

Unemployment Insurance In-Service

March 16, 2020

Unemployment Insurance In-Service

Objective/Agenda:

- Overview of UI System
- UI Claim Forms
- Reasonable Assurance Notices
- Eligibility Requirements



Unemployment Department

- California Ed Code 1330 (c)

- (c) Each county superintendent of schools shall have the responsibility of establishing, coordinating, and maintaining, either directly or by contract, an unemployment insurance management system for each school employer participating in the **School Employees Fund** under Article 6 (commencing with [Section 821](#)) of Chapter 3 of Part 1 of Division 1 of the [Unemployment Insurance Code](#) . A management system shall include general administration, claims management, appointment of hearing representatives, representation of school employers at hearings, and other duties related to the unemployment insurance program in their jurisdiction. These duties and responsibilities may be delegated to any school district, community college district, another county superintendent of schools, or any combination of these entities, including programs under joint powers agreements for the purpose of consolidation for economy and employment of specialists, including the services of a regional data center operated by a county superintendent of schools or the data-processing services of a school district or a community college district. School employers not participating in the School Employees Fund shall be responsible for the development and maintenance of their own unemployment insurance management system required by this subdivision.



Unemployment Department

- School Employees Fund (SEF)
 - Joint, pooled-risk fund
 - Public school districts (K- 12), Community Colleges & Charter Schools
 - Funded by UI quarterly taxes and LEC's
 - Used by 99% of school employers
 - 72 Community College districts
 - 1,334 COE's, public school districts and charter schools
 - Established in 1972



Funding

- UI Benefits are paid for by employers.
- How do we fund SEF?
 - Quarterly UI Taxes – current rate is .05%
 - Local Experience Charge (LEC)
- District Business and Advisory Services (DBAS) processes UI Qtly taxes on behalf of the districts.



Statement of Benefit Charges

EDD DE 428F
 PO BOX 826880 MIC 19
 SACRAMENTO, CA 94280-0001

EDD Employment
 Development
 Department
 State of California

Letter ID: L1980753600
 Issued Date: April 23, 2015
 Account ID: 942-4400-1
 236150784_P1135_E1030

SANTA CLARA COUNTY OFFICE OF EDUCATION
 1290 RIDDER PARK DRIVE, # 264
 SAN JOSE, CA 95131-2304

SCHOOL EMPLOYEE'S FUND EMPLOYER
 STATEMENT OF BENEFIT CHARGES

TOTAL CHARGE
 (PLEASE DO NOT PAY)
 \$1870.00

BENEFIT CHARGES FROM
 January 1, 2015, THRU March 31, 2015

YOUR ACCOUNT NUMBER: 942-4400-1

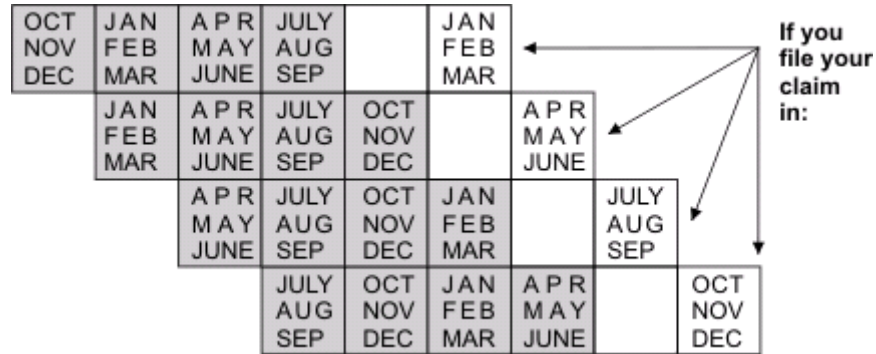
CLAIMANT SSN	CLAIMANT NAME	CLM DATE	CLM TYPE	CHG QTR	EMPL YR CHRG	CHG CODE	PGM CODE
111-11-1111	B DEGREG	12/21/14	A	3/31/15	1,840.00		00
222-22-2222	C LOCASC	06/02/13	A	3/31/15	-3.00		00
333-33-3333	S MEYERS	09/07/14	A	3/31/15	33.00	6	00

DE 428F Rev. 4 (8-13) PO BOX 826880 MIC 19, SACRAMENTO, CA 94280-0001 www.edd.ca.gov
 Page 5

- Who collected benefits during the quarter.
- How much each person collected.
- (-) indicates a credit.



