

MANAGING

UNEMPLOYMENT INSURANCE COSTS

MANAGING UNEMPLOYMENT INSURANCE (UI) COSTS

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➡ GENERAL INFORMATION

About the UI Program

The Unemployment Insurance (UI) program has operated for more than 75 years and was established as a short-term wage replacement program. In California, the Employment Development Department (EDD) administers the UI program according to guidelines established under federal law, the California UI Code, and the California Code of Regulations, Title 22. The UI program benefits unemployed workers and the local community. Payments made directly to the individual ensure that at least some of life's necessities such as food, shelter, and clothing can be met while looking for work. For the most part, UI benefits are spent in the local community, which helps sustain the economic well-being of local businesses.

How Administration of the UI Program is Funded

The administration of the program is funded by private sector employers who pay a federal tax to the Internal Revenue Service, known as the Federal Unemployment Tax Act (FUTA) contribution. It is a payroll tax paid to the federal government based on a percentage of the first \$7,000 in wages paid to each worker on an annual basis. The federal government sets the FUTA tax rate. The FUTA contributions are used for:

- The UI program administration and employment services.
- The federally-funded extensions.
- UI loans to states whose trust funds become insolvent.

Additional information about the FUTA contribution is available at:
<http://www.irs.gov/pub/irs-pdf/i940.pdf>.

How UI Benefits are Funded

The UI benefits are also funded entirely by employers. In California, there are three methods of paying for UI: the tax-rated method, the reimbursable method, and the School Employees Fund method.

Tax-Rated Method

Private sector employers are required to use this method and, therefore, it is used by most employers. Tax-rated employers pay federal FUTA tax contribution and state UI taxes.

The state UI tax is paid based on California's system of experience rating. Tax-rated employers are sometimes referred to as experience-rated employers because employers' state UI contribution rates are determined by their experience rating and the condition of the California

UI Fund. Tax-rated employers pay a percentage on the first \$7,000 in wages paid to each employee in a calendar year. The state UI taxes are used to finance regular UI benefits to unemployed workers.

Each employer's contribution tax rate varies, depending in part on the amount of UI benefits paid to former employees. Each tax-rated employer has a reserve account which is a cumulative record of credits and charges and is the basis for the experience rating method. The employer's state tax contribution rate works much like any other insurance premium. An employer may earn a lower tax contribution rate when fewer claims are made on the employer's account by former employees.

The UI contribution rate for new employers is a 3.4 percent rate for up to three years. The contribution rate for all other tax-rated employers is based on one of seven contribution rate schedules established by the California UI Code, including a surtax of 15 percent when the UI Trust Fund is insolvent or near insolvency. Information about California's system of experience rating and the seven contribution rate schedules are available on the EDD website at http://www.edd.ca.gov/pdf_pub_ctr/de231z.pdf.

Reimbursable Method

The reimbursable method is available to public entities, nonprofit employers as defined under Section 501(c)(3) of the Internal Revenue Code, or Indian Tribes as defined in Section 801 or 802 of the California UI Code. Employers electing the reimbursable method repay the UI Fund on a dollar-for-dollar basis for all benefits paid to their former employees including state extended benefits and federal-state extended duration benefits (FED-ED) in lieu of federal and state tax contributions normally required of tax-rated employers. Reimbursable employers do not have reserve accounts. You may contact the EDD's Reimbursable Accounting Group at 916-653-5846 for additional information.

School Employees Fund Method

Public school districts (kindergarten through 12th grade) and community colleges may elect to participate in the School Employees Fund (SEF), which is a special reimbursable financing method available only to public school districts and community colleges in California. The SEF is a joint, pooled-risk fund administered by the EDD. All employers in the SEF pay quarterly contributions to the EDD based upon a percentage of total wages paid to school employees by each school employer multiplied by the statutorily set UI contribution rate. The school employer may also have to pay a quarterly Local Experience Charge on the UI benefits paid to former school employees. SEF employers, like reimbursable employers, must pay for state extended benefits and Federal-State Extended Duration (FED-ED) benefits since they do not pay federal or state UI contributions.

On a quarterly basis, the money deposited in the SEF is used to reimburse the UI Fund dollar-for-dollar for the cost of UI benefits paid to former employees of those school employers who have elected this option in lieu of paying the tax-rated method, required of private sector

employers, or the reimbursable method. Traditionally, this method is less costly than the tax-rated or reimbursable method.

Information about benefits under the SEF is available on the EDD website at http://www.edd.ca.gov/payroll_taxes/School_Employees_Fund.htm or contact the SEF Unit at 916-653-5380.

Contacting the EDD

Use the telephone numbers listed here to call about UI services. The EDD has separate telephone numbers for English, Spanish, Cantonese, Mandarin, and Vietnamese speaking callers.

The UI Automated Self-Service telephone number, 1-866-333-4606, provides employers with enhanced information such as:

- UI claim processing information.
- Hiring assistance or placing a job order through CalJOBSSM.
- Unemployment fraud.
- California payroll tax information.
- Employer forms.
 - *Response to Employer Communication*, DE 4614
 - *Notice of Wages Used For Unemployment Insurance (UI) Claim*, DE 1545
 - *Notice of Potentially Increased Liability for Training Extension Benefits (CTB)*, DE 1545TE
 - *Benefit Audit*, DE 1296B
 - *New Employee Registry (NER) Benefit Audit*, DE 1296NER
 - *Request for Additional Information*, DE 1326ER

Telephone Numbers for UI Services

English	1-800-300-5616
Spanish	1-800-326-8937
Cantonese	1-800-547-3506
Mandarin	1-866-303-0706
Vietnamese	1-800-547-2058
Automated Self-Service (English and Spanish Only)	1-866-333-4606
TTY (Non-voice)	1-800-815-9387

UI Services and Business Hours

Service	Business Hours
UI claim filing or to speak with a customer service representative.	Monday through Friday 8 a.m. to 5 p.m. Note: UI claim filing services are not available on California state holidays.
Automated Self-Service	Available 24 hours a day, 7 days a week, including holidays: <ul style="list-style-type: none"> • Check on payment information, One-Stop Career Centers locations, and listen to general UI information: Note: Callers must create a Personal Identification Number (PIN) prior to accessing payment information. <ul style="list-style-type: none"> • Employers can access information about UI claim processing, hiring assistance, UI fraud, California Payroll Tax information, and an explanation of various employer forms.
UI Claim filing using the on-line application, <i>eApply4UI</i>	Available 24 hours a day, 7 days a week, including holidays.

Telephone Services for the Deaf, Hard of Hearing, and Speech Disabled

Callers can contact the EDD directly by teletypewriter (TTY) without using the California Relay Service. The TTY is a telecommunications device for the deaf, hard of hearing, and speech-disabled. This telephone number does not accept voice calls.

Callers can also contact the EDD through the California Relay Service. If calling via the California Relay Service, you must provide the toll-free EDD telephone number, 1-800-300-5616, to the California Relay Service operator. (Callers outside California should use their state's relay service).

We encourage deaf, hard of hearing, and speech-disabled callers to contact us directly by using the TTY toll-free number, 1-800-815-9387. This will put you in direct contact with an EDD customer service representative who can provide you with UI services.

Claim Filing Methods

Claimants can file a new claim or reopen an existing claim by using one of the following options:

1. File online using the eApply4UI application located on the EDD website www.edd.ca.gov/eapply4UI in English or Spanish. It is secure, reliable, and the fastest way to file.
2. Call the EDD using one of our toll-free telephone numbers and speak to a customer service representative to file your claim.
3. Use the paper application, *Unemployment Insurance Application*, DE 11011 on the EDD website at www.edd.ca.gov/eapply4UI. The application can be filled out online and printed, or printed and completed by hand. Mail or fax the application using the address listed.

The Partnership

Both federal and state governments are jointly responsible for administering the UI program. The U.S. Department of Labor administers the federal program, provides oversight and guidance to states, and oversees the federal UI fund accounts. The UI Federal Unemployment Tax Act (FUTA) taxes collected directly by the federal government are placed into three federal UI fund accounts. The accounts are used to redirect employers' collected federal UI taxes back to the states.

The three federal UI fund accounts are:

1. Employment Security Administration Account – provides funds for UI operations, employment services, and veterans' employment programs.
2. Extended Unemployment Compensation Account – provides funds for the federally funded extensions, including the federal share of the Federal-State Extended Duration Benefits (FED-ED), when applicable, and paid to unemployed workers.
3. Federal Unemployment Account – provides loans to states whose UI Benefit trust funds become insolvent.

The EDD applies federal law and regulations and administers California's UI program in accordance with conforming state laws and regulations. This federal-state partnership forms the first branch of the partnership.

The employer community and the EDD form a second and equally important branch of the partnership. Employers fund the UI program through tax contributions and the EDD must apply laws and regulations to promptly pay or deny benefits to unemployed workers. The EDD accomplishes this through interaction with the employer community and individuals filing UI claims.

Unemployed workers who file UI claims must also assume responsibility for their role in the UI program by meeting all UI requirements: following instructions given by EDD representatives, and by being able and available for work, looking for work, and accepting suitable work. Each individual who files a UI claim is mailed a handbook called *A Guide to Unemployment Insurance Benefits and Employment Services*, DE 1275A. The guide provides general information about an individual's rights, responsibilities and benefits under California UI laws.

Managing UI Costs, DE 4527 is the employer's guide to controlling UI costs. This guide provides information to employers about their role in the management of California's UI program and can be useful in their efforts to reduce UI costs.

➡ SPECIAL PROGRAMS

The EDD has a number of special programs available to employers and claimants. This section gives a brief overview of the programs.

Work Sharing

Established by the State Legislature in 1978, California's Work Sharing program was the first of its kind in the nation. This program allows for the payment of UI benefits to employees whose wages and hours have been reduced. This program is considered a temporary and practical alternative to layoffs.

This program was established by the California legislature to help employers and employees avoid some of the burdens that accompany a layoff situation. If employees are retained during a temporary slowdown, employers can quickly gear up when business conditions improve. Employers are spared the expense of recruiting, hiring, and training new employees. Employees are spared the hardship of total unemployment.

Any employer who has a reduction in production, services, or other condition that cause the employer to seek an alternative to layoffs may participate in the Work Sharing program.

The employer must submit a Work Sharing plan to the EDD for approval, using the *Work Sharing Plan Application*, DE 8686. To participate in the Work Sharing plan, the employer's plan must involve the participation of at least two employees and at least 10 percent of the workforce.

As an example, an employer with 100 employees finds it necessary to layoff 20 employees (20 percent of the employees). Instead of laying off these employees, the employer participates in the Work Sharing program. The employer keeps all 100 employees on the payroll but reduces their workweek from five days to four days, thereby achieving the same desired 20 percent reduction in payroll. All 100 employees continue to earn wages for four days and are also eligible for Work Sharing benefits for the fifth (non-working) day.

The employer keeps trained staff and when business improves, the employees resume their five-day work schedule.

For employees to be eligible for Work Sharing benefits, employers must complete a *Work Sharing Certification*, DE 4581WS, for each Work Sharing week for each employee. After completing the DE 4581WS, the employer issues the forms to participating employees within 14 calendar days from the week ending date on the forms.

Employees are then required to complete and submit the DE 4581WS forms to the EDD within 14 calendar days from the date the forms were issued by the employer.

For more information about the Work Sharing program, contact the EDD's Special Claims Office at 916-464-3343. Additional information about the Work Sharing program is also available on the EDD website at http://www.edd.ca.gov/unemployment/Layoff_Alternatives.htm.

Also available online are the:

- *Work Sharing Plan Application*, DE 8686:
http://www.edd.ca.gov/pdf_pub_ctr/de8686.pdf
- *Guide for Work Sharing Employers*, DE 8684:
http://www.edd.ca.gov/pdf_pub_ctr/de8684.pdf
- *Work Sharing Program Fact Sheet*, DE 8714:
http://www.edd.ca.gov/pdf_pub_ctr/de8714BB.pdf

Partial Claims

The Partial program enables employers to keep trained staff partially employed during slow business periods. Employees are then available for full-time employment as business improves. Employers may use the Partial program if employees are temporarily working reduced hours or have been placed on layoff status for no more than two consecutive weeks. Employees who are laid off due to lack of work for more than two consecutive weeks must claim benefits in the usual manner and meet regular UI requirements (see the Eligibility section of this guide).

Employers and employees use the EDD form, *Notice of Reduced Earnings*, DE 2063, to participate in the Partial program and to claim UI benefits.

Employers must complete the first portion of the DE 2063 and affirm that:

- Full-time employees have become partially unemployed.
- Employees worked less than full-time because of a lack of work.
- Employees had their normal weekly earnings reduced by a lack of work.
- Employees gross earnings after deducting the first \$25 or 25 percent of total earnings, (whichever is greater) are less than their weekly UI benefit amount.

Partial Program for Fisherpersons

The Partial program is also available when employees of a fishing vessel are partially or totally unemployed during the entire week and the employees were engaged in the act of catching or attempting to catch fish on at least one day but less than seven, or had no earnings and performed no services during a week because the vessel was tied up for certain reasons.

The *Notice of Reduced Earnings (Fisherperson)*, DE 2063F, is issued when an employee of a fishing vessel is partially or totally unemployed.

Employers must complete the first portion of the DE 2063F and affirm that:

- An employee of a fishing vessel was partially or totally unemployed through no fault of his or her own, and
- The employee was employed during the entire week and was in the act of catching or attempting to catch fish on at least one day but less than seven workdays, or
- Had no earnings and performed no services due to the absence of fish in fishable waters, inclement weather, lack of orders from buyers, or the vessel is laid up for repairs.

Employers are to provide the completed DE 2063 or the DE 2063F to employees by the fifth day after the end of the payroll week when the employer reduced the hours. Employers should also advise their employees to call the EDD and file a UI claim immediately. The DE 2063 cannot be processed by the EDD until a UI claim is filed.

Once employees file their UI claim, they complete the “claimant” sections of the DE 2063 or the DE 2063F, and send the completed DE 2063 or DE 2063F to the EDD within 28 days from the date the form was issued to them by the employer. If the DE 2063 or DE 2063F is submitted after 28 days, benefits may be denied. Employees receiving Partial benefits do not have to look for other work, but must be available for work and accept all work offered by the Partial program employer.

The Partial program enables employers to keep trained staff and when business picks up, resume usual business routines.

Reminder:



- ⇒ The DE 2063 or DE 2063F cannot be used if the employees are laid off due to a lack of work for more than two consecutive weeks.
- ⇒ The employer and the employee must complete the DE 2063 or DE 2063F before the form is sent to the EDD following the required time lines.
- ⇒ The DE 2063 and the DE 2063F are available as fill-in forms on the EDD website.
- ⇒ The following instructions are available online to assist in completing the DE 2063 forms:
 - *Completion Instructions for Notice of Reduced Earnings*, DE 4209.
 - *Completion Instructions for Notice of Reduced Earnings (Fisherperson)*, DE 4210F.
 - To access, visit the EDD website at www.edd.ca.gov/forms. Select the “Unemployment Insurance - Forms and Publications” link and scroll to find the online forms and/or instructions.

Trade Act

The Trade Act of 1974 is federal legislation that provides Trade Adjustment Assistance (TAA) to American workers who lost their jobs due to increased imports. The U.S. Department of Labor and cooperating state agencies administer the TAA program. The Department of Labor decides if workers are eligible for assistance under the Trade Act. This program offers a full range of employment services including training, job search assistance and relocation allowances to help individuals return to work.

In California, the TAA program is administered by the Workforce Services Branch of the EDD. The UI Branch determines eligibility for trade affected workers to receive weekly Trade Readjustment Allowances (TRA), subsequently files TRA claims, and authorizes TRA payments.

California workers or their representatives who believe that import competition contributed to their unemployment may file an online petition with the Department of Labor at <http://www.doleta.gov/tradeact/> or by contacting their nearest One-Stop Career Center or EDD Workforce Services office.

For a listing of offices, visit the EDD website at http://www.edd.ca.gov/Jobs_and_Training/pubs/osfile.pdf.

Disaster Unemployment Assistance

Disaster Unemployment Assistance (DUA) is a federal program that provides financial assistance to individuals whose employment or self-employment has been lost or interrupted as a direct result of a major disaster and who are not eligible for a regular UI claim. In California, the EDD administers the DUA program for the U.S. Department of Labor, Employment and Training Administration, on behalf of FEMA.

The DUA benefits are 100 percent funded by the federal government.

Benefits are payable only for weeks that fall within the Disaster Assistance Period. The Disaster Assistance Period begins the first day of the week following the date of the disaster and ends 26 weeks after the date the disaster was declared by the President of the United States.

Claimants file a claim with the EDD and submit claim forms to the EDD for payment of the DUA benefits.

Apprenticeship Training

Apprentice programs require employers or apprentices to do a combination of classroom training, and on-the-job training. The training can vary from 1 to 10 weeks, depending on the apprentice's occupation, and may be required more than once in each year of apprenticeship.

Claimants who participate in state apprenticeship training programs, approved by the California Division of Apprenticeship Standards, are considered to be in approved apprenticeship training programs. These claimants may receive UI benefits for any week they are unemployed, and attend and complete the apprenticeship training.

While in training, the apprentice is not required to search for work. If the apprentice must quit work to attend required classroom training, the apprentice is not denied UI benefits for quitting. However, the apprentice must be physically able to work and must attend the required apprenticeship training in order to be paid UI benefits.

Apprentices file a UI claim and submit a *Continued Claim Form*, DE 4581, to the EDD for payment. The EDD will verify that the apprentice was in approved training before paying UI benefits.

