

# **MANAGING**

## ***UNEMPLOYMENT INSURANCE COSTS***

# MANAGING UNEMPLOYMENT INSURANCE (UI) COSTS

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 **GENERAL INFORMATION****About the UI Program**

The UI program has operated for over sixty 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 by the UI Code, and the California Code of Regulations, Title 22.

The UI program benefits the individual 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 it is Funded**

The UI program is financed by employers who pay unemployment taxes on wages paid to employees. The tax rate varies for each employer depending in part on the amount of UI benefits paid to former employees.

The UI tax works like any other insurance premium. An employer may pay a lower tax rate when former employees make fewer claims on the employer's account.

Part of employer taxes goes directly to the federal government to pay for the administration of the system. The greater portion goes into a special UI Trust Fund from which benefits are paid to qualified claimants.

**Contacting EDD**

Use the telephone numbers listed here to call about UI services. Please note that we have separate telephone numbers for English, Spanish, Chinese and Vietnamese speaking customers.

### 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
TTY (Non-voice) .....	1-800-815-9387

### Business Hours

The UI services and business hours are outlined below:

<b>Service</b>	<b>Business Hours</b>
- UI Claim filing with a Department representative	Monday through Friday 8:00 a.m. to 5:00 p.m.  Note: UI claim filing services are not available on California state holidays.
- UI Claim filing using our on-line application, eApply4UI	Twenty-four hours a day, seven days a week, including holidays
- General UI benefit information (recorded information)	Twenty-four hours a day, seven days a week, including holidays
- UI payment information (interactive recording)	Monday through Saturday 6:00 a.m. to midnight  Sunday 6:00 a.m. to 9:00 p.m.  Note: Callers must create a Personal Identification Number (PIN) prior to accessing payment information.

## **Deaf and hard of hearing callers:**

Customers can contact EDD directly (without using the California Relay Service) by TTY. *The TTY is a telecommunications device for the deaf and hard of hearing, this telephone number does not accept voice calls.*

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

We encourage deaf and hard of hearing callers to contact us directly by using the TTY toll-free number listed above. This will put you in direct contact with an EDD representative who can provide you with UI services.

## **Claim Filing Methods**

We offer three claim filing options. Callers can choose to call EDD and speak with a Department representative, submit an application on-line, or file by mail or fax using our paper application. Our claim filing options are outlined below:

1. *File by telephone.* Customers contact one of our call centers using a toll-free telephone number.
2. *Use the on-line application, eApply4UI.* This application allows the customer to type in answers to questions on-line. The application is also submitted on-line. Access eApply4UI on the EDD home page at <https://eapply4ui.edd.ca.gov>
3. *Use our paper application, UI Application, DE 1101 I.* The DE 1101 I is a paper document. Customers print, hand write or type answers and either mail or fax it to EDD for claim filing.

Access the DE 1101 I on the EDD home page at [www.edd.ca.gov/uiapp.htm](http://www.edd.ca.gov/uiapp.htm).

Note: Employers can take advantage of having the paper application (DE 1101 I) on-line. If layoffs are unavoidable, the DE 1101 I can be printed and distributed to employees. Completion instructions are considered part of the DE 1101 I. If you provide the DE 1101 I to your former employees, also include the completion instructions.

## **The Partnership**

The U.S. Department of Labor and EDD share responsibilities for administering the UI program. The Department of Labor administers the national program, the UI fund and provides oversight and guidance to states. The EDD applies federal law and regulations and administers California's UI program in accordance with conforming state laws and regulations. This federal-state relationship forms the first branch of the partnership.

The employer community and EDD form a second and equally important branch of the partnership. Employers fund the UI program through tax contributions. The EDD must apply laws and regulations to promptly pay or deny benefits to unemployed workers. The Department 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 Department representatives, and accepting new work. The Department mails *A Guide to Unemployment Insurance Benefits and Employment Services, DE 1275A* to each individual who files a UI claim. The guide provides 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.

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

### **Last Employer**

A claimant's initial eligibility for benefits is based on the reason his/her employment ended with the **very last employer** for whom he/she worked. The last employer that an individual worked for prior to filing a new UI claim will be mailed a *Notice of Unemployment Insurance Claim Filed, DE 1101CZ*. A *DE 1101CZ* is also mailed to the last employer a claimant worked for prior to reopening an existing claim if the claimant worked and became unemployed after filing a new claim.



**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*.

The *DE 2320* is available on the EDD home page at [www.edd.ca.gov](http://www.edd.ca.gov) in the Forms and Publications section.

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 individual is not entitled to benefits and your reserve account should not be charged for those benefits:

- ✓ Respond in writing to the *DE 1101CZ* within ten calendar days from the date the notice was mailed.
- ✓ Provide specific facts that you believe affect the former employee's entitlement to UI benefits.
- ✓ Be prepared to discuss the information with a Department Representative during a telephone eligibility interview.



### **Reminder:**

To protest a claimant's eligibility for benefits:

- ⇒ Respond in writing to the first notice mailed by the Department.
- ⇒ Respond promptly.
- ⇒ Submit documented facts.

### **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. We must rely on claimants to provide the correct mailing address and telephone number of their last employer.

We developed a simple handout for you to give to an employee who is leaving work regardless of the reason. This form helps to ensure that the claimant provides the correct last employer mailing address and telephone number (or employer agent information) that you want to use for UI purposes. Its use is voluntary. The handout can be duplicated, completed and handed out to an employee that is leaving work. Advise the employee to refer to the handout when filing a UI claim.



<b>1. Employer or Agent Name</b>		
<b>2. Street or PO Box</b>		
<b>3. City</b>	<b>4. State</b>	<b>5. ZIP Code</b>
( ) _____	_____	
<b>6. Telephone Number</b>	<b>7. Employer/Agent Contact</b>	

**Note to Claimant:**  
Please provide the employer information on this handout to the EDD representative filing your unemployment insurance claim. Also, refer to the handout if you file your claim using one of our applications on the EDD home page at [www.edd.ca.gov](http://www.edd.ca.gov).

### Base Period Employers

An individual's UI claim may be based on earnings from one employer, or several employers. These employers are "base period employers." A base period employer may also be the last employer. The last employer is mailed a notice when a new claim is filed. Base period employers are mailed a *Notice of Wages Used for Unemployment Insurance Claim, DE 1545* after the first payment is mailed to the claimant.

It is important to respond to the first notice received from the Department if it is the employer's position that his/her reserve account should not be charged for benefits paid, or that the claimant is not eligible for benefits. A base period employer must respond within 15 calendar days from the date the *DE 1545* was mailed. It is equally important to submit a written statement providing specific facts about events that led to an individual's separation from work.



