

HUMAN RESOURCES DIRECTIVE 850.1

SUBJECT: UNEMPLOYMENT COMPENSATION

EFFECTIVE DATE: July 10, 2000

APPROVED: _____

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I. INTRODUCTION: Employees of the Court Services and Offender Supervision Agency are eligible for unemployment compensation insurance, in certain situations, as provided for by this Directive. Overall program responsibility for Unemployment Compensation for Federal Employees (UCFE) is assigned to the Department of Labor (DOL). The Office of Unemployment Compensation for the District of Columbia is responsible for the day-to-day administration of claims, including making eligibility determinations. The UCFE program provides that state unemployment compensation insurance offices accept and process the claims of federal employees under the same provisions of state law which apply to workers in private industry. Funding for the payment of specific claims is provided by CSOSA (the "Employer").

This Directive sets forth the requirements of the UCFE Program and establishes procedures to be followed by the Office of Human Resources (OHR) to ensure that deadlines to appeal decisions are met. Information contained in this Directive is based on applicable law and municipal regulation for the adjudication of claims in the District of Columbia. Since CSOSA and its component organizations are located within the District of Columbia, all claims for unemployment compensation should be filed with the Office of Unemployment Compensation for the District of Columbia. This Directive identifies procedures and eligibility requirements for unemployment compensation in accordance with District of Columbia law. Claims filed in other states by former CSOSA employees will be forwarded to, and processed by, the D.C. Interstate Claims Unit, Office of Unemployment Compensation.

II. POLICY: It is the policy of CSOSA to cooperate fully with applicable law and regulations governing the administration of UCFE. The Agency reserves the right to file administrative appeals and take other appropriate action with regard to claims which appear to lack sufficient justification.

III. COVERAGE: All components of CSOSA, except for the Pretrial Services Agency

IV. AGENCY RESPONSIBILITIES: OHR is responsible for:

- A. Furnishing information to employees concerning their rights under the law and to provide copies of the Notice to Federal Employees About Unemployment Insurance (SF-8) when an employee leaves the Agency;
- B. Furnishing information to the D.C. Office of Unemployment Compensation necessary for a determination of a claimant's entitlement to compensation, including findings of fact as to:
 - verification of employment;

- periods of service;
- amount of wages; and
- reason(s) for termination of service.

C. Furnishing appropriate agencies with statistical reports, as required.

D. Representing the Agency at hearings before the D.C. Office of Unemployment Compensation.

V. EMPLOYEE ELIGIBILITY: In order for an employee to be eligible for unemployment compensation he or she must:

A. Be unemployed (or be employed less than full time and earn less than an amount specified by District of Columbia law);

B. Register for work at a local employment service office and file a claim at a local claims office;

C. Have a specified amount of employment or have earned a specified amount of wages, or both, within a base period (for the District of Columbia, the base period is the first four of the last five completed calendar quarters);

D. Be able and available to work; and

E. Continue to report to the local employment service and claims office. The duration of benefits depends on the amount of wages and/or employment during the base period.

VI. DISQUALIFICATIONS:

A. Voluntary Leaving -

1. Section 311.1 of the D.C. Municipal Regulations requires that an individual who leaves his or her work voluntarily without good cause connected with work must be disqualified from receiving benefits.

2. A leaving is presumed to be involuntary unless the employee acknowledges the leaving was voluntary or the Employer presents evidence sufficient to support a finding that the leaving was voluntary.

3. The following are not considered appropriate reasons connected with work for voluntary leaving:

- refusal to obey reasonable employer rules;
- minor reduction in wages;
- transfer from one type of work to another which is reasonable and necessary;
- marriage or divorce resulting in a change of residence;

- general dissatisfaction with work;
 - resignation in order to attend school or training; and
 - personal or domestic responsibilities.
4. Reasons considered good cause connected with work for voluntary leaving include, but are not limited to the following:
- racial discrimination or harassment;
 - sexual discrimination or harassment;
 - failure to provide remuneration for employee services;
 - working in unsafe locations or under unsafe conditions;
 - illness or disability caused or aggravated by the work, provided that the claimant has previously supplied the Employer with a medical statement; and
 - transportation problems arising from relocation of the Employer, a change in primary worksite or transfer of the employee to a different worksite, provided that adequate, economical and reasonably distanced transportation facilities are not available.