The Apprenticeship Training program is another way for California employers to maintain a trained workforce.

California Training Benefits

The California Training Benefits (CTB) program allows eligible claimants to receive UI benefits while attending an approved training/retraining program. To participate in the CTB program, claimants must be eligible for UI benefits and be enrolled in, and attending training approved by the EDD under specific criteria provided by law. The following state or federal program sponsors meet the CTB eligibility criteria:

- Workforce Investment Act (WIA)
- Employment Training Panel (ETP)
- Trade Adjustment Assistance (TAA)
- California Work Opportunity and Responsibility to Kids (CalWORKs)

Effective, July 1, 2011, eligibility was expanded to include claimants who are verified as attending training with a certified training provider on the state Eligible Training Provider List (ETPL), or who are journey-level union members attending industry related training to upgrade their skills to become more competitive in their trade. Additional information is available on the EDD website at <http://etpl.edd.ca.gov/wiaetplind.htm>.

Claimants who attend training not included in one of the programs listed above may be eligible to receive UI benefits under the CTB program if they meet specific criteria. The EDD will make a determination of eligibility to determine if the claimant meets the specific criteria.

Claimants who apply for CTB or inquire about training before their 16th week of UI benefits (or before their benefits exhaust, if they have less than 16 weeks of benefits), may be eligible for a training extension (TE) claim, when their regular UI benefits are exhausted. A TE claim provides additional weeks of benefits if needed to complete training. The extension can be up to a maximum of 52 weeks reduced by the claim award on the regular UI claim and any federal extension benefits. Because TE claims are funded by the claimants' base period employers, a *Notice of Potential Increased Liability for Training Extension Benefits*, DE 1545TE, is issued to all base period employers when claimants are first approved for CTB participation in the CTB program.

Base period employers who dispute the claimant's eligibility for training, must respond to the notice as instructed with information about why the claimant should not be approved for CTB training.

Employers who respond timely to the DE 1545TE with the reasons for disputing the approval of training will be issued a *Notice of Redetermination*, DE 1080EZ, either affirming the claimant's eligibility for CTB or reversing the EDD's initial decision and disqualifying the claimant. The DE 1080EZ is an appealable document if employers disagree with the decision.

CTB participants are not required to look for work, be available for work, or accept suitable work while in training. Participants submit a bi-weekly *Continued Claim Form*, DE 4581 to the EDD for payment. CTB participants are not reimbursed for tuition, book, or other training related expenses.

The CTB program has long-term benefits for employers – a ready, trained workforce.

For a listing of offices, visit the EDD website at http://www.edd.ca.gov/Jobs_and_Training/pubs/osfile.pdf.

For additional information on other EDD programs and services, visit the EDD website at www.edd.ca.gov.

Cost Controls

To help control UI costs, it is suggested that employers follow these business practices:

1. Keep good employment records.
2. Provide employees with copies of company policies.
3. Give written warnings when necessary and document dates and reasons for warnings.
4. Permit employees to take leaves of absence when possible.
5. Document when a leave is granted, the time period of the leave, and any leave extensions.
6. Document when a leave of absence is denied.
7. Keep turnover to a minimum.
8. Conduct and document exit interviews.
9. Promptly respond to EDD claim notices accurately and in detail.
10. Provide copies of the appropriate employment records to the EDD.
11. Answer the EDD interviewer's questions with detailed responses.
12. Promptly send additional eligibility information you acquired at a later date, to the EDD address located on the EDD's correspondence.
13. Appeal the EDD's decision if you believe it is contrary to fact or law.
14. Bring witnesses with first-hand knowledge to the appeal hearing.

Note: The last employer is also required to provide the individual with an EDD publication entitled *For Your Benefit – California's Programs for the Unemployed*, DE 2320. This publication informs employees about programs offered by the EDD for the benefit of unemployed Californians.

The DE 2320 is available on the EDD website at www.edd.ca.gov/Forms in the “Forms and Publications” section.

Last Employer and the EDD Notice

A claimant’s initial eligibility for benefits is based on the reason his or her employment ended with the very last employer **for whom he or she worked**. The last employer will be mailed a *Notice of Unemployment Insurance Claim Filed*, DE 1101CZ or DE 1101ER when a new UI claim is filed. If the claimant had intervening work, became unemployed again, and reopened an existing UI claim; a *Notice of Unemployment Insurance Claim Filed*, DE 1101CZ or DE 1101ER, is also mailed to the most recent employer the claimant worked for.

It is not necessary to respond to the DE1101CZ if the former employee has been laid off due to a lack of work and you know of no other issue that may affect that person’s eligibility for benefits. However, if it is your position that the claimant is not entitled to UI benefits and your reserve account should not be charged for those benefits, then you should:

- Respond in writing to the DE 1101CZ or DE 1101ER within ten calendar days from the date the notice was mailed.
- Provide specific facts that you believe affect the former employee’s to UI benefits.
- Be available and prepared to discuss the information with a EDD representative during a telephone eligibility interview

If you are unavailable when the EDD representative calls and a message is left for you to call the EDD, return the call promptly.

If you respond timely to the DE1101CZ or DE 1101ER with written eligibility information, you will be entitled to a written decision of eligibility made by the EDD. You have the right to appeal if you disagree with the EDD’s written decision. Responding timely to the DE 1101CZ (or DE 1101ER) is important because it ensures you will receive a written *Notice of Determination/Ruling* or a *Notice of Determination*, DE 1080EZ, informing you of the decision of eligibility made by the EDD. The *Notice of Determination* gives you the right to appeal the decision if you disagree with the EDD’s decision. An explanation about a *Notice of Determination/Ruling* or a *Notice of Determination*, DE 1080EZ, is on page 14.

Note: *It is still important for you to respond to the DE 1101CZ or DE 1101ER even if your response will be untimely.* The EDD will still consider the information provided by you in determining eligibility for UI benefits. Your information is also necessary because it protects the integrity of the UI Program by ensuring that only individuals who meet UI eligibility requirements are paid UI benefits. You should explain the reason you are responding untimely as the EDD may find that you had good cause for responding untimely and issue you a written *Notice of Determination/Ruling*, DE 1080EZ, or a *Notice of Determination*, DE 1080EZ. If the EDD finds that you do not have good cause for being untimely, you will be issued a *Response to Employer Communication*, DE 4614, informing you that you are not entitled to a *Notice of Determination/Ruling* or a *Notice of Determination* because you responded untimely.

You may appeal the DE 4614 and an administrative law judge will rule whether or not you had good cause for being untimely.

If the judge rules you had good cause for being untimely, the EDD must then issue you a *Notice of Determination/Ruling* or a *Notice of Determination* informing you of the EDD's decision regarding the claimant's eligibility. If you receive a *Notice of Determination/Ruling* or a *Notice of Determination* and you disagree with the decision of eligibility, you have the right to appeal.

Explanation of Determination Notices, DE 1080EZ

A *Notice of Determination/Ruling*, DE 1080EZ, is issued to a tax-rated employer who submits *timely* information when the claimant voluntarily quits work or when the claimant is discharged from employment. If the EDD disqualifies the claimant for leaving work without good cause or disqualifies the claimant for being discharged because of willful misconduct and you are issued a *Notice of Determination/Ruling*, your reserve account will not be charged even if the claimant later purges the disqualification and becomes eligible for UI benefits. If the EDD finds the claimant eligible, you will be sent a *Notice of Determination/Ruling* informing you why the claimant is eligible. If you disagree, you may appeal. A *Notice of Determination/Ruling* is only issued if you are the last employer, a tax-rated employer, and you respond timely.

A *Notice of Determination*, DE 1080EZ, is issued to a reimbursable employer or an employer participating in the School Employees Fund who provides *timely* separation information to the EDD when a claimant quits or is discharged from his or her last employment. Reimbursable employers and employers in the School Employees Fund do not have reserve accounts and are not issued rulings about whether or not their employer accounts will be relieved of charges. If the claimant is denied UI benefits, you will receive a *Notice of Determination* and you will not be charged for UI benefit costs since the claimant is not receiving UI benefits. Should the claimant later purge the disqualification and become eligible for UI benefits, the reimbursable employer or employer participating in the School Employees Fund may be charged for benefits paid from that point forward. If the EDD finds the claimant eligible, you will be sent a *Notice of Determination* informing you why the claimant is eligible. If you disagree with the EDD's decision, you may appeal.

A *Notice of Determination*, DE 1080EZ, is issued to tax-rated employers, reimbursable employers, and employers participating in the School Employees Fund who provide timely UI eligibility information to the EDD for issues *other than separations from employment*. For example, you may report that a claimant is not available for work because he or she is attending school. The EDD will conduct an investigation and will issue a *Notice of Determination* notifying you of the EDD's decision of eligibility regarding the claimant's availability for work while attending school. You have the right to appeal if you disagree with the decision.

Eligibility issues are discussed in detail in the Eligibility section of this booklet.



Reminder:

To protest a claimant's eligibility for benefits and ensure you will receive a *Notice of Determination* and/or ruling.

- ⇒ Respond in writing to the first notice mailed by the EDD.
- ⇒ Respond promptly.
- ⇒ Submit documented facts.
- ⇒ Respond even if untimely and explain why you are untimely.

If you receive a *Notice of Determination/Ruling* or a *Notice of Determination*, and you disagree with the EDD's decision, you have the right to appeal.

Last Employer Information Handout

The EDD is required to notify the last employer when a UI claim is filed or an existing claim is reopened and the claimant had intervening work. We must rely on the claimant to provide the correct name and telephone number of his or her last employer. In most cases, the address you have on record with the EDD is used when the DE 1101C/Z or DE 1101ER is mailed. This is why it is important that you keep your address and/or any other employer information current with the EDD. However, in some situations the EDD must mail the DE 1101CZ or DE 1101ER to you at the address provided by the claimant.

We developed a simple form for you to give to an employee who is leaving work regardless of the reason. This form helps ensure that the employee provides the EDD the correct employer mailing address and telephone number (or employer agent information) that you want to use for UI purposes. Its use is voluntary. The form may be helpful if you are a temporary employer and employees work for employers who contract through you. Individuals may incorrectly list the name of the employer where they performed services instead of listing the temporary agency as the employer. The handout can be duplicated, completed and handed to an employee who is leaving work. Advise the employee to refer to the form when filing a UI claim.

1. Employer or Agent Name

2. Employer Mailing Address (Street or P. O. Box)

3. City

4. State

5. ZIP Code

6. Telephone Number

7. Employer/Agent Contact

Note to Claimant: Please provide the employer information on this handout to the Employment Development Department (EDD), as requested, when filing for unemployment insurance benefits either by telephone or through the EDD website at www.edd.ca.gov/eApply4ui.

Base Period Employers and the EDD Notice

An individual's UI claim may be based on earnings from one employer, or several employers depending on the time period used to establish the claim. These employers are referred to as "base period employers." A base period employer may also be the last employer. The last employer is mailed a *Notice of Unemployment Insurance Claim Filed*, DE 1101CZ when a new claim is filed or reopened. Base period only employers are mailed a *Notice of Wages Used for Unemployment Insurance Claim*, DE 1545 after the first payment is mailed to the claimant. The DE 1545 contains the wages on which the claim is based and the UI liability. If there is more than one base period employer, the liability for benefits paid is based proportionately on the amount of wages earned from each base period employer on which the claim is based. If you are a last employer **and** a base period employer, you will receive a DE 1101CZ **and** a DE 1545.

Although a claimant's eligibility for UI benefits is based upon the reason he or she separated from his or her last employer, an individual's UI claim is established based on the employee's earnings in the base period of his or her claim. The individual's weekly UI amount is based upon the quarter in the base period with the highest amount of wages reported. More information about how the base period is determined is discussed in detail in the Benefits section of this booklet.

There may be one employer or several employers in the base period and a base period employer may also be the claimant's last employer. Base period employers are mailed a *Notice of Wages Used for Unemployment Insurance Claim*, DE 1545, after the first UI payment is issued to the claimant. The DE 1545 contains the total wages on which the claim is based and your UI liability. If there is more than one employer in the base period, the liability for benefits paid is based proportionately on the amount of wages earned from each employer. If you are a last employer **and** a base period employer, you will receive both a DE 1101CZ (or DE 1101ER) **and** a DE 1545.

It is important to respond to the *first notice* received from the EDD if it is your position that you should not be charged for UI benefits paid, or that the claimant is not eligible for benefits. An employer must respond within 10 calendar days from the mail date of the DE 1101CZ or DE 1101ER and within 15 calendar days from the mailed date of the DE 1545 when disputing the claimant's UI eligibility. An employer must respond within 20 calendar days of the mail date of the DE 1545 when disputing the wages used to establish the claim and requesting a wage correction.

The UI program is an employer-paid tax. Tax-rated employers pay a percentage on the first \$7,000 in wages paid to each employee in a calendar year. The UI rate schedule and amount of taxable wages are determined annually. New employers pay 3.4 percent (.034) for up to three years. The EDD notifies employers of their new rate each December. The maximum tax is \$434 per employee per year. (Calculated at the highest UI tax rate of 6.2 percent x \$7,000.)

Notice of Ruling, DE 1080R

A *Notice of Ruling, DE 1080R*, is issued only to a *tax-rated base period* employer who responds timely to the DE 1545 notice and provides written information concerning the claimant's separation from work. The employer should provide the specific facts and events that led to why the claimant quit work or why the claimant was discharged. The EDD will consider the information and issue you a *Notice of Ruling* about whether or not you will be charged for your portion of any UI benefits paid.

If the EDD determines the claimant left work without good cause or was discharged for willful misconduct, a favorable *Notice of Ruling* will be issued and you will not be charged for UI benefits paid. If the EDD finds the claimant left work for compelling reasons or was discharged for reasons other than willful misconduct, an unfavorable *Notice of Ruling* will be issued and your reserve account will be charged proportionally for any UI benefits paid. Base period employers have the right to appeal an unfavorable *Notice of Ruling*. A ruling only does not affect the claimant's current eligibility. It only informs a tax-rated employer about charges to his or her reserve account.

Base Period Reimbursable Employers or Employers in the School Employees Fund

Reimbursable base period employers or base period employers participating in the School Employees Fund are not issued a *Notice of Ruling* on a separation that occurred during the base period since they do not have reserve accounts. These employers will only be issued a *Notice of Determination* regarding a separation issue when they are the *last employer*. However, if you receive a DE 1545 and you believe you are the last employer, it is important to respond timely and state you believe you are the last employer and provide separation information. The EDD will review your information and determine whether or not you are the last employer. If you are a reimbursable employer or an employer in the School Employees Fund and you are not a last employer, the EDD will issue a *Response to Employer Communication, DE 4614*, informing you that a ruling will not be issued regarding the claimant's separation from employment because you have selected reimbursable financing

and you do not have a reserve account. If the claimant is eligible for UI benefits based on why he or she is no longer working for his or her last employer and meets all other eligibility criteria, you will be charged for benefits paid.

All employers, whether tax-rated, reimbursable, or employers participating in the School Employees Fund may respond to the DE 1545 with any other non-separation eligibility information. For example, an employer may respond with information that the claimant was offered a job but refused without good cause. The EDD will investigate using the information provided. If the information was provided timely, the EDD will issue the employer a *Notice of Determination* informing them of the outcome of the decision.

Report New Facts Acquired Within 10 Days

Additionally, Sections 1327 and 1328 of the UI Code state that employers are to report eligibility information to the EDD within 10 days of acquiring knowledge of facts which could not reasonably have been within the 10-day period provided. The 10-day period may be extended for good cause. Therefore, employers who acquire new knowledge should notify the EDD in writing and the EDD will investigate and make a decision of eligibility. If you respond timely, the EDD will issue you a *Notice of Determination/Ruling* or *Notice of Determination* informing you of the outcome of the decision.

Eligibility issues are discussed in more detail in the Eligibility section of this booklet.

➡ ELIGIBILITY

• Telephone Eligibility Interview

When an eligibility issue is identified, the majority of claimants are scheduled for a telephone interview with an EDD interviewer who will make the decision of eligibility. For some eligibility issues, claimants may be mailed a request for additional information instead of being scheduled for a telephone interview. Usually, EDD interviewers contact both an employer and the former employee to obtain information regarding the reason why the employee quit or was fired from work. Adjudication interviewers conduct telephone interviews with employers and claimants to resolve other UI eligibility issues as well.

Employer Information

An EDD interviewer will call you at the designated-employer telephone number provided on the response to the *Notice of Unemployment Insurance Claim Filed*, DE 1101CZ, the DE 1101ER, or other correspondence returned to us containing eligibility information. Employers and/or agents should be sure that the person shown as a contact is familiar with the details concerning the former employee's separation from work or other eligibility issues. Employers should also ensure that the contact has authority to release the information.

Depending on the kind of information needed, the telephone call should be brief. However, follow-up calls may be necessary to resolve conflicting information.

The EDD may call an employer and/or agent to gather additional facts even if the employer and/or agent has not responded to the *Notice of Unemployment Insurance Claim Filed*, DE 1101CZ or DE 1101ER.

To help reduce UI costs it is important that employers:

- Keep good employment records.
- Give written warnings when necessary.
- Conduct and document exit interviews.
- Answer the EDD interviewer's questions with detailed responses.

To resolve eligibility issues, it is the EDD's responsibility to gather the necessary information from the claimant and employer, and make a decision of eligibility based on UI laws and regulations.