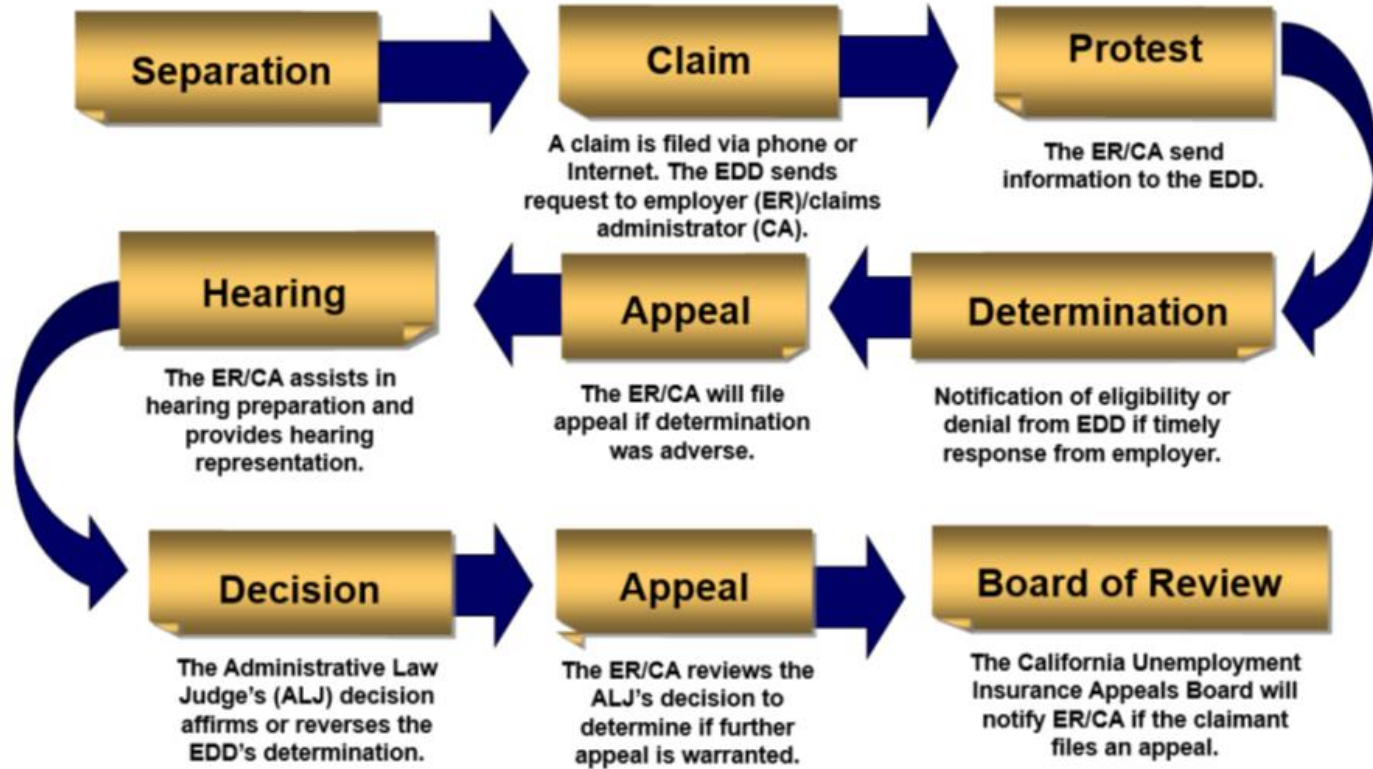
Standard Base Period



- **Approximately first 4 of last 5 completed quarters, prior to date the claim was filed**
- **The district is only liable for UI benefits if the district was a base period employer**
- **Alternate Base Period**



Unemployment Claim Process



UI Forms

- DE 1101C/Z – UI Claim
- Notifies last employer of claim filed
- Do not complete.
- Send via the UI secure portal @ <https://scan.scoe.org/Forms/UIStatus> or fax to (408) 453-3679 to COE with basic work history
- 10 days to respond

EMPLOYMENT DEVELOPMENT DEPARTMENT #0490
1350 FRONT ST
SAN DIEGO, CA 92101-3467

EDD Employment
Development
Department
State of California

THIS NOTICE WAS MAILED TO THE EMPLOYER ADDRESS LISTED BELOW ON: 03/28/12

MILPITAS UNIFIED SCHOOL DISTRICT
1290 RIDDER PARK DRIVE, MC 264
SAN JOSE, CA 95131-2304

NEW CLAIM
Additional Claim: X
Inside Calif. (800) 300-5616
Outside Calif. (800) 250-3913