## 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.

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.

**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 continue to be eligible for Work Sharing benefits, employers must complete a *Work Sharing Certification, DE 4581WS* for each Work Sharing week. After completing the *DE 4581WS* employers issue the form to participating employees within 14 calendar days from the week ending date. Employees are then required to complete and submit the *DE 4581WS* to EDD within 14 calendar days from the date issued by the employer.

Employers must have at least two employees participating in Work Sharing with hour and wage reductions of at least ten percent. For more information on the Work Sharing program, contact EDD's Special Claims Office at (916) 464-3300.

Note: The following Work Sharing information is available in the Forms and Publications section of the EDD home page at [www.edd.ca.gov](http://www.edd.ca.gov):

- Work Sharing Plan Application, DE 8686
- Guide for Work Sharing Employers, DE 8684
- Work Sharing Program Fact Sheet, DE 8714BB

## California Training Benefits

This program allows eligible claimants to receive UI benefits while attending an approved training/retraining program. To receive California Training Benefits (CTB) individuals must be eligible for UI benefits and be enrolled in, or attending training approved by the Department. Claimants attending training programs funded by the Workforce Investment Act and Employment Training Panel have automatic eligibility. In addition, former workers of Trade Adjustment Assistance certified employers and Temporary Assistance to Needy Families recipients enrolled in CalWORKS training contracts may be eligible for California Training Benefits.

California Training Benefits takes the place of, and are equal to, a claimant's regular UI benefits. Benefits are paid while the claimant is attending an approved training course. CTB participants are not reimbursed for tuition, books or other training related expenses.

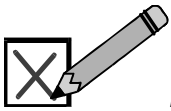
The participants are not required to look for work, be available for work, or accept suitable work while in training. Participants submit a *Continued Claim Form, DE 4581CTO* to EDD for payment.

The California Training Benefits program has long term benefits for employers: a ready, trained workforce.

## 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.

California workers or their representatives who believe that import competition contributed to their unemployment may file a petition with the Department of Labor or contact an EDD office and request a *Petition for Adjustment assistance, ETA 8560*.



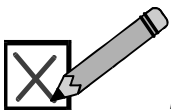
**Note:**

- Information about benefits under the Trade Act and who can file a petition may be reviewed in the “Fact Sheets” portion of the Forms and Publications section of EDD’s home page at: [www.edd.ca.gov](http://www.edd.ca.gov).
- Workers may request a petition form from any EDD office or the U.S. Department of Labor.

### North American Free Trade Agreement

The North American Free Trade Agreement Transitional Adjustment Assistance or NAFTA/TAA amended the Trade Act of 1974. This federal legislation provides help to American workers who lost their jobs due to imports from Canada or Mexico or who became unemployed because production operations relocated to Canada or Mexico. The U.S. Department of Labor and cooperating state agencies administer the NAFTA/TAA program.

In California, workers contact EDD and request a *Petition for NAFTA/TAA, ETA 9042*. The EDD conducts a preliminary investigation for the Department of Labor. The Department of Labor completes the investigation and decides if workers are eligible. The Department of Labor decides if individuals are unemployed because of imports from Canada or Mexico, or because production relocated to either of these countries. If eligible, workers will be entitled to a full range of employment services including training, job search assistance and relocation allowances.



**Note:**

- The U.S. Department of Labor decides eligibility for benefits under the NAFTA/TAA.
- Workers can request a petition form from any EDD office.

## 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 a Department form *Notice of Reduced Earnings, DE 2063* to participate in the Partial program and 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, and
- Their gross earnings after deducting the first \$25 or 25% of total earnings (whichever is greater) are less than their weekly UI benefit amount.

**Employers** provide the *DE 2063* to employees by the fifth day after the end of the payroll week that the employer reduced the hours. Employers should advise their employees to call EDD and file a UI claim immediately.

Employees must file a UI claim, complete the “claimant” sections of the *DE 2063* and send the form to EDD within 28 days from the date issued by the employer. If the *DE 2063* 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* 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* before the form is sent to the Department.
- ⇒ The *DE 2063* is available as a fill-in form on the EDD home page at [www.edd.ca.gov](http://www.edd.ca.gov) in the Forms and Publications section.

## **Apprenticeship Training**

Apprentice programs require a combination of classroom training and on the job training. The training can vary from one to ten weeks, depending on the union, and may be required more than once in each year of apprenticeship.

Claimants who participate in a state-approved (approved by the Department of Apprenticeship Standards) apprenticeship program are considered to be in approved training. These claimants may receive UI benefits for any week they are unemployed and participate in 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 benefits for quitting. However, the apprentice must be physically able to work.

Apprentices submit a *Continued Claim Form, DE 4581CTO* for payment. The Apprenticeship Training program is another way to maintain a trained workforce for California employers.

## **Disaster Unemployment Assistance**

Disaster Unemployment Assistance (DUA) is a federal program administered by the U.S. Department of Labor and State Employment Security Agencies (in California, EDD). Benefits are payable to individuals who are unemployed due to a declared disaster and who are not eligible for a regular UI claim.

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.

Like UI benefits, claimants submit a *Continued Claim Form, DE 4581CTO* for payment.





## Telephone Eligibility Interview

Department staff call employers as well as claimants to resolve eligibility issues. Usually, we contact an employer and the former employee to obtain information about the reasons the individual quit or was fired from work. Department staff conduct telephone interviews with employers and claimants to resolve other eligibility issues as well.

How can employers be better prepared to provide information to Department interviewers?

A Department interviewer will call the telephone number provided on the *Notice of Unemployment Insurance Claim Filed, DE 1101CZ*, or other correspondence returned to us. Employers 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 conflicts in information obtained. 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 Department interviewer's questions with detailed responses

**For more information about the questions we may ask during the telephone interview:**

Review the following sections on EDD's home page at: [www.edd.ca.gov](http://www.edd.ca.gov):

- Meeting Eligibility Requirements
- Eligibility and Payments sections of Frequently Asked Questions
- Benefit Determination Guide. 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 can call EDD and file a claim for UI benefits.

The Department mails a *Notice Of Unemployment Insurance Claim Filed, DE 1101CZ* to the last employer when a former employee files a claim for UI benefits. Employers have ten days from the date the form is mailed to protest a former employee's claim for UI benefits. To protest a claim, employers must respond with **written** information about the former employee's separation from work, or other facts that may affect an individual's eligibility for benefits.

A timely, written response serves to contest a former employee's eligibility for benefits and entitles the employer to a written notice advising whether the claimant is eligible for benefits. The written notice is a *Notice of Determination and/or Ruling, DE 1080CT*.