One of the tools used by the EDD to resolve eligibility issues is the Benefit Determination Guide (BDG). The guide has eight volumes and contains the law and policy on which the EDD makes its decisions of eligibility. It is located on the EDD website at <http://www.edd.ca.gov/UIBDG/>.

For more information about the questions we may ask during the telephone Interview, you may access and review the following sections on the EDD website at www.edd.ca.gov.

- Meeting Eligibility Requirements.
- Eligibility and Payments sections of Frequently Asked Questions.
- Benefit Determination Guide (BDG). The sections entitled "Fact Finding Guide" lists questions that we often ask to resolve eligibility issues.

- **Separations**

Reasons for Separation from Work

Generally, an individual's work ends due to a layoff, discharge, voluntary quit or trade dispute. An individual who is no longer working, or is working part-time, may contact the EDD online or by phone, to file a claim for UI benefits.

Laid Off Lack of Work

An individual who is laid off is out of work through no fault of his or her own, is eligible for benefits providing he or she meets all other eligibility requirements. It is not necessary for the employer to respond to the *Notice of Unemployment Insurance Claim Filed*, DE 1101CZ or a DE 1101ER when an employee is laid off due to lack of work, unless there is other eligibility information to report (job refusal, separation payments, etc.).

Voluntary Quit

When an individual voluntarily leaves his or her last employment and files for UI benefits, the claimant will be scheduled for an eligibility interview with an EDD interviewer. The interviewer will gather facts from the claimant to determine why the claimant left work and review any written information provided by the employer. The EDD interviewer will review the employer's written statement as well and ask the claimant about the information provided by you.

The EDD interviewer may also call you for additional information whether or not you already responded with written information. The EDD has an obligation to gather the facts and make a decision of eligibility based on UI law and policy.

Once all the facts are gathered, the interviewer will make a decision of eligibility. Voluntarily quitting a job does not disqualify the claimant from receiving benefits if the quit was for "good cause." The California Code of Regulations, Title 22, Section 1256-3(b) defines good cause as:

"Good cause" exists for leaving work, when a substantial motivating factor in causing the claimant to leave work, is real, substantial, and compelling and would cause a reasonable person genuinely desirous of retaining employment to leave work under the same circumstances."

The reason for quitting does not have to be work-related, or involve the employer. Quitting for personal reasons may be with good cause if they are of a compelling nature.

It is the claimant's responsibility under the law, to prove "good cause" for quitting his or her job. However, prior to quitting work, the claimant has a duty to try to preserve his or her job. Failure to do so may negate what would otherwise be good cause.

As an example, an employer decides to close a facility where the claimant has been employed. The employer offers continuing work to the claimant in another facility. The claimant decides to quit rather than relocate or commute.

The EDD must consider such details as:

- Normal commute for the occupation and area.
- Working conditions such as wages, and hours. Did they remain the same?
- Financial consequences of moving or commuting.

The EDD will decide if the claimant's decision to quit was the only reasonable solution under the circumstances.

Quitting work without good cause will result in a denial of benefits.

If denied, the claimant must return to work, earn five times his/her weekly benefit amount in bona fide employment, and again become unemployed through no fault of his or her own, to end the disqualification.

For tax-rated base period employers, it is equally important to submit a written statement providing specific facts about events that led to an individual's separation from work. The EDD will consider the information and determine if the claimant left work for compelling reasons or if the claimant was discharged for reasons other than willful misconduct and issue the employer a favorable or an unfavorable ruling. The employer will be issued a written decision whether the reserve account will be charged or relieved of charges known as a ruling. If the EDD determines the claimant left work without good cause or was discharged for willful misconduct, the EDD will issue a favorable ruling and the employer will not be charged for benefits paid. If the EDD finds the claimant left work for compelling reasons or was discharged for reasons other than willful misconduct, the employer will be issued an unfavorable ruling and the employer's reserve account will be charged proportionally for any benefits paid. Rulings are only issued to tax-rated employers and only apply to employer charges for separation issues (i.e., when a claimant quits or is discharged from employment).

Reimbursable employers, whether they are the last employer or a base period employer, they are not issued rulings on separations since they do not have reserve accounts. However, it is important to respond timely and provide eligibility issue information because the EDD will consider it in determining eligibility for UI benefits.

Eligibility issues are discussed in more detail in the Eligibility section of this booklet.

The following reasons are generally considered to be good cause for quitting:

- To accept permanent employment (which did not occur as expected) at a substantially higher wage (more than 10 percent is considered “substantially higher”).
- Leaving temporary or part-time work for full-time employment (which did not occur as expected).
- The work constitutes a risk to health or safety.
- Sexual harassment at the workplace.
- To escape domestic violence.
- To accompany or join a spouse or registered domestic partner to a new location where it is impracticable to commute and a job transfer is not available.

The following reasons are generally considered not to be good cause for quitting if the employee leaves to:

- Look for another job.
- Attend school.
- Start their own business.

Listed below are examples of some of the questions that may be asked of employers and claimants during the telephone eligibility interview. This is not a complete list, just a sample of the information we may need to obtain for voluntary quit separations:

- Attendance at School or Training
 - Was the claimant required by law to attend school?
 - Did the claimant have any alternative to quitting?
 - Was the claimant attending school under a formal apprenticeship program administered by the Division of Apprenticeship Standards, or another approved training program?
- Travel: Time, Distance, and Cost Factors
 - Did the claimant leave the job because of reasons related to transportation? If yes, what were the reasons?
 - What did the claimant do to solve the transportation problem prior to quitting?
 - Were there other reasons for leaving the job besides transportation problems?

- Domestic Circumstances
 - Was a leave of absence available? Was a leave requested? If not, why not?
 - If the claimant moved to care for someone else, was the claimant's presence required, or necessary?
 - If the claimant quit work because of domestic circumstances, was there a necessity for leaving work?
- Health and Safety
 - If the quit was because of the claimant's health, did the claimant quit on the advice of a physician?
 - Was the claimant physically unable to work at the time of leaving?
 - If the claimant left work due to a belief of imminent illness or injury: What was the basis for the belief? Was the belief reasonable? Were the risks inherent to the occupation?
- Personal Affairs
 - Retirement: Why did the claimant elect to retire at the time he/she chose to retire?
 - Self-employment: Was the employment the claimant quit permanent or temporary?
 - Financial difficulties: What was the nature of the claimant's financial difficulty?
- Leaving for Other Work
 - Was the claimant's primary reason for leaving to look for other employment, or did the claimant have a definite offer of new work?
 - If the new job was not initially better, would the job have been better over the long run?
- Working Conditions
 - Did the claimant have an expressed or implied contract of hire, such as a union Collective bargaining agreement?
 - How were the claimant's conditions more difficult than those of other employees?
 - Was the claimant's situation addressed in written company policy or personnel practice?

– Discharge

When an individual is discharged from his or her last employment and files for UI benefits, the claimant will be scheduled for an eligibility interview. An EDD interviewer will gather facts from the claimant and employer to determine why the claimant was let go from work.

When an individual is discharged from employment, an EDD interviewer is required to call you whether or not you already responded with written information. The EDD has an obligation to gather the facts and make a decision of eligibility based on UI law and policy.

Discharging an employee does not disqualify the claimant from receiving benefits unless the discharge was for “misconduct.” The California Code of Regulations, Title 22, Section 1256-30 states:

“Misconduct connected with his or her most recent work exists for an individual’s discharge if **all** of the following elements are present:

1. The claimant owes a material duty to the employer under the contract of employment.
2. There is a substantial breach of that duty.
3. The breach is a willful or wanton disregard of that duty.
4. The breach disregards the employer’s interests and injures or tends to injure the employer’s interests.”

It is the employer’s responsibility under the law to prove the claimant was discharged for “misconduct.” The misconduct must be connected with work such as:

- Violation of a lawful and reasonable company rule: The claimant must have had knowledge of the rule.
- Poor attendance, unsatisfactory job performance may amount to misconduct if it was within the employee’s power to meet the requirements of the employer, but the employee willfully or negligently failed to do so.

Warnings are also important. If the violation is minor, the claimant will not be disqualified unless the claimant commits the act after prior warnings or reprimands for similar acts. For example, if an employee was let go for too many absences and the employee was not warned, there is usually not willful misconduct.

If the violation is substantial, the discharge would be misconduct even in the absence of prior warnings or reprimands. For example, if the employee is let go for stealing, there does not have to be a prior warning to prove there was willful misconduct.

Clearly, it is to the employer’s advantage to keep good employment records especially when an individual has been discharged for misconduct.

As an example, an employee is discharged for absenteeism. The individual received three written warnings (as required by company policy). The final event that caused the discharge occurred when the claimant did not report for work and did not call in for several hours. Questions will be asked of the employer and the claimant such as:

- What happened on the last day?
- When was the final act that led to the discharge?
- What did the written warnings state and what were the dates of the warnings?
- What were the dates of the absences?
- When did the former employee call in or report for work?
- What reason did the employee give for the absence?

The Department interviewer will decide eligibility based on the reason the individual did not report to work on the date of the discharge. If the employer does not establish that the discharge was for misconduct, the claimant will be eligible for benefits.

A discharge for misconduct will result in a denial of benefits. The claimant must return to work, earn five times his/her weekly benefit amount in bona fide employment and again become unemployed to end the disqualification.

The following reasons are generally considered to be *misconduct*:

- Theft of company property or property of other employees.
- Willfully or negligently damaging company equipment.
- Falsifying expense vouchers.
- Drinking alcohol on the job.
- Engaging in altercations with supervisors or other employees.

The following reasons are *not* generally considered to be *misconduct*:

- Inefficiency.
- Failure to meet performance standards as the result of inability or incapacity.
- Inadvertence or ordinary negligence in isolated instances.
- Good faith errors in judgment or discretion.

Listed below are examples of some of the questions that may be asked of employers and claimants during the telephone eligibility interview when the former employee was discharged from his or her last employment. This is not a complete list, just a sample of the information we may need to obtain for a discharge separation:

- Attendance
 - On what dates was the claimant absent?
 - Did the claimant ask for permission to be absent? If not, why not?
 - What was the date of the tardiness that caused the claimant's discharge?
- Dishonesty
 - What was the dishonest act?
 - How did the employer learn of the commission of the act?
 - Is there proof the claimant committed the dishonest act?
- Health or Physical Condition
 - What was the claimant's health or physical condition that resulted in a discharge from the job?
 - Did the employer have any other kind of work the claimant could have performed in lieu of being discharged?
- Insubordination
 - What is the alleged act(s) of insubordination?
 - Disputing authority: When and where did the dispute take place?
 - Disobeying an order: What was the employer's order, instruction, or requirement that was disobeyed?
 - Were there prior instances of insubordination?
- Neglect of Duty
 - When and what did the claimant neglect to do that resulted in the claimant's discharge?
 - Did the claimant attempt to conceal his or her neglect of duty?
 - Had the claimant been warned or reprimanded before for similar neglect of duty?
- Violation of Employer Rule
 - What was the rule allegedly violated by the claimant?
 - What was the purpose of the rule?
 - When did the rule violation occur?

– Alcohol and Drug Addiction

UI Code Section 1256.4 (a) (1) and (2), provide that a claimant is disqualified from receiving UI benefits if:

“He or she was discharged from his or her most recent work for chronic absenteeism due to intoxication or reporting to work while intoxicated, or using intoxicants on the job, or gross neglect of duty while intoxicated, when any of these incidents is caused by an irresistible compulsion to use or consume intoxicants,” including alcoholic beverages.

“He or she otherwise left his or her most recent employment for reasons caused by an irresistible compulsion to use or consume intoxicants, including alcoholic beverages.”

The EDD must rely on the judgement of a competent professional to determine whether the claimant was able to abstain from using intoxicants. Competent professionals include physicians or authorized treatment program administrators. Only a competent professional is authorized to diagnose an “irresistible compulsion” to use intoxicants, (i.e., an addiction to alcohol or drugs).

The Drug Abuse Office and Treatment Act provides that records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with any alcohol or drug abuse prevention function are to be kept confidential. Identical confidentiality provisions are contained in the *Comprehensive Alcohol Abuse and Alcohol Prevention, Treatment and Rehabilitation Act*.

Eligibility determinations related to alcohol or drug addiction that involve information about the claimant’s participation in a drug or alcohol treatment program is considered to be of confidential nature. Such information may not be disclosed to any unauthorized person.

EDD staff is required to advise the availability of State Disability Compensation to each claimant who is disqualified due to leaving his or her last employment for reasons related to drug or alcohol addiction. Assisting the claimant in locating a treatment program is required upon request.

If the claimant is denied benefits, subsequent work and earnings can purge the disqualification. The disqualification can also be lifted by verification that the claimant has entered into a treatment program, subsequent to the week in which the separation occurred. The claimant must be continuing, or have completed the program and must be able to work.

Listed below are examples of some of the questions that may be asked of employers and claimants during the telephone eligibility interview when the former employee left his/her last employment due to reasons related to drug or alcohol addiction. This is not a complete list, just a sample of the information we may need to obtain for a separation due to alcohol or drug addiction:

- What is the employer’s policy or rule regarding the use of intoxicants?
- Does the claimant admit being intoxicated or using intoxicants?

- Has the claimant provided verification from a competent professional that he or she suffers from an irresistible compulsion to use or consume intoxicants?

Reminder:



- ⇒ Keep good employment records.
- ⇒ Respond promptly to the DE 1101CZ or DE 1101ER, if appropriate.
- ⇒ Answer the EDD interviewer's questions with detailed responses.
- ⇒ Appeal the EDD's decision if you believe it is contrary to fact or law.
- ⇒ If the claimant was laid off due to a lack of work and there is no eligibility information to report, it is not necessary to respond to the DE 1101CZ or DE 1101ER.

– Trade Dispute

A trade dispute consists of:

1. A controversy concerning terms and conditions of employment.
2. A union or group of workers involved in a concerted action against an employer due to the controversy.

Section 1262 of the UI Code generally provides that an individual who leaves work voluntarily because of a trade dispute is not eligible for UI benefits. The individual remains ineligible for the period that the trade dispute continues in active progress at the establishment in which the individual was employed.

However, circumstances change during the course of a trade dispute. Consequently, an individual who has been denied benefits may later be found eligible if the reason for the individual's unemployment changes. For example, an unconditional offer to return to work which has been rejected by the employer or permanent replacement of the striking employee are two events that may become the new cause of the individual's unemployment and change the individual's eligibility for benefits.

Employers involved in a trade dispute should contact the EDD at 916-654-7401 and ask to speak to a representative in the Trade Dispute Unit. This should be done within 10 days of the date the individuals left work.

A Trade Dispute Specialist with the EDD Unemployment Insurance Policy and Coordination Division will gather information from the employer(s) and union(s) involved in the dispute to determine the facts, including the date the dispute began, the nature of actions taken, the type and number of workers involved, and other facts as necessary. The Trade Dispute Specialist

will issue a Trade Dispute Notice to EDD offices throughout the state. The Trade Dispute Notice provides the results of the investigation and guidelines for determining eligibility for UI benefits for various categories of workers involved. This process is ongoing during the course of the trade dispute and can result in the issuance of several Trade Dispute Notices as events occur.

Employers involved in a trade dispute may find it useful to access the EDD website at www.edd.ca.gov/forms and review the Trade Dispute volume of the *Benefit Determination Guide*. The *Benefit Determination Guide* is located in the "Forms and Publications" section. In addition, employers may also access the *Employment Development Department Procedures for Investigating Trade Disputes*, DE 4654, through the same site. This form describes the general procedures used by the EDD to investigate trade disputes.

Reminder:



- ⇒ Contact the EDD at 916-654-7401 to report a trade dispute.
- ⇒ Report the trade dispute to EDD within 10 days from the date employees left work or did not report to work.

● **Other Eligibility Issues**

This section will cover the most common issues that may affect an individual's eligibility for benefits other than his or her separation from his or her most recent work. These issues can occur at any time during the period UI benefits are claimed. The EDD relies on information from employers and claimants to identify and resolve these eligibility issues. These issues can include whether or not the claimant is:

- ⇒ Able to work, available for work, and looking for work.
- ⇒ Refused an offer of suitable work.
- ⇒ Receiving wages and other income.

An employer who acquires information that may affect a former employee's eligibility should submit the information to the EDD for investigation. The information must be facts that were not known at the time the claim was filed. To receive a copy of our decision, a *Notice of Determination*, DE 1080, the facts must be submitted in writing within 10 days of acquiring the knowledge. Send the information to the address shown on the notice you received concerning the claimant's UI claim. Based on the information received, the EDD may reduce or deny benefits.

– Able to Work, Available to Work, and Looking for Work

Individuals who claim weekly UI benefits must meet continuing eligibility requirements by being able and available for full-time or part-time work for each week UI benefits are claimed and by actively seeking work each week.

Able to Work

Claimants must be physically able to work in their usual occupation, or in an occupation for which they are reasonably qualified. Sickness, injuries (whether work-related or not), filing State Disability Insurance (SDI) or Workers' Compensation claims can raise doubts about a claimant's physical or mental ability to work. Claimants who are unable to accept immediate work during an entire week due to illness or injury are unable to collect UI benefits. If a claimant is sick or injured for 6 days or less during a week, the claimant may be eligible for reduced benefits for that week.

Available for Work

Claimants must also be willing and available to immediately accept full-time or part-time suitable work in their usual occupation, or in an occupation for which they are reasonably qualified. Availability is not the same as being able to work. Claimants can be physically able to work but for whatever reason are unavailable to accept work. Common examples would be lack of transportation, inadequate childcare, domestic responsibilities, self-employment and school attendance. If a claimant is completely unavailable for work, he or she will not be entitled to UI benefits. If the claimant places restrictions on his or her availability or is only available for part-time work, he or she *may* be still be eligible for UI benefits. The following are some reasons why a claimant may be eligible for UI benefits if he or she is not available for full-time work.

