



JUSTICE ADMINISTRATIVE COMMISSION



Reemployment Assistance Program Training (formerly known as Unemployment Compensation)

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Workshop Objectives

The objective of this workshop is to provide an overview of the Reemployment Assistance Program Process

- Reemployment Assistance Program Process
- Receiving and Responding to a Claim for Reemployment Assistance
- Base Period
- Misconduct
- Determination and Appeals Process
- Quarterly Reemployment Assistance Invoices
- Extended Benefits
- Frequently Asked Questions

UCB-412 Claim Forms

- Responses are due within 20 calendar days from the date the form is mailed.
 - The date is located on the form.
 - You may respond by fax or through the internet.
 - <https://www2.myflorida.com/AENR/>
- UCB-412 Claim Form
 - Effective Date of Claim
 - % Chargeable
 - Available Credits
 - Weekly Benefit Amount



Base Period

- Defined as the first 4 calendar quarters of the last 5 quarters from the date of the claim
 - Example: *If the date of the claim is 05/7/12, then the base period would be January 1, 2011 to December 31, 2011. Or if the date of the claim is 10/1/12, then the base period would be July 1, 2011 to June 30, 2012.*
- Reemployment Assistance (RA) will look for **all** employers that fall within the claimant's base period.
 - If claimant has multiple employers RA will base its decision of eligibility on the last employer
 - If we are not the last employer then we should receive the UCB-30B form, and RA's decision will not be based on the reason employee separated from us.

Weekly Benefit Amount

- To calculate the weekly benefit amount, use the quarter in the base period with the highest earnings and divide the earnings by 19 (current number of weeks allowed). This number is the claimant's weekly benefit amount.
 - The number to divide by is subject to change as it is based on a sliding scale that cuts and adds weeks of benefits based on the unemployment rate. Reemployment Assistance would drop to as low as 12 weeks if the average unemployment rate drops to 5 percent or lower. A week would be added for every 0.5 percent the jobless rate climbs.
- The minimum weekly benefit amount is \$32 and the maximum weekly benefit amount is \$275.
- To calculate the maximum available credits, divide claimant's total base period wages as shown on their *Wage Transcript and Determination* by 4. This number is the amount available to receive, providing the claimant meets all other eligibility requirements.
- The total amount of available credits can range from a minimum of \$850 to a maximum of \$5225 (as of January 1, 2013).

Misconduct

- Definition of misconduct under s. 443036(31), F.S., was amended in 2011 and includes:
 - Conduct demonstrating conscious disregard of an employer's interests and found to be a deliberate violation or disregard of the reasonable standards of behavior which the employer expects of his or her employee;
 - Carelessness or negligence to a degree or recurrence that manifests culpability or wrongful intent, or shows an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to his or her employer;
 - Chronic absenteeism or tardiness in deliberate violation of a known policy of the employer or one or more unapproved absences following a written reprimand or warning relating to more than one unapproved absence;
 - A willful and deliberate violation of a standard or regulation of this state by an employee of an employer licensed or certified by this state, which violation would cause the employer to be sanctioned or have its license or certification suspended by this state;
 - A violation of an employer's rule, unless the claimant can demonstrate that:
 - He or she did not know, and could not reasonably know, of the rule's requirements;
 - The rule is not lawful or not reasonably related to the job environment and performance; or
 - The rule is not fairly or consistently enforced.

Notice of Determination

- After an individual files their initial claim, and the adjudicator has received all of the documentation necessary to make an informed decision, they will send out a Notice of Determination to the last employer.
- The first section of the form addresses the determination by the adjudicator as to why the claimant separated from the employer.
- The second section states if the claimant is eligible to receive benefits. If it is determined that they should not receive benefits, then any payment(s) they have received will need to be reimbursed to Department of Economic Opportunity (DEO).
- The third section informs both parties of the procedures to appeal the decision. Each party has 20 calendar days from the mailing date of the form to inform DEO if they are appealing the decision.

Telephone Appeal Hearings

- How does the agency appeal the decision of the adjudicator?
 - The agency has 20 calendar days from the mailing date of the form to inform DEO if they are appealing the decision. As stated earlier, this can be done online, via mail, or fax. As long as the notice to appeal is received before the deadline, a telephone appeal hearing will take place later to be determined by DEO. ***(Note: If the reason for the separation is not considered misconduct and the employer was the moving party, then the individual will be eligible for benefits.)***

Telephone Appeal Hearings (Cont.)

