Still Employed and Return to Work – Continued Claims
Training
Adjudication Workflow & Analysis
At the end of this presentation, you will be able to:

- Understand and adjudicate still employed issues
- Understand and adjudicate return to work issues
- Understand the workload count/tally for these issues
In order to be eligible for benefits, an individual must be totally unemployed or partially unemployed.

- Totally Unemployed – An individual does not perform any services and for which earned income is not payable to him or her.

- Partially Unemployed – An individual is working less than full-time and earning less than the weekly benefit amount.

Some situations may arise in which it is unclear if the claimant meets these requirements.
A claimant must report all gross income, during the week it is earned, for any week in which benefits are claimed.

However, an individual who is paid on a commission basis and is unable to determine the amount of the commission should be advised to report the commission when received.
UNREPORTED EARNINGS

When a claimant fails to report or under-report earnings **and** would be eligible for partial benefits (earned less than WBA), the claimant should be advised to provide the following:

1. Claimants should provide a written statement authorizing the department to make corrections on their behalf. Advise the claimant that this authorization must contain the claimant’s name, Claimant ID, and **signature**. If the document is not signed it will be returned to the claimant.
2. The statement should indicate the week ending date(s) of each week earnings were incorrectly reported and the corrected earnings for each week.
3. Claimants may submit any proof or documentation of their earnings for the weeks in question for which changes/corrections are requested.
4. Requests along with supporting documentation can be faxed to **877-934-1504** or mailed to:
   
   Department of Economic Opportunity  
   Attention: Payment Issues Unit  
   P.O. Box 5350  
   Tallahassee, FL 32314-5350

Any requests that are mailed or faxed should note: **Attention Payment Issues Unit**.
STILL EMPLOYED SUBTYPES

- **Full Time Employment - Continued Claims** – Created on a week by week basis when a claimant requests benefits and reports hours worked of 32 or more. This issue is for workflow purposes only and the subtype must be changed if adjudication is required.

- Full Time Employment
- Part Time Employment
- Self-Employment
- On-Call Employment
- Reduction in Hours
- Under Contract
- Union Contract
- Attending School/Employer Prerequisite
PRE-ADJUDICATION REVIEW

• Review ALL issues checking for duplicate issues

• Review the Continued Claim PDF (checking for earnings reported) and save to upload to the issue

• Review all Fact Finding documents related to your issue
CLAIMANT WEEKLY CERTIFICATION

When reviewing the claimant’s weekly certification form (continued claim PDF), and the claimant reported working and/or earning money, verify the claimant reported the earnings for any week that is in question.

### Initial Questions

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>You answered the following questions for the week of Sunday, 01/05/2020 through Saturday, 01/11/2020. Did you look for work?</td>
<td>Y</td>
</tr>
<tr>
<td>During the week of Sunday, 01/05/2020 through Saturday, 01/11/2020: Did you make an in-person contact at a CareerSource Center?</td>
<td>N</td>
</tr>
<tr>
<td>During the week of Sunday, 01/05/2020 through Saturday, 01/11/2020: Were you able and available to work if work had been offered?</td>
<td>Y</td>
</tr>
<tr>
<td>During the week of Sunday, 01/05/2020 through Saturday, 01/11/2020: Did you refuse any offer of work or referral to work?</td>
<td>N</td>
</tr>
<tr>
<td>During the week of Sunday, 01/05/2020 through Saturday, 01/11/2020: Did you work or earn any money?</td>
<td>Y</td>
</tr>
<tr>
<td>Did you receive, or apply for income from any other sources that you have not previously reported to us?</td>
<td>N</td>
</tr>
</tbody>
</table>

### Earnings Information

<table>
<thead>
<tr>
<th>Information</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the week starting 01/05/2020 and ending 01/11/2020: You indicated that you worked or earned money.</td>
<td></td>
</tr>
<tr>
<td>Enter total number of hours worked during the week:</td>
<td>37</td>
</tr>
<tr>
<td>Provide your gross earnings (before taxes and deductions) for the week claimed.</td>
<td>$508.75</td>
</tr>
<tr>
<td>Did your employment end during the week?</td>
<td>N</td>
</tr>
</tbody>
</table>
STILL EMPLOYED

For any week in which the claimant reports earnings that are equal to or greater than the weekly benefit amount on the continued claim PDF (and not the fact finding questionnaire), the issue can be voided due to the claimant having excess reductions (ETM).

- Select any employer from dropdown menu then select void from the update issue dropdown menu and click next to add a void note.
**CLAIMANT INFORMATION**

**Still Employed**

Is the claimant totally or partially employed?

- What is the amount of the claimant’s gross income before taxes?

- How many hours is the claimant working?

- Is the claimant reporting earnings from new employment or continued employment?

- Are the claimant’s earnings from self-employment?

- Is the claimant working on a trial basis?

- Is the claimant under a contract obligation?

- Is the claimant attending school or training as a prerequisite to being hired?
STILL EMPLOYED

When an employer returns a notice of claim filed (UCB412) and selects ‘Still Employed, this individual has indicated that they did not file this claim,’ the system updates the issue to Identity Verification 412 which is then handled by FIRRE.

If FIRRE determines this claim is not fraudulent, they may either update the issue back to a Still Employed issue or create a new Still Employed issue and choose a subtype based on remarks provided by the employer.

The adjudicator should review if earnings were reported and fact findings to determine why the claimant is filing for RA benefits when fully employed.
When it is reported that a claimant is working full time however no earnings have been reported on the weekly certification form (continued claim PDF), further investigation is needed.

A disqualification may be necessary for any week in which a claimant was fully employed and did not report earnings from that full time employment.
FULL TIME EMPLOYMENT

Review the claimant fact finding for the detailed employment information.
• Employer Name & Address
• Dates of Employment
• Rate of Pay
• Hours Worked
• Continuous Employment

If the investigation reveals that a claimant started new full time employment, the issue type/subtype should be updated to Return to Work – Claimant/Employer indicated return to work in past/Continued Claims.
1. I am currently working or worked as a Program Director

2. I work/worked ☑ for myself ☐ for an employer

3. Provide name, address and telephone number of business/employer

4. I worked in this capacity from 12/23/2019 to 1/13/2020

   I earned/earned
   13.75

5. per (Hour, Week, Month)
   Hour
   (regardless of when paid)

6. Earnings per week (report gross earnings/commission):
   Week ending date 1/17/2020
   Gross Earnings/Commission 508.75
   Week ending date
   Gross Earnings/Commission
   Week ending date
   Gross Earnings/Commission
   I work/worked
   7

7. hours per day,
   5
days per week.

8. I am no longer working because:
EXAMPLE

Based on the fact finding from slide 12, the claimant reported new full time employment which began on 12/23/19. The claimant earns $13.75 per hour. The weekly certification form for week ending 12/28/19 shows the claimant worked 21 hours during that week but did not report any earnings. 21 hours multiplied by $13.75 per hour equals $288.75. Therefore in this instance, a disqualification was imposed with an issue start date of 12/22/19 as the claimant returned to work full time.
PART TIME EMPLOYMENT

An individual that works part time and earns less than the weekly benefit amount may be eligible for partial benefits.

Benefits may not be charged to the employment record of an employer who furnishes part time work to an individual who, because of loss of employment with one or more other employers, continues to work part time at substantially the same pay and same amount of hours as per agreement of hire, regardless of whether the part time work is simultaneous or successive to the individual’s lost employment. The law does not require the employer to respond to the UCB412 to be eligible for non-charging in this scenario.
Addressing Chargeability when the base period part time employer is eligible for non-charging.

- Create a new Benefit Charging/ERPO NC issue
- Non-Charge - Part-time Employer eligible for non-charging

Reminder: A timely response from the employer is not necessary
If the part time employer is the only base period employer and it can be established that the part time work being furnished to the claimant is no longer on substantially the same basis and same amount as the base period, the employers account is subject to being charged. In order to charge the employer’s account, an investigation must be done to establish that the part time work hours have been reduced to such a degree that they can no longer be considered as substantially the same amount and basis as during the base period.
A self-employed person is not eligible for benefits when engaged in such activity as a primary source of livelihood, and no longer makes an effort to be an employee of another business due to self-employment. This is true whether or not the claimant has any income from self-employment, as it is not the purpose of reemployment assistance to subsidize unprofitable business ventures.

Someone who normally supplements employment income through self-employment may be eligible for total or partial benefits, as long as all other eligibility requirements are met. An individual who engages in such partial self-employment need not necessarily be held ineligible because of devoting more time to self-employment when separated from regular employment. This expansion may not be an indication that self-employment has become the claimant's primary source of livelihood; it may indicate only that the claimant has more time to engage in such activity.
A self-employed individual must report gross income during the week earned. Unlike earned income of an officer of a corporation, all income paid to the self-employed individual is earned income when the income is derived from the individual’s work. It is imperative that a self-employed individual claiming benefits be instructed to report gross revenues of the business, prior to making deductions for expenses, when claiming benefits regardless of whether the money is being used to further expand the claimant’s business or meet business expenses.
A person working on a commission basis should be treated in much the same manner as a self-employed individual. That is, one who works part-time or full-time on a commission basis and continues to seek other work by making a minimum of number of job contacts per week or report in person and meet with a CareerSource center representative for reemployment services for that week may be eligible for benefits. Commission payments are deductible in the week in which they were received.
Union agreements covering vacation pay and vacation period must be closely examined. When a vacation period is in accordance with a union contract, all employees covered by the terms of the contract should be considered still employed during the period specified, whether or not they are entitled to vacation pay and whether or not they are members of the union. If the union contract provides for vacation pay, but there is no designated or specified vacation period and the employee elects to receive vacation pay during a temporary layoff not mandated by union contract, the pay would not be deemed as applying to a specific vacation period, and would not be deductible income. The adjudicator should review the union contract to determine the employee's obligations.
When an investigation reveals a claimant is attending a school or training and will be hired upon completion of the school or training, that claimant is considered to be employed.

This issue must be investigated to determine if the school or training schedule is for the major portion of the claimant’s customary work week.
RETURN TO WORK
Return to Work – Claimant/Employer indicated return to work in past/Continued Claims issues are created on a week to week basis when claimants request benefits.

Once a claimant provides a promised hire date, the general information screen is updated with the claimant's start date of employment. If the date falls within the work search exemption period, future requests for benefits will then ask the claimant if they are still scheduled to begin work on the specified date.

An issue is created if the claimant response is ‘no’ or if the claimant requests benefits within the week of the return to work date but fails to report earnings.
RETURN TO WORK

Did the claimant return to work?

Did the claimant request benefits during or after the date the claimant returned to work?

Did the claimant report the gross earnings from that employment within the week the money was earned and not when paid?
Did Claimant Return to Work? Yes

Did the claimant report the earnings? No

Necessary steps:
• Add the employer to the employment history – suppress fact finding and 412

• Assign and void the Reporting Requirements or Lack of Work issue that was created for that employer

• Add the employer to the RTW issue

• Submit determination
RETURN TO WORK

Steps to Enter Employment

1. Go to Employment History

2. Click on the appropriate Application ID

3. Select the employment type from the drop-down box > ‘Add’

4. Search for Employer

5. Select Employer > Next

6. Complete employment details if available, otherwise select ‘no’ > Next

7. Select to Suppress Fact-finding and UCB412 > Save
**RETURN TO WORK**

**Claim Additional Employment Follow Up Options**

Important Instructions to Staff for Separating Employers

When a separation issue is created and fact-finding generated based on the employment details just added:

- Review the ‘Layoff / Charge Only Separation’ issue previously created for this employer.
- If the issue is in ‘Pending’ status:
  - Void the issue
  - If the UCB-412 is attached to the issue, copy it to the new separation issue.
- If the issue is in ‘Determined’ status:
  - Advise Adjudication that the ‘Layoff / Charge Only Separation’ issue, previously determined, must be redetermined to correct the Issue Start Date, to a date based on the separation date just entered for this separating employer and/or the separating issue type. This will ensure that the charges are properly assigned to this employer and that the correct determination is issued.

Please review the following information and if applicable choose any available options.

- ** Suppress UCB-412 and associated Fact Finding**

Note: Check Prior Separating Employer’s Potential Earnings to possibly purge issue.

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**Issue ID:**

**Issue Level:** Adjudication

**Program Type:** Standard UI

**Type:** Reporting Requirements

**Sub-Type:** Request for Employment Record Details

**Result:** Void

**Issue Status Date:** 02/03/2020

**Issue ID:**

**View Determination:** Pending

**Employer Account Number:**

**Employer Name:**

**Issue Start Date:** 12/08/2019

**Issue End Date:**

**Date Modified:**

**Claim ID:** 201901

**Overpayment:**

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**FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY**
RETURN TO WORK

Did Claimant Return to Work? Yes

• Does the claimant have a new return to work date?
  • If yes, update the general information screen with new date and void the issue
  • If no, update issue to actively seeking, add fact finding and attempt to expedite by making contact to obtain necessary work searches. Follow procedures for adjudicating actively seeking issues. Remove return to work date from the general information screen
# RETURN TO WORK

## Work Search

- **Work Search Required**: five (5)
- **Profiling Indicator**: Yes

- **Separating Employer Return to Work Date**: [ ]
- **New Employer Return to Work Date**: 01/13/2020

## Union Information

- **Seek Work Through Labor Union**: No
- **Union Name**: [ ]
- **Hiring Hall Number**: [ ]
- **Hiring Hall Phone Number**: [ ]

## Training Information

- **Approved Training**: No
- **Training Start Date**: [ ]
- **Training End Date**: [ ]

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## View and Maintain Work Information

- **Separating Employer Return to Work Date**: [ ] [ ] [ ]
- **New Employer Return to Work Date**: [ ] [ ] [ ]

## Union Information

- **Seek Work Through Labor Union**: [ ] Yes [ ] No
- **Union Name**: [ ]
- **Hiring Hall Number**: [ ]
- **Hiring Hall Phone Number**: [ ] [ ] [ ]

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**FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY**
If there is a pending or determined New Hire issue already on the claim for the same employer listed in your fact finding, void the continued claims return to work issue or still employed issue as a duplicate. **Do not** assign or void the issues belonging to the New Hire unit.
Statute of limitations for non-monetary issues – 2 years from BYB date

Once an issue reaches the statute of limitations, the issue should be canceled, not voided.
SECTION 3

WORKLOAD COUNT/TALLY
Still Employed and Return to Work determinations should **NOT** be tallied.
KNOWLEDGE CHECK

1. True or False. Claimants should always report earnings when they receive their paycheck.

2. If a claimant fails to report earnings which would be less than the weekly benefit amount, what does the adjudicator need to do?
   A. Disqualify the claimant
   B. Advise claimant to send a signed statement with correction
   C. Notify the fraud department
   D. Nothing

3. What screen in Connect can a return to work date be found?
   A. Issue Summary
   B. Contact Information
   C. Weekly Benefit Details
   D. General Information
4. True or False. An employer must be added to the claim and the issue when adjudicating a return to work issue.

5. When a claimant reports earnings that are more than the weekly benefit amount, how should the Still Employed issue be handled?
   A. Void the issue
   B. Enter an ineligible determination
   C. Enter an eligible determination
   D. Cancel the issue

6. True or False. Issues on claims that are beyond the statute of limitations should be voided.

7. True or False. Still Employed and Return to Work issues are always tallied.
Thank You.

Remember if you have questions regarding quality, ask your supervisor. If clarification is needed on any issues, your supervisor can reach out to BTQ for further information and guidance.

DEO Adjudication