

EMPLOYER NEWSLETTER

SPRING 2020



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ONLINE EMPLOYER ACCOUNTS & SERVICES

The following UI employer services are now available online:

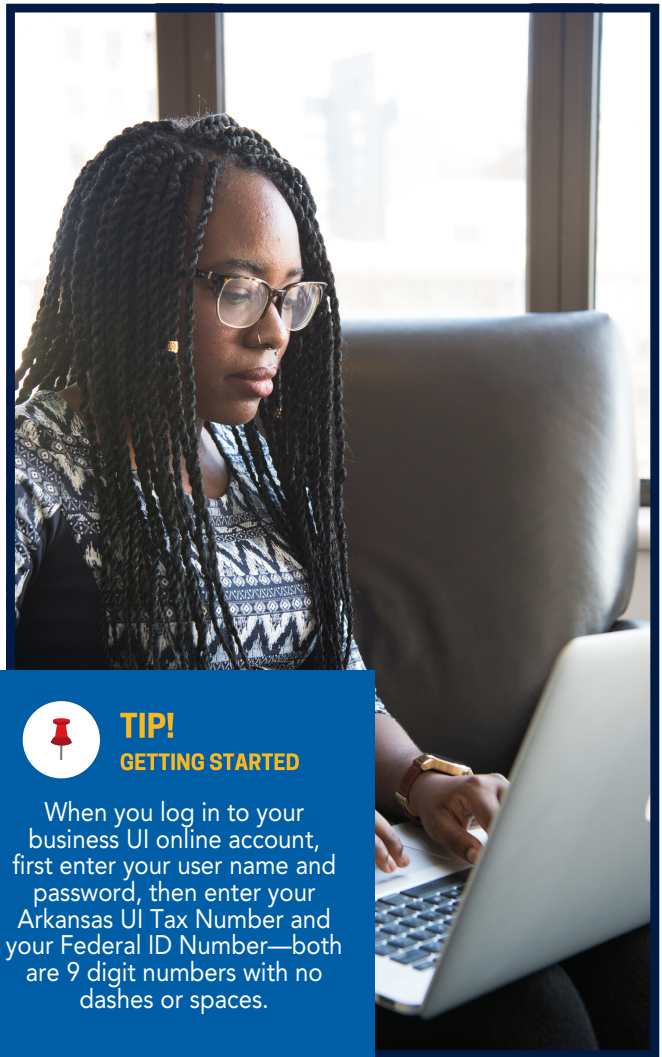
- Apply for a DWS Employer Account Number
- File & pay Quarterly Contribution & Wage Reports on Tax21
- UI 901A Overpayment Wage Response System
- UI Benefit Notice Response System & Shared Work Program
- Report Unemployment Insurance Fraud
- Notify DWS of an employee's potential refusal of work
- Report employee failure to submit to a pre-employment drug screen
- Report employee failure to pass a pre-employment drug screen
- Report a failure to appear for a scheduled job interview

ONLINE UI EMPLOYER SERVICES PORTAL

Employers using the online services are discovering they can save both time and money by responding to DWS electronically! Many of the employer unemployment insurance notices and reports that you are accustomed to completing by hand and submitting by mail are now available online. Reduce paper and postage! No more lost or delayed mail! Signing up makes it easy to keep track of UI tax accounts.

