

# Unemployment Insurance Issue Training for Reemployment Staff

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- Training Dates: November 19, 2009  
or November 30, 2009
  
- Training Developed and Presented by  
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# Unemployment Insurance Issue Training for Reemployment Staff

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- Objectives of Training:
  - Identify and define specific types of issues that can be adjudicated by TCC staff.
  - Review the elements needed on each issue before an issue can be sent to the TCC.
  - Review the process for documenting and sending these issues to the TCC.
  - Explain MLC and Due Process for UI claimants/customers.
  - Goal to shorten the statewide average duration of benefits.



# UI Overview

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- NYS UI Program
- Maintaining eligibility for UI Benefits
- Benefit Period

# UI Overview (continued)

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## **Benefit Period:**

- 53 week window to collect maximum 26 full weeks of benefits.
- UI Week = 4 potential payable days
- Claimants can collect partial benefits in a particular week.

# Rules on Accessing and Handling Unemployment Insurance Information

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If you are provided access to Unemployment Insurance claim information on a UI Record, in REOS or in OSOS, the information should only be accessed and used for the purpose of administering UI benefits or providing Reemployment services.

You should never access the information of a family member, a relative or a friend/neighbor. You have a responsibility to protect an individual's personal and private information in accordance with the Privacy Laws, the UI Law and Department of Labor policy. UI claim information is not open to the public nor can it be used in any court action.

Section 537 of the NYS UI Law, calls for a misdemeanor penalty for any employee who inappropriately discloses information.



# Municipal Labor Consent (MLC)

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- Municipal Labor Consent Agreement (MLC)
  - Due Process

# What is an Issue?

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## **For the purpose of Unemployment:**

- A claimant's action, circumstance or condition, which has the potential to result in the denial of benefits.



# Impact of an Issue

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- Issues may affect a claimant's continued eligibility for UI by resulting in a denial of benefits.
- Issues identified by you and sent to the TCC to be adjudicated, may potentially shorten the statewide average duration of benefits.
- Impact may be Temporary or Indefinite.

# Types of Issues sent to the TCC

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- Refusal of referral or job offer
- Barrier Not Removed/Availability
- Capability
- Inadequate Work Search
- Training Related
- Miscellaneous UI Issues:
  - Concealment of employment (Employer)
  - Self Employment
  - Not Totally Unemployed (NTU)
- Failure to Report (FTR) to Reemployment Office



# What is a Refusal Issue?

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- Information from an employer or from the claimant, indicating the claimant refused an offer or referral to employment.



# Refusal Examples

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Claimant refuses job offer/referral because:

- Job pay rate is lower than what the claimant has been paid in the past.
- The claimant does not have childcare.
- The claimant does not have transportation.

# Elements of a Refusal

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- Offer or Referral is “Suitable”.
- Claimant advised of prevailing wage cutoff (90% of Prevailing Wage).
- Pay rate of job meets prevailing wage cutoff.
- Claimant is active in REOS or can still claim benefits in week refusal occurred.

## Unemployment Insurance Prevailing Wage (For UI Purposes ONLY)

Region is: Capital District Criteria is like: Registered Nurse

Region	SOC Code	SOC Title	SOC Description	UI Prevailing Wage	UI Cutoff Wage	Annual Wage
Capital District	29-1111	Registered Nurses	Assess patient health problems and needs, develop and implement nursing care plans, and maintain medical records. Administer nursing care to ill, injured, convalescent, or disabled patients. May advise patients on health maintenance and disease prevention or provide case management. Licensing or registration required. Include advance practice nurses such as: nurse practitioners, clinical nurse specialists, certified nurse midwives, and certified registered nurse anesthetists. Advanced practice nursing is practiced by RNs who have specialized formal, post-basic education and who function in highly autonomous and specialized roles.	\$25.46	\$22.91	\$52,957.00

# Re-Employment Operating System



## UI Issue

### Record Issue

#### Record UI Issue

*Choose an issue type and continue*

UI Issue Type:

