

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 60.2-602 and 60.2-619 of the Code of Virginia, relating to unemployment*
 3 *benefit amounts; duration; work group; report.*

4 [H 1766]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That §§ 60.2-602 and 60.2-619 of the Code of Virginia are amended and reenacted as follows:**8 **§ 60.2-602. Weekly benefit amount.**

9 A. Beginning July 6, 2008, for claims effective on or after July 6, 2008, but before July 6, 2014, an
 10 eligible individual's weekly "benefit amount" shall be the amount appearing in Column B in the "Benefit
 11 Table" in this section on the line on which in Column A of such table, there appears the total wages for
 12 insured work paid to such individual in the two quarters of his base period in which such total wages were
 13 highest.

14 Benefit Table Division C Duration of Benefits beginning July 6, 2008, but before July 6, 2014

15 SEE PRINTED BILL FOR TABLES

16 B. Beginning July 6, 2014, for claims effective on or after July 6, 2014, *but before January 1, 2026*, an
 17 eligible individual's weekly "benefit amount" shall be the amount appearing in Column B in the "Benefit
 18 Table" in this section on the line on which in Column A of such table, there appears the total wages for
 19 insured work paid to such individual in the two quarters of his base period in which such total wages were
 20 highest. *Beginning July 1, 2025, an individual's weekly "benefit amount" shall be paid for a maximum*
 21 *duration of 26 weeks.*

22 Benefit Table Division C Duration of Benefits beginning July 6, 2014, *but before January 1, 2026*

23 SEE PRINTED BILL FOR TABLES

24 C. *Beginning January 1, 2026, for claims effective on or after January 1, 2026, an eligible individual's*
 25 *weekly "benefit amount" shall be the amount appearing in Column B in the "Benefit Table" in this section on*
 26 *the line on which in Column A of such table, there appears the total wages for insured work paid to such*
 27 *individual in the two quarters of his base period in which such total wages were highest. An eligible*
 28 *individual's weekly "benefit amount" shall be paid for a maximum duration of 26 weeks.*

29 Benefit Table Division C Duration of Benefits beginning January 1, 2026

30 SEE PRINTED BILL FOR TABLES

31 **§ 60.2-619. Determinations and decisions by deputy; appeals therefrom.**

32 A. 1. A representative designated by the Commission as a deputy shall promptly examine the claim. The
 33 deputy shall only examine or consider in the claim review process information or evidence from an employer
 34 or third party if the deputy (i) has provided the claimant with a reasonable opportunity to review and respond
 35 to all potentially disqualifying issues or conflicting or otherwise adverse material facts within such
 36 information or evidence, (ii) has documented all material responsive information received from the claimant
 37 pursuant to clause (i), and (iii) considers material responsive information in the deputy's evaluation of the
 38 claim. On the basis of the facts found by him, the deputy shall either:

39 a. Determine whether or not such claim is valid, and if valid, the week with respect to which benefits shall
 40 commence, the weekly benefit amount payable and the maximum duration thereof, *except that the maximum*
 41 *duration of weekly benefits shall be 26 weeks for claims effective on or after July 1, 2025, pursuant to §*
 42 *60.2-602; or*

43 b. Refer such claim or any relevant question to the Commission's Administrative Law Division's Office of
 44 First Level Appeals or to the Commission, which shall make its determination in accordance with the
 45 procedure described in § 60.2-620.

46 2. When the payment or denial of benefits will be determined by the provisions of subdivision A 2 of §
 47 60.2-612, the deputy shall promptly transmit his full finding of fact with respect to that subdivision to the
 48 Commission's Administrative Law Division's Office of First Level Appeals, which shall make its
 49 determination in accordance with the procedure described in § 60.2-620.

50 B. (Effective until July 1, 2028) Upon the filing of an initial claim for benefits, the Commission shall
 51 cause an informatory notice of such filing to be mailed to the most recent 30-day or 240-hour employing unit
 52 of the claimant and all subsequent employing units, and any reimbursable employing units that may be liable
 53 for reimbursement to the Commission for any benefits paid. However, the failure to furnish such notice shall
 54 not have any effect upon the claim for benefits. If a claimant has had a determination of initial eligibility for
 55 benefits under this chapter, as evidenced by the issuance of compensation or waiting-week credit, payments
 56 shall continue, subject to a presumption of continued eligibility and in accordance with the terms of this

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57 subsection, until a determination is made that provides the claimant notice and an opportunity to be heard.
 58 When a question concerning continued eligibility for benefits arises, a determination shall be made as to
 59 whether it affects future weeks of benefits or only past weeks. With respect to future weeks, presumptive
 60 payment shall be made no later than 21 days after the issue arises, regardless of the type of issue. With
 61 respect to past weeks, presumptive payment shall be issued immediately, regardless of the type of issue.
 62 Notice shall be given to individuals who receive payments under such presumption that pending eligibility
 63 may affect their entitlement to the payment and may result in an overpayment that requires repayment.