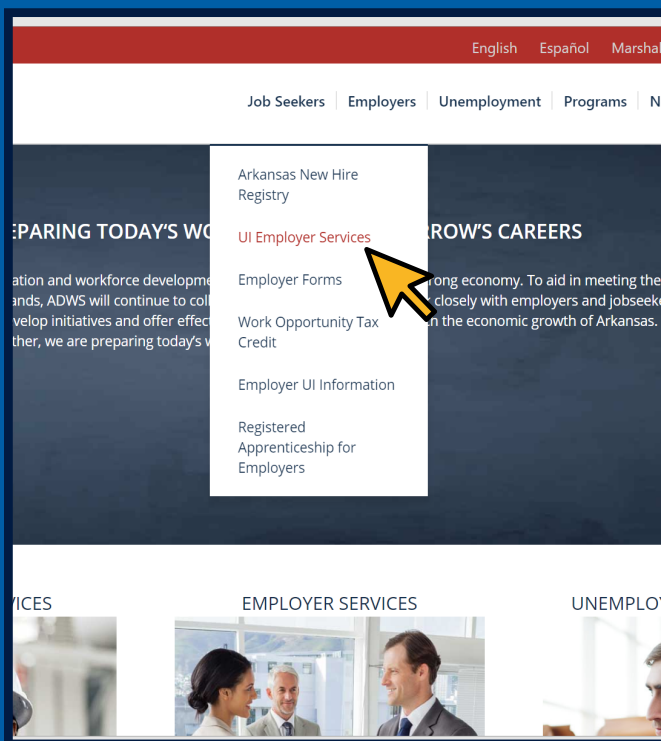
You will need a DWS employer account and online user ID to get started. If you do not have one, you may register and apply for an account number on this site! The left hand column on the main page (Welcome to Arkansas DWS Online Unemployment Insurance Employer Services) allows visitors to immediately start the registration process.

This newsletter gives just a brief glimpse of the online services. DWS encourages Arkansas employers to visit the DWS website and take a more detailed look at what is now available online. It is the agency's goal to offer innovative methods of communicating information to assist employers in working with DWS.



TIP! GETTING STARTED

When you log in to your business UI online account, first enter your user name and password, then enter your Arkansas UI Tax Number and your Federal ID Number—both are 9 digit numbers with no dashes or spaces.



ACCESS THE PORTAL...

To access all of the new online information, forms, and services that DWS offers to Arkansas employers:

- Go to dws.arkansas.gov
- Click on the "Employers" tab at the top of the page.
- Select "UI Employer Services" from the drop-down menu.



TIP! USE A GROUP EMAIL


When setting up your company's new DWS Online Account, create a group email address for your profile. This will insure that someone with your business will always receive any UI notices from DWS and can respond in a timely manner.

DO MORE ONLINE

How to Access More Unemployment Insurance Employer Services Online!

The bottom login portal on the Welcome to the Employer UI Online Employer Services page grants access to several UI employer functions. Once an employer logs in here, they can select any of the six available options. Two of these are highlighted below.

RESPOND TO UI 901A OVERPAYMENT WAGE RESPONSE SYSTEM REGISTER FOR & RESPOND TO UI BENEFIT NOTICE RESPONSE SYSTEM & SHARED WORK PROGRAM REPORT UNEMPLOYMENT INSURANCE FRAUD REPORT A REFUSAL OF AN OFFER OF WORK REPORT A FAILURE TO SUBMIT TO OR PASS A PRE-EMPLOYMENT DRUG SCREEN REPORT A FAILURE TO APPEAR FOR A SCHEDULED JOB INTERVIEW	Login Here
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- Visit www.dws.arkansas.gov
- Click on the Employers tab
- Click the link to the Online Unemployment Insurance Employer Services portal
- On the Welcome page, choose the second login portal

1	UI 901A Overpayment Wage Response System
2	UI Benefit Notice Response System & Shared Work Program
3	Report Unemployment Insurance Fraud
4	Report a Refusal of an Offer of Work
5	Report a Failure to Submit to or Pass a Pre-Employment Drug Screen
6	Report a Failure To Appear for a Scheduled Job Interview

Option 1

UI 901A Overpayment Wage Response System:

This is a paperless online response system that enables DWS to quickly identify reporting inaccuracies. If an employee claims unemployment while working for an entity, the employer may be asked to provide that person's wages to DWS to determine if that person accurately reported wages. This option allows employers to respond to requests for wage information in overpayment investigations (DWS 901A).

Option 2

UI Benefit Notice Response System & Shared Work Program:

Select this option to receive and respond to Notices to Last and Base Period Employer (DWS 501.3/550), Adjudication Questionnaires (DWS 525), and to apply for the Shared Work program. Option 2 also allows employers to make changes to their electronic profile, including the method of receiving these UI notices. All notices are sent by mail unless the notification is changed to be sent electronically. If electronic transmission is requested, it will require an email address for notification. If the Both option is selected, the notices will be sent electronically and by mail. Remember, when setting up your company's DWS Online Account, creating a group email address for your profile will help ensure someone with your business will receive UI notices from DWS and can respond in a timely manner.