JO#:

TCC E-Mail  
Address:

- Barrier Not Removed/Availability
- Capability
- Concealment of Employment
- Corporate Officer
- Inadequate Work Search
- NTU(Not Totally Unemployed)
- Other
- Refusal - Job Offer
- Refusal - Job Referral
- Self - Employment
- Training Related

Cancel

**Refusal – Job Offer/Job Referral**

## Record Issue

Record UI Issue

Name:

Office Assigned:

ALBANY

SSN:

Reported By:

Date ES Reported:

12/29/2006

Claimant refused:

Job Offer

On

Job Order#:

The claimant was in receipt of/certifying for benefits for the week the job offer/referral was conveyed to the claimant:

How was the offer/referral conveyed to the claimant?:

Is there verification that the claimant received the offer/referral?:

Does the claimant have any documented barriers to this type of employment?:

Employer Name:

Employer Address:

City:

State:

Zip:

Description of Job:

Job Duties:

Work Location:

Days:

Hours:

Rate of pay:

per

Prevailing Wage Cutoff for this occupation:

(Cutoff Wage equals 90% of Prevailing Wage which can be found at

<http://www.labor.state.ny.us/workforceindustrydata/uiwages.shtm>)

Documentation of claimant's job/referral refusal mailed to TCC Central Support Unit on:

Total # of documents sent:

Comment:



## What is a Barrier to Employment?

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- o A Barrier to employment is any circumstance that would prevent a claimant from obtaining employment.



# What is an Advisory?

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- The act of informing a claimant of the UI requirements and the adverse consequences of not adhering to these requirements.



# Barrier Examples

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- Lack of Childcare
- Desire for part time work
- Travel restrictions

# When does a Barrier become an Issue?

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- o When a Barrier is not or can not be immediately removed after a claimant has been properly advised, it becomes an availability issue that should be sent to the TCC.

# Elements of a Barrier not removed (Availability Issue)

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- Information is received that the claimant is not ready or willing to seek and accept employment.
- Claimant is active in REOS.
- Proper advisory has been given, including consequences of not removing barrier, and claimant does not (can not) remove barrier.

# Documentation of an Advisory

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Should be documented in REOS Comments and should include:

- Date claimant advised to remove Barrier.
- That claimant was advised of UI requirements.
- That claimant was made aware of the consequences of not removing the Barrier.
- That claimant was given an opportunity to remove the Barrier.
- The claimant's reason for not removing the Barrier.

# Re-Employment Operating System



## UI Issue

### Record Issue

#### Record UI Issue

*Choose an issue type and continue*

UI Issue Type:

JO#:

TCC E-Mail  
Address:

- Barrier Not Removed/Availability
- Capability
- Concealment of Employment
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- Inadequate Work Search
- NTU(Not Totally Unemployed)
- Other
- Refusal - Job Offer
- Refusal - Job Referral
- Self - Employment
- Training Related

Cancel

**Barrier Not Removed/Availability**

# Re-Employment Operating System

## Customer Detail



### Record Issue

#### Record UI Issue

Name:	<input type="text"/>	Office Assigned:	ALBANY <input type="button" value="v"/>
SSN:	<input type="text"/>	Reported By:	<input type="button" value="v"/>
UI Issue Type:	Barrier To Employment	Date ES Reported:	12/29/2006

The above claimant has not removed a barrier to employment discovered by DOES.  
Describe the barrier(s):

Date claimant was advised to remove the barrier and the consequence of not removing the barrier:

Reason given by claimant for not removing the barrier:

Documentation of barrier and claimant's response mailed to TCC Central Support Unit on:

Total # of documents sent:



# What is a Capability Issue?

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- Information is received that a claimant is not physically capable of seeking and performing work.



# Elements of a Capability Issue

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- Information that the claimant is not capable of working.
  - Red Flags
    - Disability
    - Illness, surgery, injury
- Claimant is active in REOS.