– Part-Time Criteria

Some claimants are allowed to be available for *only* part-time work if they meet certain conditions known as the Part-time Criteria which is:

- The claim is based on the part-time work.
- The claimant does not have any other restrictions which would prevent him or her from accepting a part-time job that was the same or similar as when the claimant earned the part-time wages on which the claim is based.
- There is a reasonable labor market demand for employment of part-time services he or she offers.
- The claimant is looking for part-time work.

Does Not Meet the Part-Time Criteria

Claimants who do not meet the Part-time Criteria must be available for suitable full-time work or part-time work, if offered. However, there are claimants who do not meet the Part-time Criteria but have *compelling* reasons for restricting to less than full-time work. These individuals may be eligible for UI benefits providing there is a labor market for the restricted services he or she offers. For example, a doctor may say a claimant is released to return to work in his or her usual occupation with the medical restriction that he or she can only work a maximum of six hours a day. If the EDD determines there is still a labor market for the type of work the claimant is seeking, the claimant may be eligible for UI benefits since he or she has a compelling reason for restricting his or her availability.

– **Work Search Requirements**

In addition to being able and available for work, claimants must actively look for work each week, even if working part-time. Work search requirements can be met by applying online, attending job fairs, submitting job applications, etc.

Note: There are some conditions where claimants are not required to seek work each week such as attending an approved training under the CTB program. However, the majority of claimants must be able and available for work and actively seek work each week.

Claimants certify for UI benefits every two weeks, to the EDD for payment. If the claimant certifies that he or she did not meet the above requirements by being able and available for all or part of a week and/or did not look for work, the EDD will schedule a telephone interview with the claimant to determine his or her eligibility for benefits.

Reminder:

- ⇒ Claimants must be able to work, available for work, and actively looking for work
- ⇒ Claimants must meet continuing eligibility requirements each week benefits are claimed.
- ⇒ Employers have 10 days from the date of acquiring eligibility information to submit the information to the EDD.
- ⇒ Employers will receive a copy of the EDD's decision if timely, written information is received.



– Refusing Suitable Work

As stated in our discussion about availability for work, a person must be willing to immediately accept suitable work in their usual occupation, or in an occupation for which they are reasonably qualified. Claimants, who are receiving UI benefits, must notify the EDD if they refuse an offer of work. When claimants file a claim or when they certify for weekly benefits, they are asked if they refused work offered and will be scheduled for a determination interview if they report they did refuse work. An EDD representative may contact you about the job refusal.

The EDD will first need to determine if the work the claimant refused was suitable. If the job offer was not suitable, the claimant is eligible for UI benefits. If the work offered was suitable, the EDD will determine if the individual had good cause to refuse suitable work. Refusing an offer of suitable work without good cause can result in loss of UI benefits from 2 to 10 weeks.

Keeping good employment records and responding to EDD notices will help employers track who was found eligible for benefits and who may be available for work if openings occur.

It is important for employers to submit information about job refusals in writing. Identify the claimant by name and social security account number. Include the specific details about the job offer, such as whether there was a definite job opening, salary, hours, working conditions, date the offer was made and the date refused.

To receive a copy of the eligibility decision (i.e., a *Notice of Determination*), employers have 10 days from the date the eligibility information is acquired about a job refusal to submit written information to the EDD.

Reminder



- ⇒ A claimant must notify the EDD if he or she refused work.
- ⇒ The EDD will decide if the work was suitable and if the claimant had good cause to refuse the work.
- ⇒ To receive a copy of the EDD's decision, employers can submit written information to the EDD within 10 days from the date new work was refused.
- ⇒ Employers must identify the claimant and provide details of the job offer such as:
 - The date the job was offered.
 - How the offer was communicated to the claimant.
 - The rate of pay and the hours of the job offered.
 - The claimant's reasons for refusing the job offer.

– School Employees

Individuals who work for educational institutions, may be disqualified if they are claiming for UI benefits during a recess period and have reasonable assurance of returning to the same or a similar job after the recess period. Examples of educational institutions are public schools, school districts, colleges and universities, non-profit schools, and charter schools.

The same disqualification applies to individuals who work for public entity employers or nonprofit employers if the individuals provide services to or on behalf of an educational institution, are filing during a school recess, and have reasonable assurance of returning to the same or similar job after the recess. An example of an employer whose employees may be subject to a disqualification would be a city (a public entity) that has employees who work as crossing guards at the local public schools. Another example would be a nonprofit organization that has employees who work in the after-school programs on behalf of the local public school.

The individuals listed above may also be disqualified during holiday recess periods, such as winter break and spring break, provided they have reasonable assurance of returning to work following the breaks.

Employers may be asked whether or not the claimant is filing during a school recess period, what kind of work the employee performs, and whether or not the individual has reasonable assurance to return to work in a similar capacity in the next year or term.

School employers may refer to the *EDD Claims Management Handbook for School Employers*, DE 3450SEF, for additional assistance. You can access the handbook at www.edd.ca.gov/pdf_pub_ctr/de3450sef.pdf

– Wages and Other Income

Individuals who claim UI benefits, must report wages and other income they receive to the EDD. The EDD will decide if the income will be deducted from the weekly UI benefit amount. A claimant must report wages when earned, not when paid by the employer.

If a claimant works part-time and earns more than \$25, but less than \$100 in a week, the weekly benefit amount will be reduced by his or her earnings that are more than \$25. In that case, the portion of the weekly benefit amount that the claimant does not receive remains in his or her claim for future use or until the benefit year ends. If the weekly earnings are \$101 or more, the first 25 percent does not count. The amount of earnings remaining is subtracted from the weekly benefit amount and the claimant is paid the difference, if any.

Other Income

Employers and employees may be asked about other income such as holiday pay, vacation pay, separation pay, in-lieu of notice pay, wage continuation, pensions, bonuses and other types of payments because the payments are often deductible from the weekly UI benefit

amount. The EDD makes the determination as to whether or not these other types of income will be deducted from the claimant's weekly benefit amount.

– **The Wages Notice**

The EDD will issue a Wages Notice for EDD staff when an employer has a layoff involving 10 or more employees and the employees are receiving payments other than severance pay. The Wages Notices provide information regarding separations or payments and advises EDD staff whether the payments will affect UI benefits. The purpose of issuing a Wages Notice is to reduce the number of calls by EDD staff to the employer and to promote consistent decisions from EDD staff concerning the payments.

If EDD staff discover that a claimant is in receipt of income such as holiday pay and 10 or more employees have been laid off, EDD staff will send a request to the EDD wages specialist to conduct an investigation and to determine whether or not a Wages Notice may be issued.

Employers may also request to have the EDD issue a Wages Notice when they know they are going to lay off employees either on a temporary or permanent basis and they are going to pay one or more of the above types of payments. Permanent separations from employment include a reduction in workforce or a plant closure. Temporary separations are when an employer has a holiday/vacation/maintenance shutdown and employees expect to return to work in the near future.

To assist in the process of reporting layoff payment information, the EDD has developed four *Wages Notice Request* forms that cover the most common types of separation payments and situations. The forms are used by employers to provide the EDD with payment information and to request a Wages Notice.

The four *Wages Notice Request* forms are:

- *Wages Notice Request, Holiday/Vacation Pay – Work Sharing and Non-Work Definite Layoff/Shutdown, DE 4806*
- *Wages Notice Request, Bonus Pay, DE 4807*
- *Wages Notice Request, Separation Pay/or In-Lieu-Of-Notice Pay Information, DE 4808*
- *Prior Wages Notice Correction/Update Request, DE 4809*

Employers may access the *Wages Notice Request* forms on the EDD website at http://www.edd.ca.gov/unemployment/Mass_Layoffs_and_Wage_Notices.htm. The forms may be completed online, printed, and mailed or faxed to the EDD as indicated in the instructions.

Employers who do not have access to Internet or choose not to utilize the online forms may call to speak to EDD staff. If you would like to request a *Wages Notice Request* form, or speak to a wages specialist, call EDD's UI Integrity and Accounting Division at 916-464-2405. Ask to speak to a representative about a Wages Notice.



Reminder:

Call the EDD UI Integrity and Accounting Division at 916-464-2405 and ask to speak to a representative about a Wages Notice if you:

- ⇒ Must reduce your workforce.
- ⇒ Have a temporary holiday, vacation or maintenance shutdown.
- ⇒ Have 10 or more employees that will receive a payment, such as those listed above.

Use the Wages Notice Request forms in the “Forms and Publications” section on the EDD website at www.edd.ca.gov/forms.

● **When a Disqualification Ends**

Generally claimants who have been disqualified from receiving benefits will reapply for UI benefits when:

- The condition that was disqualifying ends,
- The disqualifying time period ends, or
- They have again become unemployed and have earned the dollar amount necessary to end or purge the prior disqualification.

If the employer provided the EDD with written information regarding the claimant’s eligibility and received a *Notice of Determination/Ruling* or a *Notice of Determination*, the EDD will mail the employer a *Notice of Modification*, DE 1080M. This form notifies the employer that the claimant has purged or lifted the original disqualification. The claimant may now receive benefits if all eligibility requirements are met.

● **Fraud Prevention and Detection**

The EDD shares responsibility with employers and claimants for the protection and integrity of the UI fund. Claimants are expected to respond truthfully to questions asked when filing a claim as well as correctly and truthfully, answer each question during the weekly certification process. Claimants must also report any income received during the week claimed.

Employers or their agents are expected to respond truthfully to questions about former employees who have filed UI claims. Employers may want to review Sections 1142 and 1144 of the UI Code for specific sections about employer responsibilities and penalties for making a false statement.

The EDD must decide whether a person, alone or with others, has willfully made a false statement or withheld information to collect benefits or to prevent payments when due.

Claimants who give false information or withhold information to receive UI benefits may be assessed a false statement disqualification that denies benefits from 2 to 23 weeks. If benefits were paid as a result of the false information, the EDD will assess a penalty of 30 percent of the amount overpaid. Overpayments and penalties must be repaid. To collect the overpayment and penalties, the EDD may withhold state income tax refunds, lottery winnings or any other money owed to the individual by the State of California.

Employers or their agents who willfully make a false statement to prevent payment, or fail to report a material fact about a former employee's separation from work may be assessed a cash penalty of 2 to 10 times a claimant's weekly benefit amount.

Educational employers or their agents who respond in writing and make a willful false statement or willfully withhold a material fact concerning the reasonable assurance of employment offered to an employee, as defined the Section 1253.3(g) in the California UI Code, may also be assessed a cash penalty of 2 to 10 times a claimant's weekly benefit amount.

Employers may be assessed a penalty equal to 100 percent of the overpayments and penalties charged to the former employees. This will occur if an employer or its agent persuaded or coerced the employees to make a false statement in order to collect those benefits.

The EDD will mail a *Notice of Determination or Assessment*, DE 3807 to an employer who has been assessed a penalty for a willful false statement, withholding of material facts, or coercion to file a fraudulent claim.

Benefit Audit, DE 1296B

As part of the EDD's efforts to detect fraud, each quarter the EDD conducts a crossmatch of weekly UI benefits paid with a report of earnings provided by the employer. The EDD mails a *Benefit Audit*, DE 1296B to employers if records reflect that an individual may have worked and had earnings during the same period that he or she collected UI benefits. Employers have 10 days from the date mailed in which to respond to these audit requests.

New Employee Registry Benefit Audit

The New Employee Registry Benefit Audit (NER) process is a joint effort by employers and the EDD to protect the integrity of the UI Fund and to detect potential fraud. Employers provide the EDD with data regarding the employee on the *Report of New Employee(s)*, DE 34, including the employee's start-of-work-date (SWD).

The EDD does a benefit cross match against the SWD reported by employers. When there is a match that identifies claimants who are collecting benefits and potentially not reporting work and wages, the EDD conducts a wage investigation. The individual's SWD is very important for the NER audit process.

The EDD's investigation consists of sending the employer an audit form requesting earnings and eligibility information. The form is the *New Employee Registry Benefit Audit*, DE 1296NER. The returned employer information is used to identify UI benefit overpayments and to recover the unauthorized benefit payments. The NER audit enables the EDD to detect fraud up to six months sooner than the quarterly *Benefit Audit*, DE 1296B, process and protects the UI fund by reducing overpayments. With the cooperation of the employer community, the NER Benefit Audit program leads to the successful detection of benefit overpayments and may lead to the reversal of charges to the employer's reserve or reimbursable account. If you have questions or need assistance completing the NER Benefit Audit, call the Centralized Overpayments Establishment Group at 916-464-2350, or visit the EDD website at www.edd.ca.gov.

Identity Theft

Identity theft occurs when someone uses another person's information to take on his or her identity. Identity theft can include wage and employment information as well as credit card and mail fraud.

In the case of an imposter UI claim, someone has intentionally filed a UI claim using another person's information such as name, Social Security number (SSN), and employment information. If the EDD receives information that an identity theft has occurred, the EDD will place an indicator on those identities. When someone uses one of those identities to file for UI benefits, the EDD will contact the individual who filed the claim and former employers for additional identifying information. The EDD will mail employers a *Request for Additional Information*, DE 1326ER, to ensure that all charges made against their account is correct and to verify the validity of information provided by an individual when a claim for UI benefits were filed. Please assist us and provide the requested information in response to any inquiries from the EDD.

If you suspect a potential imposter claim, immediately report it online on the EDD website or call the EDD toll-free Fraud Hotline at 1-800-229-6297. For additional information on identity theft and UI imposter fraud, the EDD has a number of brochures available on the website at www.edd.ca.gov/unemployment/fraud_prevention.htm

Fraud Hotline

Finally, employers or individuals who know or suspect that one or more persons is involved in defrauding the UI, Disability, or Tax programs should call the EDD Fraud Hotline at 1-800-229-6297. The EDD considers the information confidential and will protect the identity of the person reporting fraud.



Reminder:

- ⇒ Fraud detection and prevention is the responsibility of the EDD, employers, and claimants.
- ⇒ Sections 1142 and 1144 of the UI Code discuss employer fraud and penalty assessment criteria.
- ⇒ Claimants or employers who make false statements or withhold material facts may be penalized.
- ⇒ The false statement, misrepresentation, or withholding of facts must have been willful and material to the issue under investigation.
- ⇒ For employers or their agents, the false statement must have been made in relation to a claimant separation from work, or when a school employer or agent submits in writing false information, or withholds material facts, regarding a claimant’s reasonable assurance of employment with a school employer.
- ⇒ Call the EDD Fraud Hotline at 1-800-229-6297 to report fraud or visit the EDD website at www.edd.ca.gov and select “Contact EDD,” then “Ask EDD,” and select the category, “Reporting Fraud.”

➡ **BENEFITS**

How Calculated

The amount of benefits a claimant receives weekly (weekly benefit amount), and the total amount available in the claim (maximum benefit amount) are based on the earnings during the base period of the claim.

The base period of a claim is a 12-month period. Each base period has four quarters (each quarter is three months). The base period is established when the claim is filed.

There are two types of base periods: the Standard Base Period and, beginning in April 2012, an Alternate Base Period. When wages are not sufficient in the Standard Base Period to establish a valid claim, wages in the Alternate Base Period may be used to establish a claim.

Standard Base Period

The **Standard Base Period** is the FIRST FOUR of the last five completed calendar quarters prior to the beginning date of the claim.

If the claim begins in:	The base period is:
January, February, March	October through September
April, May, June	January through December
July, August, September	April through March
October, November, December	July through June

Alternate Base Period (Effective Beginning April 2012)

The **Alternate Base Period** is the LAST FOUR completed calendar quarters prior to the beginning date of the claim.

If the claim begins in:	The base period is:
January, February, March	January through December
April, May, June	April through March
July, August, September	July through June
October, November, December	October through September

Benefit Amounts

The quarter with the highest earnings in the base period determines how much the claimant will receive each week (weekly benefit amount). The total amount available in the claim (maximum benefit amount) is either 26 times the weekly benefit amount, or one half of the total base period wages, whichever is less.

The minimum weekly benefit amount is \$40 and the maximum weekly benefit amount is \$450.

As an example, the claimant earned a total of \$50,675 during the base period with high quarter earnings of \$19,728.

If all eligibility requirements are met, the claimant is eligible for a weekly benefit amount of \$450, and a maximum benefit amount of \$11,700.

When Paid

After the initial claim is filed, or an existing claim is reopened, claimants certify every two weeks to the EDD for payment using one of the following methods: online using the EDD

Web-CertSM, by telephone using the EDD Tele-CertSM, or through submission of a paper *Continued Claim Form*, DE 4581.

For each week a claimant certifies for benefits, he or she is asked if he or she was able to work, available for work, did he or she refuse any work, and did he or she have work and earnings.

Certify Using EDD Web-CertSM

Web-certification is a new online method which allows claimants to certify for UI benefits on a bi-weekly basis through the EDD website: www.edd.ca.gov. For more information on EDD Web-CertSM, visit http://www.edd.ca.gov/pdf_pub_ctr/de2334.pdf.

Certify Using EDD Tele-CertSM

Telephone certification allows claimants to certify for UI benefits on a bi-weekly basis over the phone by calling the EDD Automated Self-Service number, 1-866-333-4606 and using the automated Interactive Voice Response (IVR) system. For more information on EDD Tele-CertSM, visit http://www.edd.ca.gov/pdf_pub_ctr/de2335.pdf.