TIP!

PROVIDING ADDITIONAL DOCUMENTS

You may provide additional documents such as written warnings or witness statements by faxing them to 501-683-1151 or 501-683-1149. Be sure to include the name and social security number of the individual to whom these documents pertain.

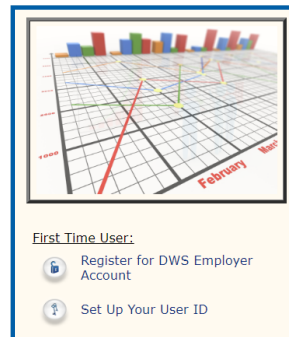
TAX 21

File and Pay Employer's Quarterly Contribution and Wage Report

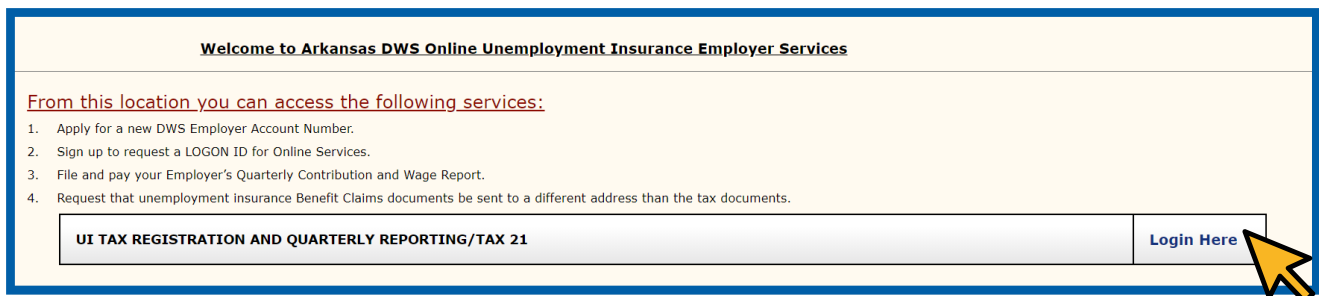
TAX 21 is the online site where you and your tax agents can file the Employer's Quarterly Contribution and Wage Report (DWS 209b) and pay the tax due by Electronic Funds Transfer (EFT). You are also able to maintain and update your account info, make address changes and terminations, view and print rate statements, and check your report and tax payment compliance status.

To access TAX 21, go to www.dws.arkansas.gov and click on the "Employers" tab. Select "UI Employer Services" from the dropdown menu. Click on "Online Unemployment Insurance Services portal". Select the first login option to begin.

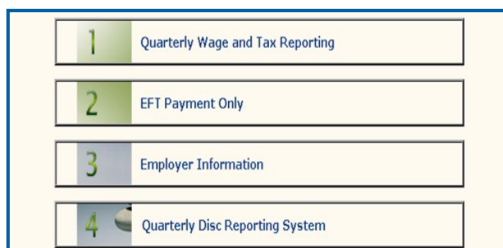
A DWS employer account and online user ID are necessary to get started. If an Arkansas company has never registered with DWS, the employer representative may register and apply for an account number from this site.



Initiate the registration process by clicking the link 'Register for DWS Employer Account' in the left hand column of the TAX 21 homepage.



After logging into the Tax 21 system, four menu options relating to a company's unemployment insurance tax account will appear.



Option One: Quarterly Wage and Tax Reporting
From this menu option, employers may check the status of and file their quarterly wage and tax reports.

Option Two: EFT Payment Only
Make electronic quarterly tax payments.

Option Three: Employer Information
From this screen, employers may view their account information and quarterly reports history.

Option Four: Quarterly Disc Reporting System
The last option will allow employers to upload their wage report information from most accounting softwares, such as QuickBooks and Peachtree.



TIP! EDITING YOUR ACCOUNT

Only your company representative can make changes to the UI online account. If you need to update your account, log in and click the Employer Profile tab. There, you can change your notification method or update your profile with a new email address.