# Capability Examples

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- Claimant not able to work due to a serious illness.
- Claimant not able to work due to an injury.

# Re-Employment Operating System



## UI Issue

### Record Issue

**Record UI Issue**

*Choose an issue type and continue*

UI Issue Type:

JO#:

TCC E-Mail Address:

- Barrier Not Removed/Availability
- Capability
- Concealment of Employment
- Corporate Officer
- Inadequate Work Search
- NTU(Not Totally Unemployed)
- Other
- Refusal - Job Offer
- Refusal - Job Referral
- Self - Employment
- Training Related

Cancel



# Capability

Record Issue



Record UI Issue

Name:

Office Assigned:

SSN:

Reported By:

UI Issue Type:

Date ES Reported:

Description of Issue:

If previously reported, but conditions regarding this issue have substantially changed, how have they changed?:

Is the claimant considered employable and suitable for referrals? (explain):

Documentation regarding issue sent to TCC Central Support Unit on:

Total # of documents sent:

Save    Reset    Cancel

# Inadequate Work Search

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- Work Search Efforts
  - All claimants are required to keep a list of all employment contacts made while claiming unemployment benefits.
  - Upon review, it may be apparent a claimant's work search efforts are inadequate.
  - At that time, a Work Search Agreement is developed with the claimant in which they are advised of the consequences of failing to perform an adequate work search.

# Inadequate Work Search Procedure

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- If you feel a claimant's work search efforts are inadequate, proceed as follows:
  - Develop a Work Search Agreement the claimant agrees to follow and advise the claimant of the consequences of non-compliance with the WSA.
  - Schedule a follow-up appointment in 2 weeks to monitor compliance with the WSA **and**
  - Send a copy Inadequate Work Search e-form to the TCC with the first box checked. This requests the claimant's benefits be put on hold for the week of the follow-up appointment.
  - After the 2 week follow-up appointment, notify the TCC on the Inadequate Work Search e-form, of claimant's compliance or non-compliance with the WSA.
    - If compliant, request the benefit hold be removed.
    - If non-compliant, send copy of the WSA and other pertinent work search records to NYSDOL, TCC Central Support Unit, P O. Box 15130. Be sure that your Social Security number appears at the top right hand corner on all pages.

# Inadequate Work Search

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## ○ Information for the TCC

- Signed and dated copy of the Work Search Agreement (TCC Central Support Unit - Albany)
  - Clear and measurable expectations for the customer.
- Evidence the claimant has been provided with advisories and assistance and has received instruction to record work search efforts for proof upon inquiry.
- Record of inadequate work search efforts
  - Must clearly show why work search is inadequate.

# Re-Employment Operating System



## UI Issue

### Record Issue

#### Record UI Issue

*Choose an issue type and continue*

UI Issue Type:

JO#:

TCC E-Mail  
Address:

- Barrier Not Removed/Availability
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- Corporate Officer
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- NTU(Not Totally Unemployed)
- Other
- Refusal - Job Offer
- Refusal - Job Referral
- Self - Employment
- Training Related

Cancel

**Inadequate Work Search**

## Record Issue

Record UI Issue

Name:  Office Assigned: ALBANY

SSN:  Reported By:

UI Issue Type: Inadequate Work Search Date ES Reported: 12/29/2006

## Check one:

To report the development of a WSA with request to hold UI payments pending follow-up in two weeks:

As a result of inadequate work search, a formal Work Search Agreement was developed with the above claimant, and the claimant was advised of the consequences of non-compliance on .

The Claimant has been scheduled for a two-week follow-up on .

Payment for the W/E  should be held pending compliance with the Work Agreement.

To report compliance with WSA:

The claimant's work search efforts were reviewed on  and s/he was in compliance with the WSA. I recommend that UI benefit payment should continue/resume.

