

## UCF RE-EMPLOYMENT COMPENSATION PROCESS

### Background Information:

- Re-employment compensation ensures that at least a significant portion of the necessities of life can be met while in search of a new position.
- Re-employment compensation is a federal-state partnership based upon federal law but it is administered at the state level.
- Re-employment compensation is a temporary, partial wage replacement for the unemployed.
- Per Florida Statutes Chapter 443.031, re-employment compensation is “liberally construed in favor of a claimant in order to receive re-employment benefits when the individual is unemployed through no fault of his or her own.”

### Determining Eligibility:

A former employee is considered by the State of Florida to be unemployed through no fault of his or her own, unless he or she was:

- Discharged for misconduct in connection with their work:
  - The burden of proof is on the employer.
  - Written documentation is the key. Keep and maintain detailed documentation on incidents or repeated pattern of behaviors that were used for discharging the employee.
  - When counseling employees or having conversations with employees to address issues have a witness present and document the meetings in detail.
  - Required information from department and Human Resources responding to re-employment claims are listed below:
    - First and last day of work
    - Reason for separation
    - Details of separation
    - Supporting documents
    - Wage information
  - Avoid hearsay evidence. Evidence must be based on firsthand knowledge.
- Voluntarily resigned, although there are exceptions to this:
  - Reasons without good cause include: Attending school, looking for another position (e.g. career change), leaving in anticipation of discharge, getting married, staying home with children, etc.
  - Reasons with good cause include: Substantial or adverse change in terms of hire, evidence of harassment or discrimination, working conditions detrimental to health or safety, medical reasons (e.g. doctor’s advice), care of a dependent child or parent for medical reasons, etc.

- Required information from department and Human Resources responding to re-employment claims are listed below:
  - First and last day of work
  - Reason for separation
  - Details of separation
  - Supporting documents – such as resignation letter or UCF Resignation Form or resignation email. Verbal resignation is not acceptable per the state re-employment compensation office
  - Wage information

Note: These are general guidelines and the decision is dependent upon on the Hearing Officer and the evidence presented in the hearing.

- Involuntary Terminations:
  - “Lack of Work” & “Poor Performance” will allow a claimant to collect re-employment compensation benefits.
  - 9 month faculty members are not considered “lack of work” discharges, even though they are not working during the summer. These employees are normally likely to have reasonable assurance of continued employment when the next school term begins. However, there is a chance the employee files for the unemployment benefits during the summer and may be eligible for the benefit if the hiring department fails to provide Employment Services & Records the signed agreement for the following fall term when the state requests the employment information. Sufficient supporting document for an initial claim would be a copy of the signed contract for the next school term.
  - A former employee’s poor performance is not considered as misconduct if there was no willful disregard of the company’s rules or policies.
  - OPS hourly student/non-student employees who have not received a paycheck within a period of time will be terminated by HR-Employment Services &Records in PeopleSoft. This separation will allow a claimant to collect re-employment compensation benefits.
  - Required information from department and Human Resources responding to re-employment claims are listed below:
    - First and last day of work
    - Reason for separation
    - Details of separation
    - Supporting documents
    - Wage information
- Termination for Absenteeism:
  - Hiring department must establish a pattern of excessive, unexcused absences.
  - Warnings should be in writing, including dates and next disciplinary steps.
  - Generally absences “beyond an employee’s control” are not disqualifying.
  - Required information from department and Human Resources responding to re-employment claims are listed below:

- First and last day of work
  - Reason for separation
  - Details of separation
  - Supporting documents – document the details and attempts made contacting the claimant.
  - Wage information
- Termination for Insubordination:
  - Refusal to comply with legitimate work orders, particularly on multiple occasions.
  - A single incident of poor judgment or loss of self-control is not considered misconduct.
  - Required information from department and Human Resources responding to re-employment claims are listed below:
    - First and last day of work
    - Reason for separation
    - Details of separation
    - Supporting documents – document details on each incident and meetings with the claimant.
    - Wage information

Please Note: OPS non-student hourly and OPS student hourly employees could also be eligible for re-employment benefits.