- Who hears the appeal?
 - A referee from the Office of Appeals with DEO;
- Who should be involved in the Telephone Hearing?
 - A representative from the agency; we also recommend that the immediate supervisor be present, even if the reason for separation was voluntary. The referee will not allow hearsay evidence to be introduced. They want to hear from the person with firsthand knowledge of the separation. If, for some reason, the immediate supervisor is not available for the hearing then the second level supervisor needs to be available.

Telephone Appeal Hearings (Cont.)

- How do we recommend an agency prepare for a hearing?
 - Prepare a one-page summary of the events that led to the separation. Include in the summary dates of employment, position title, if fulltime or part-time, the hourly rate of pay, and chronological order of events.
 - Meet with all witnesses before the hearing to review the proceedings, review the summary of events, go over questions that could be asked, and make sure everyone is on the same page.
 - The questions and answers should only pertain to the reason given on the notice of appeal as to why the hearing has been called.
 - Keep answers short and to the point. The referee has multiple hearings a day and they expect the hearings to last 30 minutes or less.
 - Be ready to receive the hearing officer's telephone call. The Representative of the employer should have all witnesses arrive 15 minutes before the start time of the hearing. If you do not receive a call within ten minutes after the scheduled hearing time, contact the deputy clerk whose telephone number appears on the Notice of Telephone Hearing.

Telephone Appeal Hearings(Cont.)

- What type of documentation should be used and how does the agency make sure it can be used during the hearing?
 - If an individual is discharged for misconduct then you want to make sure the dismissal letter and all documents (i.e. reprimands, suspensions) that led to the dismissal are in the RA file and can be presented as an exhibit. To ensure that this occurs, inform the deputy clerk on the notice of appeal that you intend to use the documents as exhibits and that you will mail a copy of the documents by certified mail to the claimant before the date of the hearing.
 - Other documentation you will want to be considered is the employee's resignation letter to show they resigned voluntarily.

Reemployment Assistance Appeals Commission (RAAC)

- How does an agency appeal the decision of the referee?
 - The agency will have 20 calendar days from the mailing date of the decision from the referee to appeal a decision to the Reemployment Assistance Appeals Commission (RAAC).
- Who is the RAAC?
 - The RAAC is a three-member panel appointed by the Governor and serves as the highest administrative appellate authority for RA claims.



Reemployment Assistance Appeals Commission (RAAC) (Cont.)

- Does the RAAC hold a telephone hearing?
 - No, they review the records that are on file and the recording of the telephone hearing and make a determination.
- What types of determinations can the RAAC make?
 - Affirm the decision of the referee
 - Reverse the decision of the referee
 - Modify the decision of the referee
 - Return the case to the Office of Appeals for further action if a significant error occurred and give specific instructions as to what the new telephone hearing should cover

Quarterly Reimbursement Invoice

- What is the Quarterly Reimbursement Invoice you will get from the Department of Revenue?
 - Public employer shall reimburse the Unemployment Compensation Trust Fund the amount of regular benefits, short-time compensation benefits, and extended benefits paid to individuals based on wages paid by the public employer for service.
- Who is on the Invoice?
 - Former employees who received a benefit(s) during the quarter the invoice covers. (i.e, any former employee who showed up on the 4th quarter invoice, which runs from April 1st - June 30th of a fiscal year.)
- Whom does the agency contact if they have questions about the Invoice?
 - All questions should be directed to the RA Coordinator at the JAC, who will research the question and provide an answer. Do not contact the Department of Revenue; they will not be able to answer your questions.

Quarterly Reimbursement Invoice (cont.)

- How to read the Invoice?
 - The first column has the name; second column has the SS#; third column has the expiration date of the claim; fourth column has the number of weeks the benefit was paid in the quarter; and the fifth column has the charges or credits to your account (if a minus sign is in front of the number then your account has been credited.)
- Do the circuits have to pay the total amount of the Invoice?
 - According to the Florida Department of Revenue, once benefits are paid, the fund must be reimbursed regardless of the success of any protest or appeal. There are no provisions in the Unemployment Compensation Law (Chapter 443, F.S.) to relieve an employer of the requirement to reimburse for benefits charged.

