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Book Descriptions:

Dol Employment Security Manual

Standard for Claim Determinations Separation Information Section 303a1 of the Social Security Act requires that a State law include provision for "Such methods of administration... as are found by the Secretary to be reasonably calculated to insure full payment of unemployment compensation when due." The Secretary interprets the above sections to require that a State law include provisions which will insure that A. Individuals who may be entitled to unemployment compensation are furnished such information as will reasonably afford them an opportunity to know, establish, and protect their rights under the unemployment compensation law of such State, and In determining the conformity of a State law with the above requirements of the Federal Unemployment Tax Act and the Social Security Act as interpreted by the Secretary, the following criteria will be applied This responsibility may not be passed on to the claimant or the employer. In addition to the agency's own records, this information may be obtained from the worker, the employer, or other sources. If the information obtained in the first instance discloses no essential disagreement and provides a sufficient basis for a fair determination, no further investigation is necessary. If the information obtained from other sources differs essentially from that furnished by the claimant, the agency, in order to meet its responsibility, is required to inform the claimant of such information from other sources and to afford the claimant an opportunity to furnish any further facts he may have. That a worker was discharged for misconduct is an ultimate fact or conclusion; that he destroyed a machine upon which he was working is a primary or evidentiary fact, and the sort of fact that the requirement refers to. <http://ecx.ro/userfiles/105mm-howitzer-manual-pdf.xml>

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In general, the investigation made by the agency must be complete enough to provide information upon which the agency may act with reasonable assurance that its decision is consistent with the unemployment compensation law. On the other hand, the investigation should not be so exhaustive and timeconsuming as unduly to delay the payment of benefits and to result in excessive costs. However, a written notice of determination is required if a there is a dispute concerning the reduction with respect to any week e.g., as to the amount computed as the appropriate reduction, etc.; or b there is a change in the State law or in the application thereof affecting the reduction; or A written notice of any other determination must contain the information specified in as many of the following items as are necessary to enable the claimant to understand the determination and to inform him of his appeal rights. Information specifically applicable to the individual claimant must be contained in the written notice of determination. Information of general application such as but not limited to the explanation of benefits for partial unemployment, information as to deductions, seasonality factors, and information as to the manner and place of taking an appeal, extension of the appeal period, and where to obtain information and assistance may be contained in a booklet or leaflet which is given the claimant with his monetary determination. If the worker is given only the employer number, he may not be able to check the accuracy of the wage transcript. Sufficient information must be given the worker so that he will understand how his weekly benefit amount, including allowances for dependents, and his maximum benefit amount were figured. If benefits are

computed by means of a table contained in the law, the table must be furnished with the notice of determination whether benefits are granted or denied.<https://alexis-services.com/userfiles/105sl-parts-manual.xml>

An explanation of the benefit formula contained in a booklet or pamphlet should be given to each claimant at or prior to the time he receives written notice of a monetary determination. There must be included either in the written notice of determination or in a booklet or pamphlet accompanying the notice an explanation of the claimants rights to partial benefits for any week with respect to which he is working less than his normal customary fulltime workweek because of lack of work and for which he earns less than his weekly benefit amount or weekly benefit amount plus earnings, whichever is provided by the State law. If the explanation is contained in the notice of determination, reference to the item in the notice in which his weekly benefit amount is entered should be made. Where a written notice of determination is given to the claimant because there has been a change in the State law or in the application of the law, an explanation of the change shall be included. This notice must describe the deduction made from claimants weekly benefit amount, the reason for the deduction, the method of computing it in sufficient detail to enable him to verify the accuracy of such deduction, and his right to protest, request redetermination, or appeal. If the individuals determination is affected by seasonality factors under the State law, an adequate explanation must be made. General explanations of seasonality factors which may affect determinations for subsequent weeks may be included in a booklet or pamphlet given claimant with his notice of monetary determination. If a disqualification is imposed, or if the claimant is declared ineligible for one or more weeks, he must be given not only a statement of the period of disqualification or ineligibility and the amount of wage credit reductions, if any, but also an explanation of the reason for the ineligibility or disqualification.

