



# COMMONWEALTH of VIRGINIA

## Virginia Employment Commission

Ellen Marie Hess  
Commissioner

6606 West Broad Street  
Richmond, VA 23230

Post Office Box 26441  
Richmond, VA 23261-6441

August 16, 2021

Dear Members of the Virginia Education Association,

We sincerely thank you for voicing your concerns regarding those school support professionals, such as bus drivers, who may have been overpaid unemployment benefits during the COVID-19 pandemic. While school bus drivers have never qualified for unemployment during the summer months under federal law, we understand that—like hundreds of thousands of Virginians who took advantage of unemployment benefits during 2020—many of these individuals made the decision to apply and receive benefits.

We know that these funds are of critical importance to the health and wellness of countless Virginians. Within the constraints of state and federal law, the Virginia Employment Commission (VEC) remains committed to ensuring that every eligible individual receives the benefits they need to get through these hard times. **After a preliminary review of the claims with overpayments that were filed by school support professionals during the pandemic, the VEC believes that a significant percentage will be eligible for the waiver.**

The VEC is required to meet certain legal requirements in the evaluation of such claims. I would like to provide a brief overview of these requirements below, and while each individual is unique, I hope this will help to enhance claimants' understanding of their potential eligibility for benefits and the pathways forward.

In the event that a school support professional received benefits during the pandemic, Section 60.2-633 of the Code of Virginia directs the VEC to waive the repayment of these funds if two conditions are met: (1) the payment was made without fault on the part of the individual and (2) requiring repayment would be contrary to equity and good conscience. The VEC does not have the authority to grant waivers outside of these conditions under any circumstances.

Individuals must first receive a determination from the VEC that they have been overpaid in order to request a waiver of that overpayment under Section 60.2-633. The agency will then review all waiver applications from school support professionals, alongside the many that have been submitted by workers in other fields, and grant waivers that meet the requirements of the law. Again, the VEC believes that a significant percentage of school support professionals will be eligible for the waiver. **However, by state and federal law, the agency must review each waiver request individually and make a decision based on the particular facts of each case. By law, the VEC is not permitted to grant any blanket waivers to groups of individuals.**

August 16, 2021

Page 2

Claimants will be notified by the VEC if they are eligible to apply for a waiver. After filling out the initial request, they will receive a form by mail through which they may provide additional information about the specifics of their case.

No waiver can be granted if the overpayment was the result of an individual making false, inaccurate, or misleading statements in connection with their claim. The VEC will work with other claimants who do not qualify for overpayment waivers to determine a repayment method and timeline that works for them. If a claimant makes a good faith effort to repay the overpayment, VEC will not garnish wages, seize refunds, or use any non-voluntary methods to collect funds.

More information on overpayment waivers can be found at the following link: <https://www.vec.virginia.gov/node/13150>. We have also established a second VEC call center to be staffed by 300 additional agents who will expand our capacity to answer questions about overpayments and other issues. Individuals may access this resource at 1-866-832-2363. You may contact Bill Walton, Deputy Commissioner for Unemployment Insurance, at [william.walton@vec.virginia.gov](mailto:william.walton@vec.virginia.gov) if you have any further questions.

Sincerely,

A handwritten signature in cursive script that reads "Ellen Marie Hess". The signature is written in black ink and is positioned above the printed name and title.

Ellen Marie Hess  
Commissioner