FIRE Fraud Investigations, Recoveries and Enforcement (FIRE) Unit

The Fraud Investigations, Recoveries and Enforcement (FIRE) Unit is an unemployment insurance claims fraud investigative unit within DWS.

The mission of the FIRE Unit is to preserve the integrity of the unemployment insurance program through detection, investigation, prosecution, and enforcement of Arkansas unemployment insurance laws related to the misreporting of earnings by unemployment insurance claimants.

THE FIRE UNIT HAS 4 MAIN GOALS:

1. Detect and adjudicate earning issues on unemployment claims
2. Deter claimants from obtaining benefits through fraudulent means
3. Prosecute individuals who have committed egregious fraud
4. Enforce the recovery of an overpayment of benefits

If an employee claims unemployment benefits while working, the employer might be asked to provide a statement of that person's wages to DWS to determine if the person reported those wages accurately and to stop fraud. An employer's assistance and cooperation in detecting and preventing unemployment insurance fraud will help preserve the integrity of the unemployment insurance program and ensure that an employer's UI contributions account and tax rate are not negatively impacted.

The requests for weekly wages are called Wage Audit Notices or 901As. The forms are mailed to employers when an audit reveals the possibility that an employer paid wages to a claimant and the claimant was paid unemployment insurance benefits in the same quarter. The Wage Audit Notices also are mailed when there is a match between an active unemployment insurance claim and the National Directory of New Hires. The timely return of the completed Wage Audit Notices plays a critical role in detecting fraud. Detecting fraud as quickly as possible preserves the integrity of the unemployment insurance program and minimizes employers' tax rates.

***** Important Reminder*****

In order for DWS to complete an accurate investigation, it is vital for an employer to submit the Wage Audit Notices in the requested format. When providing weekly earnings information for your employee(s), the earnings must be provided in a Sunday to Saturday format.

TRAINING OPPORTUNITY FOR EMPLOYERS!

In addition to assistance over the telephone, DWS personnel are available to provide training at employers' business locations on the use of the online system and how to correctly submit wages on the 901A forms.

Call 501-682-6155 to set up an appointment!

CONTACT DWS

Telephone Number:
1-855-225-4440 | 501-682-2121

Street Address:
#2 Capitol Mall | Little Rock, AR 72201

Mailing Address:
P.O. Box 2981 | Little Rock, AR 72203

IMPORTANT INFORMATION RELATED TO COVID-19

Refusal of an Offer to Return to Work

DWS reminds unemployment claimants who have been placed on temporary layoff or furlough related to COVID-19 that they must return to work if called back by their employer. Refusal to return to work, when being offered the normal rate of pay and number of hours per week, may result in the termination of unemployment benefits and the need to repay certain benefits.

If you are an employer that has attempted to recall a laid off or furloughed employee to work, at the same number of hours and rate of pay that they were working prior to COVID-19 and the worker has refused to return to work, you **MUST** report this activity to DWS.

Employers can submit a report of refusal to work by mailing a letter and a list of employees, including the last four digits of their SSN, to their local office or by sending an email to UI.General.Questions@arkansas.gov.



UI.GENERAL.QUESTIONS@ARKANSAS.GOV

Unemployment Insurance Benefit Charging Process

Arkansas employers fund the payment of unemployment insurance benefits in two ways. First, governmental employing units and non-profit organizations may opt to simply reimburse the dollar amount of benefits attributed to their account each quarter. All other employers pay a tax on the first \$7,000 of each employee's wages. New employers pay the tax at the new employer rate—currently 3.1%. After being at the new employer rate for approximately three years, an employer's rate is then calculated by dividing the difference between taxes paid and benefits charged by the annual taxable payroll.

While employers may reduce the rate by making a voluntary payment in addition to the tax owed, the best way to help keep the rate low is to ensure that benefits are non-charged whenever possible. Reimbursable employers are not eligible for benefit non-charging, so the remainder of this article is geared toward tax-rated employers. However, reimbursable employers should respond to all DWS' notices as discussed later in this article. Failure to provide the information requested on the notices could result in a claimant being paid benefits that otherwise would not have been paid had the reimbursable employer responded to the notice.

