141 (i) The individual's average weekly benefit amount (as
142 determined under subdivision (11) (D) of this section) plus;

143 (ii) The amount, if any, of supplemental unemployment
144 benefits (as defined in section 501 (c)(17)(D) of the In-
145 ternal Revenue Code of 1954) payable to such individual
146 for such week; and further,

147 (iii) Pays wages equal to the higher of:

148 (I) The minimum wages provided by section (6)(a)(1)
149 of the Fair Labor Standards Act of 1938, without regard
150 to any exemption; or

151 (II) The state or local minimum wage;

152 (iv) *Provided* that no individual shall be denied ex-
153 tended benefits for failure to accept an offer or referral to

154 any job which meets the definition of suitability as described
155 above if:

156 (I) The position was not offered to such individual in
157 writing and was not listed with the employment service; or

158 (II) Such failure could not result in a denial of benefits
159 under the definition of suitable work for regular benefit
160 claimants in section five, article six of this chapter, to the
161 extent that the criteria of suitability in that section are not
162 inconsistent with the provisions of this subdivision (11) (C)
163 of this section; or

164 (III) The individual furnishes satisfactory evidence to
165 the commissioner that his or her prospects for obtaining work
166 in his or her customary occupation within a reasonably short
167 period are good. If such evidence is deemed satisfactory for
168 this purpose, the determination of whether any work is suit-
169 able with respect to such individual shall be made in accord-
170 ance with the definition of suitable work in section five,
171 article six of this chapter, without regard to the definition
172 specified by subdivision (11) (C) of this section.

173 (D) Notwithstanding the provisions of this section to
174 the contrary, no work shall be deemed to be suitable work
175 for an individual which does not accord with the labor standard
176 provisions required by section 3304(a)(5) of the Internal
177 Revenue Code of 1954 and set forth herein under subdivision
178 (11) (C) (iii) (I) of this section.

179 (E) For the purposes of subdivision (11) (A) (ii) of this
180 section an individual shall be treated as actively engaged
181 in seeking work during any week if:

182 (i) The individual has engaged in a systematic and sus-
183 tained effort to obtain work during such week, and

184 (ii) The individual furnishes tangible evidence that he has
185 engaged in such effort during such week.

186 (F) The employment service shall refer any claimant
187 entitled to extended benefits under this article to any suitable
188 work which meets the criteria prescribed in subdivision
189 (11) (C).

190 (G) An individual shall not be eligible to receive ex-
191 tended benefits with respect to any week of unemployment
192 in his eligibility period if such individual has been dis-
193 qualified for regular benefits under this chapter because he
194 or she voluntarily left work, was discharged for misconduct
195 or refused an offer of suitable work unless the disqualification
196 imposed for such reasons has been terminated in accordance
197 with specific conditions established under this subdivision re-
198 quiring the individual to perform service for remuneration sub-
199 sequent to the date of such disqualification.

200 (12) Notwithstanding any other provisions of this chap-
201 ter, if the benefit year of any individual ends within an ex-
202 tended benefit period, the remaining balance of extended
203 benefits that such individual would, but for this section, be
204 entitled to receive in that extended benefit period, with respect
205 to weeks of unemployment beginning after the end of the
206 benefit year, shall be reduced (but not below zero) by the
207 product of the number of weeks for which the individual re-
208 ceived any amounts as trade readjustment allowances within
209 that benefit year, multiplied by the individual's weekly benefit
210 amount for extended benefits.

211 (13) An unemployed individual shall be eligible to receive
212 benefits with respect to any week only if it has been found that
213 he has been paid wages by an employer who was subject to the
214 provisions of this chapter during the base period of his cur-
215 rent benefit year in an amount at least equal to forty times his
216 benefit rate for total unemployment.

ARTICLE 10. GENERAL PROVISIONS.

§21A-10-2. Assignment of benefits invalid; exemption from process; exception.

1 An assignment, pledge or encumbrance of any benefit due
2 or payable under this chapter shall be invalid. Right to bene-
3 fits shall be exempt from levy, execution, attachment, or other
4 processes for the collection of debt. Benefits received by an
5 individual so long as they are not mingled with other funds of
6 the recipient, shall be exempt from process for the collection
7 of a debt. The waiver of any exemption provided in this sec-
8 tion shall be void: *Provided*, That the provisions of this

9 section shall not apply to the assignment or collection of
10 child support payments under the provisions of section sixteen,
11 article six of this chapter.

12 Collection of debts incurred for necessities furnished to
13 an individual, his spouse, or dependents, during a period of
14 unemployment shall be exempt from the operation of the above
15 provision.

**§21A-10-11. Requiring information; use of information; libel and
slander actions prohibited.**

1 The commissioner may require an employing unit to provide
2 sworn or unsworn reports concerning:

3 (1) The number of individuals in its employ.

4 (2) Individually their hours of labor.

5 (3) Individually the rate and amount of wages.

6 (4) Such other information as is reasonably connected with
7 the administration of this chapter.

8 Information thus obtained shall not be published or be open
9 to public inspection so as to reveal the identity of the employ-
10 ing unit of the individual, with the exception of information fur-
11 nished to the department of welfare as required under the
12 provisions of section sixteen, article six of this chapter, and
13 information furnished to the United States department of agri-
14 culture. However, a claimant of benefit or any other interested
15 party shall, upon request, be supplied with information from
16 such records to the extent necessary for the proper presenta-
17 tion or defense of a claim. Such information may be made
18 available to any agency of this or any other state, or any federal
19 agency, charged with the administration of an unemployment
20 compensation law or the maintenance of a system of public
21 employment offices.