This explanation must be sufficiently detailed so that he will understand why he is ineligible or why he has been disqualified, and what he must do in order to requalify for benefits or purge the disqualification. The statement must be individualized to indicate the facts upon which the determination was based, e.g., state, "It is found that you left your work with Blank Company because you were tired of working; the separation was voluntary, and the reason does not constitute good cause," rather than merely the phrase "voluntary quit." Checking a box as to the reason for the disqualification is not a sufficiently detailed explanation. However, this statement of the reason for the disqualification need not be a restatement of all facts considered in arriving at the determination. The number of days provided by statute must be shown as well as either the beginning date or ending date of the period. It is recommended that the ending date of the appeal period be shown, as this is the more understandable of the alternatives. Where workers are separated, employers are required to furnish the agency promptly, either upon agency request or upon such separation, a notice describing the reasons for and the circumstances of the separation and any additional information which might affect a claimants right to benefits. Where workers are working less than full time, employers are required to furnish the agency promptly, upon agency request, information concerning a claimants hours of work and his wages during the claim periods involved, and other facts which might affect a claimants eligibility for benefits during such periods. Normally, it is desirable that such a notice be sent to the central office of the agency, since the employer may not know in which local office the worker will file his claim. The usual procedure is for the employer to give the worker a copy of the notice sent by the employer to the agency.

<http://schlammattlas.de/en/node/23570>

Employers are required to give their employees information and instructions concerning the employees potential rights to benefits and concerning registration for work and filing claims for benefits. When he files his claim, he can obtain more detailed information. The information and instructions required above may be given in any of the following ways. The State agency should

supply employers with a sufficient number of posters for distribution throughout their places of business and should see that the posters are conspicuously displayed at all times. The State agency should supply employers with a sufficient number of leaflets. Such a program should stress the availability and location of claimfiling offices and the importance of visiting those offices whenever the worker is unemployed, wishes to apply for benefits, and to seek a job. If the State law provisions do not conform to the suggested requirements set forth in sections 6013 and 6014, but the State law contains alternative provisions, the Bureau of Employment Security, in collaboration with the State agency, will study the actual or anticipated effects of the alternative provisions. If the Administrator of the Bureau concludes that the alternative provisions satisfy the criteria in section 6012, he will so notify the State agency. If the Administrator of the Bureau does not so conclude, he will submit the matter to the Secretary. If the Secretary concludes that the alternative provisions satisfy the criteria in section 6012, the State agency will be so notified. If the Secretary concludes that there is a question as to whether the alternative provisions satisfy the criteria, the State agency will be advised that unless the State law provisions are appropriately revised, a notice of hearing will be issued as required by the Code of Federal Regulations, title 20, section 601.5.

It will assist you to understand the basic provisions of the law and to help you to fulfill your responsibilities and protect your rights as an employer. The objective of the Unemployment Insurance program is to provide temporary payments to workers who have lost their jobs through no fault of their own and meet all requirements of the law. The benefit payments replace a portion of the unemployed person's prior wages while seeking another job. The benefits paid also serve to stabilize the local economy by maintaining purchasing power. The program is a Federal-State venture administered through the State Department of Labor and Industrial Relations and financed by the Federal and State unemployment taxes on employers. Please keep this handbook for reference. We hope that this handbook will bring to you a better understanding of the program. If you have any specific problems not covered in this handbook, please contact our staff by writing to To register for a Unemployment Insurance UI account number, go to. Employers are required to complete the online application before a UI account number will be issued. Note Future hire dates are not accepted. A determination of liability will be made, the subject employer will be assigned an Unemployment Insurance account number and tax forms will be furnished when a current or past liability date is established. Valid identification numbers are never preissued before the liability date. Employers are required to post the "Unemployment Insurance for Workers" poster at each work place. The poster will furnish information to workers on their benefit rights and how to file a claim for unemployment benefits. [Click here for poster](#). Although alien labor is excluded, cash wages, number of employees and weeks worked for aliens must be counted. The department will review and notify the employer of its findings in writing.

