

Non-Determination Webinar Follow up Q&A - October 25, 2021

Advance questions submitted w/registration

Q: Are these claims being paid to the claimants even though most are fraudulent?

How does this affect our account?

A: Please be sure to submit a fraud report on our website, which will hold payment on the claim pending investigation. Rest assured, the report was received, and the claim is under investigation. No employer will be responsible for fraudulent payments made. If an employer sees charges attributable to the fraud on their billing statement, they can contact employer services to have that removed.

Q: Are we responsible for a claim of a past employee who was not employed during the pandemic (she was fired Oct 2019) who filed for UE benefits during the pandemic?

A: If the employee was determined to be separated due to no fault of their own, and the separation occurred before the start of the pandemic, the charges will remain. If the claimant was found at fault and was not awarded benefits, but later claimed due to the pandemic, any charges from that separation would not be attributable to your account.

Q: I did receive one of the letters. I have two questions. 1) Will I receive a final determination? 2) Will the amount that was taken from my account and the amount I paid be reimbursed and will the lien you put on my business be released immediately?

A: If the notice you received provided appeal rights, it is a final determination, unless you decide to appeal. If you appeal, you will receive instructions on how to participate in a hearing. Otherwise, investigation into separation is heavily backlogged. Once the separation is adjudicated, overpayments can be established and employer accounts reimbursed.

Q: In 2020 our account was debited well over \$40,000 for benefits but to date in 2021, we have received only \$7491.40 in credits. Most of what was paid in 2020 were not related to COVID and we have documented proof of either voluntary resignation, no shows over 3 days or dismissed with cause that we have filed with our appeals. How long will it take to settle all the appeals and credit back the full amounts?

A: If you are a reimbursable employer, you will only receive credits when a claim is overturned and placed into an overpayment status at which point the credits will show on the next quarterly charging statement. If you are a contributory employer, you will receive the credits on your quarterly statements which will roll forward to future rate calculations. We are also working to complete the credit process for Covid related charging in time for 2022 experience rate calculations, so some credits are still pending. Please be sure to review your annual rate notice and your quarterly benefit charge statements, and direct any questions to Employer Services. Questions specific to the status of collections on your employer account will need to be directed to Employer Account Charges at 303-318-9055.

Q: We received a claim from someone who never worked for us and we never heard if his claim was denied. How do we find out?

A: Please be sure to submit a fraud report on our website, which will hold payment on the claim pending investigation. Please review your quarterly benefit charging statements, as well as any outstanding claims or issues within your MyUI Employer account to verify payment or current status. If the claim does not show, you have not been charged. Please contact Employer Services at 303-318-9100 for any concerns that are not addressed by following these steps.

Q: What was the motivation behind the decision to issue these Notices of Determination without looking at the facts of each case?

A: When the pandemic began, Governor Polis issued executive order D 2020 012, which directed CDLE to expedite pandemic claims and start paying claimants within 10 days of the claim being filed. In order to accomplish this, CDLE had to delay the typical adjudication process for all claims and automatically issue payments on the hundreds of thousands of claims being filed. In July 2021, the Division of Unemployment Insurance issued the Notice of Determination in order to now process all the related issues on the claims filed during the pandemic. The decision (or determination) awarded benefits to the individual who filed the claim and relieved employers who pay

quarterly premiums of all charges. We are aware that the claimant may not have separated from your employment because of the pandemic, but ultimately the claim was filed because of the pandemic.

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Q: Is there an easy way to see what we have been charged on our account? Of all the notices we've received none of them have given us a total. We also can't seem to locate that information on the website.

A: The quarterly benefit charge notices will show a running total for the fiscal year (July through June) in addition to the quarter charges. If you are looking for a total charge amount for a period outside of this range, please contact our benefit charge unit for employers at 303-318-9055.

Q: Is there a way for individuals to check if an unemployment claim has been filed under their name?

A: If you suspect someone filed a fraudulent claim has been filed in your name you can report it here - <https://cdle.colorado.gov/fraud-prevention>
The only way to check otherwise would be to start a new claim and if a claim has been filed it will tell you in the application.

Q: We received a notice of determination for someone who never worked for us. How do we know that this was corrected?

A: Ensure that you are reviewing your quarterly benefit charge statements for any errors. If you filed a fraud report for the invalid claims, and if you see these charges for the fraudulent claim showing on your statement, please contact Employer Services at 303-318-9055.

Q: So correct me if I heard wrong, if we do not file an appeal our account will not be charged, correct?

A: If you are a contributory employer, and the claims in question are related to the Covid pandemic, your account will not be charged. Reimbursing employers are held to

different rules and will be charged either 25%, 50% or 100% of the charges depending on the timing of the claim.

Q: Our quarterly statement does not have backup, how do we get that info?

A: Please contact employer services at 303-318-9100 for a copy.

Q: Just to confirm - that timeframe listed for reimbursing employers in the federal pandemic relief slide - is that when the claim was filed or a determination received? Thanks!

A: Benefit charges are assigned to your account at the time of payment in the week it was paid. All the charges for the quarter are reported to you and assigned to your account in the quarter the week occurred.

Q: We have received some credit for employees who should not have received benefits but only a small portion of what we were charged. Will we get additional credits?

A: The Division is working diligently to ensure all Covid related benefit charges are appropriately credited to contributory employer accounts before the 2022 experience rates are generated. Please review your quarterly benefit charge statements and cross-reference your 2022 rate notice, once received, and contact Employer Services if you feel there are errors. You may also pursue your rate protest rights as outlined on your annual rate notice, which will be mailed in December.

Q: Reimbursing employer here. We have not been mailed ANY of these pandemic decisions as we were supposed to. We did search for and find many through MYUI. How can we fix this so we get notification of these Notices of Determination?

A: Please ensure that your address information is up to date on your unemployment insurance account. Please contact employer services for needed corrections or copies of the forms. If, however, the claims do not show a decision link, there is no document available for your review at this time. This claim is still under review, and the appealable decision will be provided as soon as a determination is made.

Q: Where to contact to fix this? We are a City, our address has not changed. We were receiving many decisions and then it stopped.

A: Please review your MyUI Employer account for copies of available decisions. If an active claim is missing this documentation, it is likely that the claim has yet to be adjudicated and therefore a decision is not yet available for your review. If there are discrepancies, please contact our Employer Services unit.

Q: If we win our appeal, how do you go about getting the benefits you paid back as this is probably difficult since the money had probably been spent? This is money paid by hard working people into the program and shouldn't be chalked up to loss.

A: When a decision changes from a full award to disqualification the money paid to the claimant becomes an overpayment. Any amount assigned to the claimant as an overpayment is credit to the employer who prevailed in the hearing and the claimant must pay the Division back the benefits they received in error.

Q: Am I going to be paying for an employee that stops working because of the quarantine and continued to file for UE even when the quarantine is over?

A: If a claim is determined to be filed due to the Pandemic, these benefits will not be charged to contributory employer accounts, even if the claim continues to pay after Pandemic restrictions have been eased. If you have work for an employee and they refuse that work, please report the job refusal on our website. Employees refusing suitable work could be disqualified from getting benefits for 20 weeks.