B. Misconduct -

1. Section 312.1 of the D.C. Municipal Regulations requires that an individual who has been discharged for misconduct occurring in the course of the claimant's most recent work must be disqualified for benefits.
2. The party alleging misconduct has the responsibility to present evidence sufficient to support a finding of misconduct.
3. For the purposes of UCFE administration, misconduct occurring in the course of work includes, but is not limited to the following:
 - intoxication;
 - repeated disregard of a reasonable order;
 - sabotage;
 - gross neglect of duties;
 - insubordination; and
 - dishonesty.
4. If willful violation of the Employer's rules is the basis for disqualification from benefits because of misconduct, the following must be established:
 - that the existence of the Employer's rule was known to the employee;
 - that the Employer's rule was reasonable;
 - that the Employer's rule was consistently enforced by the Employer.

5. In any appeal proceeding on a case involving employee misconduct, the burden of proof is on the Employer, who must affirmatively establish a case of misconduct. In an appeal hearing, the person who supplied information or issued other statements alleging misconduct shall be present and available for questioning by the other party. Prior statements or written documents, in the absence of other reliable corroborating evidence, shall not constitute evidence sufficient to support a finding of misconduct.
 6. If an employee resigns after receiving notice of imminent termination for cause, the separation shall be considered a constructive discharge for misconduct.
- C. Other reasons for disqualification are refusal of suitable work, refusal of training, and unemployment due to labor disputes.

VII. PROCEDURES: When an employee separates from CSOSA, regardless of whether it is a resignation, retirement or termination (or when the employee is placed in a nonpay status for 7 or more consecutive calendar days), he or she will be given an SF-8 (Notice to Federal Employee About Unemployment Insurance) by OHR as part of the package of forms and clearance papers to be completed prior to the employee's separation. The SF-8 Form will contain the name and current address of the Agency, as well as the name and telephone number of the Associate Director for Human Resources or the Unemployment Compensation Program Administrator. A notation, confirming that the SF-8 was given to the employee, will be made in the "Remarks" section of the SF-50. Since the SF-8 is used by the D.C. Office of Unemployment Compensation to notify an agency of a determination to award or deny benefits, it is imperative that the agency information is current and complete and that every employee separated from the agency receives a form.

When a former employee files a claim for unemployment compensation, the D.C. Office of Unemployment Compensation prepares and mails Form ES-931 (Request for Wage and Separation Information) to the address listed on the SF-8. Form ES-931 requests that the agency furnish specific information concerning the type of service the individual performed, the amount of his or her wages, any lump-sum terminal leave and severance payments, the employee's last day of work and the agency's reason(s) for the termination or nonpay status. OHR will complete the section in Part II concerning the reason for separation and will also complete items 3(b), (c) and (d) in the section on terminal leave. If the ES-931 is received first by another office, it should be immediately forwarded to OHR. After completion of these items, Associate Director for Human Resources or the Unemployment Compensation Program Administrator will initial the form and forward the completed form with supporting documentation (i.e., SF-50, etc.) to the D.C. Office of Unemployment Compensation.

In accordance with D.C. Municipal Regulations, an employer who fails to either furnish a notice of separation or a response that asserts that the employee was separated under conditions which may subject him or her to disqualification for benefits in effect admits that the employee is not subject to disqualification.

VIII. APPEALS:

A. Initial Determination - When the D.C. Office of Unemployment Compensation makes a determination about a claim, a notice is sent to the Employer: Form DC DOES-142C or DC DOES -142D. The notice and form DC DOES UC-400 (Notice of Monetary Determination) advise the Employer of the status of the claim, the amount to be paid and most importantly the date the determination was made. Usually, the Employer has ten (10) calendar days from the determination date listed on the form to file an appeal. Decisions to file appeals are the responsibility of the Associate Director for Human Resources. Appeals must be in writing and filed with the particular field office listed on the form. In order to ensure that deadlines for filing appeals are met, copies of all notices from the D.C. Office of Unemployment Compensation must be forwarded to the Associate Director for Human Resources on the date they are received.

B. Appeal Hearings - After an appeal has been filed, the D.C. Office of Unemployment Compensation will notify the parties of the hearing date. At the hearing, each party will have the right to:

- present an affirmative case or defense by oral or written evidence;
- submit rebuttal evidence; and
- conduct cross-examination.

OHR will have the responsibility for filing appropriate appeals, notifying witnesses, delivering appropriate documents to the D.C. Office of Unemployment Compensation prior to hearings and to represent the Agency before the D.C. Office of Unemployment Compensation.

- Agency officials shall provide relevant documents, affidavits and personal testimony upon request;
- OHR will maintain records of all appeals filed and copies of the decisions rendered;
- Office of Financial Management, Management & Administration will maintain records of amounts paid in compensation insurance and will be responsible for reviewing bills from the D.C. Office of Unemployment Compensation for accuracy; and
- OHR will be responsible for completing any statistical reports required by DOL or other agencies.