The benefit payment is issued to the claimant within 10 days from the date the claimant certified for benefits. The paper *Continued Claim Form*, DE 4581 will continue to be mailed for the next two-week period to the claimant for certification. The claimant will hold the DE 4581 until both weeks have passed, then certify for benefits using one of the three methods: EDD Web-CertSM, EDD Tele-CertSM, or submit a paper *Continued Claim Form*, DE 4581.

This process will continue until the claimant returns to work and stops claiming benefits, or is no longer eligible for benefits, or all benefits available in the claim have been paid.

How Paid

EDD Debit CardSM

In summer 2011, the UI Branch began issuing the Visa® branded EDD Debit CardSM from Bank of America for electronic benefit payments instead of mailing benefit checks. The transition from being paid by check to being paid electronically is determined by computer programming as benefit payments are processed each day. Claimants will have immediate access to their benefit payments, no check cashing fees to pay without a personal bank account, no fees with careful use of the card, and avoid mail disruptions that can occur with checks. This transition was completed in the fall of 2011. Eligibility requirements for UI benefits have not changed and claimants must continue to meet all eligibility requirements in order to receive payment.

For more information on the EDD Debit CardSM, visit the EDD website at www.edd.ca.gov/Unemployment

➔ APPEALS

Filing an Appeal

An employer has the right to appeal the EDD's decision to pay a claimant. A claimant has the right to appeal the EDD's decision to reduce or deny benefits.

Employers who disagree with the EDD's decision must either submit a completed *Employment Development Department Appeal Form*, DE 1000M, or a letter of appeal within 20 calendar days of the date the *Notice of Determination and/or Ruling*, DE 1080EZ was mailed. Appeals must be made in writing. Mail the appeal to the return address shown on the written decision you wish to appeal. Include the following information in your letter of appeal:

- Your name and the name of your business.
- A business address and telephone number.
- Your employer account number and the former employee's social security account number.
- The name and mailing address of a representative, if you have one.
- The reason for your appeal.
- A copy of the decision you wish to appeal, or the date of the decision.
- Any request for language assistance or special accommodation.

Note:

- ⇒ An appeal may be filed after the 20-day deadline. However, if the deadline is missed, include the reason the appeal is late. Reasons for filing an appeal after 20 days must be explained. An Administrative Law Judge (ALJ) will decide if you had a good reason to file a late appeal. An ALJ can dismiss an appeal for failing to show good cause for filing after the deadline.
- ⇒ The *EDD Appeal Form*, DE 1000M, is available in the "Forms and Publications" section of the EDD website at www.edd.ca.gov/forms.

The EDD will review your appeal and other claim records. The reviewer will make the necessary clarifications regarding the decision to pay or deny benefits (this may include modifying the decision). If the documentation, presentation of facts and conclusion(s) are accurate, the appeal is forwarded to the Office of Appeals.

The Office of Appeals notifies individuals of the time and place of the hearing at least 10 days in advance. Individuals have the right to review all records affecting the appeal before the hearing begins. An ALJ conducts the hearing, giving employers and claimants a chance to present their evidence.

The ALJ will issue a written decision to all interested individuals. The decision will include information about filing an appeal to the California Unemployment Insurance Appeals Board (Appeals Board). Individuals who disagree with the ALJ's decision must submit a letter of appeal to the Appeals Board within 20 calendar days from the date of the ALJ's decision. Include the appeal case number assigned to the ALJ's decision as well as the identifying information stated above. Mail the appeal to the return address shown on the ALJ's decision notice.

The Appeals Board will confirm receipt of the appeal and advise interested individuals of the procedural options available to them. Generally, the Appeals Board does not consider new or additional evidence. However, individuals have 10 days from the date of the confirmation letter to ask to present oral or written arguments or new evidence. The acceptance of any additional evidence is at the Board's discretion.

The Appeals Board will issue a written decision. A decision by the Appeals Board completes all administrative remedies. Individuals who disagree with the Appeals Board's decision have six months from the date the decision was mailed to file a Writ of Mandate with the Superior Court.

Reminder:

- ⇒ Your letter of appeal must be in writing.
- ⇒ You have 20 days from the date a decision is mailed to file an appeal.



The Appeals Board provides the following publications to help prepare for the hearing:

- √ *Appeals Procedure*, DE 1433
- √ *Unemployment Appeals – A Guide for Claimants, Employers, and Their Representatives*, DE 1434.

Mail your request for copies of the DE 1433 and DE 1434 to:

**Office of the Chief Administrative Law Judge
P. O. Box 944275
Sacramento, CA 94244-2750**

➔ THE WAITER'S STORY

(The Employer Notification Process for Tax-Rated Employers)

The following story illustrates the steps the EDD takes to notify tax-rated employers when a former employee files a UI claim.

Please refer to the General Information and Last Employer sections within this booklet for additional information about tax-rated employers.

The story begins when the employee (a waiter for our story) becomes unemployed. The story continues through the time when the waiter's base period employers are notified and whether their reserve accounts will be charged for the waiter's benefits.

Step 1: Claim Filing

- ⇒ The Midtown Restaurant fires the waiter for spilling a tray of food on a customer.
- ⇒ The unemployed waiter files a UI claim.



Step 2: Notification

- ⇒ The EDD mails a *Notice of Unemployment Insurance Claim Filed, DE 1101CZ*, to the Midtown Restaurant.
- ⇒ The EDD also mails documents to the waiter.



Step 3: Notification Received

- ⇒ The Midtown Restaurant receives the *Notice of Unemployment Insurance Claim Filed, DE 1101CZ*, regarding the recently fired waiter, in their mail delivery.





✓ **Remember:**

- ⇒ Employers have 10 days from the date mailed to respond to the DE 1101CZ and provide the EDD with information on eligibility issues (e.g., quits, discharges, availability, etc.).

Note: It is not necessary to respond to the DE 1101CZ if the claimant was laid off due to lack of work and there are no other eligibility issues.

- ⇒ It is important to respond timely. When an employer responds timely, the EDD must notify the employer of the outcome of the decision of eligibility. If the employer disagrees with the EDD's decision, the employer can appeal.

Step 4: Telephone Eligibility Interview

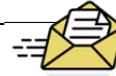


- ⇒ Since the Midtown Restaurant fired the waiter, the EDD schedules a telephone eligibility interview. The EDD will contact the waiter and the Midtown Restaurant to obtain all the information about the discharge.
- ⇒ The information obtained during the telephone interview will be used to determine if the waiter is eligible for UI benefits.

Step 5: The Decision

The decision is either favorable or unfavorable to the Midtown Restaurant (the last employer):

- ⇒ **Favorable** - The waiter is **DENIED** UI benefits because he deliberately spilled a tray of food on a customer. The Midtown Restaurant gets a favorable ruling because they responded timely to the DE 101CZ. The employer's reserve account will not be charged.
- ⇒ **Unfavorable** – The waiter is **ELIGIBLE** for UI benefits because spilling the tray of food on a customer was accidental. The Midtown Restaurant responded timely but they receive an unfavorable ruling, since the claimant is eligible for UI benefits. The employer's reserve account will be charged for the waiter's benefits.
- ⇒ The EDD makes a decision in accordance with UI laws and regulations and based on the available facts, regarding the waiter's eligibility for UI benefits.



Step 6: Written Notification

- ⇒ If the waiter is disqualified, a *Notice of Determination/Ruling*, DE 1080CZ, will be issued to the waiter. If the waiter disagrees with the decision, he has the right to appeal.

If the Midtown Restaurant responded timely to the DE 1101CZ, they would be sent a *Notice of Determination/Ruling*, DE 1080ER, informing them of the disqualification and notifying them that their reserve account will not be charged. If the waiter decides to appeal the disqualification, the Midtown Restaurant has a right to be present at the appeal hearing since they received a *Notice of Determination/Ruling*.

- ⇒ **If the waiter is eligible**, and the employer responded timely to the DE 1101CZ, a *Notice of Determination/Ruling*, DE 1080EZ, is mailed to the Midtown Restaurant informing them of the reason the EDD found the claimant eligible and that their reserve account will be charged. The waiter is issued a UI benefit payment, providing he is otherwise eligible. The Midtown Restaurant has the right to appeal the disqualification, since they received a *Notice of Determination/Ruling*.
- ⇒ If the Midtown Restaurant did not respond to the DE 1101CZ, the EDD would still conduct the determination and make a decision of eligibility.

The Midtown Restaurant would not be sent a *Notice of Determination/Ruling* whether or not the claimant is eligible or denied because the employer did not respond to the DE 101CZ.



√ Remember:

The waiter and the Midtown Restaurant have the right to file an appeal to the California Office of Appeals if they receive a *Notice of Determination/Ruling* and disagree with the decision.

Step 7: Base Period Employers – Claimant is Paid

- ⇒ After a payment is made on a claim, a *Notice of Wages Used for Unemployment Insurance Claim*, DE 1545 is mailed to all of the waiter's base period employers.



- A base period employer is an employer who paid the waiter wages during the 12-month period upon which his claim is based.

If the last employer is also a base period employer, a *Notice of Wages Used for Unemployment Insurance Claim*, DE 1545 is mailed to the employer too.

√ Remember:



The *Notice of Wages Used for Unemployment Insurance Claim*, DE 1545, is only mailed if the claimant is issued a first UI payment.

Step 8: The Waiter's Base Period Employers

- ⇒ The waiter worked for **Fantasy Cruise Lines** and was laid off. The EDD received no response from the employer (none was required).
- ⇒ The waiter quit his job at the **Victorian Bed and Breakfast Inn** to go on vacation. The employer responded timely to the *Notice of Wages Used of Unemployment Insurance Claim, DE 1545*, with this information.
- ⇒ The **Castle Restaurant** laid off the waiter and now has work for him and provided the information to the EDD in writing.
- ⇒ The **U.S. Bank Cafeteria** discharged the waiter for absenteeism. The Employer responded timely to the *Notice of Wages Used of Unemployment Insurance Claim, DE 1545*, with information about the discharge.



U.S. Bank Cafeteria

Step 9: The Waiter's Base Period Employers Charges

- ⇒ The **Fantasy Cruise Lines** will be charged for their portion of UI benefits paid. The waiter was laid off due to a lack of work.
- ⇒ The EDD notified the **Victorian Bed and Breakfast Inn**, through a *Notice of Ruling* that their reserve account would not be charged. The waiter quit without good cause.
- ⇒ The **Castle Restaurant** will be charged for their portion of UI benefits paid. The waiter was laid off due to a lack of work. The EDD advised the waiter about the offer of work from the Castle Restaurant. The waiter accepted the offer and has returned to work.
- ⇒ The EDD notified the **U.S. Bank Cafeteria**, through a *Notice of Ruling* that their reserve account would be charged for their portion of UI benefits paid. The waiter was discharged for reasons other than misconduct, he was hospitalized or three months.



√ **Remember:**

A tax-rated employer will not be charged if they receive a favorable ruling even if the claimant is later able to remove the disqualification.

Responding timely to the DE 1101CZ, DE 110ER, DE 1545, or providing the EDD with other eligibility information within 10 days of acquiring the knowledge, allows employers to receive a *Notice of Determination/Ruling* or a *Notice of Determination*.

If the claimant is denied UI benefits and appeals the decision, you also have a right to be present at the appeal and present evidence since you responded timely. It is still important to respond timely even though the claimant may later be able to remove the disqualification.

Fantasy
Cruise
Lines



➔ **Account Charged**

The waiter
was laid off.

Victorian
Bed and
Breakfast
Inn



➔ **Account Not Charged**

The waiter
quit without
good cause.

Castle
Restaurant



➔ **Account Charged Waiter Returned to work**

The waiter
is laid off.

U.S. Bank
Cafeteria



➔ **Account Charged**

The waiter was
discharged for or
reasons other
than misconduct.

➔ THE OFFICE ASSISTANT'S STORY

(The Employer Notification Process for Reimbursable Employers and employer in the School Employees Fund)

The following story illustrates the steps the EDD takes to notify reimbursable employers or employers in the School Employees Fund when a former employee files a UI claim.

Please refer to the General Information and Last Employer sections within this booklet for additional information about reimbursable employers and employers participating in the School Employees Fund.

Step 1: Claim Filing



- A state agency fires an office assistant because of attendance issues.
- The unemployed office assistant files a UI claim.



Step 2: Notification

- The EDD mails a *Notice of Unemployment Insurance Claim Filed*, DE 1101CZ to the state agency.
- The EDD also mails documents to the office assistant.

Step 3: Notification Received



- The state agency receives its daily mail delivery.
- The *Notice of Unemployment Insurance Claim Filed*, DE 1101CZ regarding the recently fired office assistant is included in the mail delivery.

√ **Remember:**



- Employers have 10 days from the mail date listed on the DE 1101CZ to respond to the EDD with information about eligibility issues: e.g., quits, discharges, availability, etc.

Note: It is not necessary to respond to the DE 1101CZ if the claimant was laid off due to lack of work and there are no other eligibility issues.

- It is important to respond timely. When an employer responds timely, the EDD must notify the employer of the outcome of the decision of eligibility. If the employer disagrees with the EDD's decision, the employer can appeal.



Step 4: Telephone Eligibility Interview

Since the office assistant was fired from the state agency, the EDD schedules a telephone eligibility interview. The EDD will contact the office assistant and the state agency to obtain all of the information about the discharge.

- The information obtained during the telephone interview will be used to determine whether the office assistant is eligible for UI benefits.

Step 5: The Decision



The claimant's eligibility for UI benefits is based upon why he or she is no longer working for the state agency (the last employer):

- **Ineligible** – The office assistant is **NOT ELIGIBLE** for UI benefits because of his excessive absenteeism for personal and non-compelling reasons. He had been given numerous warnings and write-ups about his attendance issues. The final incident occurred when he did not show up for work for three days and did not call the employer. When he showed up for work on the fourth day, he told his supervisor he did not report to work because he went out-of-town for a rock concert. He did not think the employer would give him the time off so he decided to take the time off anyway. The state agency will not be charged because UI benefits were denied.

- **Eligible** – The office assistant is **ELIGIBLE** for UI benefits because his poor attendance was not considered a willful act. The office assistant had been sick and unable to report for work for a period of time. He properly notified the employer when absent, but he was still let go because of his excessive absenteeism. The office assistant is now recovered and is able and available for work and has filed for UI benefits. The employer will be charged for the office assistant's benefits.




- The EDD makes a decision in accordance with UI laws and regulations and based on the available facts, regarding the office assistant's eligibility for benefits.



Step 6: Written Notification

- ⇒ **If the office assistant is disqualified** a *Notice of Determination*, DE 1080CZ, will be issued to the office assistant. If the claimant disagrees with the decision, the claimant has a right to appeal. If the state agency responded timely to the DE 1101CZ, they would be sent a *Notice of Determination*, DE 1080ER, informing them of the disqualification. If the office assistant decides to appeal the disqualification, the state agency has a right to be present at the appeal hearing since they received a *Notice of Determination*.
- ⇒ **If the office assistant is eligible**, and the state agency responded timely to the DE 1101C, a *Notice of Determination*, DE 1080EZ, is mailed to the state agency informing them of the reason the EDD found the claimant eligible. The office assistant is issued a UI Benefit payment, providing he is otherwise eligible. The state agency has the right to appeal the disqualification, since they received a *Notice of Determination*.

If the state agency did not respond to the DE 1101CZ, the EDD would still conduct the determination and make a decision of eligibility. The state agency would not be sent a *Notice of Determination* whether or not the claimant is eligible or denied because the employer did not respond to the DE 1101CZ.

√ Remember:



The office assistant and the state agency have the right to file an appeal to the California Office of Appeals if they receive a *Notice of Determination* and disagree with the decision.



Step 7: Base Period Employers

- After a first payment is made on a claim, a *Notice of Wages Used for Unemployment Insurance Claim*, DE 1545 is mailed to all of the office assistant's base period employers.



- A base period employer is an employer who paid the office assistant's wages during the 12-month period upon which his claim is based.
- If the last employer is also a base period employer, a *Notice of Wages Used for Unemployment Insurance Claim*, DE 1545 is mailed to the employer.

√ Remember:



The *Notice of Wages Used for Unemployment Insurance Claim*, DE 1545, is only mailed if the claimant is issued a first UI payment.

Step 8: The Office Assistant's Base Period Employer Charges



Example 1:

The state agency is the only employer in the base period and the last employer. The state agency will pay 100 percent of the office assistant's UI benefits. The state agency will receive a bill from the EDD for every dollar of UI benefits the claimant is paid and will be billed quarterly.

Example 2:

The state agency and another reimbursable employer are in the base period. Before working for the state agency, the claimant worked for the county but was laid off. The only two employers in the base period are the county employer and the state agency. The state agency and the county employer would receive a bill from the EDD each quarter to pay dollar-for-dollar their portion of the UI benefits the claimant is paid in proportion to the percentage of the employee's total wages with each employer during the base period.

Example 3:

The state agency and tax-rated employer are in the base period. Before working for the state agency, the claimant worked at a grocery store but was laid off. The only two employers in the base period are the grocery store and the state agency. The state agency would receive a bill from the EDD each quarter to pay dollar-for-dollar for their portion of the UI benefits the claimant is paid in proportion to the percentage of the employee's total wages with each employer during the base period. The grocery store would be charged a percentage of the UI benefits since the claimant stopped working for this employer through no fault of his own.