22 A person who violates the provisions of this section shall be
23 guilty of a misdemeanor, and, upon conviction, shall be fined
24 not less than twenty dollars nor more than two hundred dollars,
25 or imprisoned not longer than ninety days, or both.

26 No action for slander or libel, either criminal or civil, shall

27 be predicated upon information furnished by any employer or
28 any employee to the commissioner in connection with the ad-
29 ministration of any of the provisions of this chapter.

§21A-10-19. Disclosure of information to child support agencies.

1 (1) The department of employment security shall disclose,
2 upon request, to officers or employees of any state or local child
3 support enforcement agency, any wage information with re-
4 spect to an identified individual which is contained in its
5 records.

6 The term "state or local child support enforcement agency"
7 means any agency of a state or political subdivision thereof
8 operating pursuant to a plan described in section 454 of the
9 Social Security Act, which has been approved by the secretary
10 of health and human services under Part D, Title IV of the
11 Social Security Act.

12 (2) The requesting agency shall agree that such information
13 is to be used only for the purpose of establishing and collect-
14 ing child support obligations from, and locating, individuals
15 owing such obligations which are being enforced pursuant to
16 a plan described in section 454 of the Social Security Act
17 which has been approved by the secretary of health and human
18 services under Part D, Title IV of the Social Security Act.

19 (3) The information shall not be released unless the re-
20 questing agency agrees to reimburse the costs involved for fur-
21 nishing such information.

22 (4) In addition to the requirements of this section, all other
23 requirements with respect to confidentiality of information ob-
24 tained in the administration of this chapter and the sanctions
25 imposed on improper disclosure shall apply to the use of such
26 information by officers and employees of child support agen-
27 cies.

§21A-10-20. Disclosure of information to food stamp agencies.

1 (1) The department of employment security shall disclose,
2 upon request, to officers and employees of the United States
3 department of agriculture and any state food stamp agency,
4 with respect to an identified individual, any of the following
5 information which is contained in its records:

6 (a) Wage information;

7 (b) Whether the individual is receiving, has received, or
8 has made application for unemployment compensation and
9 the amount of any compensation being received or to be re-
10 ceived by such individual;

11 (c) The current or most recent home address of the in-
12 dividual; and

13 (d) Whether the individual has refused an offer of em-
14 ployment and if so, a description of the employment offered
15 and the terms, conditions and rate of pay therefor.

16 (2) The term "state food stamp agency" means any agency
17 described in section (3) (n) (1) of the Food Stamp Act of
18 1977 which administers the food stamp program established
19 under such act.

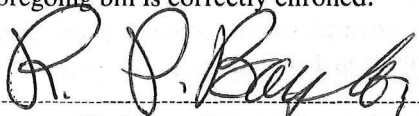
20 (3) The requesting agency shall agree that such informa-
21 tion shall be used only for purposes of determining the
22 applicant's eligibility for benefits, or the amount of benefits,
23 under the food stamp program established under the Food
24 Stamp Act of 1977.

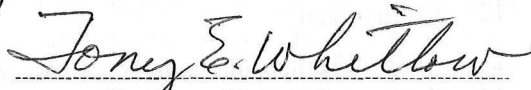
25 (4) In addition to the requirements of this section, all
26 other requirements with respect to confidentiality of informa-
27 tion obtained in the administration of this chapter and the
28 sanctions imposed for improper disclosure of information
29 obtained in the administration of this act shall apply to the
30 use of such information by the officers and employees of
31 any food stamp agency or the United States department of
32 agriculture.

**§21A-10-21. Recovery of benefits paid through departmental error;
limitation.**

1 A person who, by reason of departmental error, irrespective
2 of the nature of said error, has received a sum as a benefit
3 under this chapter, shall either have such sum deducted from
4 a future benefit payable to him or shall repay to the com-
5 missioner the amount which he has received. Collection shall
6 be made in the same manner as collection of past due pay-
7 ment: *Provided*, That such collection or deduction of benefits
8 shall be barred after the expiration of two years.

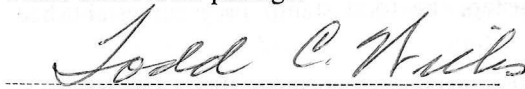
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


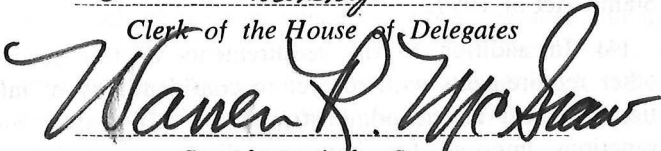

Chairman Senate Committee

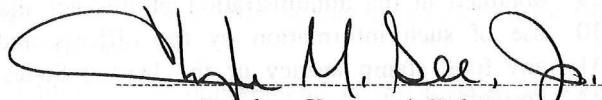

Chairman House Committee

Originating in the House.


Takes effect from passage.


Clerk of the Senate


Clerk of the House of Delegates

President of the Senate


Speaker House of Delegates

The within is approved this the 30
day of March, 1982.


Governor

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