To report noncompliance with WSA:

The Claimant was interviewed on  and was found to be in noncompliance with the Work Search Agreement of  for the following reasons:

A copy of the WSA and record of Inadequate Work Search efforts was mailed to TCC Central Support Unit on: . Total # of documents sent:  (if none enter zero).



# Miscellaneous UI Issues

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- Concealment of Employment (Employer)
- Self Employment
- Not Totally Unemployed

The above issues may be detected due to a new situation since the time a claim was filed or if there is reason to believe the claimant did not notify the TCC at the time of filing of a particular issue.

# Re-Employment Operating System

UI Issue



Record Issue

## Record UI Issue

*Choose an issue type and continue*

UI Issue Type:

JO#:

TCC E-Mail  
Address:

- Barrier Not Removed/Availability
- Capability
- Concealment of Employment
- Corporate Officer
- Inadequate Work Search
- NTU(Not Totally Unemployed)
- Other
- Refusal - Job Offer
- Refusal - Job Referral
- Self - Employment
- Training Related

Cancel

**Concealment of Employment**

# Concealment of Employment (Employer)

- Use this form when a claimant conceals a base period employer or the reason for separation from an employer.

Compose Issue.jsp - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address http://10.70.1.63:9083/PEOS/composeIssue.do

**Record UI Issue**

Name: [Redacted] Office Assigned: CENTRAL OFFICES SUPPORT

SSN: [Redacted] Reported By:

UI Issue Type: Concealment Date ES Reported: 01/02/2007

Description of Issue:

If previously reported, but conditions regarding this issue have substantially changed, how have they changed?:

Is the claimant considered employable and suitable for referrals? (explain):

Documentation regarding issue sent to TCC Central Support Unit on:

Total # of documents sent:

Save Reset Cancel

Done Local Intranet

start [Taskbar icons] 10:19 AM

# Self Employment

- Use this form when information is received that the claimant owns a business or is starting a business.

The screenshot shows a web browser window titled "Compose Issue.jsp - Microsoft Internet Explorer". The address bar displays "http://10.70.1.63:9083/PEOS/composeIssue.do". The page content is a form titled "Record UI Issue".

The form fields are as follows:

- Name: [Redacted]
- Office Assigned: CENTRAL OFFICES SUPPORT (dropdown menu)
- SSN: [Redacted]
- Reported By: [Redacted]
- UI Issue Type: Self Employment (dropdown menu)
- Date ES Reported: 01/02/2007
- Description of Issue: [Text area]
- If previously reported, but conditions regarding this issue have substantially changed, how have they changed?: [Text area]
- Is the claimant considered employable and suitable for referrals? (explain): [Text area]
- Documentation regarding issue sent to TCC Central Support Unit on: [Text area]
- Total # of documents sent: [Text area]

At the bottom of the form are three buttons: Save, Reset, and Cancel.

# NTU (Not Totally Unemployed)

- Use this form when information is received that the claimant is working.

The screenshot shows a web browser window titled "Compose Issue.jsp - Microsoft Internet Explorer". The address bar displays "http://10.70.1.63:9083/REOS/composeIssue.do". The page content is a form titled "Record UI Issue".

The form fields are as follows:

- Name: [Redacted]
- Office Assigned: CENTRAL OFFICES SUPPORT (dropdown menu)
- SSN: [Redacted]
- Reported By: [Redacted]
- UI Issue Type: NTU
- Date ES Reported: 01/02/2007
- Description of Issue: [Text area]
- If previously reported, but conditions regarding this issue have substantially changed, how have they changed?: [Text area]
- Is the claimant considered employable and suitable for referrals? (explain): [Text area]
- Documentation regarding issue sent to TCC Central Support Unit on: [Text input]
- Total # of documents sent: [Text input]

At the bottom of the form are three buttons: "Save", "Reset", and "Cancel". The browser's taskbar at the bottom shows the Windows Start button and several open applications, including "Compose Issue.jsp". The system tray shows the time as 10:20 AM.