If approved, the effective date will be the first day of the calendar quarter in which the application is approved by the department. Form UC336, "Election by Family-Owned Corporation to be Excluded From Coverage Under Section 383720, Hawaii Revised Statutes," may be obtained from Register your business and complete Form UC336. Indian tribes or tribal units may elect to be self-financing. Interested employers should log into their account at and click on "Forms" to file a notice of election on Form UC175, "Application for Self-Financing — Non Profit Organization" with the Unemployment Insurance Division. Each self-financed employer must pay a security deposit of .2% of the total wages of the preceding calendar year, which will be held in escrow until the employer withdraws from the self-financing plan and total liability under the self-financing election is terminated. The security deposit will be returned less any deductions provided by law. Such voluntary elections must be for at least two calendar years. Upon written approval of such application, coverage begins the first day of the calendar quarter in which the application is approved. Coverage may be terminated by a written notice filed at least 30 days prior to the end of the second or a subsequent calendar year. Before

excluding workers as independent contractors, employers should contact the Employer Services Section address on Page ii and request a determination. Failure to do so may result in an assessment of delinquent contributions, penalty and interest from retroactive coverage. A system of coding has been established to facilitate the compilation and analysis for these purposes, the North American Classification System NAICS. Since the breakdown of each industry is detailed and intensive, it is important that employers furnish as accurate a 6digit level NAICS and description of the business. Form UCB6 must be filed each quarter even though wages were not paid during the quarter.

Failure to file Form UCB6 may result in a tax being assessed by the Unemployment Insurance Division see section on "Office Assessment". In addition, if an employer has not submitted Form UCB6 for any of the prior quarters at the time the employer is experience rated at the beginning of each year, the employer will be assessed the maximum rate. If "excusable failure" can be established for being delinquent, the employer can request a redetermination. The employer must Include all fulltime and parttime workers, workers who were on paid vacation or paid sick leave, and workers who earned wages in excess of the taxable wage base. Exclude persons who were on leave without pay; earned no wages during the applicable pay periods because of strikes, work stoppages, or temporary layoffs; or who earned wages during the month, but not during the applicable pay periods. Computation of the employer's contribution rate is explained further in the "Contribution Rates and Schedules" section. To determine the quarterly contribution amount due, the total taxable wages see section on "Taxable Wages" are multiplied by the contribution rate and entered on Form UCB6. To obtain your contribution rate log into your account at and click on "Account Inquiry". Log into your account at and click on "Employer Reporting". The establishment of the National Directory of New Hires was mandated by Public Law 104193 Welfare Reform Act. SVES is a data exchange program with the Social Security Administration that verifies the validity of claimant social security numbers. The SVES program assists with claimant identification and provides an additional method to detect fraudulently filed unemployment claims. This program helps to detect fictitious employer and identity theft schemes. Thus, it is imperative that employers also verify and transmit the employee's correct social security number to our office. This assessment does not apply to selffinanced employers.

To obtain your Employment and Training rate log into your account at and click on "Account Inquiry". There are, however, a few exclusions, such as payments to welfare plans, pension payments to retired workers, payments to employees serving in the armed forces, and payments to sick employees where there is a sick leave plan in effect. Minimum values for board and lodging have been established by administrative rule as follows An individual employee's wages in excess of the "tax base" are not taxable. The "tax base" is equal to the State's average annual wages of employers contributing to the unemployment trust fund and is computed at the beginning of each calendar year. Current information on the "tax base" can be accessed on the Internet at and by logging into your account at and click on "Account Inquiry". Wages paid by an employer to an employee reported to another state during the calendar year may be combined with Hawaii wages. For each quarter, wages should be reported during the quarter in which they were paid and not when they were earned. For example, if the employee's wages were earned during the last week of the first quarter but not paid until the second quarter, the employer must report those wages in the second quarter. Forms are mailed quarterly. The Research and Statistics Office uses the information received to disaggregate employment and wages by industry and by location within the state. Interest at the rate of twothirds of one percent on the contributions and penalty unpaid within 15 days after the due date will be assessed for any month or fraction of a month that employer is delinquent. Also, employers cannot receive the full federal tax offset credit see "Delinquent Contributions".