Reminder:

Reimbursable Employers or Employers Participating in the School Employees Fund May be Charged if the Disqualification is Removed

If a claimant is disqualified from receiving UI benefits but is later eligible to receive UI benefits because the disqualifying conditions no longer exist, the reimbursable employer will be billed each quarter, dollar-for-dollar, for UI benefits paid to the claimant if the reimbursable employer is a base period employer, even if they previously received a *Notice of Determination* notifying them that the claimant was disqualified.



Example:

The office assistant is disqualified because of his excessive absenteeism with a state agency. His weekly UI benefit amount is \$450 a week. In order to remove the disqualification, he must return to work and earn five times the weekly benefit amount. ($\$450 \times 5 = \$2,250$)

Immediately after being disqualified, the claimant returned to work for an insurance company and earned \$3,000 and then was laid off. The claimant reopened his UI claim and submitted proof to the EDD that he earned more than \$2,250 and the disqualification was removed. The claimant becomes eligible to receive UI benefits the Sunday date of the week in which he reopened the claim. If the state agency is a base period employer, it will be billed each quarter, dollar-for-dollar, for the **portion** of the UI benefits paid to the claimant.

In the example above, if the employer is participating in the School Employees Fund, the same principle would apply except that the employer is charged through their quarterly statement of charges.

Important: Responding timely to the DE1101CZ, DE 1101ER, DE 1545, or sending new information to the EDD with eligibility information allows employers to receive the *Notice of Determination*, thereby giving you appeal rights. If the claimant is denied UI benefits and appeals the decision, you also have a right to be present at the appeal and present evidence since you responded timely. It is still important to respond timely even though the claimant may later be able to remove the disqualification.

Overpayments for Reimbursable Employers

Reimbursable employers are billed for UI benefits paid even if the claimant was overpaid. If the claimant repays the overpayment, the reimbursable employer is credited for the money that is recovered.



Example:

The claimant files a claim and states he was laid off from his last employment with a state agency. He receives two weeks of UI benefits because he had incorrectly informed the EDD that he was out of work through no fault of his own. The state agency, who is the last employer and the only employer in the base period, sends a response to the EDD on the DE 1101CZ saying the claimant was fired from his job because of attendance issues; he was not laid off. Upon receipt of the response from the employer, the EDD stops the payment of UI benefits and schedules the claimant to an eligibility interview. At the interview, the EDD interviewer determines the claimant was fired for willful misconduct. The claimant is disqualified and an overpayment is established for the two weeks of UI benefits that he collected.



The EDD sends the claimant a *Notice of Potential Overpayment*, DE 1447, and the claimant does not respond. The state agency is still required to reimburse the EDD dollar-for-dollar for the two weeks of UI benefits paid to the claimant.



The next year, the claimant is entitled to a tax refund from the state of California. Since he has an outstanding UI overpayment, the California Franchise Tax Board will deduct the UI overpayment from his state refund and reimburse the EDD for the overpayment. The EDD will credit the state agency for the overpayment.

➡ FORMS AND PUBLICATIONS

Forms Listing, Descriptions and Facsimiles

The EDD is required by law to mail specific documents to employers and claimants when former employees file UI claims.

This section contains a listing of important UI program forms mailed to employers, a brief description of each form, and a facsimile. The facsimiles are provided as samples only, do not complete the forms and submit to the EDD.

This is not a complete listing of all documents mailed by the EDD. It is a listing of the forms about which employers frequently inquire. These forms are located on the EDD website at www.edd.ca.gov/forms.

Notice of Determination/Ruling, DE 1080CZ (Claimants), DE 1080EZ (Employers)

The DE 1080 is mailed to employers and/or claimants. It provides information on a claimant's eligibility for benefits and may advise whether an employer's reserve account will be charged for the claimant's benefits. An appeal of this notice must be submitted within 20 days of the mailing date.

A sample of the form is available online at http://www.edd.ca.gov/pdf_pub_ctr/de1080cz.pdf.

EDD OFFICE NAME P.O. BOX CITY	CA ZIP CODE	
-------------------------------------	-------------	---

NOTICE OF DETERMINATION / RULING

	DATE MAILED 00 / 00 / 00
	BENEFIT YEAR BEGAN 00 / 00 / 00
	EDD TELEPHONE NUMBERS:
	ENGLISH 1-800-300-5616
	SPANISH 1-800-326-8937
	CANTONESE 1-800-547-3506
	MANDARIN 1-866-303-0706
	VIETNAMESE 1-800-547-2058
	TTY 1-800-815-9387
	SSA NUMBER 000-00-0000

CLAIMANT'S NAME	
CLAIMANT'S ADDRESS	
CITY	CA ZIP CODE

YOU ARE NOT ELIGIBLE TO RECEIVE BENEFITS UNDER CALIFORNIA UNEMPLOYMENT INSURANCE CODE SECTION 1256 BEGINNING 00 / 00 / 00 AND CONTINUING UNTIL YOU RETURN TO WORK AFTER THE DISQUALIFYING ACT AND EARN \$0.00 OR MORE IN BONA FIDE EMPLOYMENT, AND YOU CONTACT THE ABOVE OFFICE TO REOPEN YOUR CLAIM.

YOU QUIT YOUR LAST JOB WITH (EMPLOYER NAME). YOU HAVE NOT SHOWN THAT THE QUIT WAS NECESSARY OR THAT YOU HAD EXPLORED ALL REASONABLE OPTIONS BEFORE QUITTING. AFTER CONSIDERING AVAILABLE INFORMATION, THE DEPARTMENT FINDS THAT YOU DO NOT MEET THE LEGAL REQUIREMENTS FOR PAYMENT OF BENEFITS. SECTION 1256 PROVIDES – AN INDIVIDUAL IS DISQUALIFIED IF THE DEPARTMENT FINDS HE VOLUNTARILY QUIT HIS MOST RECENT WORK WITHOUT GOOD CAUSE OR WAS DISCHARGED FOR MISCONDUCT FROM HIS MOST RECENT WORK. SECTION 1260A PROVIDES – AN INDIVIDUAL DISQUALIFIED UNDER SECTION 1256 IS DISQUALIFIED UNTIL HE/SHE, SUBSEQUENT TO THE DISQUALIFYING ACT, PERFORMS SERVICES IN BONA FIDE EMPLOYMENT FOR WHICH HE/SHE RECEIVES REMUNERATION EQUAL TO OR IN EXCESS OF FIVE TIMES HIS OR HER WEEKLY BENEFIT AMOUNT.

APPEAL:

YOU HAVE THE RIGHT TO FILE AN APPEAL IF YOU DO NOT AGREE WITH ALL OR PART OF THIS DECISION.

TO APPEAL, YOU MUST DO ALL OF THE FOLLOWING:

- COMPLETE THE ENCLOSED APPEAL FORM (DE 1000M) OR WRITE A LETTER STATING THAT YOU WANT TO APPEAL THIS DECISION. IF YOU WRITE A LETTER TO APPEAL, EXPLAIN THE REASON WHY YOU DO NOT AGREE WITH THE DEPARTMENT'S DECISION. WRITE YOUR SOCIAL SECURITY NUMBER ON EACH DOCUMENT YOU SUBMIT TO THE DEPARTMENT. (TITLE 22, CALIFORNIA CODE OF REGULATIONS (CCR), SECTION 5008).
- MAIL THE DE 1000M OR YOUR LETTER TO THE ADDRESS OF THE OFFICE LISTED ON THE FIRST PAGE OF THIS DECISION.
- FILE YOUR APPEAL WITHIN TWENTY (20) DAYS OF THE MAIL DATE OF THIS NOTICE OR NO LATER THAN 00 / 00 / 00.

YOUR HANDBOOK, "A GUIDE TO BENEFITS AND EMPLOYMENT SERVICES," GIVES MORE INFORMATION ABOUT APPEALS. IF YOU DO NOT HAVE A HANDBOOK, CONTACT THE OFFICE LISTED ON THE FIRST PAGE OF THIS NOTICE.

DE1080CZ Rev. 1 (6-05) CU

Notice of Modification, DE1080M

This notice is sent to employers or employer agents who had previously been sent a decision that a claimant has been disqualified. The DE 1080M notifies the employer or agent that the disqualifying conditions no longer exist and the claimant may begin receiving UI benefits. Employers or their agents may appeal this notification.

A sample of the form is available online at http://www.edd.ca.gov/pdf_pub_ctr/de1080m.pdf.

 **Employment
Development
Department**
State of California

Date Mailed / /
Benefit Year Began / /

Employment Development Department

EDD Telephone Numbers:
English 1-800-300-5616
Spanish 1-800-326-8937
Cantonese 1-800-547-3506
Mandarin 1-866-303-0706
Vietnamese 1-800-547-2058
TTY 1-800-815-9387
<http://www.edd.ca.gov>

This refers to the claim for unemployment insurance filed by:

SSA No. - - -

NOTICE OF MODIFICATION

You were previously notified that the person named above was ineligible for benefits under the provisions of Section(s) _____ of the California Unemployment Insurance Code. Effective / / , the disqualifying conditions no longer exist because:

Claimant has earned sufficient wages in subsequent bona fide employment with _____

Claimant is now able to work and available for work.

This modification does not change the ruling you previously received.

Claimant has been permanently replaced.

Claimant was not returned to work after an unconditional offer to return to work had been made.

Other: _____

ANY APPEAL FROM THIS NOTICE MUST BE FILED ON OR BEFORE / / TO BE TIMELY.

Department Representative

DE 1080M Rev. 9 (8-07) CU

Notice of Unemployment Insurance Claim Filed, DE 1101CZ or DE 1101ER

The DE 1101CZ is mailed to the last employer when a new UI claim is filed, or when the claimant reopens an existing claim and there has been intervening or new employment. It contains the specific information provided by the claimant when he or she filed a new claim or reopened an existing claim. It includes the claimant's statement about the reason for separation and his or her last day of work. Employers should respond to the EDD with **written** information about the former employee's separation from work or with other facts that may affect an individual's eligibility for benefits. The last employer completes portions of the form and returns it to the EDD within 10 days of the mailing date for processing.

A sample of the form is available online at http://www.edd.ca.gov/pdf_pub_ctr/de1101cz.pdf.

Office Address: _____	
THIS NOTICE WAS MAILED TO THE EMPLOYER/ADDRESS LISTED BELOW ON: _____ (MAIL DATE)	
• _____	• New Claim: <input type="checkbox"/> • Additional Claim: <input type="checkbox"/> • Corrected Notice Mail Date: _____ • 1-800-300-5616 • TTY (Non-voice) 1-800-815-9387
IMPORTANT: NOTICE OF UNEMPLOYMENT INSURANCE CLAIM FILED	
This is a notice that a claim for unemployment insurance benefits has been filed. Forward it immediately to persons within your organization who are responsible for handling claim. The time limit for replying is 10 days from the mail date shown above. Failure to respond may result in an increased Employment Tax Rate.	
The claimant provided us with the following information and listed you as his/her last employer:	
Claimant's Full Name: _____	Social Security Number: _____
Effective Date of Claim: _____	Last Date Worked: _____
Reason for Separation: _____	
I. EXPLANATION AND INSTRUCTIONS FOR EMPLOYERS	
You have received this form because the individual shown above has filed a claim for 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, our 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 any facts in his/her possession which may affect a claimant's eligibility for benefits. Furnish information if this claimant:	
<ul style="list-style-type: none"> • Voluntarily quit. • Was discharged or fired for reasons other than lack of work. • Left work because of a trade dispute. • Is receiving a pension based on his/her prior work. • Is working on a full-time basis, or has earnings payable over \$25.99, covering any time on or after the effective date of this claim as shown on the reverse side of this form. • Is not able to work, available for, or seeking work. • Has refused employment. 	<ul style="list-style-type: none"> • Is not legally entitled to work in the U.S. • Performed services as a sports or athletic participant and has reasonable assurance of performing such services in the next season. • Made false statements or withheld material information in filing for benefits. • If you are a school employer, also furnish information if the claimant has a contract for or reasonable assurance of returning to work. <p style="font-size: x-small; margin-top: 5px;">Important: Make your response as complete as possible; these facts will be used in determining the claimant's eligibility.</p>
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 no response has been received, the Department is required to make an eligibility decision based on available information.	
III. TIME LIMITS FOR REPLYING	
Submit facts in writing to the field office shown at the top of this form within 10 days of the mail date shown above. If your mailing is late, explain your reasons for delay as the time limit may be extended only for good cause. You may reply on this form in the space provided in Section IV, on additional sheets as needed, or by separate letter. Always include your State Employers 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	
(OVER)	CU
DE 1101CZ/ Rev. 5 (9-07) EMPLOYER NOTICE	

Request for Wages, DE 1919

The DE 1919 is mailed to employers to request wage information that is not showing in the EDD's database. The employer should provide wage information related to the specific quarters listed on the form and when the wages were paid, not earned. The DE 1919 is not an appealable document; the only purpose is to obtain additional information from the employer. To be timely, a DE 1919 must be submitted within 10 calendar days from the mail date on the form.

There are cases where the DE 1919 requests wages for an Alternate Base Period claim. If the employer does not respond timely, and the Alternate Base Period wages are later adjusted, an overpayment may only be established if the claim was based on fraudulent information provided by the claimant. This means that if employers do not respond timely to the original DE 1919, they may incur reserve account charges they might not have otherwise incurred had they responded timely.



EDD Employment
Development
Department
State of California

REQUEST FOR WAGES



Mailing Date: _____ Case Number: _____

EDD Integrity and Accounting Division
PO BOX 989153
West Sacramento, CA 95798-9153
Phone: (916) 403-6484
Fax: (916) 449-1630

Employee Name: _____ SSN: _____

The employee named above has filed a claim for Unemployment Insurance (UI) or Disability Insurance (DI) benefits and has listed your company as an employer. Please mail your response to the Employment Development Department (EDD) address, or fax to the number shown above by **MM/DD/YYYY**.

If this form is not returned and/or no wage information is received, the Department may use the Affidavit of Wages, DE 23A, from the employee and add wages as appropriate. For UI claims, it could result in charges to your account.

Please complete sections A through G below. For additional information, review the information on the back of this form or contact us at the number listed above.

A. EDD Employer Account/State ID Number: _____

B. Employee's first date worked: _____ **C.** Last day worked: _____

D. Termination date: _____

E. Are employee's wages subject to UI or DI in California? If NO, explain and skip sections F and G.

F. California taxable gross wages paid in the following quarters:

| Quarter ending: |
|-----------------|-----------------|-----------------|-----------------|-----------------|
| | | | | |
| \$ | \$ | \$ | \$ | \$ |

G. List any of the following types of monies paid on/after last day worked if it was paid during the above referenced timeframe:

Severance amount paid: \$ _____ Date Paid: _____

Accrued vacation/sick leave paid: \$ _____ Date Paid: _____

In-Lieu-of-Notice amount paid: \$ _____ Date Paid: _____

WARN Act amount paid: \$ _____ Date Paid: _____

Other amount paid: \$ _____ Specify type of pay: _____ Date Paid: _____

Comments: _____

Preparer's Name: _____

Telephone Number: () _____ Fax Number: () _____



DE 1919 Rev. 6 (4-12)

CU

Benefit Audit, DE 1296B

The EDD uses this form to request wage information from employers for specific weeks that claimants may have worked. The DE 1296B is mailed to employers who reported wages in a week for which the claimant received UI benefits. Specific information regarding the claimant will be entered on the form. The information is used to identify claimants who may have improperly received benefits for weeks in which they actually worked and had earnings. The employer completes the form and returns it to EDD within 10 days of the mailing date.

A sample of the form is available online at http://www.edd.ca.gov/pdf_pub_ctr/de1296b.pdf.

		<p>BENEFIT AUDIT</p>		<p>Por favor llamar al 1-866-401-2849 si necesita instrucciones en Español</p> <p>REPLY IS REQUIRED BY LAW</p> <p>Please return ALL Benefit Audit forms.</p> <p>See enclosed instructions for step-by-step assistance. For additional clarification, call 1-866-401-2849.</p> <p>1. If this INDIVIDUAL WORKED or had earnings, complete Items 2 through 6. For regular earnings, report when actually worked.</p> <p>If EARNINGS ARE ZERO for all of the weeks listed, CHECK HERE <input type="checkbox"/> and complete Item 6. No other entries are necessary.</p>
<p>Social Security No. (SSN): _____</p> <p>Employee Name: _____</p>				
<p>Week Begins</p> <p>mm/dd/yy</p>	<p>Week Ends</p> <p>mm/dd/yy</p>	<p>2. Gross Earnings</p>	<p>3. Circle Earnings Type Below</p> <p>RE V H S R C P O</p>	<p>RE=Regular Earnings (includes overtime)</p> <p>V=Vacation Pay R=Residuals</p> <p>H=Holiday Pay C=Commissions</p> <p>S=Severance Pay P=Piece Work</p> <p>O=Other (indicate type) _____</p>
				<p>4. Provide the following information:</p> <p>Actual First Day Worked: _____</p> <p>Still Employed <input type="checkbox"/> or Actual Last Day Worked: _____</p> <p>Additional dates (i.e., laid off, returned to work) and/or reason for separation: _____</p>
				<p>5. Compare the name and SSN shown above with your records. Enter any differences below:</p> <p>SSN: _____</p> <p>Name: _____</p> <p>Please complete the audit even if name or SSN is different.</p>
				<p>6. I hereby certify that the information provided is true and correct to the best of my knowledge.</p> <p>SIGNED: _____</p> <p>Title: _____</p> <p>Date: _____</p> <p>Telephone No.: _____</p> <p>Person (if other than above) to be contacted for additional information:</p> <p>Name: _____</p> <p>Telephone No.: () _____</p>
				<p>Please return ALL Benefit Audits within 10 days of receipt to:</p> <p>EMPLOYMENT DEVELOPMENT DEPARTMENT (EDD) P.O. BOX 3038 SACRAMENTO, CA 95812-3038</p>
<p>DE 1296B Rev. 23 (8-10) (INTERNET)</p>		<p>Page 1 of 1</p>		<p>CU-PA140</p>

Notice of Wages Used for Unemployment Insurance Claim, DE 1545

The DE 1545 is mailed to base period employers after the first UI payment has been issued to the claimant. Specific information about the claimant is provided on the form. Employers may respond to the EDD with written information about the former employee's separation from work or with other facts that may affect an individual's eligibility for benefits. Base period employers complete portions of the form and return it to the EDD within 15 days of the mailing date.