# Re-Employment Operating System



## UI Issue

### Record Issue

#### Record UI Issue

*Choose an issue type and continue*

UI Issue Type:

JO#:

TCC E-Mail  
Address:

- Barrier Not Removed/Availability
- Capability
- Concealment of Employment
- Corporate Officer
- Inadequate Work Search
- NTU(Not Totally Unemployed)
- Other
- Refusal - Job Offer
- Refusal - Job Referral
- Self - Employment
- Training Related

Cancel

Other

# “Other” choice on Issue dropdown

- Use this form when information is received regarding a claimant that can not be entered on a different e-form, but that needs to be provided to the TCC. Example:
  - Claimant out of area

Compose Issue.jsp - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address http://10.70.1.63:9083/REOS/composeIssue.do

**Record UI Issue**

Name: [Redacted] Office Assigned: CENTRAL OFFICES SUPPORT

SSN: [Redacted] Reported By: [Redacted]

UI Issue Type: Other Date ES Reported: 01/02/2007

Description of Issue:

If previously reported, but conditions regarding this issue have substantially changed, how have they changed?:

Is the claimant considered employable and suitable for referrals? (explain):

Documentation regarding issue sent to TCC Central Support Unit on: [Redacted]

Total # of documents sent: [Redacted]

Done Local Intranet

start Inbox - Microsoft... PW: Upcoming UI... RE: Power Point F... Microsoft Offi... Compose Issue.js... 10:23 AM



# What is a Failure to Report (FTR)?

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- When a claimant fails to report to a scheduled appointment with a specific date and time, there may be a “failure to report”, also known as a FTR.



## Elements of a Failure to Report (FTR)

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- Appointment was scheduled for a specific date and time.
- The claimant did **not** show the day of the appointment.
- It is the claimant's **2nd** FTR.

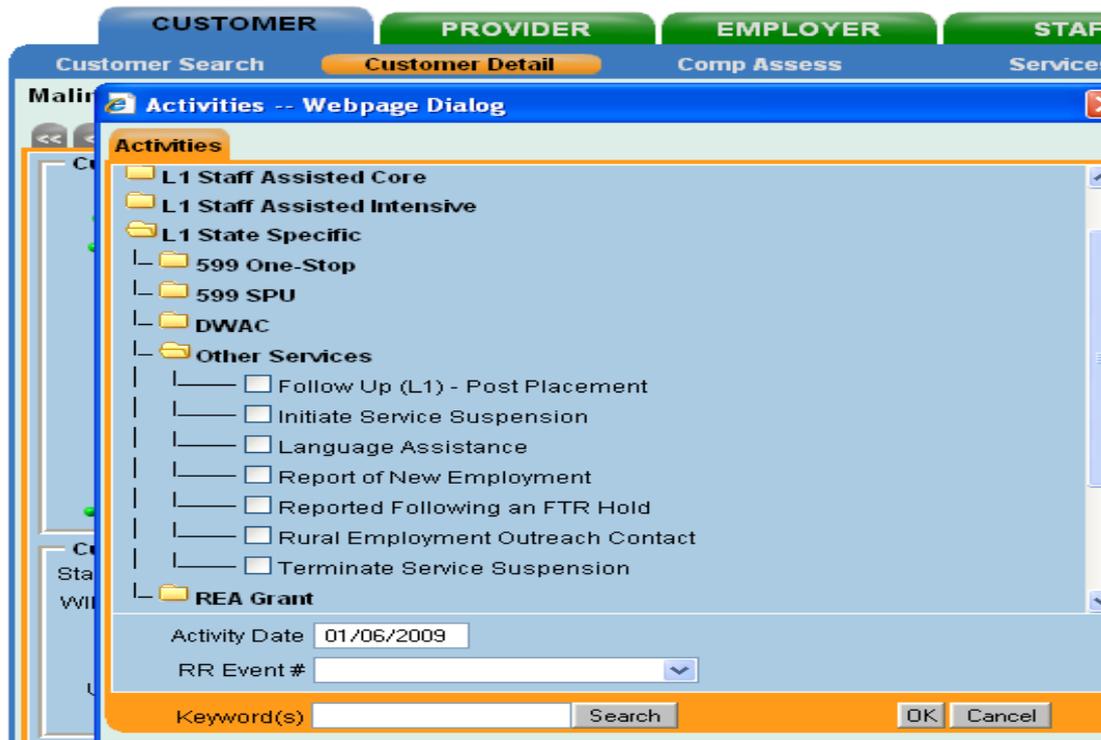
# Claimant reports to Reemployment Office