64 B. (Effective July 1, 2028) Upon the filing of an initial claim for benefits, the Commission shall cause an
 65 informatory notice of such filing to be mailed to the most recent 30-day or 240-hour employing unit of the
 66 claimant and all subsequent employing units, and any reimbursable employing units that may be liable for
 67 reimbursement to the Commission for any benefits paid. However, the failure to furnish such notice shall not
 68 have any effect upon the claim for benefits.

69 C. Notice of determination upon a claim, the reasoning behind the decision, and a statement of
 70 case-specific facts material to the determination shall be promptly given to the claimant by delivering or by
 71 mailing such notice to the claimant's last known address. In addition, notice of any determination that
 72 involves the application of the provisions of § 60.2-618, together with the reasons therefor, shall be promptly
 73 given in the same manner to the most recent 30-day or 240-hour employing unit by whom the claimant was
 74 last employed and any subsequent employing unit which is a party. The Commission may dispense with the
 75 giving of notice of any determination to any employing unit, and such employing unit shall not be entitled to
 76 such notice if it has failed to respond timely or adequately to a written request of the Commission for
 77 information, as required by § 60.2-528.1, from which the deputy may have determined that the claimant may
 78 be ineligible or disqualified under any provision of this title. The deputy shall promptly notify the claimant of
 79 any decision made by the deputy, the reasoning behind the decision, and a statement of case-specific facts
 80 material to the determination at any time which in any manner denies benefits to the claimant for one or more
 81 weeks. As used in this subsection, the reasoning behind the decision means an explanation in plain language
 82 of (i) the law or regulation upon which the determination is based; (ii) the application of the law to the
 83 material information or evidence obtained from the claimant, employer, or third party; and (iii) the legal
 84 conclusion drawn from the application of the law to such information or evidence.

85 D. Such determination or decision shall be final unless the claimant or any such employing unit files an
 86 appeal from such determination or decision within 30 calendar days after such notification was mailed or, if
 87 the party elects to receive electronic communications pursuant to § 60.2-121.1, electronically delivered to his
 88 last known address. Electronic delivery shall include confirmation of receipt. For good cause shown, the
 89 30-day period may be extended. A claim that the Commission has determined to be invalid because of
 90 monetary ineligibility shall first be subject to review only upon a request for redetermination pursuant to §
 91 60.2-629. The Commission shall issue a new monetary determination as a result of such review, and such
 92 monetary determination shall become final unless appealed by the claimant within 30 days of the date of
 93 mailing. The Commission shall clearly set out the process for requesting a redetermination and the process
 94 for filing an appeal on each monetary determination issued. Monetary ineligibility does not include an appeal
 95 on the effective date of the claim, unless the claimant has requested and received a redetermination of the
 96 monetary determination pursuant to § 60.2-629.

97 E. Benefits shall be paid promptly in accordance with a determination or redetermination under this
 98 chapter, or decision of the Commission's Administrative Law Division's Office of First Level Appeals, the
 99 Commission, or a reviewing court under § 60.2-625 upon the issuance of such determination,
 100 redetermination, or decision, regardless of the pendency of the period to file an appeal or petition for judicial
 101 review that is provided in this chapter, or the pendency of any such appeal or review. Such benefits shall be
 102 paid unless or until such determination, redetermination, or decision has been modified or reversed by a
 103 subsequent redetermination or decision, in which event benefits shall be paid or denied for weeks of
 104 unemployment thereafter in accordance with such modifying or reversing redetermination or decision. If a
 105 decision of the Commission's Administrative Law Division's Office of First Level Appeals allowing benefits
 106 is affirmed in any amount by the Commission, benefits shall continue to be paid until such time as a court
 107 decision has become final so that no further appeal can be taken. If an appeal is taken from the Commission's
 108 decision, benefits paid shall result in a benefit charge to the account of the employer under § 60.2-530 only
 109 when, and as of the date on which, as the result of an appeal, the courts finally determine that the
 110 Commission should have awarded benefits to the claimant or claimants involved in such appeal.

111 **2. That no later than October 1, 2025, the Commission on Unemployment Compensation, in**
 112 **consultation with the Virginia Employment Commission, shall convene a work group to meet at least**
 113 **once each quarter to study making annual adjustments to individual weekly benefit amounts for**
 114 **unemployment compensation as represented in § 60.2-602 of the Code of Virginia, as amended by this**
 115 **act. Such annual adjustments to weekly benefit amounts shall be based on the average weekly wage as**
 116 **determined by the Virginia Employment Commission, and the amount of each annual adjustment shall**
 117 **not be less than zero. The work group shall include employee stakeholder representatives and**
 118 **employer stakeholder representatives. The work group shall complete its meetings by July 1, 2026, and**

119 shall submit to the Governor and General Assembly an executive summary and a report of its findings
120 and recommendations. The executive summary and report shall be submitted as provided in the
121 procedures of the Division of Legislative Automated Systems for the processing of legislative
122 documents and reports no later September 1, 2026, and shall be posted on the General Assembly's
123 website.

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