Only the base period employers used to establish a claim have the potential to be charged if benefits are paid. You will know that you are a base period employer in one of two ways—either by receipt of a Notice to Last Employer (ESD ARK 501.3) or a Notice to Base Period Employer (ESD ARK 550). If you receive a Notice to Last Employer listing potential charge amounts, then you are also a base period employer. In most instances if there are no potential charge amounts listed on the Notice to Last Employer then you are not also a base period employer and your account will not be subject to charges. Nonetheless, it is still important to respond to the Notice to Last Employer because a last employer, that is not also a base period employer, may become a base period employer should the claimant file another claim in a succeeding benefit year. Likewise, you may receive a Notice to Base Period Employer that does not list potential charge amounts. Again, always be sure to respond because when potential charge amounts are not listed, this means that the wage credits have been transferred to another state. If the other state pays the claimant unemployment insurance benefits, then your account has the potential to be charged.

To be eligible for non-charging, employers must respond to DWS' notices in a timely fashion. DWS Regulation 15 requires that the Notice to Last Employer be returned/postmarked within ten calendar days from the mailing date and the Notice to Base Period Employer within 15 calendar days from the mailing date. The rapid turnaround is necessitated by United States Department of Labor performance standards. If you are unable to respond in a timely fashion due to circumstances beyond your control, note this on your response and request that the response be considered timely. Be sure to explain what the circumstances were that prohibited you from responding in a timely fashion.

Returning the notices in a timely fashion is just the first step in getting a non-charge. DWS must then consider the reason provided by you for the claimant's separation in order to determine whether your account is non-charged. If it is found that the claimant was separated because he quit without good cause connected to the work or was discharged for misconduct in connection with the work then the account will be non-charged, provided the response was timely. It is also possible to receive a non-charge if the claimant continues to work for an employer without a reduction in hours, if the claimant is not employed on an on-call or as-needed basis. All other reasons result in a charge to the account.

As the amount of charges is unknown, DWS does not make a formal written charge determination upon the receipt of the returned Notice to Last or Base Period Employer. Rather, employers are notified after the end of each quarter if charges have accrued. If there are charges, you will receive the Quarterly Statement of Benefits Charged to Your Account (ESD ARK 546 for tax-rated employers and ESD ARK 547 for reimbursable employers). If no charges accrued during the quarter, then a quarterly charge statement is not mailed. If an employer disagrees with any first-time charges contained on a quarterly statement, the charges may be protested. It is extremely important to note that charges can only be protested the first time that they appear on a charge statement. First-time charges are designated by an asterisk. Subsequent charges appearing on a quarterly charge statement from the same benefit year claim cannot be protested.

To lodge a protest of first-time charges you must write a letter of protest and mail it to DWS, PO Box 8011, Little Rock, AR 72203-8011. Charge protests must be postmarked within 30 calendar days from the mailing date of the statement. In your protest letter be sure to provide information that can be used to determine that you responded to the notices in a timely fashion and that the account is entitled to one of the non-charge provisions—claimant quit without good cause, was discharged for misconduct, or is still working on other than on-call or as-needed basis with no reduction in hours. Please attach a copy of the charge statement with the protested charges highlighted or otherwise identify the charges you are protesting in your letter.

After your protest is reviewed you will receive a Notice of Agency Decision on Request for Review and Redetermination of Quarterly Statement (ESD ARK 548). If you disagree with the disposition of the charges in this notice an appeal must be made to the Circuit Court in the county of your business' residence or to the Pulaski County Circuit Court. All such appeals must be filed within 20 calendar days from the mailing date of the Notice. Most courts require a filing fee and that the documents be physically received by the court, not postmarked, within the 20-calendar day period.

Unemployment Insurance Benefit Charging

Frequently Asked Questions

Q1--I returned my notice on time, but I still got charged—please explain why?

A1--Returning a timely response is just the first step in securing a non-charge. The second step is providing specific facts regarding the reason the claimant was separated. If the facts you provide establish that the claimant was (1) discharged for misconduct connected to the work, (2) quit without good cause connected to the work, or (3) that the claimant is still working without a reduction in hours and not on an as needed basis, then your account will be non-charged provided your response was returned timely. Remember you must state specific facts—do not just say “misconduct” or “quit without good cause.”