In addition, benefit overpayments caused by inaccurate, incomplete or late reports, in the absence of fraud by the claimant, will be charged to the employer's reserve account and employers will be

assessed the maximum rate see section on "Quarterly Wage, Contribution and Employment and Training Assessment Report". In addition, if a claimant is overpaid benefits because a separation report was incomplete, inaccurate or submitted late, in the absence of fraud by the claimant, all benefits overpaid up to the date the Form UCBP35 was received will be charged to the employer's reserve account see section on "Request for Separation Information". The appeal will be heard by an Appeals Officer. If the employer fails to file a corrected report or appeal within 20 days after the date the notice was mailed, the assessment will become final. If the employer also fails to remit payment, that employer will be subject to a lien. A lien attaches real and personal property of the employer. In addition, an employer may also be subject to a field audit. When the overpayment is established, the employer will be sent a "Notice of Credit.". If the employer has terminated business or employment and is unable to offset such credit or if the payment is of such a substantial amount that the credit cannot be cleared by applying against the contributions due within a year, the employer may request, in writing, a cash refund from the Unemployment Insurance Division. The effective contribution rate schedule is determined on the basis of the relationship between the most current reserve fund and the most recent adequate reserve fund. The Current Reserve Fund is the total asset currently available for the payment of benefits and the Adequate Reserve Fund is the amount needed to finance a severe spell of unemployment. The report provides information on factors that affect the income, outgo, and fund balance of the Hawaii Unemployment Compensation Fund.

It is prepared to meet the requirements of Section 383126.5, Hawaii Revised Statutes, which calls for an annual evaluation of the adequacy of the Fund balance. The contribution rate is based upon the ratio of the employer's reserve balance to the employer's average annual payroll. The contribution rate can be found by locating the tax rate associated with the reserve ratio in the following table. Contribution rates are in percentages. To find the contribution rate, locate the Reserve Ratio.0501 on Schedule D. The contribution rate for that reserve ratio is 2.2%. The new rates are computed for eligible employers at the beginning of each year. In March, each employer is furnished a "Contribution Rate Notice." The Contribution Rate Notice for the calendar year will show the tabulation of the average annual taxable payroll, beginning contribution reserve balance, contributions paid, benefits charged to the employer during the previous year, and the ending contribution reserve balance. The notice will also show the tabulation of the employer's reserve ratio. The reserve ratio is obtained by dividing the reserve balance at the end of the year by the average annual taxable payroll for the past three years. By applying the Reserve Ratio to the Effective Contribution Rate Schedule, the employer's contribution rate is determined. For the year 2013, use Schedule G. Since the Reserve Ratio of 0.1250 falls between .1200 to .1299 on the Effective Contribution Rate Schedule G, the employer's contribution rate is 2.4%. If an error is found in the computation of the rate or in the wages reported, an employer should explain the error and request a review and redetermination in writing within 15 days from the date the "Contribution Rate Notice" is mailed. The contribution rate for new or newly covered employers is the same as the contribution rate assigned to employers with a .0000 reserve ratio.

The employer is assessed the maximum rate unless the employer can establish good cause for the nonfiling as described in the section on "Quarterly Wage, Contribution and Employment and Training Assessment Report." If the predecessor employers have different rates, the successor will receive the rate assigned to employers with a .0000 reserve ratio; SUTA dumping is a tax evasion scheme involving the manipulation of an employer's unemployment insurance UI tax rate to achieve a lower rate, and thereby pay less UI taxes. SUTA dumping is accomplished through a variety of methods such as transfers of workforces and payroll, restructuring, acquisitions, mergers and shell transactions. SUTA dumping unfairly shift costs to other employers causing an inequitable distribution among employers and adversely affect tax rates for all employers. Employers and individuals who engage in SUTA dumping may be subject to severe civil and criminal penalties.

Unemployment experience must be transferred and the rate recalculated whenever there is a transfer including the workforce and at the time of the transfer common ownership, management, or control exists between the employing units. Unemployment experience must be transferred whenever there is substantially common ownership, management or control of two employing units, and one employing unit transfers its trade or business including its workforce, or a portion thereof, to the other employing unit. Notification of the transfer to the UI Division is required from both parties within thirty days after the date of transfer. The rates of both employing units will be recalculated effective with the calendar year immediately following the date of the transfer. The mandatory transfer requirement does not apply when one employing unit acquires another employing unit and at the time of the acquisition, they are not under common ownership, management or control.