### **Process & Roles for Appeals & Hearings**

- UCF has contracted Corporate Cost Control (CCC) to administer re-employment compensation.
- Corporate Cost Control (CCC) is responsible for protesting all invalid or erroneous benefit charges against the university.
- The Appeal and Hearing Steps:
  - Former employee files for re-employment benefits.
  - Corporate Cost Control (CCC) sends all initial re-employment claims notices to HR-Employment Services & Records.
  - Employment Services & Records collects and submits all pertinent employee information and separation documentation (e.g. resignation letter, documentations regarding the termination of employee, etc) received by the hiring department to Corporate Cost Control (CCC) who then submits the information to the state re-employment office.
  - Corporate Cost Control (CCC) notifies HR-Employment Services & Records of the ruling. If re-employment benefits are granted, Employment Services & Records determines if the decision should be appealed. The employee may also appeal the State's decision.
  - If the decision is appealed, the State Re-employment Compensation office schedules a telephone hearing. All hearings are conducted as telephone hearings

with the Hearing Officer, former employee and Employment Services & Records Representative. Human Resources encourages the hiring department to have a supervisor who possesses firsthand knowledge of the termination of the employee participate in the hearing.

- Corporate Cost Control (CCC) notifies Employment Services & Records of scheduled hearings.
- Preparation for the Hearing
  - Employment Services & Records notifies the supervisor of the date and time for the telephone hearing and notifies Corporate Cost Control (CCC) of the date and time for the telephone hearing. Equifax is notified of the contact person and telephone number.
  - The supervisor is strongly encouraged to attend the scheduled telephone hearing.
  - If the hiring department has any documentation (directives, reprimands, performance improvement plans, assessments, etc.) that will help the case, please submit to Employment Services & Records as soon as possible.
- Based on the information received, the State Re-employment Compensation office will issue a written decision to grant or deny the re-employment benefits. The written decision is sent to Corporate Cost Control (CCC), who then forwards it to Employment Services & Records.

#### **Payment and Chargeback to Departments:**

- Quarterly unemployment invoices are issued by the State and is sent to Corporate Cost Control (CCC). They will then forward it to Human Resources.
- When the invoices are received by Human Resources, the invoices will be forwarded to Finance and Accounting for payment processing.
- Based on the information received on the unemployment invoices, a spreadsheet with the employees' information including EmplID, department number, amount of unemployment benefits paid to former employee, etc will be created by Payroll and forwarded to Finance and Accounting.
- Finance and Accounting will review the information on the spreadsheet and a calculated chargeback to the hiring department based on the Funding # for the employee's previous positions with the university will be processed.

#### **Best Practice and Cost Control Suggestions:**

- User proper hiring techniques, which can minimize turnover.
- Monitor job performance on a regular basis.
- Ensure employees are aware of the departmental rules.
- Keep and maintain detailed documentation on incidents or repeated pattern of behaviors.
- Document leave requests and absences.
- When counseling employees or having conversations with employees to address issues (e.g. job performance) have a witness present.
- Obtain resignation letters:

- Ensure that the reason for leaving is clearly stated in the letter.
  - Verbal resignation is not acceptable even for OPS or student employees.
- When the employee is no longer employed by the university, please submit a termination ePAF to HR Employment Services & Records as soon as possible to terminate the individual.
- Be prepared to present first-hand testimony by direct supervisors during hearing.

Changes Effective as of October 21, 2013, based on the Implementation of the Federally Mandated UI Integrity Act:

- Employers are expected to improve the quality of information provided to state agencies at the beginning of the claim process rather than waiting until a hearing to provide details.
- The consequence of not providing sufficient details in the initial stages of the claim, even if the university prevails at an re-employment hearing, is loss of non-charging. This action may increase benefit charge costs and, in turn, impact our unemployment insurance tax rates/costs. The re-employment benefits paid out to the claimants will not be credited back to the university.