

Unemployment Insurance

Objective:	To establish County procedures in regard to unemployment insurance.	Policy/Procedure Number:	03-18
Reference: <i>(All applicable federal, state, and local laws)</i>	NYS Unemployment Insurance Law	Effective Date:	
Legislative Policy Statement:		Responsible Department:	Department of Human Resources
General Information:		Modified Date (s):	October 7, 2003; May 18, 2021
		Resolution No.:	207; 2021-108
		Next Scheduled Review:	May 2026

I. Definitions: **Employee** - All persons filling paid positions of any rank within County government, including elected or appointed officials.

Suitable Work - Work that an employee is reasonably fitted by training and/or experience, pays at least the prevailing wage, and pays at least eighty (80) percent of the employee's high quarter wages during the base period. The base period is the first four of the last five completed calendar quarters prior to the beginning date of unemployment.

Unemployment Insurance - An insurance fund program that employers pay into based on their payroll. This fund is used to pay temporary benefits to former County employees who have lost work through no fault of their own.

- II. Policy:**
- A.** The County shall comply with the New York State Unemployment Insurance Law.
 - B.** The County shall provide each County department with the Unemployment Insurance Notice to Employees (IA 133) as required by law. Department Heads will ensure that the Unemployment Insurance Notice to Employees is posted in a conspicuous place.
 - C.** All County Unemployment Insurance claims shall be handled centrally by the Department of Human Resources. The Commissioner of Human Resources may designate a representative from the department to handle the claims.

III. Procedure: **A. Department of Human Resources Responsibilities**

1. All unemployment insurance claims in relation to County employees must be processed by the County Department of Human Resources. In the event the New York State Unemployment Office sends claim forms or any other information to individual departments, they must be forwarded immediately to the Department of Human Resources.
2. Notice to Employees Leaving Employment

- a. An employer must give written notice to any employee who goes off the payroll regardless of:
 - The reason for separation, or
 - Whether it is a temporary or permanent separation.
- b. The notice must include:
 1. Employer's name;
 2. New York State Employer Registration Number;
 3. Mailing address of where payroll records are kept; and
 4. Instructions to employees to give the information on the form to the Unemployment Insurance Claims Center.
3. The Department of Human Resources shall respond to all Notices of Potential Charges (LO 400) and Notices of Protest (LO 400P) in a timely manner if:
 - a. There is incorrect wage information; or
 - b. The County knows of any reason why the former employee should not collect benefits.
4. The Department of Human Resources may contest a former employee's benefit claim by returning form LO 400 within ten (10) calendar days of receipt with an explanation of why the benefits are being contested.
5. If the Department of Human Resources disagrees with the NYS Department of Labor's benefit determination a hearing may be requested. Human Resources must request such a hearing within thirty (30) days of the date of determination notice.

B. Responsibilities of Employees leaving County Employment

1. Employees may be eligible for temporary income if they lose their County employment through no fault of their own. Employees must file a claim with the NYS Department of Labor to determine eligibility and for payment of benefits.
2. If an employee is determined to be eligible, they are responsible for certifying for benefits each week they remain unemployed.

C. Eligibility

1. An employee must qualify for unemployment under NYS law in order to receive benefits.
 - a. To qualify an employee must:
 1. Have lost employment through no fault of their own;
 2. Have enough prior earnings from employment to establish a claim;
 3. Be ready, willing and able to work; and
 4. Be actively seeking work and keeping a record of the work search.

Note: The requirement to actively seek work may be waived by the Department of Labor under certain conditions.

D. Ineligibility

1. Employees may not be eligible for Unemployment Insurance Benefits if they:
 - a. Are still working, for the County, for another employer or for themselves;
 - b. Quit voluntarily without good cause;
 - c. Were dismissed for job-related misconduct;
 - d. After filing a claim, refused suitable work;
 - e. Are not ready, willing and able to work, or are not actively seeking employment;
 - f. Were dismissed because they committed a felony in connection with the job;
 - g. Are unemployed due to a strike or other industrial controversy, unless the strike has lasted more than forty-nine (49) days, or the employer has hired replacement workers;
 - h. Are an employee of an educational institution and have reasonable assurance of employment in the next academic period;
 - i. Were employed in a work-release program; or
 - j. Are receiving a pension or dismissal pay from a base period employer.