To resolve eligibility issues, it is the Department's responsibility to gather the necessary information from the claimant and employer and issue a written decision in accordance with law and regulation. A favorable decision relieves the employer's reserve account of charges; an unfavorable decision means the reserve account will be charged for the claim. In separations due to a trade dispute, no ruling concerning a reserve account is issued.

One of the tools used by the Department to resolve eligibility issues is the Benefit Determination Guide. See the "Other Publications" section of this booklet for more information.

### *Laid Off Lack of Work*

An individual who is laid off is out of work through no fault of his/her own, is generally eligible for benefits. It is not necessary for the employer to respond to the Department's notice of claim filed under this circumstance, unless there is other eligibility information to report (job refusal, separation payments, etc.).

## Voluntary Quit

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 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 to prove “good cause” for quitting his/her job. However, prior to quitting work, the claimant has a duty to try to preserve his/her job. Failure to do so negates what would otherwise be good cause.

The Department interviewer will review the employer’s written statement as well as call the employer and claimant.

***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 Department will decide if the decision was the only reasonable solution under the circumstances. The Department 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.

Quitting work without good cause 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 *good cause* for quitting:

- To accept permanent employment (which did not occur as expected) at a substantially higher wage (more than ten 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.
- To escape domestic violence.

The following reasons are generally considered *not to be good cause* for quitting:

- Looking for other work
- Attending school
- Becoming self-employed

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 in addition to the transportation problem?

- 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 to avoid the spouse, what actual necessity was there 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: Seek other employment, or accept other employment?
  - If the 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

Discharging an employee does not disqualify the claimant from receiving benefits if the discharge was not 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 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 to prove the claimant was discharged for “misconduct.” The misconduct must be connected with work. Such as:

- ✓ Violation of a company rule: The claimant must have had knowledge of the rule. Of course, the rule must be reasonable and lawful.
- ✓ 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.

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:

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

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 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 is the claimant's health or physical condition that resulted in 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/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 1256.5 (a) (2) provides, in part, that a claimant is disqualified from receiving UI benefits if:

“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 Department 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 are considered to be of a confidential nature. Such information may not be disclosed to any unauthorized person.

Department staff are required to advise each claimant who is disqualified of the availability of State Disability Compensation and, if requested, assist the claimant in locating a treatment program.

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, subsequent to the week in which the separation occurred, entered into a treatment program. The claimant must be continuing in, 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. 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*, if appropriate.
- ⇒ Answer the Department interviewer's questions with detailed responses.
- ⇒ Appeal the Department's decision if you believe it is contrary to fact or law.
- ⇒ Review the Benefit Determination Guide for more information.
- ⇒ 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*.

### **Other Eligibility Issues**

This section will cover the most common issues that may affect an individual's eligibility for benefits. These issues can occur at any time during the period benefits are claimed. The Department relies on information from employers and claimants to assist in making determinations of eligibility. Eligibility issues other than separations include:

- ⇒ Able to work, available for work, and looking for work
- ⇒ Refusal of suitable work
- ⇒ Wages and other income

## *Able to Work, Available to Work, and Looking for Work*

Individuals who claim weekly UI benefits must meet continuing eligibility requirements each week benefits are claimed.

**First**, claimants must be physically able to work in their usual occupation, or an occupation for which they are reasonably qualified.

**Second**, claimants must be available for work and willing to immediately accept suitable work in their usual occupation, or in an occupation for which they are reasonably qualified.

**Third**, claimants must actively look for work.

Claimants complete a claim form every two weeks, sign and date the form and return it to the Department for payment. If the claimant states that he/she did not meet the above requirements for all or part of a week, the Department will schedule a telephone interview to determine the claimant's eligibility for benefits.

An employer who acquires information that may affect a former employee's eligibility should submit the information to the Department 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, the facts must be submitted in writing within ten 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 Department may reduce or deny 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 ten days from the date of acquiring eligibility information to submit the information to the Department.
- ⇒ Employers will receive a copy of the Department'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 EDD if they refuse an offer of work. The Department will first decide if the work was suitable. If the job offer was not suitable, the claimant is eligible for benefits. If the work offered was suitable, the Department will determine if the individual had good cause to refuse suitable work. Refusing suitable work can result in loss of benefits from two to ten weeks.

Keeping good employment records and responding to Department notices will help employers track who was found eligible for benefits and who may be available for work if openings occur. 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 Department's decision, employers have ten days from the date the eligibility information is acquired to submit written information to EDD.



### **Reminder**

- ⇒ A claimant must notify EDD if he/she refused work.
- ⇒ The Department will decide if the work was suitable and if the claimant had good cause to refuse the work.
- ⇒ To receive a copy of the Department's decision, employers have ten days from the date new work was refused to report the refusal to the Department.
- ⇒ Employers must submit a written report, identify the claimant and provide the details of the job offer.

## *Wages and Other Income*

Individuals who claim UI benefits, must report wages and other income to the Department. The Department will decide if the income will be deducted from the weekly benefit amount. A claimant must report wages when earned.

A claimant may work part-time and be eligible to receive UI benefits. The Department will subtract \$25 or 25% (whichever is greater) from the reported wages. The remaining amount is subtracted from the weekly benefit.

### 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. Often the payments are considered wages and deducted from the weekly benefit.

### The Wages Notice

Employers may find it necessary to terminate employees either on a temporary or permanent basis and pay one or more of the above types of payments.

Examples of permanent separations include a reduction in workforce or plant closure, while holiday/vacation/maintenance shutdowns are generally temporary and employees expect to return to work in the near future.

The purpose of the Wages Notice is to reduce the number of calls to the employer and to promote consistent decisions from EDD staff concerning the payments. The Department will issue a Wages Notice for layoffs involving ten or more employees who are receiving payments other than their regular wages. The Wages Notices provide information regarding separations or payments and advises EDD staff whether the payments will affect UI benefits.

To assist in the process of reporting layoff payment information, the Department 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 Department with payment information and to request a Wages Notice. The four *Wages Notice Request* forms are:

- *Wages Notice Request, Holiday/Vacation Pay - 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 EDD's home page at: [www.edd.ca.gov](http://www.edd.ca.gov). The forms may be completed on-line, printed and mailed or faxed to the Department as indicated in the instructions.

Employers who do not have access to Internet or choose not to utilize the on-line 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 Insurance Accounting Division at (916) 464-0899. Ask to speak to a representative about a Wages Notice.



