

# UNEMPLOYMENT INSURANCE REFRESH:

## *What Restaurant Operators Need to Know*



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# AGENDA

1. NYSRA Government Affairs Team Update
2. Overview of Currently Available Unemployment Insurance Benefits
3. Review of New Rules regarding Partial Unemployment Eligibility
4. Reporting Unemployment Insurance Fraud
5. New York State's Shared Work Program
6. Question & Answer Session

**NOTICE:** The information provided in this presentation is NOT legal advice. We cannot provide individualized answers to an employer's particular circumstances. We urge our restaurant operators to consult with retained professionals to secure legal compliance.

# OVERVIEW OF CURRENTLY AVAILABLE UNEMPLOYMENT INSURANCE BENEFITS

- A. Traditional Unemployment Insurance (UI)
- B. Pandemic Unemployment Assistance (PUA)
- C. Pandemic Unemployment Compensation (PUC)
- D. Pandemic Emergency Unemployment Compensation (PEUC)

# OVERVIEW OF CURRENTLY AVAILABLE UNEMPLOYMENT INSURANCE BENEFITS

*What should employers do about unemployment when terminating or laying-off an employee?*

1. Do not make any promises about eligibility for unemployment benefits or provide any information about the unemployment insurance claim process—refer those questions to the Department of Labor.
2. Provide employee with Record of Employment (NYS Form IA 12.3) 
3. Provide additional information requested by employee for unemployment insurance claim.

# Record of Employment (NYS Form IA 12.3)

 <b>Department of Labor</b>	Unemployment Insurance Division <b>Record of Employment</b> (For Unemployment Insurance purposes only.)
<b>Employer:</b> Complete the following and give this form to every employee who quits, is laid off, or is discharged:	
Date given to employee:  <input type="text"/> / <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Employer Name: _____
NYS Employer Registration No.:  <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Payroll Records are kept at: _____  Street: _____  Street: _____  City: _____ State: _____ Zip: _____
Optional if needed by employer to locate employee record:  Payroll or Clock No.: _____ Location of employment or code: _____	
<b>Employee:</b> Keep this certificate. Have it with you if you apply for Unemployment Insurance (UI) benefits. This certificate shows that your job was insured. It does not necessarily mean you qualify for benefits. The UI Claims Center will make that determination if you apply. Please complete the following:  Your Name: _____ Social Security No.: <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/>  This may not be used as an identification card.	
IA 12.3 (01/18)	

Source: [https://dol.ny.gov/system/files/documents/2021/02/ia12\\_3.pdf](https://dol.ny.gov/system/files/documents/2021/02/ia12_3.pdf)

# REVIEW OF NEW RULES REGARDING PARTIAL UNEMPLOYMENT ELIGIBILITY

As of January 18, 2021, New York State switched from a Days-Worked model for unemployment insurance benefits to an HOURS-WORKED system.

HOURS WORKED PER WEEK	NUMBER OF DAYS TO REPORT TO UI	% REDUCTION IN UI
0 - 4	0 DAYS	0
5 - 10	1 DAY	25%
11 - 20	2 DAYS	50%
21 - 30	3 DAYS	75%
31+	4 DAYS	100%

When calculating your hours worked, round up to the nearest whole hour.



# REPORTING UNEMPLOYMENT INSURANCE FRAUD

If you learn that an employee or former employee is engaging in unemployment insurance fraud, you should report it to the Department of Labor at:

<https://dol.ny.gov/report-fraud>

*Use same website if employee is unemployment beneficiary but refuses offer of work from employer.*



# NEW YORK STATE'S SHARED WORK PROGRAM

- Gives employers an alternative to laying off workers during business downturns
- Allows employees to work a reduced work schedule and collect a Shared Work benefit
- Instead of cutting staff, employer can equally reduce hours of all employees or just a certain group
- Shared Work is an equal reduction of hours and pay between 20-60% in the same work unit in same week



# NEW YORK STATE'S SHARED WORK PROGRAM

**New York State's Sales Pitch:** “The Shared Work Program helps you avoid some of the problems caused by a layoff. If you keep your employees during a temporary slowdown, you can gear up quickly when business conditions improve. You do not have the expense of recruiting, hiring, and training new employees. Also, you spare your employees the hardships of full unemployment.”

## **Qualifying Employer must have:**

- At least two full-time employees working in NYS, and
- For four consecutive calendar quarters, you have paid unemployment tax contributions.



# NEW YORK STATE'S SHARED WORK PROGRAM

## Qualifying Shared Work Plan must:

- Reduce work hours and corresponding wages 20 - 60%
- Apply to employees who normally work no more than 40 hours per week
- Not reduce or eliminate fringe benefits unless fringe benefits are also being reduced or eliminated for the entire workforce
- Not extend beyond 53 weeks (when nearing the end of the plan, you may submit a request for a new plan)
- Replace a layoff of an equal percentage of employees

*Employer cannot hire additional employees  
for the workgroup covered by the plan.*

# **QUESTION & ANSWER SESSION**

*For any questions or additional information,  
please contact...*



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