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- Record the “Reported Following an FTR Hold” activity in OSOS on the day the customer reported to the office.
- Advise claimant that the hold will be released, that any benefits previously held as a result of the FTR control will be paid, and that the claimant should continue to certify as normal.
- Claimants should expect the hold to be released within 2 business days and previously held payments within approximately 1 week.

# Reported Following an FTR Hold Activity

- The activity can be found in the L1 State Specific folder within the Other Services subfolder as shown below.



# Communications

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- E-Forms
  - Help Reemployment staff determine if the issue should be sent to the NYSDOL/TCC Central Support Unit, P.O. Box 15130, Albany, NY 12212-5130.
  - Be sure that your Social Security number appears at the top right hand corner on all pages.
  - Provides necessary information to the TCC for adjudication of the issue.
  
- Imaging
  - Work Search Agreements
  - Work Search Records
  - Job Record
  - Copy of any documentation pertinent to the referred issue

# QUIZ

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- 1. A claimant refuses a job referral because the pay is too low. The job does not meet the prevailing wage cutoff.
  - Send to the TCC.
  - Don't send to the TCC.
  
- 2. The claimant refused an offer the previous week to return to work for a former employer because she no longer wants to work the 2nd shift. The claimant indicates she is looking for part time work during the day when her kids are at school. The claimant has not certified for benefits in four weeks.
  - Send to the TCC.
  - Don't send to the TCC.

# QUIZ

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- 3. A barrier becomes an issue after a claimant has been advised to remove the barrier.
  - True
  - False
    - (a barrier becomes an issue after a claimant has refused to remove it after being advised of eligibility requirements and consequences)
  
- 4. Claimant indicates he is recovering from surgery. Send an availability issue to the TCC.
  - True
  - False
    - (send a capability issue to the TCC)

# QUIZ

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- 5. Review of claimant's work search records reveal the claimant is not making an adequate search for work. There is a Work Search Agreement on file. This is an issue to be sent to the TCC.
  - True
  - False
- 6. Claimant was out of the area on vacation for the entire month of March and certified for benefits.
  - Advise the claimant to contact the TCC to inform them about this trip.
  - Send the Other UI Issue e-form to the TCC with an Out of Area issue recorded in the description field.
  - Advise the claimant not to claim benefits when they are on vacation and not seeking employment.

# QUIZ

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- 7. All documentation sent to Imaging/Central Support must clearly be labeled “ADD ONLY.”
  - True
  - False
  
- 8. Claimant refused offer of employment because the employer was 45 minutes away and the claimant refuses to travel more than 30 minutes to work.
  - Provide advisory and opportunity to remove barrier.
  - Send to the TCC.
  - Don't send to the TCC.

# QUIZ

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- 9. Claimant receives advisory regarding travel time restrictions, but insists she will only travel 30 minutes to work.
  - Advise claimant again.
  - Send to the TCC.
  - Don't send to the TCC.
  
- 10. Claimant indicates she is caring for her sick mother. Send a capability issue to the TCC.
  - True
  - False
    - ( send an availability issue to the TCC)



# Helpful Attachments

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- UI Reference Guide
- UI Claimant Handbook link
- Screenshots of customer benefit status information
- UI Customer service phone number