

I was a NO on SB968 because it is one more regulation that businesses will have to be aware of and follow. It is also a requirement that does not take into account the wide range of circumstances that can surround overpayments.

For example, should an employer become aware of the overpayment immediately, it is no hardship to ask an employee to immediately return the money. They have not spent it assuming it was theirs and they did not expect it. Banks will occasionally erroneously deposit very large sums in individual accounts and it is often considered a crime to spend that money, because it is assumed that the individual should have been aware that it was an error and not their money. This actually happened to my sister once. She had a million dollars deposited in her account by the bank and was not even aware of it until it had been removed. She didn't know she was temporarily a millionaire until she saw the bank statement. An overpayment in wages can be a similar situation.

In other cases, the procedure outlined in SB968 is reasonable. If the error is not noticed for 6 months, it can be a hardship to return the money and reasonable people would assume that plenty of time would be allowed.

At some point we have to let people act reasonably and not try to make a law to cover every possible case of abuse. I think a court would not find in an employer's favor if he asked for excess wages to be returned a year later on short notice.