



January 17, 2019

Emergency Rule Concerning Federal Workers Deemed Essential and the Recovery of Overpaid Benefits Resulting from Back-Pay Awards

Justification

In accordance with §§ 8-72-102 and 24-4-103, Colorado Revised Statutes (C.R.S.), an emergency rule is adopted.

The Division of Unemployment Insurance is responsible for administering Articles 70 through 82 of Title 8, C.R.S., connected to paying unemployment insurance benefits to stabilize the workforce and to minimize the impact of unemployment on the state's economy. The Division is also responsible for implementing practices to collect overpaid benefits.

In order to respond to the potential economic crisis created by the partial federal government shutdown, which requires that certain essential federal workers go to work but not receive timely compensation for the services performed, the Division of Unemployment Insurance seeks to codify an interpretation of the definition of being unemployed to include the lack of timely, in relation to services performed, payment for such services performed by federal workers deemed essential in situations of a federal government shutdown.

Like all unemployment insurance benefits paid to federal employees, the benefits will be charged directly to and reimbursed by the appropriate federal agency. Payment of these benefits does not affect the Unemployment Insurance Trust Fund or a contributing employer's rate. In order to expedite the collection of any unemployment insurance benefits that are overpaid as a result of appropriated funding being granted for the weeks of the shutdown, the Division is adding a clause to require reimbursing employers, including federal agencies, to recover an overpayment that is created as a result of a back-pay award after the individual is given the opportunity to repay it on his or her own.

This emergency rule is adopted and shall be effective January 17, 2019.

Joe Barela
Executive Director

