

FLORIDA UNEMPLOYMENT INSURANCE

A WORKSHOP

FOR

FASPA

PRESENTED BY

D DeGROOT MGMT. SERVICES, INC.
M P.O. Box 502
S Syracuse, NY 13214

....serving the Employer's interest !

UNEMPLOYMENT COMPENSATION BENEFITS COST

Weekly Benefits can be as high as \$275.00 per week

11 Weeks of Benefits during summer break
@ maximum rate = \$ 3,025.00

\$ 3,025.00 times 10 employees = \$ 30,250.00 of unnecessary costs
to the School District.

THREE MOST COMMON ISSUES FACED **BY FLORIDA SCHOOL DISTRICTS**

REASONABLE ASSURANCE

- Send Out Letters to All Non-Contractual Employees
- Signed Acknowledgment of Understanding When Hired

CERTIFICATION

- "Gulf County School Board vs Washington"

NON - RENEWED vs RESIGNATION

- Wording of Notification Letter - Effective Dates
- Wording of Resignation Letter - Effective Dates

" REASONABLE ASSURANCE "

Educational Institutions are eligible for the Reimbursable method of paying Unemployment Compensation Taxes.

Under Florida Unemployment Insurance Law, if there is a **Contract** or **"Reasonable Assurance"** that an individual will perform similar or same services after a break period as they performed before the break; they will be ineligible for Unemployment benefits.

Reasonable Assurance is not a guarantee of employment.

Generally, units such as substitute teachers would be considered to have "Reasonable Assurance" of re-employment after a break in the academic term or after a Vacation/Holiday period.

If the substitute was going to remain on the School's list of active subs, and the school district planned to utilize the sub to roughly the same extent in the coming year as they were used in the previous year, "Reasonable Assurance" would be in effect and Unemployment benefits should not be paid.

How Best to Convey " Reasonable Assurance "

- Written Letters of Assurance are best !
- Past practices will sometimes be sufficient.
- Sub lists that remain active until either party requests a status change

DO NOT

- Tell an employee you're not sure about employment for next year.
- Tell an employee that there may be changes.
- Tell an employee budget cuts are coming and we don't know what will be happening.

If you are definitely not going to utilize an employee next year for some "cause", we will most likely have either a "job performance" issue or a misconduct case.

CERTIFICATION

Precedent Case "Gulf County School Board vs Washington"

..... not misconduct if the failure was due to inability

..... not taking the necessary steps to obtain the required certification
can constitute misconduct

- testing offered for free four times per year
- temporary certificates are now three years

Non Renewed vs Voluntary Resignation

..... allowing a resignation does not automatically avoid UI benefits

..... dates of notifications are critical to UI eligibility

ONLY 2 TYPES OF SEPARATIONS

DISCHARGE: Action initiated by the Employer
issue may or may not be misconduct

QUIT: Action initiated by the employee
may or may not be for good cause against
the Employer

Be sure to:

- ... Follow all District procedures
- ... Follow all provisions of the Collective Bargaining agreement if one exists
- ... Be sensitive to the fact that
Unemployment Insurance claims are
many times just the tip of the iceberg
Human Rights, Wrongful Discharge and
Union Grievances may follow
- ... Always get Human Resources involved as
soon as possible

FIVE ELEMENTS OF A MISCONDUCT

1. **RULE:**

Any reasonable policies or procedures that the employer has communicated through postings, handbooks, or verbal instructions. Written policies work best, as they provide the best documentation.

2. **WARNING:**

Verbal or written notification that an employee's actions are unacceptable, and that continued similar actions will not be tolerated.

3. **FINAL WARNING:**

ALWAYS WRITTEN: tells the employee that his actions have placed his job in jeopardy. This is the last chance before termination results.

4. **FINAL INCIDENT:**

That action which causes the employer to terminate an employee.

ALL MISCONDUCT TERMINATIONS MUST HAVE A
FINAL INCIDENT !!

5) TERMINATION:

The discharge of an employee for a series of related events.

At any stage, the employer should always attempt to obtain an explanation from the employee.

After the termination has occurred, the supervisor should *always complete* an EMPLOYEE SEPARATION FORM. The form should then go into that employee's personnel folder.

REMEMBER:

- *Documentation* is the key to stopping unnecessary Unemployment Insurance Claims and Charges. This will help reduce your firm's U.I. Tax costs.
- *Documentation* can also provide the employer with the necessary evidence to defend themselves against other actions by past, as well as current employees.
- You can almost never over-document any event or incident that occurs in the workplace.

Whenever you're in doubt...contact DMS.

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