Q2--The Notice to Last Employer response must be postmarked within ten days of the mailing date and the Notice to Base Period Employer response postmarked within 15 days of the mailing date—why do these forms have to be returned so quickly?

A2--The United States Department of Labor requires DWS to adhere to certain performance standards. To meet these USDOL standards the forms must be returned/postmarked within the ten- and 15-day time frames.

Q3--I did not get my notice until after the time frame for returning it—what should I do?

A3--Please go ahead and send your response as soon as you can. DWS Regulation 15 provides that an untimely response can be considered timely if the delay was for circumstances beyond your control. So, on your response note why you could not respond timely and request that your response be considered timely.

Q4--I have received a Notice to Last Employer. I know the claimant has worked for several different employers, so will my account be charged for all the benefits paid?

A4--Only base period employers are subject to being charged. Therefore, a last employer is not subject to being charged unless it is also a base period employer. If the Notice to Last Employer lists potential charges, then you are also a base period employer. Additionally, ACA §11-10-703(a)(2) provides that all employers in the claimant’s base period will be subject to being charged in the proportion of wages paid by each employer to total wages paid in the base period. Consequently, if you are a last and base period employer, your account has the potential to be charged for its pro rata share of benefits.

Q5--Sometimes I get the Notice to Last Employer and then get a questionnaire—why does DWS need the additional information?

A5--The Notice to Last Employer only provides limited information and is enough when the claimant has been laid off. However, if the claimant quit, was discharged, or suspended then there is the possibility that the claimant might be disqualified. The questionnaires help DWS gather the information needed to adjudicate the separation issue. Also, there are other eligibility requirements that may require additional information from the employer. While the questionnaires have been designed to get as much information as possible it is sometimes necessary to call parties to get additional information. Your cooperation in this fact gathering process is much appreciated.

Q6--I am being charged for benefits that were paid to an employee that still works for me part-time. I have always employed this individual on a part-time basis. He does not have a set schedule but comes in when there is enough extra work for him to do.

A6--ACA §11-10-703(a)(4) provides that an employer's account will not be charged when benefits are paid to an individual that continues to work for an employer as long as there has been no reduction in hours/wages and the individual is not employed on an on-call or as-needed basis. Since your employee works on an as needed basis your account is not eligible to be non-charged for benefits paid to this claimant.

Q7--I am being charged for benefits that were paid to a claimant that I know is working part-time for another employer. How can someone be unemployed if they are working part-time?

A7--ACA §11-10-503 provides for the payment of partial unemployment benefits. Individuals that are working may draw partial benefits if they do not work 40 or more hours per week and their wages do not exceed 140% of the weekly benefit amount.

Q8--I just received a Notice to Base Period Employer—the individual listed on it has not worked for me for over a year, why am I getting this notice?

A8--A claimant's base period consists of the first four of the last five completed quarters excluding the quarter in which the claim is filed. For example, if a claimant files on May 1, 2020 (20/2 quarter) you would skip the 20/2 quarter and then go back five quarters to 19/1. Starting with 19/1 you would count forward four quarters—so the base period would be for the four quarters of 19/1, 19/2, 19/3, 19/4. If the claimant last worked for you in 19/1 you would still be a base period employer even though it might have been 16 months since the claimant last worked for you.

Q9--A former employee filed a claim and I was both a last and base period employer. My account was charged because I had laid the claimant off. Now the claimant has filed another claim and I am a base period employer—will my account be charged again?

A9--The reason for the separation has not changed, so your account will be charged its pro rata share of the total wages in the base period.

Q10--A salaried employee was terminated from my firm yet there are charges on my quarterly charge statement—I thought salaried employees were not eligible for unemployment insurance benefits?

A10--While some types of employment are exempt under ACA §11-10-210, the way an employee is paid, hourly or salaried does not dictate whether an individual will be able to establish a claim and draw benefits.

Q11--A year or so ago I hired someone with the understanding that the job would only be for sixty days. My account has been charged for benefits paid—why?