**Reminder:**

- ⇒ If you must reduce your workforce, or
- ⇒ Will have a temporary holiday, vacation or maintenance shutdown, **and**
- ⇒ Ten or more employees will receive a payment such as those listed above:  

Call EDD's Insurance Accounting Division at (916) 464-0899 and ask to speak to a representative about a Wages Notice.
- ⇒ Use the *Wages Notice Request* forms in the Forms and Publications section on EDD's home page at: [www.edd.ca.gov](http://www.edd.ca.gov).

## 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 Department at (916) 654-7401 and ask to speak to a representative in the Trade Dispute Unit. This should be done within ten days of the date the individuals left work. A Trade Dispute Specialist with the Department's Central Office 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 EDD's home page at: [www.edd.ca.gov](http://www.edd.ca.gov) and review the Trade Dispute volume of the Benefit Determination Guide. The Benefit Determination Guide is located in the Forms and Publications section.



### **Reminder:**

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

### **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 the disqualification.

If the employer provided the Department with written information regarding the claimant's eligibility, we will notify the employer that the claimant has purged the original disqualification. The claimant may now receive benefits if all eligibility requirements are met.

### **Fraud Prevention and Detection**

The Department 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 on the weekly claim form. 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.

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 benefits may be assessed a false statement disqualification that denies benefits from two to 23 weeks. If benefits were paid as a result of the false information, the Department will assess a penalty of 30 percent of the amount overpaid. Overpayments and penalties must be repaid. To collect the overpayment and penalties, the Department 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 two to ten 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 Department 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 EDD's efforts to detect fraud, each quarter EDD conducts a crossmatch of weekly UI benefits paid with a report of earnings provided by the employer. The Department 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/she collected UI benefits. Employers have ten days from the date mailed in which to respond to these audit requests.

#### Fraud Tip Hot Line

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 Tip Hot Line at 1-(800) 229-6297. The Department considers the information confidential and will protect the identity of the person reporting fraud.



### **Reminder:**

- ⇒ Fraud detection and prevention is the responsibility of the Department, 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 separation from work.
- ⇒ Call the Fraud Tip Hot Line at 1-(800) 229-6297 to report fraud.



## 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:

If the claim begins in:	The base period is the 12 months ending the previous:
January, February, March,	September 30 <sup>th</sup>
April, May, June,	December 31 <sup>st</sup>
July, August, September,	March 31 <sup>st</sup>
October, November, December,	June 30 <sup>th</sup>

### *As an example:*

If the claim begins in:	The base period includes wages earned from:
March 2003	October 1, 2001 through September 30, 2002
June 2003	January 1, 2002 through December 31, 2002
August 2003	April 1, 2002 through March 31, 2003
December 2003	July 1, 2002 through June 30, 2003

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 \$410.

**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 \$410, and a maximum benefit amount of \$10,660.

### **When Paid**

After the initial claim is filed, or an existing claim is reopened, claimants complete and submit a bi-weekly *Continued Claim, DE 4581CTO* to the Department for the payment of benefits.

The benefit payment is mailed to the claimant within ten days from the date the *DE 4581CTO* was submitted. The *DE 4581CTO* for the next two-week period is attached to the benefit check. The claimant will hold the *DE 4581CTO* until both weeks have passed, then complete and submit the *DE 4581CTO* for payment.

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



## Filing an Appeal

An employer has the right to appeal EDD's decision to pay a claimant. A claimant has the right to appeal EDD's decision to reduce or deny benefits. Employers who disagree with the Department's decision must either submit a completed *EDD Appeal Form, DE 1000M*, or a letter of appeal within 20 calendar days of the date the *Notice of Determination and/or Ruling, DE 1080CT* was mailed. Mail the appeal to the return address shown on the 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 reserve account number and the former employee's social security account number.
- The name and mailing address of any representative.
- 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. 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 home page at [www.edd.ca.gov](http://www.edd.ca.gov).

The Department 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 ten 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 ten 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  
PO Box 944275  
Sacramento, CA 94244-2750**

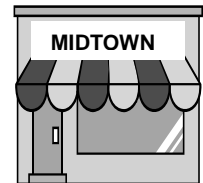
## THE WAITER'S STORY (The Employer Notification Process)

The following story illustrates the steps EDD takes to notify employers when a former employee files a UI claim. 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 whether their reserve account 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 waiter files a UI claim.



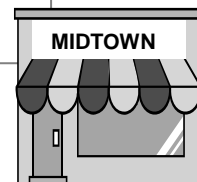
### Step 2: Notification

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



### Step 3: Notification Received

- ⇒ The Midtown Restaurant receives its daily mail delivery.
- ⇒ The *Notice of Unemployment Insurance Claim Filed, DE 1101CZ* is included in the mail delivery.





**Remember:**

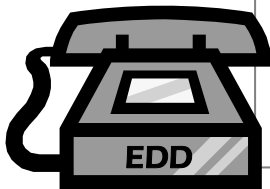
Employers have ten days from the date mailed to respond to the *DE 1101CZ* and provide EDD with information on eligibility issues (quits, discharges, availability).

**Step 4: Telephone Eligibility Interview**



⇒ Since the Midtown Restaurant fired the waiter, EDD schedules a telephone eligibility interview. 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 benefits.



**Step 5: The Decision**

The decision is either favorable or unfavorable to the Midtown Restaurant:



⇒ **Favorable** – The waiter is **NOT ELIGIBLE** for benefits because he deliberately spilled a tray of food on a customer. The Midtown Restaurant gets a favorable ruling. *The employer's reserve account will not be charged.*

⇒ **Unfavorable** – The waiter is **ELIGIBLE** for benefits because spilling the tray of food on a customer was accidental. The Midtown Restaurant gets an unfavorable ruling. *The employer's reserve account will be charged for the waiter's benefits.*

⇒ EDD makes a decision regarding the waiter's eligibility for benefits.



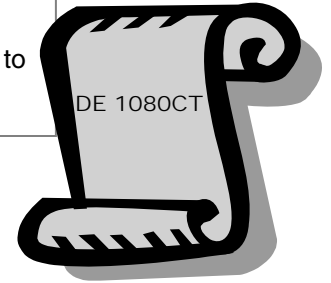
**Remember:**

The waiter and the Midtown Restaurant have the right to file an appeal to the California Office of Appeals.



### Step 6: Employer Notification

⇒ A *Notice of Determination and/or Ruling, DE 1080CT* is mailed to the claimant and the employer.



### Step 7: Base Period Employers

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

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

### Step 8: The Waiter's Base Period Employers

⇒ The waiter worked for ***Fantasy Cruise Lines*** and was laid off. 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 ***Castle Restaurant*** laid off the waiter and now has work for him.