IMPORTANT NOTICE OF UNEMPLOYMENT INSURANCE CLAIM FILED

This is a notice that a claim for Unemployment Insurance benefits has been filed Forward (immediately to persons within your organization who are responsible for handling claims. **The time limit for response is 10 days from the mail date shown above. Failure to respond may result in an increase Employment Tax Rate.**

The claimant provided us with the following information and listed you as his/her last employer:
Claimant's Name: NOAH COMPRENDE Social Security Number: 555-44-3210 Effective Date of Claim: 2/19/12 Last Date Worked: 2/17/12
Reason for Separation: ON CALL

I. EXPLANATION AND INSTRUCTIONS FOR EMPLOYERS

You have received this form because the individual shown above has filed a claim (unemployment insurance benefits) and has listed you as his/her most recent employer prior to filing this claim. No reply is required if the claimant was laid off due to lack of work and no other eligibility issue has been identified. For detailed information on employer responsibilities in the unemployment insurance program, see DE 44, California Employer's Guide is available upon request.

II. REPORTING FACTS - Respond in writing by completing sections A, B, C on the reverse of this form.

The law requires an employer to submit key facts in his/her possession which may affect a claimant's eligibility for benefits. Furnish information if the claimant:

• Voluntarily quit	• Is not legally entitled to work in U.S.
• Was discharged or fired for reasons other than lack of work	• Performed services as a sports or athletic participant and has reasonable assurance of performing services in the next season.
• Left work because of a strike dispute	• Made false statements or withheld material information in filing for benefits.
• Is receiving a pension based on his/her prior work.	• If you are a school employer, this furnish information if the claimant has a contract for or reasonable assurance of returning to work.
• Is working on a full-time basis, or has earnings payable over \$200, covering any time on or after the effective date of this claim as shown on the reverse side of this form.	Important: Make your response as complete as possible, these facts will be used in determining the claimant's eligibility.
• Is not able to work, available for, or seeking work.	
• Has reduced employment.	

A Department representative may contact you for further eligibility information. If a representative is unable to reach you, he/she may leave a message for you to return the telephone call. If after 48 hours an response has been received, the Department is required to make an eligibility decision based on available information.

III. TIME LIMITS FOR RESPONDING

Submit facts in writing to the field office shown at the top of this form with 10 days of the mail date shown above. If you mailing is late, explain your reasons for delay in the time limit may be extended only for good cause. You may reply on this form in the space provided in Section IV, or additional sheets as needed, or by separate letter. Always include your State Employer Account Number and include the claimant's Social Security Number as it appears on the claim and in your payroll records.

If you submit facts in a timely manner, a determination will be issued concerning the claimant's eligibility. In addition, if facts are submitted regarding a quit or discharge, a ruling will be issued advising an employer with a reserve account as to whether his/her account will be subject to charges resulting from benefits paid. To obtain a ruling on any prior quit or discharge involving this claimant, you must furnish facts within 10 days of the mail date shown above.

ADDITIONAL INFORMATION ON EMPLOYER RESPONSIBILITIES IS SHOWN ON THE REVERSE
Mail your response to the EDD office shown in the above upper left-hand corner.

DE 1101C/REV. 1 (3-04) EMPLOYER NOTICE (COVER) CO-PAYEE Page 16



Info to send with DE 1101C/Z

- **Hire Date**
- **Job Title**
- **Last day worked**
- **Why employment ended**
- **Rate of pay**
- **# hours working**



UI Code

- Authorizes and requires all employers to relay information to EDD
- Willful failure to furnish relevant information can result in fine and imprisonment



Reasonable Assurance (RA)

- A commitment by the school employer to reemploy the individual in the next term or in the resumed term.
- Communicated in an explicit manner



Reasonable Assurance

- Recess Period
 - Any week between two terms
 - Any one week recess within a term
- School Wages in Base Period
 - Wages earned from an educational entity
- Same or Similar Work
 - To have reasonable assurance, must be returning to SAME or SIMILAR work



Reasonable Assurance Letters

UI Code Section 1253.3 (i) requires:

- Written Notification to classified employees stating whether or not they have RA
- At least 30 Calendar Days prior to end of term



30 Day RA Notice

★ IMPORTANT-

Send RA letters to classified employees at least 30 Calendar Days prior to the last day of school.

A Precedent Decision makes this imperative! EDD accepts no excuses.