The “successor” company still has the option to transfer or not transfer the “predecessor” company’s experience to the “successor” company. Unemployment experience may not be transferred, and a new employer rate will be assigned, when a person who is not an employing unit acquires the trade or business of an existing employing unit primarily for the purpose of obtaining a lower rate of contribution. Notification of the acquisition to the UI Division is required from both parties within thirty days after the date of acquisition. Maximum credit will be granted by the federal government if State contributions are paid on time, even though the employer paid the State contributions at a reduced rate. In order that full credit may be obtained, employers should pay State contributions in full and on time. If the employer is unable to clear the delinquent contributions in full, arrangements may be made with the Unemployment Insurance Division for installment payments. Failure to remit payments will result in the Unemployment Insurance Division filing tax liens with the State Bureau of Conveyances, which attach real and personal property of the debtor. For continued delinquencies, the Unemployment Insurance Division may collect the amount due by civil action through the district courts. If the separation report is not returned on time, a determination will be made based on available information. Penalties relative to the Form UCBP35 are described in the section on “Penalties.” FREE OF CHARGE! This process replaces the current paperbased method of requesting information via mail UCBP35, Request for Separation Information. Employer’s that register with SIDES EResponse will receive an email notification the day after an employee files for unemployment benefits. The employer can then log on to the web based application to provide information regarding the individual’s job separation.

This process will significantly increase timeliness and accuracy in information received by UI, helping employers maintain a lower tax rate and lessen the need to appeal benefit charges. However, benefits are not charged to contributory employers in the following cases Upon receipt of the statement, the employer should examine the charges carefully by comparing them against the payroll records for employment of the individuals listed, and against the “Employer’s Notice of Unemployment Insurance Benefits” see section on “Notice of Determination” for “charge” or “noncharge” determination, and the percentage of charges computed at the time the claim was filed. The following records must be kept for at least five years after the calendar year in which the remuneration was earned Accounts to be audited may be selected at random by industry, area, or other classifications. Records are also audited in individual cases where there appear to be discrepancies in reporting, or where the employer’s liability under the law needs to be determined. Unemployment insurance claims are randomly selected each week for comprehensive review to insure the validity and accuracy of paid and denied claims. The verification process involves personal visits to employers in order to review the payroll records, the reason for separation, and the work search contacts of each claimant chosen for review. A person who is receiving temporary disability insurance TDI benefits is not unemployed. In order to receive such benefits, an unemployed person must The base period is the first four of the last five completed calendar quarters preceding the filing of a claim. If the individual cannot qualify using the standard base

period, an “alternate base period” using the last four completed calendar quarters preceding the filing of a claim can be used.

If the claimant has sufficient wages to establish a valid claim, a weekly benefit amount will be established for the claimant that will remain unchanged for the duration of the claimant’s benefit year. To establish a successive benefit year, in addition to meeting the wage qualification requirements as stated above, the claimant must, after the beginning date of the prior claim, have worked in covered employment and been paid an amount equal to five times the weekly benefit amount of the new claim; and No benefits are paid for the waiting week period. However, no claimant can receive a higher weekly benefit amount than the State’s maximum weekly benefit amount 70% of the State’s average weekly wage on or before November 30 for the calendar year in which the claim is effective. To apply online, go to uiclaims.hawaii.gov. When filing online, claimants must print the confirmation page at the end and follow all instructions provided to on the website after their application has been completed. You must also download and submit applicable forms as required, and read the information in the benefit handbook. A week claimed is referred to by the date on which it ends. Example The week that ends on Saturday, January 7th is referred to as the weekending January 7. In the following instances, a claimant may be disqualified for an indefinite period that ends only when, following the week in which the separation or failure to apply for or accept suitable work occurred, the claimant was paid five times the claimant’s weekly benefit amount in covered employment For filing a fraudulent claim, the claimant will be disqualified for the week in which the determination of fraud is made, and for each remaining week in the current and subsequent twentyfour 24 calendar months.

<http://www.bouwdata.net/evenement/craftsman-kohler-155-ohv-manual>