

**BACK PAY PUNCH LIST**

**In order to calculate the amount of an overpayment, NHES would need to know:**

Name and address of the former employee;

Include the last 4 digits of the employee's social security number.

The name and address of the former employer with which the claimant would be settling;

Date of separation from employer – last day of employment;

Weekly, non-overtime, gross earnings at time of separation;

Rate of pay/compensation at time of separation;

(Also prior rate of pay if pay had been reduced at time of separation due to alleged discrimination);

Data on the claimant's final paycheck and on separation pay, if any;

Total amount of any actual, or proposed, settlement or award;

Amount of attorneys' fees and costs; and

Proposed allocations of net, after subtracting attorneys' fees and costs if any, to wage and non-wage damages.

If you propose allocating more than 50% of the net after subtracting attorneys' fees and costs to non-wage damages, we would need to know if there are any elements of the case that you would argue call for such greater allocation. Those elements, if they exist, normally are:

- 1) Actual physical/ mental/ emotional damages; or
- 2) Other causes of action, such as defamation or privacy, which based on the facts of the case are stronger than the wrongful discharge case.

Please note that allocations in settlement agreements are not binding on NHES.

**After NHES provides an amount of the overpayment, We will issue an overpayment decision either (whichever you choose):**

- 1) Upon receipt of payment from the former employer, or
- 2) When you advise the former employer is ready to make distribution.

The Department does not want to issue an overpayment decision more than a couple of weeks in advance of when you are sure we can receive payment, because we wish to avoid having interest owing.

**Payment:**

When payment is made, it should be payable to "NH-UCB Accounts" and mailed to the: Department of Employment Security, Attn: Debra B. O'Neal, Legal Section, 45 South Fruit Street, Concord, NH 03301.

To avoid confusion, the payment should indicate that it is for, e.g. "Jane Doe back pay overpayment."

An Alternate W-9 for the department will be provided upon request.