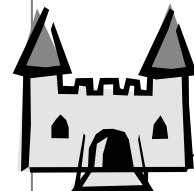
⇒ The ***U.S. Bank Cafeteria*** discharged the waiter for absenteeism.



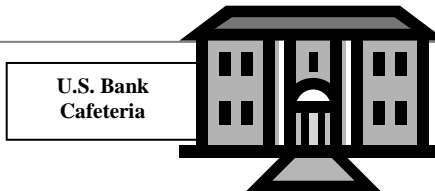
**Fantasy  
Cruise  
Lines**



**Victorian  
Bed and Breakfast  
Inn**



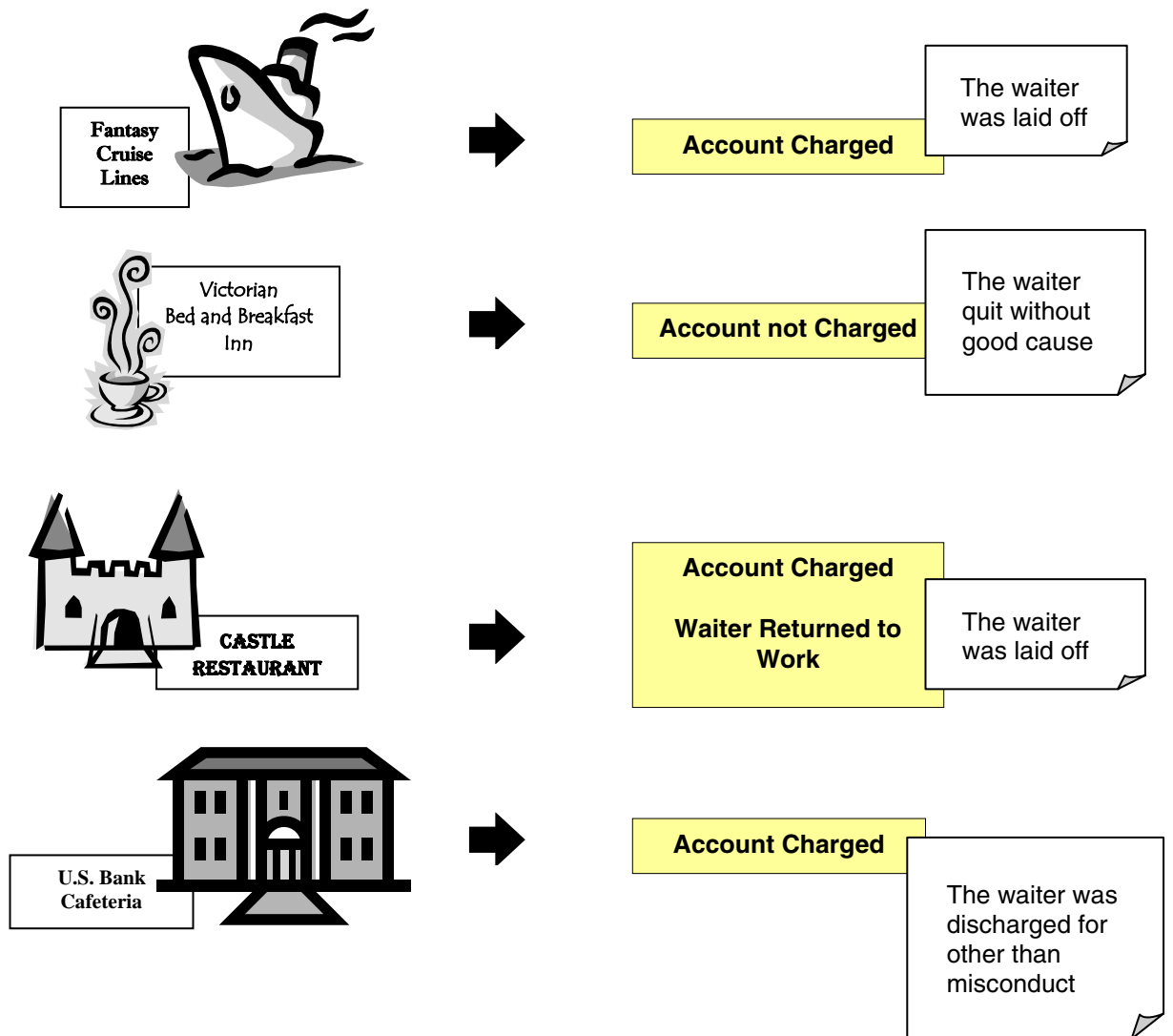
**CASTLE  
RESTAURANT**



**U.S. Bank  
Cafeteria**

### Step 9: The Waiter's Base Period Employers:

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



 **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 EDD.

This is not a complete listing of all documents mailed by the Department. It's a listing of the forms about which employers frequently inquire.


***Employment Development Department Appeal Form, DE 1000M***

The DE 1000M is used to file an appeal. It is included with all eligibility notices issued by the Department to employers and claimants.

 <p><b>EDD</b> Employment Development Department State of California</p>	<p><b>EDD Telephone Numbers:</b></p> <table border="0"><tr><td>English</td><td>1-800-300-5616</td></tr><tr><td>Spanish</td><td>1-800-326-8937</td></tr><tr><td>Cantonese</td><td>1-800-547-3506</td></tr><tr><td>Mandarin</td><td>1-866-303-0706</td></tr><tr><td>Vietnamese</td><td>1-800-547-2058</td></tr><tr><td>TTY (non voice)</td><td>1-800 815-9387</td></tr></table>	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 (non voice)	1-800 815-9387
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Vietnamese	1-800-547-2058												
TTY (non voice)	1-800 815-9387												
<p><b>EMPLOYMENT DEVELOPMENT DEPARTMENT APPEAL FORM</b></p> <p><b>If you want to appeal a Department determination, please explain why you disagree and return this form to the Department using the office address listed on the enclosed notice. You have 20 days from the date of the notice to file an appeal. The 20-day period may be extended for good cause. Reasons for filing an appeal after 20 days should be explained.</b></p> <p>Please note that claimants for Disaster Unemployment Assistance have 60 days to file an appeal. Employers who are appealing the Department's DE 3807 Notice of Determination or Assessment have 30 days to file an appeal.</p> <p>I disagree with the Department's decision dated _____ because: _____ _____ _____ _____ _____ _____ _____ _____</p> <p style="text-align: center;">(Attach an additional sheet if more space is required)</p> <p><b>CLAIMANTS:</b> While your appeal is pending, you must continue to file a continued claim form for the period that you want to claim benefits. If you are found eligible, you can be paid only for periods for which you have filed continued claim forms and have met all other eligibility requirements.</p> <p>The following information must be provided by the party filing the appeal (Appellant) or an authorized agent of the party filing the appeal. Signature of the appellant or agent is required.</p> <p>Do you need a translator? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please give language and dialect: _____</p> <p>Appellant Telephone No.: (____) _____</p> <p>Appellant Name: _____ Appellant Fax No.: (____) _____</p> <p><b>Appellant</b> Mailing Address: _____ Street No., Apt. No., or P.O. Box _____ City _____ State _____ ZIP Code _____</p> <table border="1" style="width: 100%;"><tr><td>Claimant Name: _____</td><td>Employer Account Number: _____</td></tr><tr><td>Claimant Social Security Number: _____</td><td>(For employer appeal only)</td></tr></table> <p>Agent Name (if applicable): _____</p> <p>Mailing Address: _____ Street No., Apt. No., or P.O. Box _____ City _____ State _____ ZIP Code _____</p> <p><b>Signature</b> Appellant or Agent: _____ Date: _____</p>		Claimant Name: _____	Employer Account Number: _____	Claimant Social Security Number: _____	(For employer appeal only)								
Claimant Name: _____	Employer Account Number: _____												
Claimant Social Security Number: _____	(For employer appeal only)												
<p>DE 1000M Rev. 2 (4-07)</p>	<p style="text-align: center;">- Versión en español en el dorso -</p> <p style="text-align: right;">CU </p>												