How to Send RA Notices

- Issue letter at work site & have employees date & sign receipt OR
- Mail & keep a copy of actual letter w/name & address on the letter
- Issue all letters on same date if possible



RA Spreadsheet

- List employees in alpha order by last name with last 4 digits of the ss#
- Include date RA letter delivered/mailed
- Include employee's title
- If RA letter mailed, include employee's address
- If RA emailed, include the email address
- If RA letter is delivered to school sites, include employee's school site



Forward RA Documentation

- Forward spreadsheet with names of employees issued RA letters before end of school year.
 - Combine all names into no more than 3 spreadsheets so we can easily locate the employee's name e.g.:
 - Classified employees
 - Classified Subs
 - Certificated Substitutes
- Forward samples of RA letters to SCCOE
- Send copies of employees signed receipt



“Classified” Employees

**Any employee who is non-instructional or
Non-principal administrative**

- Instructional Aides
- Clerical Workers
- Food Service Workers
- Hourly Yard Duty
- Transportation Workers
- Classified Substitutes
- Maintenance Workers
- Counselors
- Librarians
- School Nurses



RA Notice to “Classified” Employees

District Letterhead

TO: (Name of Employee)
FROM: (Name of Human Resources/Business Official)
SUBJECT: Notification of Reasonable Assurance for the 2019/20 School Year
DATE ISSUED: (Date notice is delivered or mailed-at least 30 days prior to last day of school)

You are hereby notified that you have reasonable assurance of returning to work in your usual capacity in 2019/20 school year, after the summer recess period. *You also have reasonable assurance of returning to work at the close of all holiday and recess periods during that year. Your services will not be needed during the 2019 summer unless you are notified in writing by (last day of school).*

We are required by law to inform you that you may file an Unemployment Insurance (UI) claim. If you choose to file a claim, your entitlement to benefits will be determined by the Employment Development Department (EDD) and not by this school district. If you are not rehired after the recess period, you may be entitled to UI benefits retroactive to the date you filed an initial UI claim, if you are otherwise eligible and you filed a claim for each week, and if a claim for retroactive benefits is made within 30 days of the start of the next school year/term.

UI claims are filed on-line at www.edd.ca.gov or by telephone at 1(800) 300-5616. You will need to provide your Social Security Number and your last day worked. The address provided below should be given to EDD if you choose to file a claim:

(District Name)
1290 Ridder Park Drive, MC 264
San Jose, CA 95131-2304



Notice to “Classified” with No RA

District Letterhead

TO: (Name of Employee)
FROM: (Name of Human Resources/Business Official)
SUBJECT: Notification of Reasonable Assurance for the 2019/20 School Year
DATE ISSUED: (Date notice is delivered or mailed)

You are hereby notified that you do not have reasonable assurance of returning to work for us in the 2019/20 school year. You *should* file an Unemployment Insurance (UI) claim with the Employment Development Department at the close of this school year/term.

UI claims are filed by telephone (1-800-300-5616) or on-line at www.edd.ca.gov. You will need to provide your Social Security Number and your last day worked. The address provided below should be given to EDD when you file your claim:

(District Name)
1290 Ridder Park Drive, MC 264
San Jose, CA 95131-2304



RA to “Classified” Employees Laid-Off WITH Bumping Rights into Similar Position

(May incorporate into Lay-off notice)

If you choose to exercise your bumping rights, you are hereby notified that you have reasonable assurance of returning to work in a similar capacity in the 2019/20 school year, after the summer recess period. You also have reasonable assurance of returning to work at the close of all holiday and recess periods during that year. Your services will not be needed during the 2019 summer unless you are notified in writing by (the last day of school).

We are required by law to inform you that you may file an Unemployment Insurance (UI) claim. If you choose to file a claim, your entitlement to benefits will be determined by the Employment Development Department (EDD) and not by this school district. If you are not rehired after the recess period, you may be entitled to UI benefits retroactive to the date you filed an initial UI claim, if you are otherwise eligible and you filed a claim for each week, and if a claim for retroactive benefits is made within 30 days of the start of the next school year/term.

