



Oregon

Tina Kotek, Governor



Employment Department

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April 12, 2023

The Honorable Paul Holvey, Chair
The Honorable Nathan Sosa, Vice-Chair
The Honorable Lucetta Elmer, Vice-Chair
House Business and Labor Committee
255 Capitol Street NE, 5th Floor
Salem, OR 97301

RE: Follow-up information - Senate Bill 912A

Chair Holvey, Vice-Chair Sosa, and Vice-Chair Elmer:

During this morning's House Business and Labor Committee, a committee member asked about how "equity and good conscience" is defined and how it will be applied should SB 912A become law.

The language in SB 912A is the same as in the unemployment insurance (UI) statutes, to keep language consistent between the two programs to the extent possible. This language originated in Oregon UI statutes using the same language that was used in federal UI legislation outlining when states were permitted, if they wanted, to waive certain types of overpayments.

There is an existing Paid Leave Oregon Administrative Rule (OAR) addressing equity and good conscience. Under OAR 471-070-1520, "equity and good conscience" is defined:

b) Recovery would be against equity, good conscience, or administrative efficiency.

(3) The director may determine that recovery of overpaid benefits is against equity and good conscience if the individual requesting a waiver has limited means to repay the benefits and has total allowable household expenses that equal or exceed 90 percent of the total household income, not including PFMLI benefits received. The department will use the current year's Internal Revenue Service (IRS) Collection Financial Standards to determine total allowable household expenses. The director may allow expenses higher than those provided for in the IRS Collection Financial standards if the claimant requesting a waiver provides documentation showing that using those IRS Collection Financial Standards would leave the claimant unable to provide for basic living expenses.

As always, please let us know if we may be of additional assistance.

Sincerely,

Karen Madden Humelbaugh, Director, Paid Leave Oregon



Paid Leave Oregon is an Oregon Employment Department program.
The Oregon Employment Department is an equal opportunity agency.