[Put on your organization letterhead]

[Insert Governor] [Month Date, 2022]

[Insert Address]

[Insert City, State Zip Code]

[Insert Agency Secretary/Commissioner]

[Insert Agency Name]

[Insert Address]

[Insert City, State Zip Code]

Dear [Governor and Agency Secretary],

The undersigned organizations represent workers across [insert your state] and write to urge you to fully adopt the United States Department of Labor’s (U.S. DOL) [new federal overpayment waiver guidance](https://wdr.doleta.gov/directives/corr_doc.cfm?docn=6830) as soon as possible.[[1]](#footnote-1) As you know, unemployment insurance benefits were a lifeline for workers throughout the past two years, and pumped millions of dollars into our state and local economies and served as a powerful anti-poverty tool.[[2]](#footnote-2) Now, months or even years later, workers across the state are being told they must pay back these benefits they used to support themselves and their families. [optional: insert any specific examples of how big these overpayments are, i.e. “Some receiving notices as large as $15K or more, an added burden on workers still struggling with economic security.”]. These workers did their best to follow rapidly changing and often confusing guidance as agencies rushed to approve benefits to meet the urgency the crisis required—amidst rapidly changing guidance from U.S. DOL, new staffing, and systems. Recognizing these facts, the U.S. DOL released guidance reiterating and strengthening a state’s right to waive non-fraud overpayments of the federal pandemic programs. We write to urge you to adopt this guidance fully and to process waivers as quickly and efficiently as possible.

Specifically, as allowed under the guidance, and to ease administrative burden, the agency should provide claimants with one joint notice that alerts the claimant of the overpayment and the fact that it has been waived at the same time. This must be translated into the claimant’s preferred language.[[3]](#footnote-3) This is essential to ensure workers do not experience unnecessary stress and confusion over whether they may need to repay the overpayment. Similarly, pursuant to the guidance, the agency should retroactively grant waivers and process these refunds as soon as possible.

In addition to identifying seven scenarios for blanket waivers, the guidance also allows states to propose additional scenarios to apply blanket waivers by submitting a form to the U.S. DOL.[[4]](#footnote-4) We urge the state to request approval as new scenarios are identified. [optional: Add an additional sentence here to explicitly ask them to request additional CARES Act overpayment determinations that have been identified by workers and/or advocates in your state as categories where an additional blanket waiver would benefit workers].

For all overpayments of the federal pandemic benefits that do not fall into one of the blanket waiver scenarios, the agency should do an individual determination as to whether the claimant is still eligible for a waiver pursuant to federal and state law. To the extent federal standards under the guidance are broader than state definitions, the agency should use these definitions.

During a devastating, ongoing pandemic, workers of our state who lost their livelihoods did their best to comply with new and rapidly changing federal guidance while applying for the lifesaving unemployment benefits that helped them provide for themselves and their families. In recognizing the challenges faced by agencies and workers, U.S. DOL issued this recent guidance to empower states to ensure there is not additional harm to workers, the agency, and the state by unnecessarily processing and collecting non-fraud overpayments. This guidance gives the state the tools it needs to quickly and efficiently help all parties involved—help workers continue providing for themselves and their families, help keep the state’s economy recovering, and help the agency keep down administrative time and costs. For these reasons, we urge you to implement this guidance fully and quickly.

Sincerely,

[Name and Title of Signers]

1. [Unemployment Insurance Program Letter (UIPL) No. 20-21, Change 1](https://wdr.doleta.gov/directives/corr_doc.cfm?docn=6830) [↑](#footnote-ref-1)
2. <https://www.nelp.org/publication/7-things-we-learned-about-unemployment-insurance-during-the-pandemic/> [↑](#footnote-ref-2)
3. [UIPL 20-21, Change 1](https://wdr.doleta.gov/directives/corr_doc.cfm?docn=6830) [↑](#footnote-ref-3)
4. [Attachment II to UIPL 20-21, Change](file:///C:\Users\mhirsch\AppData\Local\Box\Box%20Edit\Documents\HLFDquSq9UuZiqIzmsOs2g==\wdr.doleta.gov\directives\attach\UIPL\UIPL_20-21_Change_1_Attachment_II.pdf) 1 [↑](#footnote-ref-4)