**Notice of Determination and/or Ruling, DE 1080CZ**

Mailed to employers and/or claimants. Provides information on a claimant's eligibility for benefits and may advise whether an employers 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.

EDD OFFICE NAME P.O. BOX CITY	CA ZIP CODE	
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**NOTICE OF DETERMINATION/RULING**

	DATE MAILED 00 / 00 / 00 BENEFIT YEAR BEGAN 00 / 00 / 00
CLAIMANT'S NAME CLAIMANT'S ADDRESS CITY CA ZIP CODE	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

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:

- A. 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).
- B. MAIL THE DE 1000M OR YOUR LETTER TO THE ADDRESS OF THE OFFICE LISTED ON THE FIRST PAGE OF THIS DECISION.
- C. 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 (8-05) CU



**Benefit Audit, DE 1296B**

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 Department uses the form to request wage information for specific weeks that claimants may have worked. The information is used to identify claimants who may have improperly received benefits for weeks in which they actually worked and had earnings. Employers complete portions of the form and return it to EDD within ten days of the mailing date.



**Serving the People of California**  
State of California / Employment Development Department

## BENEFIT AUDIT

Por favor llamar al (916) 464-2350  
si necesita instrucciones en Español

**REPLY IS REQUIRED BY LAW**  
Please return **ALL** Benefit Audit forms.

See enclosed instructions for step-by-step assistance.  
For additional clarification, call (916) 464-2350.

**1.** If this **INDIVIDUAL WORKED** or had earnings, complete Items 2 through 6. For regular earnings, report when actually worked.

If **EARNINGS ARE ZERO** for all of the weeks listed, **CHECK HERE**  and complete Item 6. No other entries are necessary.

Social Security No. (SSN):


Employee Name:

Week Begins	Week Ends	2. Gross Earnings	3. Circle Earnings Type Below	
				<p>RE = Regular Earnings (includes overtime)  V = Vacation Pay                      R = Residuals  H = Holiday Pay                       C = Commissions  S = Severance Pay                    P = Piece Work  O = Other (indicate type)</p> <p><b>4. Provide the following information:</b>  Actual First Day Worked: _____  Still Employed <input type="checkbox"/> or Actual Last Day Worked: _____  Additional dates (i.e., laid off, returned to work) and/or reason for separation: _____</p> <p><b>5. Compare the name and SSN shown above with your records. Enter any differences below:</b>  SSN: _____  Name: _____  <b>Please complete the audit even if name or SSN is different.</b></p> <p><b>6. I hereby certify that the information provided is true and correct to the best of my knowledge.</b>  SIGNED: _____  Title: _____  Date: _____  Telephone No.: _____</p> <p><b>Person (if other than above) to be contacted for additional information:</b>  Name: _____  Telephone No.: ( ) _____</p> <p>Please return <b>ALL</b> Benefit Audits within 10 days of receipt to:  <b>EMPLOYMENT DEVELOPMENT DEPARTMENT (EDD)</b>  <b>P.O. BOX 3038</b>  <b>SACRAMENTO, CA 95812-3038</b></p>

DE 1296B Rev. 22 (5-97) CU-TA140

**Notice of Wages Used for Unemployment Insurance Claim, DE 1545**

The DE 1545 is mailed to base period employers after the first payment has been made on a claim. Specific information regarding the claimant will be entered on the form. Base period employers complete portions of the form and return it to EDD within 15 days of the mailing date.



DE 1545

NOTICE OF WAGES USED FOR UNEMPLOYMENT INSURANCE (UI) CLAIM

\*RULING REQUESTS 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 THE CLAIM				
				TOTAL WAGES REPORTED BY YOU

TOTAL WAGES REPORTED BY YOU AND ALL OTHER EMPLOYERS TO ESTABLISH THE 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.

1. 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) \_\_\_\_\_
2. Did the claimant notify you that he/she quit?    Yes
3. Give complete details about separation \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The above statements were taken from business records or a


PRINT NAME \_\_\_\_\_

SIGNATURE \_\_\_\_\_



**Notice of Potential Employer False Statement Liability, DE 3802**

The *DE 3802* informs employers that they may have provided false or misleading information to the Department 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 employer must complete portions of the form and return it to EDD within ten days of the mailing date. This is not an appealable document, its only purpose is to obtain additional information from the employer.

 Serving the People of California

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**FIELD OFFICE ADDRESS**

**NOTICE OF POTENTIAL EMPLOYER  
FALSE STATEMENT LIABILITY**

┌	Date Notice Mailed _____
└	Field Office Number _____
┌	SSA Number _____
└	Claimant's Name _____
	Date Benefit Year Began _____
	Separation Date _____

In your request for a ruling and/or determination regarding the termination of the above named claimant from your employment you indicated:

\_\_\_\_\_

\_\_\_\_\_

Information from the claimant indicates:

\_\_\_\_\_

\_\_\_\_\_

Our investigation of this conflict of statements shows the facts of termination to be:

\_\_\_\_\_

\_\_\_\_\_

The Department must make a determination of the application of Code Section 1142 (*see reverse*) as it appears that 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 the reverse 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 of the Unemployment Insurance Code.