A11--Even though this may be considered temporary work, we still must look at the reason why the claimant is no longer working to determine if your account can be non-charged. Since the claimant was not discharged for misconduct and did not quit without good cause you are not entitled to a non-charge.

Q12--I bought a business and I am getting charged for benefits from the former employer's employees—why is my account being charged?

A12--ACA §11-10-710(a) and (b) provides that when a business is purchased that the purchasing employer assumes the position of the selling employer with regard to, among other things, liability for charges that would have accrued to the selling employer's account had it remained in business.

Q13--I own a Temporary Help Firm. Many of our assignments provide that the employee will work for the client for six weeks then become a permanent employee of the client. If the individual becomes unemployed after becoming a permanent employee of our client our account is still charged for its pro rata share of the benefits in the base period—why?

A13--DWS does not view this arrangement as a separation that would entitle a temporary help firm to a non-charge. The claimant did not quit nor was the claimant discharged; rather there was just a payroll transfer.

Q14--I am a reimbursable employer. We answered the notices and the claimant was disqualified; however, there are benefits paid reflected on our quarterly statement—why?

A14--Claimants may satisfy disqualifications usually either by working or claiming benefits and in some instances a combination of the two. Once the disqualification is satisfied the claimant may draw benefits if otherwise eligible. ACA §11-10-713 provides that reimbursable employers pay dollar for dollar for all benefits paid based on wages paid by the reimbursable employer. Consequently, once the claimant starts drawing the reimbursable employer must pay an amount equal to the benefits paid each quarter.

Q15--I am a reimbursable employer. The claimant was initially awarded benefits but was disqualified on appeal to the Arkansas Appeal Tribunal. The quarterly statement shows charges for this claimant—why?

A15--As in the question immediately above, the claimant drew benefits so the reimbursable must pay the fund in an equal amount. However, once an overpayment is established and collected a reimbursable employer will get a credit in the quarter in which the overpayment is collected in full.

Q16--Why do we have to wait until the end of the quarter to protest—why doesn't DWS send employers something after receiving the notice responses?

A16--While DWS can tell whether you have earned the right to a non-charge based on the timing and information contained on the notices it cannot tell if the claimant will actually receive benefits at the time the notice is returned nor can it tell the total amount that is paid **during** the quarter. It would be unproductive to offer a chance to protest if benefits are never paid.

Q17--I do not get a quarterly charge statement every quarter—why not?

A17--DWS only sends quarterly charge statements if benefits accrue to your account.

Q18--I noticed that there are asterisks next to several of the charges on my charge statement—what do those mean?

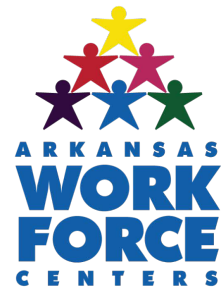
A18--An asterisk means that the charges are appearing on a quarterly statement for the first time for that claim. ACA §11-10-707(b)(1) provides that an employer may only protest the decision to charge the first time that charges for a claim appear on a quarterly charge statement. Charges for the same benefit year claim appearing on a subsequent quarterly statement may not be protested. So always be sure to carefully review any charges that are designated by an asterisk.

Q19--Sometimes there are SSNs on the quarterly charge statement without a name—why is there no name?

A19--All states participate in the Combined Wage Claim program. This program allows claimants with wages from two or more states to combine all wages in one state to establish a claim. When a claimant opts to file a combined wage claim, wages must be transferred to the state in which the claimant files the claim—this state is known as the paying state. In most instances when DWS is notified by a paying state that the claimant received benefits only an SSN is sent—no name. Combined wage claim charges can also be identified on the quarterly statement by the letters CWC.

Q20-- Right now there are so many different UI benefit programs how do we know which ones might result in charges?

A20-- The only benefits that might be charged to your account are those arising from the state UI benefit program—and as mentioned you will be notified in various manners to possible charges. The Federal Pandemic Unemployment Compensation (FPUC), the Pandemic Emergency Unemployment Compensation (PEUC), the Pandemic Unemployment Assistance (PUA) and the Extended Benefit (EB) programs are all 100% federally funded under the CARES Act and do not result in charges to your account nor do they affect our state UI trust fund balance.



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