A sample of the form is available online at http://eddi.edd.ca.gov/sites/Forms/DE/1000-1999/DE_1545_Series/DE_1545.pdf.



DE 1545

NOTICE OF WAGES USED FOR UNEMPLOYMENT INSURANCE (UI) CLAIM

*TO PROTECT YOUR RESERVE ACCOUNT, A REQUEST FOR RULING MUST BE POSTMARKED BY

YOUR ACCOUNT NO. _____ BR. NO. _____

PREDECESSOR ACCOUNT NO. _____

CLAIM DATE _____

***IF INFORMATION ABOUT WAGES IS CORRECT AND YOU DO NOT WISH TO REQUEST A RULING, NO FURTHER ACTION IS NECESSARY. THIS FORM IS FOR YOUR RECORDS.**

THE PERSON NAMED BELOW HAS RECEIVED UI BENEFITS BASED IN TOTAL OR IN PART ON WAGES YOU REPORTED.

CLAIMANT'S NAME _____ NAME WAGES REPORTED UNDER _____ SOCIAL SECURITY NUMBER _____ OTHER SOCIAL SECURITY NUMBER _____

WAGES YOU REPORTED BY QUARTER USED TO ESTABLISH THIS CLAIM

				TOTAL WAGES REPORTED BY YOU

TOTAL WAGES REPORTED BY YOU AND ALL OTHER EMPLOYERS TO ESTABLISH THIS CLAIM _____

THE PERCENTAGE OF BENEFITS CHARGEABLE TO YOUR RESERVE ACCOUNT IS _____

THE CLAIMANT'S WEEKLY BENEFIT AMOUNT IS _____ TO A MAXIMUM BENEFIT AMOUNT OF _____

RULINGS: To request a ruling, supply the information below and mail to the address in the upper left corner.

- Give date(s) of separation(s) and rehire(s) (if any) during quarters used to establish this claim.
 Separation(s) Date(s) _____ Rehire(s) Date(s) _____
- Did the claimant notify you that he/she quit? Yes No
- Give complete details about separation _____

The above statements were taken from business records or are based on knowledge of the undersigned.

PRINT NAME _____ DATE _____

SIGNATURE _____ PHONE NUMBER (_____) _____

DE 1545 Rev. 54 (1-03) PA849

Notice of Potential Employer False Statement Liability – Separation, DE 3802 SEP

The DE 3802 SEP informs an employer that they may have provided false or misleading information to the EDD concerning a claimant's separation from work. The form contains information about the claimant as well as statements made by the employer and the claimant. The purpose of the form is to provide employers with the opportunity to submit a written explanation about why a penalty should not be assessed against them. The employer must complete portions of the form and return it to the EDD within 10 days of the mailing date. This is not an appealable document. Its only purpose is to obtain additional information from the employer.

Mail response to:



Employer Name and Address

Date Notice Mailed:
SSA Number:
Claimant's Name:
Date Benefit Year Began:

NOTICE OF POTENTIAL EMPLOYER FALSE STATEMENT LIABILITY - SEPARATION

1. In your request for a determination or determination/ruling regarding the termination of the above-named claimant from your employment on _____, you indicated:
2. Information from the claimant indicates:
3. Our investigation of this conflict of statements shows the facts of the termination to be:

The Department must make a determination of the application of California Unemployment Insurance Code (CUIC) Section 1142(a) (**see page 2**) as it appears the information you gave us in your original request for (ruling and/or determination) was erroneous or incomplete.

To avoid assessment of a penalty you must: 1) submit a written response that is postmarked **within 10 days of this letter**, and 2) explain in the letter why a penalty should not be assessed. The information the Department currently possesses could be considered a willful false statement or willful failure to report a material fact. You may use page 2 of this form to provide the additional information.

If you do not respond or the information indicates a willful false statement, a decision based on the facts will result in a cash penalty being assessed as provided in Section 1142(a) of the CUIC.

YOU MAY NOT APPEAL THIS DOCUMENT. If a penalty is assessed, a NOTICE OF DETERMINATION AND/OR ASSESSMENT OF EMPLOYER FALSE STATEMENT, DE 3807 SEP, will be issued, which you may appeal.

DE 3802 SEP Rev. 1 (6-05) CU

Notice of Potential Employer False Statement Liability – Reasonable Assurance, DE 3802 RA

The DE 3802 RA informs an educational employer that they may have provided false or misleading information to the EDD concerning the reasonable assurance of employment offered to a claimant. The form contains information about the claimant as well as statements made by the employer and the claimant. The purpose of the form is to provide employers with the opportunity to submit a written explanation about why a penalty should not be assessed against them. The employer must complete portions of the form and return it to the EDD within 10 days of the mailing date. This is not an appealable document. Its only purpose is to obtain additional information from the employer.

Mail response to:



Employer Name and Address

Date Notice Mailed:

SSA Number:

Claimant's Name:

Date Benefit Year Began:

NOTICE OF POTENTIAL EMPLOYER FALSE STATEMENT LIABILITY – REASONABLE ASSURANCE

1. In your request for a determination regarding the reasonable assurance of reemployment with your establishment given on _____ to the above-named claimant, you indicated:
2. Information from the claimant indicates:
3. Our investigation of this conflict of statements shows the facts of reasonable assurance to be:

The Department must make a determination of the application of California Unemployment Insurance Code (CUIC) Section 1142(b) (**see page 2**) as it appears the information you gave us concerning the reasonable assurance of employment offered to the claimant was erroneous or incomplete.

To avoid assessment of a penalty you must: 1) submit a written response that is postmarked **within 10 days of this letter**, and 2) explain in the letter why a penalty should not be assessed. The information the Department currently possesses could be considered a willful false statement or willful failure to report a material fact. You may use page 2 of this form to provide the additional information.

If you do not respond or the information indicates a willful false statement, a decision based on the facts will result in a cash penalty being assessed as provided in Section 1142(b) of the CUIC.

YOU MAY NOT APPEAL THIS DOCUMENT. If a penalty is assessed, a NOTICE OF DETERMINATION AND/OR ASSESSMENT OF EMPLOYER FALSE STATEMENT, DE 3807 RA, will be issued, which you may appeal.

DE 3802 RA Rev. 1 (6-05) CU

Notice of Determination or Assessment Under UI Code Section 1142(A), DE 3807 SEP

The DE 3807 SEP notifies the employer whether or not a willful false statement was assessed for making a willful false statement or withholding a material fact concerning a former employee's separation from work in connection with an UI claim filed by the employee under UI Code 1142(a) Section. If a penalty has been assessed, the DE 3807 SEP provides the employer with the penalty amount and the opportunity to pay the assessment or file an appeal. An employer false statement penalty can be as high as 10 times the claimant's weekly benefit amount. This form contains a payment stub, specific claimant information, and outlines an employer's petition (appeal) rights. An appeal must be submitted within 30 days of the mailing date.

		
NOTICE OF DETERMINATION OR ASSESSMENT UNDER UI CODE SECTION 1142(A)		
<u>DETACH AND RETURN THIS STUB WITH YOUR PAYMENT TO:</u>		
Employment Development Department Cashiering Group, MIC 25 P.O. Box 826880 Sacramento, CA 94280-0001	Section 1142(a) Separation Amount: \$ _____	
	Employer Name: Employer Account Number: - - Claimant's Name: Claimant's SSA Number: Benefit Year Began: Termination Date: EDD Office Number:	
	<table border="1"><tr><td>FOR EDD CO/CAS USE ONLY Date Mailed to Employer: _____ (Issue date of assessment)</td></tr></table>	FOR EDD CO/CAS USE ONLY Date Mailed to Employer: _____ (Issue date of assessment)
FOR EDD CO/CAS USE ONLY Date Mailed to Employer: _____ (Issue date of assessment)		
DE 3807 SEP Rev. 1 (6-05)		
----->		
NOTICE OF DETERMINATION OR ASSESSMENT UNDER UI CODE SECTION 1142(A)		
Employer Account Number - -		
A. <input type="checkbox"/> The Department has considered all available information. No penalty is assessed under Section 1142(a) of the California Unemployment Insurance Code (CUIC).		
B. <input type="checkbox"/> The Department has considered all available information and found you or your employee, officer, or agent provided incorrect information or withheld material facts regarding the termination of employment of _____. The Department has determined this was a willful act.		
As required by Section 1142(a) of the CUIC, you are assessed a penalty of _____ times the claimant's weekly benefit amount of \$ _____.		
Total amount of the assessment is \$ _____.		
For text of law and petition rights, see page 2 of this notice.		
FOR DETAILS ABOUT THIS ASSESSMENT, PLEASE CONTACT THE EDD FIELD OFFICE LISTED ON PAGE 2 OF THIS NOTICE.		
DE 3807 SEP Rev. 1 (6-05) CU		

Notice of Determination or Assessment under UI Code Section 1142(B), DE 3807 RA

The DE 3807 RA notifies an educational employer of the EDD's decision whether or not a false statement penalty has been assessed against an employer for making a willful false statement or withholding a material fact regarding the reasonable assurance of employment offered to the claimant. If a penalty has been assessed, the DE 3807 RA provides the employer with the penalty amount and the opportunity to pay the assessment or file an appeal. An employer false statement penalty can be as high as 10 times the claimant's weekly benefit amount. This form contains a payment stub, specific claimant information, and outlines an employer's petition (appeal) rights. An appeal must be submitted within 30 days of the mailing date.

			
NOTICE OF DETERMINATION OR ASSESSMENT UNDER UI CODE SECTION 1142(B)			
<u>DETACH AND RETURN THIS STUB WITH YOUR PAYMENT TO:</u>			
Employment Development Department Cashiering Group, MIC 25 P.O. Box 826880 Sacramento, CA 94280-0001	Section 1142(b) Amount: \$ _____ Reasonable Assurance		
	Employer Name: Employer Account Number: - - Claimant's Name: Claimant's SSA Number: Benefit Year Began: Termination Date: EDD Office Number:		
	<table border="1"><tr><td>FOR EDD CO/CAS USE ONLY</td></tr><tr><td>Date Mailed to Employer: _____ (Issue date of assessment)</td></tr></table>	FOR EDD CO/CAS USE ONLY	Date Mailed to Employer: _____ (Issue date of assessment)
FOR EDD CO/CAS USE ONLY			
Date Mailed to Employer: _____ (Issue date of assessment)			
DE 3807 RA Rev. 1 (6-05)			
-----><-----			
NOTICE OF DETERMINATION OR ASSESSMENT UNDER UI CODE SECTION 1142(B)			
Employer Account Number - -			
A. <input type="checkbox"/> The Department has considered all available information. No penalty is assessed under Section 1142(b) of the California Unemployment Insurance Code (CUIC).			
B. <input type="checkbox"/> The Department has considered all available information and found you or your employee, officer, or agent provided incorrect information or withheld material facts regarding the reasonable assurance of reemployment for _____. The Department has determined this was a willful act.			
As required by Section 1142(b) of the CUIC, you are assessed a penalty of _____ times the claimant's weekly benefit amount of \$ _____.			
Total amount of the assessment is \$ _____.			
For text of law and petition rights, see page 2 of this notice.			
FOR DETAILS ABOUT THIS ASSESSMENT, PLEASE CONTACT THE EDD FIELD OFFICE LISTED ON PAGE 2 OF THIS NOTICE.			
DE 3807 RA Rev. 1 (6-05)	CU		

Response to Employer Communication, DE 4614

The DE 4614 is an acknowledgement sent to employers informing them that the EDD has received their written information about a claimant's eligibility. The DE 4614 also provides the employer the reason why the EDD has not or will not issue a *Notice of Determination/Ruling*, a *Notice of Determination*, or a *Notice of Ruling*, informing them of the EDD's decision regarding the issue the employer raised and/or whether or not they will be charged for UI benefits paid. (If #5 is checked on the DE 4614, a timely response must be made within 15 days of the mailing date.)

 RESPONSE TO EMPLOYER COMMUNICATION			
Claimant's Name		Social Security Number	
Date Mailed	Date Benefit Year Began	Separation Date	Postmark Date of Your Communication
See reverse side for timeliness of information, appeal rights and other information		Field Office Address and Telephone Number	FO No.
Employer Name if Agent is Addressee		Department Representative	
<p>Thank you for your communication regarding the unemployment insurance claim of the above-named individual. Your information has been considered in deciding whether the claimant is or is not eligible for benefits. However, a Notice of Determination and/or Ruling will not be issued for the reason(s) checked below.</p>			
<p>1. <input type="checkbox"/> A Notice of Determination and/or Ruling is issued to an employer only when the employer submits timely information which shows that: (1) the claimant quit his/her job; (2) the claimant was discharged for reasons other than lack of work; or (3) another eligibility issue is involved. Your information did not relate to these circumstances.</p>			
<p>2. <input type="checkbox"/> The claimant was terminated due to inability, inexperience and/or unsatisfactory work performance. Termination for these reasons will not affect the claimant's eligibility.</p>			
<p>3. <input type="checkbox"/> You previously received a ruling and/or determination on the termination of _____, mailed to you on _____ (Date of separation).</p>			
<p>4. <input type="checkbox"/> You are not entitled to a ruling and/or determination because you did not respond within the statutory time limits after the first notice, DE _____, was mailed to you on _____.</p>			
<p>5. <input type="checkbox"/> This decision can be reconsidered and the time limit may be extended if an explanation of good cause for delay is submitted to the field office within 15 days of the mailing date of this notice.</p>			
<p>6. <input type="checkbox"/> The reasons you submitted are not considered good cause for delay because: _____</p> <p>_____</p> <p>_____</p>			
<p>7. <input type="checkbox"/> No determination of eligibility is necessary because the claimant did not claim waiting period credit or benefits for any period during the course of the trade dispute.</p>			
<p>8. <input type="checkbox"/> The claimant designated you as the last employer in error. You are also not a base period employer. A Notice of Determination and/or Ruling is issued only to a last or base period employer.</p>			
<p>9. <input type="checkbox"/> The wages you reported have been allocated to week(s) before the claim was filed; therefore, the wages do not affect the claimant's eligibility.</p>			
<p>10. <input type="checkbox"/> The wages you reported have been allocated to week(s) following the filing of the claim. The claimant is not eligible for waiting period credit or benefits for any week in which the amount of deductible wages equals or exceeds the claimant's weekly benefit amount. See DEDUCTION OF WAGES INFORMATION on reverse side for further clarification.</p>			
<p>11. <input type="checkbox"/> The _____ pay you reported is not considered wages for unemployment insurance purposes and is not disqualifying.</p>			
<p>12. <input type="checkbox"/> Other: _____</p> <p>_____</p> <p>_____</p>			
DE 4614 Rev. 24 (12-91)		CU	

Timely Response Chart

The chart below provides the timeliness requirements for responding to many of the EDD's employer forms. The timeliness requirements for general eligibility information, appealing a *Notice of Determination/Ruling*, and appealing a decision by an Administrative Law Judge have also been added.

Timeliness Calculator

<http://www.edd.ca.gov/Unemployment/Calculator/>

EDD FORMS/CORRESPONDENCE TIMELY RESPONSE CHART				
FORM/CORRESPONDENCE	10 DAYS	15 DAYS	20 DAYS	30 DAYS
Notice of Unemployment Insurance Claim Filed, DE 1101CZ or DE 1101ER	x			
Benefit Audit, DE 1296B	x			
Benefit Audit, DE 1296NER	x			
Notice of Potential Employer False Statement, DE 3802	x			
Discovery of information that may affect a claimant's eligibility for benefits	x			
Notice of Wages Used for Unemployment Insurance Claim, DE 1545		x		
Appeal of Notice of Determination and/or Ruling, DE 1080EZ			x	
Appeal of written decision by an Administrative Law Judge			x	
Response to Employer Communication, DE 4614 (If #5 is checked on the DE 4614, a timely response must be made within 15 days of the mailing date.)			x	
Notice of Determination or Assessment Under UI Code Section 1142(A), DE 3807 SEP				x
Notice of Determination or Assessment Under UI Code Section 1142(B), DE 3807 RA				x
Request for Wages, DE 1919	x			

Note: All response times are counted from the mailing date of the document, the date information is discovered, or the date of the written decision by an Administrative Law Judge.

EDD Publications

The UI Code, Section 1089 states:

“Each employer shall post and maintain in places readily accessible to individuals in his service such printed statements concerning benefit rights and other matters as may be prescribed by authorizing regulations. Each employer shall, pursuant to authorized regulations, supply each individual at the time he becomes unemployed with copies of printed statements or materials relating to claims for benefits. Each employer shall immediately notify each employee of any change in his relationship with said employer. Failure to comply with this section by an employer shall constitute a misdemeanor. Such printed statements shall be supplied by the director to each employer without cost to him.”

