STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 11-21

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the "State of Emergency"), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, Chapter 15 Article 5, Section 6 of the Code of West Virginia authorizes the Governor to, among other things, suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules of any state agency, if strict compliance therewith should in any way prevent, hinder, or delay necessary action in copying with the emergency; and

WHEREAS, Executive Orders 4-10, 7-20, 10-20, 11-20, 12-20, 17-20, 23-20, 26-20, 31-20, 46-20, 54-20, 57-20, 59-20, 63-20, 66-20, 67-20, 69-20, 72-20, 73-20, 76-20, 83-20, and 3-21 suspended, certain provisions and section of statute that strict compliance therewith would prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, there has been an additional statutory regulation identified by WorkForce West Virginia that is preventing the state from best coping with the emergency and assisting the citizens of West Virginia; and

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provision of Chapter 15, Article 5, Section 6 of the Code of West Virginia, hereby **DECLARE** and **ORDER** that:

1. WorkForce West Virginia shall not recover or attempt to recover unemployment benefits that were incorrectly but non-fraudulently distributed to claimants, if such unemployment benefits were directly funded by moneys received by the state of West Virginia from the United States Government and only to the extent that the United States Government grants the state of West

Virginia the authority to waive the recovery of such incorrectly but non-fraudulently distributed benefits under:

a. The federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. 116-136;

b. Consolidated Appropriations Act, 2021, specifically Division N, Title II, Subtitle A, the Continued Assistance for Unemployed Workers Act of 2020 (Continued Assistance Act);

c. The American Rescue Plan Act of 2021, H.R. 1319; or

d. Any subsequent federal legislation or program designed, in whole or in part, to provide unemployment relief.

2. The provisions of Chapter 21A, Article 10, Section 21 of the Code of West Virginia requiring the commissioner of WorkForce West Virginia to collect non-fraudulent unemployment overpayments shall be suspended, provided:

a. The overpayment was received without fault on the part of the claimant; and

b. Recoupment of the overpayment would be against equity and good conscience.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol in the City of Charleston, State of West Virginia, this Twenty-ninth day of March, in the year of our Lord, Two Thousand Twenty-One in the One Hundred Fifty-eighth year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE