

# Unemployment Insurance Frequently Asked Questions

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## **How did Unemployment Insurance Law change in November 2023?**

CUNY is now required to provide employees with notice (UI Separation Notice) of their eligibility for unemployment benefits in instances where there is a reduction of hours or where there is an interruption of continued employment, which results in total or partial unemployment.

## **Who should receive a UI Separation Notice?**

New York State law requires that employers must provide all employees a written notice of their eligibility to apply for unemployment benefits when an employee separates from employment or has a reduction in hours.

## **What is a separation?**

A separation for purposes of the notice occurs when an employee's appointment ends. This includes:

- Any separation of a full-time employee such as resignation, termination, end of temporary appointment etc.
- A part-time employee whose hours have run out before the end of appointment/semester.
- A part-time employee who completes their appointment and will not be reappointed.

*For adjuncts this includes:*

- An adjunct has been non-reappointed.

*For college assistants this includes:*

- A college assistant has been non-reappointed.
- A college assistant whose hours have run out before the end of the appointment/fiscal year. For instance, a college assistant was assigned 1040 hours over the fiscal year, but exhausted the hours before June 30<sup>th</sup>.

## **What is a reduction in hours?**

A reduction in hours occurs when a managerial or departmental action occurs such that any weekly hours are reduced. Examples include:

- An hourly employee such as a college assistant whose normal work appointment is 1040 hours has their hours reduced to 350 hours during their appointment.
- An hourly employee such as a custodial assistant whose normal scheduled working hours are 20 hours a week has their weekly hours reduced to 19 hours a week during their appointment.

A reduction in hours DOES NOT occur in the following instances:

- An employee is informed of a reduction in work prior to the appointment start date (e.g., one of the adjunct's classes is cancelled prior to the beginning of the semester).
- An employee that is appointed to teach 3 classes only teaches 1 class during a holiday week.
- An employee that is scheduled to work 14 hours per week but only works 10 hours because the department determines that it is better to carry those 4 hours into a different week.
- An employee works fewer hours one week compared to the previous week because they arrived to the office late causing them to lose time and pay or because they do not work identical hours every single week.

## **Should an employee receive a UI Separation Notice if they are on leave?**

Employees who are on a documented paid/unpaid leave should NOT receive a UI Separation Notice. This includes suspensions, vacation, sick, bereavement, personal, and parental leave. It also includes employees on a recess or holiday such as Spring Break, Thanksgiving or Presidents' Day.

## **How should you handle an employee working under multiple titles in the same campus?**

The UI Separation Notice must be sent if there is a separation or reduction of hours under a title, even if employment continues under another part-time title. The only exception occurs when an employer can verify that employment continues under a full-time title.

## **Is it necessary to send the UI Separation Notice at the end of every semester, even if the adjunct will be teaching every semester (e.g.: teaches Fall/Winter/Spring/Summer)?**

No. The NYS Dept of Labor has clarified that educational employees that are reappointed do not require a UI Separation Notice.

## **Is it necessary to send notifications to adjuncts with multiple semester assignments, such as two-semester or three-year appointees?**

No. The NYS Dept of Labor has clarified that educational employees that are reappointed do not require a UI Separation Notice.

**When should the notice be sent to adjuncts?**

The notice may be sent prior to or after the end of the semester. New York State law requires that it be within 5 working days of the separation.

**When should notice be sent to other hourly titles?**

The notice may be sent prior to or after the end of the semester. New York State law requires that it be within 5 working days of the separation.

**How do you handle an employee with consecutive appointments?**

The NYS Dept of Labor has clarified that educational employees that are reappointed do not require a UI Separation Notice.

**What about titles with flex hours, such as tutors and theatre techs? Will they be subject to a UI Separation Notice triggered by a reduction in hours when they may still work continuously but have a reduction in hours based on needs of the department (e.g.: tutors may have less hours over the winter session)?**

- If the employee has a set schedule and the departmental action leads to a reduction in anticipated assignment hours – Yes, send the UI Separation Notice.
- If the employee does not have a set schedule and it changes frequently based on departmental needs – No, do not send the UI Separation Notice.

### **What about non-tax levy employees?**

Non-tax levy (NTL) employees are not eligible for UI benefits under either of CUNY's Tax ID numbers. The UI Separation Notices provided by University Human Resources should not be used for NTL employees, because they contain CUNY Tax ID numbers.

### **What about Federal Work Study?**

CUNY HR staff should not issue the UI Separation Notice to Federal Work Study students. Federal Work Study students are **not** CUNY employees, but are participants in a financial aid program. Furthermore, they are not eligible for UI benefits.

### **Can the notification be combined with other notices (e.g.: appointment/non-reappointment letters, COBRA notices, etc.) or must it be sent separately?**

Yes, it can be combined so long as it is within 5 working days of the separation.

### **Does the document need to be sent as a memo/attachment to the employee, or can the wording in it simply be used as the body of the email we send to the employee?**

Yes, the language in "Page1 – Cover" may be sent in the body of the email along with "Page2 – Record of Employment" as an attachment.

### **Does the UI Separation Notice mean that the employee is eligible for UI benefits?**

No. It states that the employee is eligible to APPLY for UI benefits. The NYS Dept of Labor is the sole determinant of UI eligibility.

### **Who does the initial vetting of eligibility after application? Central Office or the college?**

If an employee applies for UI, the NYS Dept of Labor is the sole determinant of UI eligibility. Requests for further fact finding may come from the Central Office on behalf of the NYS Dept of Labor.