UI claims are filed by telephone (1-800-300-5616) or on-line at www.edd.ca.gov. You will need to provide your Social Security Number and your last day worked. The address provided below should be given to EDD if you choose to file a claim:

(District Name)

1290 Ridder Park Drive, MC 264

San Jose, CA 95131-2304



RA and Substitute Employees

- Substitutes are eligible during any recess if:
 - They remain on-call during the recess
 - PB 505 makes it the district's burden to prove an employee is not on-call
- To reduce liability:
 - Keep a separate list of summer school substitutes.
 - Keep the list limited to number of substitutes you need for summer.
 - Inform substitutes if they are or are not on call



RA Notice to Substitute Teachers

District Letterhead

TO:/ FROM:/ SUBJECT:/ DATE ISSUED:

You are hereby notified that you have reasonable assurance of returning to work for us in the 2019/20 school year as an on-call substitute. You also have reasonable assurance of returning to work in a substitute capacity at the close of all holiday and recess periods during that year. Your services will not be needed during the 2019 summer, unless you are notified in writing by (last day of school).

To update our files, please complete the attached form. If we do not hear from you by (last day of school), we will assume that you are willing to work without any restrictions. Please check the appropriate box. Be sure to sign, date and return the sheet to the Human Resources by (last day of school).

Please complete and return the entire sheet to Human Resources

I am NOT interested in being called to substitute for the 2019/20 school year.

I am interested in being called to substitute for the 2019/20 school year without restrictions.

I am interested in being called to substitute with the following restrictions

(indicate actual restrictions and not mere preferences):

I AM NOT AVAILABLE FOR: Grade level(s) _____

Subject(s): _____

(Days, time, work site _____

Signature

Date



RA Notice to Newly Hired/Rehired

District Letterhead

TO/ FROM /SUBJECT/DATE ISSUED HEADING

Newly Hired Certificated Substitute Employees

You are hereby notified that you have reasonable assurance of returning to work in a substitute capacity at the close of all holiday and recess periods during the current school year.

Newly Hired Classified Employees

You are hereby notified that you have reasonable assurance of returning to work in your usual capacity at the close of all holiday and recess periods during the current school year. Your services will not be needed during the recess periods unless you are notified in writing.

We are required by law to inform you that **you may file an Unemployment Insurance (UI) claim during school recess periods. If you choose to file a claim, your entitlement to benefits will be determined by the Employment Development Department (EDD) and not by this school district. If you are not rehired after the recess period, you may be entitled to UI benefits retroactive to the date you filed an initial UI claim, if you are otherwise eligible and you filed a claim for each week, and if a claim for retroactive benefits is made within 30 days of the start of the next school year/term.**

Signature

Date



Hourly Adult Ed/ROP Instructors

District Letterhead

To: (Name of Employee)
From: (Name of Human Resources/Business Official)
Date: (Date notice is delivered or mailed)
Subject: Notification of RA for the 2019/20 School Year

You are hereby notified that you have reasonable assurance of returning to work for us in the 2019/20 school year. You also have reasonable assurance of returning to work at the close of all holiday and recess periods during the 2019/20 school year.



Separation Issues

- Layoff
- Voluntary Quit
- Discharge



Layoff

- Usually eligible if laid off
- Issue EDD pamphlet “For Your Benefit”
www.edd.ca.gov/pdf_pub_ctr/de2320.pdf
- Report any work offered after layoff
- Refer employees to EDD to file UI claim at
www.edd.ca.gov or 1-800-300-5616



Voluntary Quit

- Eligible if real and substantial reason that would cause a reasonable person to quit under similar circumstances.
- The claimant has burden of proof to establish good cause
 - compelling reason
 - attempted to resolve any issues



Voluntary Quit

District should report:

- Who claimant notified of quit
- How notification was made
- Reason claimant gave for quit
- Was leave of absence available
- Notify employee of LOA policy whenever appropriate
- Any efforts made to resolve problem



Discharge

District has burden of proof to establish misconduct. Need to provide:

- Reasons for discharge
- Warnings
- Final Incident



Non-Misconduct

- Inability
- Poor job match
- Isolated incident of poor judgment
- Final incident was not misconduct
 - Tardy due to flat tire



False Statement Penalty

- False Statement or misrepresentation, concerning RA or separations
- Penalty is 2-10 times the claimant's weekly benefit amount
 - \$4500 maximum



UI Claims filed by Substitutes

- Subs may file for UI during the work year but they must:
 - Report wages earned each week
 - Be able and available for work
 - Accept all suitable work



UI Claims filed by Substitutes

- Send automated sub report showing calls and dates worked beginning w/date of claim
- Or, beginning with date of claim, provide:
 - Dates worked
 - Dates declined/canceled assignments
 - Dates unavailable
 - Any restrictions on availability



