



Notification Obligations Regarding Unemployment Insurance Benefits

In light of the significant number of staff layoffs this year, school and community college districts, as well as other public agencies, are reminded that they must notify employees subject to layoff, as well as all other discharged employees, of their unemployment insurance benefit rights on or before the effective discharge date. This can occur directly or through the agency's contracted unemployment insurance administrator.

A school district or other public employer must give the following types of notice to each individual at the time he or she becomes "unemployed": (1) written notice of his or her unemployment insurance benefit rights and (2) written notice regarding the change in the employee's status. The prior notice requirement is met by providing employees with the "For Your Benefit-California's Programs for the Unemployed" pamphlet, DE 2320. That pamphlet is available online at: http://www.edd.ca.gov/Unemployment/Forms_and_Publications.htm.

As to the second requirement concerning change in status, such notice must include the employer's name; the employee's name; the employee's social security number; the date of the action; and whether the action was a discharge or a change in status from employee to independent contractor.

Both notices must be given to the employee no later than the effective date of the employee's change in status. Failure by an employer to comply with any of the above requirements can, in some circumstances, be prosecuted as a criminal misdemeanor under state law. In most cases, your human resources office will already have a notification procedure in place. However, it is important to remember that the procedure applies to employees who are subject to layoff.

Please contact one of our four offices with any questions you may have regarding unemployment benefits, layoffs, or other legal matters.

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