§1044. Protection of rights and benefits

1. Waiver of rights void; penalty. Any agreement by an individual to waive, release or commute that individual's rights to benefits or any other rights under this chapter is void. Any agreement by an individual in the employ of any person or concern to pay all or any portion of an employer's contributions, required under this chapter from that employer, is void. An employer may not directly or indirectly make or require or accept any deduction from wages to finance the employer's contributions required from the employer, or require or accept any waiver of any right hereunder by an individual in the employer's employ.

An employer or officer or agent of an employer who violates any provision of this subsection is, for each offense, guilty of a Class E crime.
[RR 2023, c. 2, Pt. E, §80 (COR).]

2. Limitation of fees; penalty. No individual claiming benefits shall be charged fees of any kind in any proceeding under this chapter by the commission or its representatives or by any court or any officer thereof unless otherwise provided by Title 5, section 8001 et seq. Any individual claiming benefits in any proceeding before the commission or a court may be represented by counsel or other duly authorized agent; but no such counsel or agents shall either charge or receive for such services more than an amount approved by the commission.

In the event a claimant has retained counsel for the purpose of prosecuting an appeal from a decision of the commission, and the final decision of the court results in a reversal, in whole or in part, of the decision appealed from, the fees for the service must be paid by the commissioner from the commissioner's administrative fund.

Any person who violates any provision of this subsection shall be guilty of a Class E crime.
[RR 2023, c. 2, Pt. E, §81 (COR).]

3. No assignment of benefits; exemptions. Any assignment, pledge or encumbrance of any right to benefits that are or may become due or payable under this chapter is void. Such rights to benefits are exempt from levy, execution, attachment or any other remedy provided for the collection of debt. Benefits received by an individual, as long as they are not mingled with other funds of the recipient, are exempt from any remedy for the collection of all debts except debts incurred for necessaries furnished to the individual or the individual's spouse or dependents during the time when the individual was unemployed. A waiver of any exemption provided for in this subsection is not valid.
[RR 2023, c. 2, Pt. E, §82 (COR).]

SECTION HISTORY

PL 1965, c. 294 (AMD). PL 1977, c. 694, §467 (AMD). PL 1979, c. 515, §§6-8 (AMD). PL 1979, c. 579, §5 (AMD). PL 1979, c. 651, §§6,47 (AMD). RR 2023, c. 2, Pt. E, §§80-82 (COR).

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