Notice of Determination DE 1080

SAN JOSE
P.O. BOX 49004
SAN JOSE, CA 95161-9004

EDD Employment
Development
Department
State of California

NOTICE OF DETERMINATION

DATE MAILED 03/02/15
BENEFIT YEAR BEGAN 02/08/15

MILPITAS SCHOOL DISTRICT 1450
1290 RIDDER PARK DRIVE, MC 264
SAN JOSE, CA 95131

EDD TELEPHONE NUMBERS:
ENGLISH 1-800-300-5616
SPANISH 1-800-326-8937
CANTONESE 1-800-547-3506
MANDARIN 1-800-303-0706
VIETNAMESE 1-800-547-2058
TTY 1-800-815-9387

CONCERNING THE UNEMPLOYMENT INSURANCE CLAIM OF:

N. COMPRENDE
SSN 123-34-5678

YOU PROVIDED INFORMATION REGARDING THE ELIGIBILITY OF THE CLAIMANT NAMED ABOVE UNDER CALIFORNIA UNEMPLOYMENT INSURANCE CODE SECTION 1253.3 AND SECTION 1253C. WE HAVE CONSIDERED ALL OF THE AVAILABLE FACTS AND REACHED THE CONCLUSION STATED BELOW. PLEASE DO NOT RESUBMIT THE SAME ELIGIBILITY INFORMATION IN REPLY TO ANY FUTURE CLAIMS NOTICES. THIS DECISION IS FINAL UNLESS MODIFIED, RECONSIDERED, OR APPEALED. WE HAVE INFORMED THE CLAIMANT OF THE FOLLOWING RESULTS:

"YOU ARE NOT ELIGIBLE TO RECEIVE BENEFITS UNDER CALIFORNIA UNEMPLOYMENT INSURANCE CODE SECTION 1253.3 BEGINNING 02/16/15 AND ENDING 02/20/15 (01 WEEK)."

"YOU HAVE REASONABLE ASSURANCE OF RETURNING TO WORK WITH MILPITAS SCHOOL DISTRICT IMMEDIATELY FOLLOWING THE VACATION OR HOLIDAY RECESS PERIOD. AFTER CONSIDERING AVAILABLE INFORMATION, THE DEPARTMENT FINDS YOU DO NOT MEET THE LEGAL REQUIREMENTS FOR BENEFIT PAYMENTS ON WAGES EARNED WITH A SCHOOL EMPLOYER. YOU ARE ELIGIBLE FOR BENEFIT PAYMENTS BASED ON WAGES YOU EARNED IN NONSCHOOL EMPLOYMENT IF YOU MEET ALL OTHER ELIGIBILITY REQUIREMENTS."

Page 35

- Notifies employers of EDD's decision
- 30 days to file Appeal
- Our office forwards copy for your file



Hearing Preparation

- Extensive fact finding required
 - substantiated with documentation
 - first hand testimony may be required
 - declarations



Retiree Employment Restriction

- Public Pension Reform Act- Gov. Code 7522.56 (e)
A retired PERS employee may not be employed by a public entity if he received UI benefits in the past 12 months, if UI claim is based on employment with a public employer.
- Must have retiree certify in writing at time of hire that he is in compliance with this act.



Quiz Review – UI Basics

- 1. UI Benefits funded by:**
 - B. Employer Taxes**
- 2. Eligibility is determined by:**
 - B. State UI Codes**
- 3. Weekly benefit amounts determined by:**
 - C. Employee's earnings in the base period**



Quiz Review – RA

- 1. Q. Reduced from 12 to 11 months.**
A. Eligible
- 2. Q. RA letter sent after school year ends.**
A. Eligible (not sent 30 days prior to end of school year).
- 3. Q. Aide reduced from 5 to 2.5 hours.**
A. Eligible (substantial reduction)



Quiz Review – VQ

An individual may be eligible for UI benefits when they resign, but only if:

- 1. They have a compelling reason to resign**
- 2. They attempted to resolve the issue**
- 3. They are able and available to work**
- 4. All of the above**



Quiz Review – Discharges

An individual is not eligible for UI benefits if terminated for misconduct. Which of the following statements are true:

- 1. An employee may be terminated for cause, but it may not be considered misconduct.**
- 2. The employer has the burden of proof that a termination was for misconduct.**
- 3. The final incident must be willful misconduct in order to establish the termination was for misconduct.**
- 4. All of the above.**



Any Questions?



Connect with SCCOE

- Social Media



- [Ed Bulletin](#) (e-newsletter)
- www.sccoe.org