Quarterly Reimbursement Invoice (cont.)

- How is it determined how much an agency pays for a claim (the percentage of the benefit amount)?
 - If we are the only employer within the base period of the claim, we would be responsible for 100% of the claim.
 - If the claimant worked for two or more employers during the base period than DEO will break it up by the amount of time the claimant worked and earned for each employer during the base period. (For example, if the claimant worked for one employer the first half of the base period and then another during the second half of the base period then each employer, and the claimant made roughly the same amount with each employer, then each employer would be responsible for 50% of the base period.)

Extended Benefits

- What are Extended Benefits?
 - Extended Benefits (EB) are additional RA benefits payable to qualified individuals when an “Extended Benefit Period” occurs in Florida. EB is payable only for weeks of unemployment during an EB period. These benefits are different from the federal Emergency Unemployment Compensation (EUC) benefits. By Executive Order, the Governor may declare an EB period. The Executive Order will indicate the period of time it covers.
- Who is eligible?
 - Extended Benefits (EB) are available only to individuals who meet all eligibility conditions during an EB period. This includes additional eligibility requirements that do not apply to regular RA. The individual must exhaust all entitlement to regular and EUC benefits before receiving EB.

Extended Benefits (cont.)

- The Claimant may be eligible for EB if Claimant:
 - is totally or partially unemployed;
 - has exhausted all entitlement to regular and emergency unemployment compensation (EUC) benefits;
 - satisfies all requirements of the Florida RA Law that apply to regular RA and EB, such as being able and available for work, and has not been disqualified from receiving benefits; and
 - Is actively seeking work for each EB week claimed and provides the work search record as instructed. The Claimant may not refuse an offer of suitable work or fail to apply for suitable work.

Frequently Asked Questions

- Who is eligible to receive RA benefits?
 - All unemployed workers covered under the Florida Reemployment Assistance Law can receive weekly benefits if eligible and are fully qualified.
- When do claimants begin to receive a benefit?
 - Once an individual files for RA, they will have a one-week waiting period and then on the second week will begin to receive a benefit.
- Are OPS employees eligible for RA benefits and if so, why?
 - OPS employees can receive weekly benefits if eligible and are fully qualified. It is a fact that they are considered a temporary employee and are usually hired for a certain period, but at the end of their employment the agency would be considered the moving party. The only time an OPS employee is not eligible is if they were terminated for misconduct and if they left the agency voluntarily.

Frequently Asked Questions (cont.)

- How is it possible that a current employee is able to receive RA benefits?
 - If an individual is working part-time and is earning below their determined maximum weekly benefit amount, which could be up to \$275.00, then they are eligible to receive the difference between what they earn and the maximum benefit amount. ***(For example, if a current employee is working 20 hours a week, earns \$10 an hour, and files for reemployment assistance they could be eligible for a benefit from RA of \$75.00 per week.)***
- When an employee retires from the state and receives a retirement benefit, can they also receive RA benefits?
 - Retirees are disqualified from RA benefits if the retiree's benefit is more than the determined maximum weekly benefit amount of the claim (if the retiree's weekly benefit amount is over \$275.00 then they are not eligible for a weekly RA benefit) and they are not actively looking for work. If the retiree receives a RA benefit less than the determined maximum benefit then they can receive a benefit if determined otherwise eligible and fully qualified.

Frequently Asked Questions (cont.)

- What happens when an employer wins an appeal and the claimant was already receiving a benefit from RA? Is the agency immediately reimbursed?
 - Any benefits received for which a claimant was not entitled are overpayments and subject to recovery. RA request the claimant to payback 10% of the overpayment each month until there debt is paid in full to RA. They do not require it. Once RA begins to receive installments of the overpayment, they will record it on the next scheduled Quarterly Invoice. This process could take multiple invoices before all of the overpayment is credited to the agency's account.
- Why is the agency being charged RA benefits if they are not the last employer and they separated from them voluntarily?
 - When a claimant files a claim DEO first determines who the last employer was, and then they determine the base period, and then determine how many employers fell within that claimant's base period. If it is determined that we are not the last employer then DEO will base there decision on the circumstances as to why they separated from that employer. If it is determined, that the claimant should receive benefits then we would be responsible for a percentage of the claim even if they left us voluntarily or for misconduct.

Contacts at JAC

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