As an employer who is registered with the EDD, you are required to post a notice which informs your employees of their rights under the UI program. At the time you registered, you received a copy of the *Notice to Employees*, DE 1857D.

An employer must also provide information about “claims for benefits” to individuals who become unemployed. The booklet, *For Your Benefits – California’s Programs for the Unemployed*, DE 2320 meets that obligation. According to Section 1089, of the California Code of Regulations, Title 22, when an employer discharges, lays off, or places an employee on a leave of absence, the employer shall give the DE 2320 to the employee.

The table below provides a listing of EDD publications (including the DE 1857D and DE 2320 discussed above), a brief description of the publication, followed by ordering instructions.

Publication	Description
<i>California Employer's Guide</i> , DE 44	Provides general employer tax, UI, State Disability Insurance (SDI), and labor market information. Includes addresses and telephone numbers for one-stop tax services at Taxpayer Service Centers. Requisition forms for ordering documents and publications is also provided. (English only)
<i>Claims Management Handbook for School Employers</i> , DE 3450SEF	Provides information to assist School Employees Fund (SEF) employers in managing their UI costs. (English only)
<i>Notice to Employees</i> , DE 1857D	Notice that advises employees of their rights under the UI program. (Available in English, Spanish, Cantonese and Vietnamese).
<i>For Your Benefits – California's Programs for the Unemployed</i> , DE 2320	Booklet for individuals who become unemployed and discusses EDD services. (Available in English, Spanish, Cantonese, and Vietnamese).
<i>Completion Instructions for Notice of Reduced Earnings</i> - DE 2063, DE 4209	Employer instructions for completing the <i>Notice of Reduced Earnings</i> , DE 2063 for the Partial Program. The DE 2063 is the certification form that is completed by employers and employees while participating in the Partial Program. (English only)

Publication	Description
<i>Managing Unemployment Insurance Costs</i> , DE 4527	An employer's guide about the UI program and controlling UI costs. Provides information to employers about their role in the management of California's UI program. (English only)
<i>Guide for Work Sharing Employers</i> , DE 8684	Booklet that outlines the employer and employee requirements for participating in the program. It also contains instructions to complete the form. This booklet can also be ordered by calling the EDD Special Claims Office at 916-464-3300. (English only)
<i>Work Sharing Plan Application</i> , DE 8686	Application is completed by an employer to participate in the Work Sharing Program. This application can also be ordered by calling the EDD's Special Claims Office at 916-464-3300. (English only)
<i>Unemployment Insurance Program</i> , DE 8714B	Informational fact sheet on California's UI program. (Available in English and Spanish)
<i>Work Sharing Program</i> , DE 8714BB	Informational fact sheet on the Work Sharing program. (English only)
<i>California Training Benefits</i> , DE 8714U	Informational fact sheet on the California Training Benefits program. (Available in English and Spanish)

Publication	Description
<i>Trade Adjustment Assistance</i> , DE 8714X	Informational fact sheet on Trade Adjustment Assistance benefits in California. (English only)
<i>Disaster Unemployment Assistance</i> , DE 8714Y	Informational fact sheet on Disaster Unemployment Assistance benefits. (Available in English and Spanish)

Any of the EDD publications listed in the table above can be ordered (free of charge) by mail, fax, or automated telephone system. These publications are also available in the “Forms and Publications” section of the EDD website at www.edd.ca.gov/forms.

To order by mail:

1. State your preference by publication number, title and language version(s).
2. State the number of copies you are requesting.
3. Send your request to:

Employment Development Department
1733 Sports Drive, Suite B
Sacramento, CA 95834

To order by fax:

1. State your preference by publication number, title and language version(s).
2. State the number of copies you are requesting.
3. Fax your request to: 916-928-5910.

To order using the automated telephone system:

1. Call 916-322-2835
2. Follow the menu instructions.

To print publications from the EDD website:

1. Go to www.edd.ca.gov/forms.
2. Select “Unemployment Insurance Publications – Forms and Publications.”
3. Select the desired publication.

Note: The *California Employer’s Guide*, DE 44 can be accessed on the EDD website at http://www.edd.ca.gov/pdf_pub_ctr/de44.pdf.

Other Publications

The *Benefit Determination Guide* is an EDD publication that is comprised of eight volumes. Each volume provides discussion on one broad issue of UI law. EDD personnel use the guide to make proper decisions about eligibility for UI benefits.

The *Benefit Determination Guide* can be accessed online at www.edd.ca.gov/uibdg. The guide can also be purchased by sending a written request to:

Employment Development Department
Publications Unit, MIC 62-1
P.O. Box 826880
Sacramento, CA 94280-0001

The *California Unemployment Insurance Code* can be accessed online at <http://www.leginfo.ca.gov>.

Select "California Law," and then select "*Unemployment Insurance Code.*"

The UI Code can also be purchased by sending a written request to:

Employment Development Department
Business Operations Planning and Support Division, MIC 62-1
P.O. Box 826880
Sacramento, CA 94280-0001

Or by calling: 916-654-7638

The California Code of Regulations, Title 22 can be accessed online at: www.oal.ca.gov/ccr.htm (unofficial version).

The regulations can also be purchased by sending a written request to:

Thomas Reuters/Barclays
P.O. Box 95767
Chicago, IL 60694-5767

Or by calling: 1-800-888-3600

Or by faxing your request to: 650-244-0408

The State of California Unemployment Insurance Appeals Board (CUIAB) provides the following information about the appeals process and to help prepare for the appeal hearing:

1. *Appeals Procedure*, DE 1433
2. *Unemployment Appeals - A Guide for Claimants, Employers, and Their Representatives*, DE 1434

These publications can be accessed online on the CUIAB website at <http://www.cuiab.ca.gov/forms.shtm/> or they can be ordered by mail.

Mail your request for copies of the DE 1433 and DE 1434 to:

Office of the Chief Administrative Law Judge
P.O. Box 944275
Sacramento, CA 94244-2750

➔ WEBSITES

Website Information

This section provides a sampling of information available to employers on the Internet. This is not a complete listing, just some of the information provided to California employers.

EDD website at www.edd.ca.gov

- Disability Insurance
- Employer Tax
- Forms and Publications
- Governor's Committee for the Employment of Disabled Persons
- Job Recruitment and Referral Services
- Job Training Partnership
- Labor Market Information
- Mass Layoffs and Wages Notices
- New Employee Registry
- Unemployment Insurance
- Work Opportunity and Welfare-to-Work Tax Credit

Board of Equalization at www.boe.ca.gov

- Property Taxes
- Sales and Use Taxes
- Special Taxes
- Tax Appellate Program

Franchise Tax Board at www.ftb.ca.gov

- Electronic Services
- Frequently Asked Tax Questions
- Small Business Tax Days
- Tax Forms

Department of Industrial Relations at www.dir.ca.gov

- Division of Labor Standards Enforcement
- Division of Occupational Safety and Health
- Workers' Compensation Appeals Board

➔ DEFINITIONS

Glossary of UI Terms and Definitions

Listed below are definitions of some of the terms used in the UI program.

A

Able and Available	An individual wishing to claim UI benefits must be able to work and immediately available to accept work for each week benefits are claimed.
Additional Claim	An existing claim that is reopened after a claimant returned to work and is again unemployed.
Administrative Law Judge (ALJ)	An individual employed by the Office of Appeals who conducts a hearing and issues a decision. A hearing before an ALJ is considered the first level of review.
Alternate Base Period	See "Base Period."
Appeal	<p>A claimant or employer request for first-level hearing with an Administrative Law Judge (ALJ) when there is disagreement with the EDD's decision about a claimant's eligibility for benefits. The ALJ will issue a written decision to all interested individuals. A claimant or employer may also appeal the ALJ decision which is a second-level appeal.</p> <p>The second-level appeal is a request for a review of the ALJ's decision by the California UI Appeals Board.</p>
Appeals Board	The Governor and Legislature appoint Appeals Board members. They review decisions issued by ALJs from the Office of Appeals. (Second level of review)

B

Base Period	A one-year period of earnings, divided into quarters, used to establish a UI claim and calculate an award. There are two types of base periods. The Standard Base Period is the first four of the last five completed calendar quarters prior to the beginning date of the claim. The Alternate Base Period is available beginning in April 2012 and is the last four completed calendar quarters prior to the beginning date of the claim. The Alternate Base Period may only be used to establish a claim when wages in the Standard Base Period are not sufficient to establish a claim.
-------------	---

Base Period Employer	Employer(s) who paid the earnings used to establish a UI claim and calculate an award.
Benefit Year	The one-year period of a UI claim. The benefit year is the one year period beginning with the Sunday of the week the individual files the UI claim.
Benefit Year Beginning (BYB) Date	The date a UI claim begins. All claims begin on the Sunday of the week an individual contacts the EDD to file a claim.
Benefit Year Ending (BYE) Date	The date the UI claim ends and the individual can no longer collect on that claim. All UI claims end on a Saturday date. BYE Date is one year after the BYB date.
Benefits	The money paid to an individual who meets UI eligibility requirements.
Board Appeal	An appeal to the Appeals Board is to request a review of an Administrative Law Judge decision. A board appeal is a second-level of review.
Bona Fide Employment	Employment in which an individual was in good faith attached to the labor market.

C

California Training Benefits (CTB)	A program established to retrain displaced workers who need new skills to return to work.
Claimant	An individual who files a claim for UI benefits.
Claimant Handbook	A booklet that describes the claimant's rights and responsibilities under California's UI law. (The booklet is titled <i>A Guide to Unemployment Insurance Benefits and Employment Services</i> , DE 1275A).
Continuing Eligibility	A term used to describe the eligibility conditions that a claimant must meet each week to continue to receive UI benefits.

D

Department	The Employment Development Department (EDD).
Determination	An eligibility decision made by the EDD issued to an employer and/or claimant.
Determination/Ruling	A decision made by the EDD concerning an individual's eligibility for benefits when an individual voluntarily quit or is discharged from his or her most recent employment, or other eligibility issue, and whether a tax-rated employer's account will be charged for those benefits.
Disaster Unemployment Assistance (DUA)	A federal program that pays benefits to workers who are unemployed due to a disaster and who are not eligible for a regular UI claim. The President of the United States must declare the disaster.
Discharge	A reason for an individual's unemployment that result in a denial of benefits. An employer takes this action to terminate an individual from work.
Disqualification	When a claimant is denied UI benefits.

E

EDD Debit Card SM	Beginning in Summer, 2011, UI began issuing Visa-branded Debit Cards from Bank of America for electronic benefit payments instead of mailing benefit checks. Payments will be authorized by UI for payment via the EDD Debit Card SM . This new benefit method will result in a more efficient, cost effective, and secure way for all claimants to receive their benefits. This will be the only way to receive UI benefits once a claimant has been issued the EDD Debit Card SM .
EDD Tele-Cert SM	A certification method that allows claimants to certify for UI benefits on a biweekly basis over the phone by calling the EDD Automated Self-Service number, 1-866-333-4606 and using the automated Interactive Voice Response (IVR) system.
EDD Web-Cert SM	A method which allows claimants to certify for UI benefits on a bi-weekly basis online instead of using the paper <i>Continued Claim Form</i> . Claimants certify by accessing the EDD website: www.edd.ca.gov .
EDD Website	The EDD website is www.edd.ca.gov .

Efforts to Seek Work	An eligibility requirement that claimants must make an effort to look for work each week.
Eligibility	Status of a claimant with regard to receipt of benefits.
Employer	An entity or person that pays individuals for work performed, is subject to UI law and finances the UI program by paying appropriate taxes.
Employment	Work performed for an employer.

F

False Statement	A statement made by claimants or employers to willfully provide false information to the EDD or to willfully withhold information from the EDD that affects the payment of UI benefits.
Fired	See "Discharge."
Fraud	Willfully withholding or providing false information that results in the payment or denial of UI benefits.
Full -Time Employment	Generally, work of 40 hours per week or more.

G

Good Cause	Circumstances that cause a reasonable person who wishes to remain employed to leave work or refuse a job offer.
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H

Hearing	A formal meeting (appeal hearing) held to consider an appeal to the EDD's decision. An Administrative Law Judge conducts the hearing, giving employers and claimants a chance to present the evidence.
Holiday Pay	Payments to an individual for holiday pay for any holiday occurring in a week during which the individual was unemployed. The payment may be deducted from UI benefits if the employee has not separated from employment with the employer.

I

In Lieu of Notice Pay Payment made by an employer which replaces an advance notice of termination. This payment is deductible from UI benefits.

L

Last Employer The very last employer an individual worked for before filing a new UI claim or when reopening an existing claim and there has been intervening employment.

Layoff A permanent or temporary separation from employment due to a lack of work.

Lock Out A term used during a trade dispute when the employer does not permit employees to report to work.

M

Maximum Benefit Amount (MBA) The maximum amount of money payable on a UI claim to a claimant during one benefit year.

Misconduct The California Code of Regulations, Title 22, Section 1256-30 states:

Misconduct connected with his or her most recent work exists for an individual's discharge if all the following elements are present:

- The claimant owes a material duty to the employer under the contract of hire.
- There is a substantial breach of that duty.
- The breach is willful or wanton disregard of that duty.
- The breach disregards the employer's interests and injures or tends to injure the employer's interests.

N

New Claim A UI claim with a new Benefit Year Beginning date and base period.

S

Severance Pay	A payment made by an employer to an employee when his or her employment has ended. The payment is not deducted from UI benefits.
Sick Leave Pay	A payment made by an employer to an employee when the employee is ill and unable to work. The payment may be deducted from UI benefits if the employee has not separated from employment with the employer.
Standard Base Period	See “ Base Period.”
Strike	Work stoppage by employees concerning wages or working conditions.
Suitable Work	Work offered to a claimant that the EDD determines is the type of work the claimant can reasonably be expected to perform.

T

Tax Branch	The EDD Tax Branch administers the collections, accounting, and auditing functions of California’s payroll tax program. The program consists of Unemployment Insurance and employment training tax, which are employer contributions, Disability Insurance and personal income tax, which are withheld from employees’ wages.
Telephone Interview	A scheduled telephone call from the EDD to an employer and/or claimant to obtain information regarding a claimant’s eligibility for benefits.
Trade Act	Federal law which provides federally funded assistance for workers who lose their jobs or whose hours of work and wages are reduced as the result of trade with other countries.
Trade Dispute	Any controversy related to the terms and conditions of employment or collective bargaining agreement, between an employer and a group of employees.

U

Underemployed	An individual who has full-time, part-time, or intermittent employment. The earnings are not sufficient to avoid economic hardship.
Unemployed	Any week: <ol style="list-style-type: none">1. In which the claimant performs no services and no wages were paid.2. Of less than full-time work when wages reduced by \$25 or 25 percent do not equal or exceed the claimant's weekly UI benefit amount.3. That the claimant performs full-time work for five days as a juror, or as a witness under subpoena.
Unemployment Insurance	The California program for unemployed individuals as outlined in the <u>UI Code</u> and the <u>California Code of Regulations, Title 22</u> .
Unemployment Insurance Branch	The EDD's Unemployment Insurance Branch administers the UI program in California. The basic UI program components include payment of benefits, funding of benefits, and determining claimant eligibility in accordance with UI law. These components are carried out in a unique federal-state partnership. The UI program is jointly administered by the federal government as a part of a national UI program, and by the state government, which establishes California's administrative and eligibility requirements.

V

Vacation Pay	The payment may be deducted from UI benefits if the Employee has not separated from employment with the employer.
Voluntary Quit	The <u>California Code of Regulations, Title 22, Section 1256</u> states: "An individual is disqualified for unemployment compensation benefits if the director finds that he or she left his or her most recent work voluntarily without good cause." Thus, the elements of a voluntary quit are: (1) leaving, (2) most recent work, (3) voluntarily, and (4) without good cause.

W

Wages	Includes any and all compensation for personal services whether performed as an employee, an independent contractor, juror, or witness. Wages are deductible from the weekly UI benefit amount if services were performed during a week in which UI benefits are claimed.
Waiting Period	An unpaid week that must be served before any UI benefits can be paid on a new claim. Generally, it's the first week of a new claim and the claimant must be otherwise eligible for UI benefits to serve the waiting period week. The waiting period week cannot be served until the claimant contacts the EDD to file a claim. If the claimant worked during the entire first week of the claim, or was disqualified for the week, this unpaid time extends into the next week(s).
Weekly Benefit Amount	The amount of benefits payable each week to the claimant if all eligibility requirements are met. The weekly UI benefit amount is based on the claimant's highest quarter earnings in the base period of his or her claim.
Weekly Claim Form	The bi-weekly paper certification form called the <i>Continued Claim Form</i> , DE 4581 CTO. This form is submitted by the EDD to claimants who claim weekly UI benefits. Claimants use this form to certify whether or not they have met all weekly UI eligibility requirements.
Workforce Services	A branch within the EDD that partners with the California Workforce Investment Board, Local Workforce Investment Areas, employers, community based organizations, educators, state and local government agencies, and training providers. Workforce Services and its partners bring employers with job openings together with qualified job seekers.
Work Sharing	A program designed to help employers retain their workforce. This program is an alternative to layoffs.
Worker Adjustment and Retraining Notification (WARN) Pay	Payment made by an employer that replaces an advance notice of termination, in compliance with the WARN Act. The WARN payments are not deductible from UI benefits.



STATE OF CALIFORNIA

LABOR AND WORKFORCE DEVELOPMENT AGENCY

EMPLOYMENT DEVELOPMENT DEPARTMENT

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Requests for services, aids, and/or alternate formats need to be made by calling the information numbers listed in this booklet.