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

\_\_\_\_\_  
Department Representative

DE 3802 Rev. 10 (2-95) State of California / Employment Development Department CU/IBM

**Notice of Determination or Assessment, DE 3807**

The DE 3807 notifies the employer whether a willful false statement was made, and if so, the penalty that has been assessed. An employer false statement penalty can be as high as ten 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.



**Employment  
Development  
Department**  
State of California

**NOTICE OF DETERMINATION OR ASSESSMENT**

DETACH AND RETURN THIS STUB WITH YOUR PAYMENT TO:

EMPLOYMENT DEVELOPMENT DEPARTMENT  
CASHIERING GROUP, MIC 25  
P.O. BOX 826880  
SACRAMENTO, CA 94280-0001

SECTION 1142      AMOUNT: \$ \_\_\_\_\_

SECTION 1144      AMOUNT: \$ \_\_\_\_\_

EMPLOYER NAME: \_\_\_\_\_

EMPLOYER ACCOUNT NUMBER: \_\_\_\_\_

CLAIMANT'S NAME: \_\_\_\_\_

CLAIMANT SSA NUMBER: \_\_\_\_\_

BENEFIT YEAR BEGAN: \_\_\_\_\_

SEPARATION DATE: \_\_\_\_\_

CLAIMS INTERVIEWER INITIALS: \_\_\_\_\_

EDD OFFICE NUMBER: \_\_\_\_\_

**FOR EDD CO/CAS USE ONLY**

DATE MAILED TO EMPLOYER: \_\_\_\_\_  
(Issue date of assessment)

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**Notice of Determination or Assessment**

A.  All available information has been considered. No penalty is assessed under Section 1142 of the California Unemployment Insurance Code.

B.  The Department has considered all available information and found that you or your employee, officer, or agent willfully made a false statement or representation or willfully failed to report a material fact concerning the termination of the claimant's employment. For text of law and petition rights, see reverse side of this notice.

As required by Section 1142 of the California Unemployment Insurance Code, you are assessed a penalty of \_\_\_\_\_ times the claimant's weekly benefit amount of \$ \_\_\_\_\_. The total amount of the assessment is \$ \_\_\_\_\_.

C.  A formal investigation by the Department resulted in the determination that you induced, solicited, or coerced a claimant to file a false or fraudulent claim for benefits. For text of law and petition rights, see reverse side of this notice.

As required by Section 1144 of the California Unemployment Insurance Code, you are assessed a penalty equal to the liability established against the claimant(s) involved. In addition, any charges made to your reserve account for fraudulent claim(s) filed in relation to the assessment under Section 1144, are not relieved. The total amount of the assessment is \$ \_\_\_\_\_.


REASON FOR DECISION:

**Employer Account Number** \_\_\_\_\_

FOR DETAILS ABOUT THIS ASSESSMENT, PLEASE CALL THE EDD OFFICE LISTED ON THE REVERSE SIDE OF THIS NOTICE.

**EDD FIELD OFFICE USE ONLY:**  
FORWARD ORIGINAL TO CO/CAS, MIC 3B (CAS WILL MAIL TO EMPLOYER). DATE FORWARDED TO CO/CAS: \_\_\_\_\_  
FORWARD COPY TO CORRESPONDENCE FILE.

DE 3807 Rev. 4 (10-95)

CU 


## Response to Employer Communication, DE 4614

The *DE 4614* is an acknowledgement to employers that their correspondence was received. The form also advises what actions EDD will take with regard to the correspondence. Specific information regarding the claimant will be entered on the form. Employers who wish to contest EDD's actions must respond within 20 days of the mailing date. (If #5 is checked 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	

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.

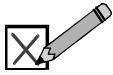
- A Notice of Determination and/or Ruling is issued to an employer only when the employer submits timely information which shows that: (1) the claimant quit his/her job; (2) the claimant was discharged for reasons other than lack of work; or (3) another eligibility issue is involved. Your information did not relate to these circumstances.
- The claimant was terminated due to inability, inexperience and/or unsatisfactory work performance. Termination for these reasons will not affect the claimant's eligibility.
- You previously received a ruling and/or determination on the termination of \_\_\_\_\_, mailed to you on \_\_\_\_\_ (Date of separation).
- 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 \_\_\_\_\_.
- 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.
- The reasons you submitted are not considered good cause for delay because: \_\_\_\_\_
- 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.
- 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.
- 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.
- 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.
- The \_\_\_\_\_ pay you reported is not considered wages for unemployment insurance purposes and is not disqualifying.
- Other: \_\_\_\_\_

DE 4614 Rev. 24 (12-91) State of California / Employment Development Department 

## Timely Response Chart

The chart below provides the timeliness requirements for responding to many of EDD's employer forms. The timeliness requirements for general eligibility information, appealing a *Notice of Determination and/or Ruling, DE 1080CT*, and appealing a decision by an Administrative Law Judge have also been added.

<i>EDD FORMS/CORRESPONDENCE TIMELY RESPONSE CHART</i>				
FORM/CORRESPONDENCE	10 DAYS	15 DAYS	20 DAYS	30 DAYS
Notice of Unemployment Insurance Claim Filed, DE 1101CZ	X			
Benefit Audit, DE 1296B	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 1080CT			X	
Appeal of written decision by an Administrative Law Judge.			X	
Response to Employer Communication, DE 4614 (If #5 is checked a timely response must be made within 15 days of the mailing date.)			X	
Notice of Determination and/or Assessment on Employer False Statement, DE 3807				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 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 *For Your Benefits – California’s Programs for the Unemployed, DE 2320* meets that obligation.

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
California Employer's Guide, DE 44	<p>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.</p> <p>(English only)</p>
Notice to Employees, DE 1857D	<p>Notice that advises employees of their rights under the UI program.</p> <p>(Available in English, Spanish, Chinese and Vietnamese)</p>
For Your Benefits – California's Programs for the Unemployed, DE 2320	<p>Booklet for individuals who become unemployed. Discusses EDD services.</p> <p>(Available in English, Spanish, Chinese and Vietnamese)</p>
Completion Instructions for Notice of Reduced Earnings - DE 2063, DE 4209	<p>Employer instructions for completing the <i>Notice of Reduced Earnings, DE 2063</i>. The <i>DE 2063</i> is a certification form that is completed by employers and employees while participating in the Partial Program.</p> <p>(English only)</p>
Completion Instructions for Notice of Reduced Earnings (Fisherman) – DE 2063F, DE 4210F	<p>Employer instructions for completing the <i>Notice of Reduced Earnings (Fisherman) – DE 2063F</i>. The <i>DE 2063F</i> is a certification form which is completed by employers and employees while participating in the Partial Program for Fishermen.</p> <p>(English only)</p>

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

Publication	Description
Trade Adjustment Assistance, DE 8714X	Informational fact sheet on Trade Adjustment Assistance benefits in California.  (English only)
Trade Act, DE 8714XX	Informational fact sheet on the federal Trade Act.  (English only)
Disaster Unemployment Assistance, DE 8714Y	Informational fact 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 home page.

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 EDD's home page at: [www.edd.ca.gov](http://www.edd.ca.gov):

1. Select "Forms and Publication" in "Top Links" located on the top right side of the EDD home page.
2. Select "Unemployment Insurance Publications."
3. Scroll to the desired publication.

(Note: The California Employer's Guide, DE 44 can be accessed in the "Employment Tax" section of the EDD home page. Select "Employment Tax," then "Employer Tax Publications.")

### **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. Department personnel use the guide to make proper decisions about eligibility for UI benefits.

The Guide can be accessed in the Forms and Publications section (UI) on EDD's home page at: [www.edd.ca.gov](http://www.edd.ca.gov). The guide can also be purchased by sending a written request to:

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

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The California Unemployment Insurance Code can be accessed on Internet at: [www.leginfo.ca.gov](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  
PO Box 826880  
Sacramento, CA 94280-0001

Or by calling: (916) 654-7638

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The California Code of Regulations, Title 22 can be accessed on Internet at: [www.ccr.oal.ca.gov](http://www.ccr.oal.ca.gov) (unofficial version).

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

Barclays Law Publishers  
PO Box 95767  
Chicago, IL 60694-5767

Or by calling: 1-(800) 888-3600  
Or by faxing your request to: (650) 244-0408

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The Appeals Board provides the following publications 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

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

Office of the Chief Administrative Law Judge  
PO Box 944275  
Sacramento, CA 94244-2750

## INTERNET WEB SITES

### Internet Web Site Information

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

- EDD home page at: [www.edd.ca.gov](http://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 Credits
- Board of Equalization at: [www.boe.ca.gov](http://www.boe.ca.gov)
  - Property Taxes
  - Sales and Use Taxes
  - Special Taxes
  - Tax Appellate Program
- Franchise Tax Board at: [www.ftb.ca.gov](http://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](http://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 <i>able</i> to work and immediately <i>available</i> to accept work 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.
Appeal	A claimant and/or employer request for a hearing when there is disagreement with a Department decision about a claimant's eligibility for benefits. It may also be a request for a review by the California UI Appeals Board.
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.
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.
Benefit Year Beginning (BYB) Date	The date a UI claim begins. All claims begin on the Sunday of the week an individual contacts EDD to file a claim.

## **B (cont.)**

Benefit Year Ending (BYE) Date	The date a UI claim expires. All UI claims end on a Saturday.
Benefits	The money paid to an individual who meets UI eligibility requirements.
Board Appeal	A request for review of a decision from an Office of Appeals' ALJ. (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	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 a claimant's rights and responsibilities under California's UI law. (The booklet is titled <i>A Guide to Unemployment Insurance Benefits and Employment Services, DE 1275A.</i> )
Continuing Eligibility	A term used to describe conditions that a claimant must meet to continue to receive benefits.

## **D**

Department	The Employment Development Department (EDD).
Determination/Ruling	A decision made by EDD concerning an individual's eligibility for benefits and whether an 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.

## **D (cont.)**

Discharge	A reason for an individual's unemployment that may result in a denial of benefits. An employer takes this action to terminate an individual from work.
Disqualification	Denial of UI benefits.

## **E**

EDD Home Page	The Department's Internet Web site at: <a href="http://www.edd.ca.gov">www.edd.ca.gov</a> .
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	To willfully provide false information or withhold information 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 Department's decision.

Holiday Pay An employer's payment to an employee which may be deducted from UI benefits.

## 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.

## J

Job Services A recruitment and referral service provided by EDD and its partners.

## L

Last Employer The very last employer an individual worked for before filing a UI claim.

Layoff A permanent or temporary separation 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.

## **M** (cont.)

### Misconduct

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

Misconduct connected with his/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 effective date and base period.

## **O**

### Overpayment

The result when a claimant has been paid benefits to which he/she is not entitled to receive.

## **P**

### Part-Time Employment

Employment that is less than full-time for what is customary in an occupation.

### Partial Claim

A claim filed by a claimant who is participating in the Partial Program.

### Partially Unemployed

A claimant who is receiving benefits while participating in the Partial Program.

### Penalty

A fine levied against employers and/or claimants. The fine can be monetary or weeks without UI benefit payments.



## **P** (cont.)

**Pension** An income paid to workers when they retire. A pension may be deductible from UI benefits.

**Permanent Replacements** A term used during a trade dispute when an employer hires workers to permanently replace striking employees.

## **Q**

**Quit** See Voluntary Quit.

## **R**

**Refusal of Job Offer** Claimant's refusal of employment.

**Reopened Claim** An existing claim that is reopened without the claimant returning to work after the claim was initially filed.

**Ruling** A Department decision concerning whether or not an employer's account will be charged for the claimant's UI benefits.

## **S**

**Severance Pay** A payment made by an employer to an employee when his/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.

**Strike** Work stoppage by employees concerning wages or working conditions.

**Suitable Work** Work offered to a claimant that the Department determines is the type of work the claimant can reasonably be expected to perform.

## T

Telephone Interview	A telephone call from 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: 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> .

## V

Voluntary Quit	The <u>California Code of Regulations, Title 22, Section 1256-1 (b)</u> states in part:  "A voluntary leaving of work occurs when an employee is the moving party causing his or her unemployment."
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# W

Wages	Includes any and all compensation for personal services whether performed as an employee, an independent contractor, juror, or witness.
Waiting Period	An unpaid week. Generally the first week of a new claim. The waiting period does not begin until EDD is contacted to file a claim.
Weekly Benefit Amount	The amount of benefits payable each week to the claimant if all eligibility requirements are met.
Weekly Claim Form	The bi-weekly certification form, or <i>Continued Claim Form, DE 4581CTO</i> . This form is submitted by claimants who state they have met all eligibility requirements.
Work Sharing	A program designed to help employers retain their workforce. 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



#### **Americans With Disabilities Statement**

The California State Employment Development Department (EDD) is a recipient of federal and state funds, is an equal opportunity employer/program, and is in compliance with Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA).

Special requests for alternate formats need to be made by calling the Governor's Committee for Employment of Disabled Persons (916) 654-8055.