

Columbia University

# UNEMPLOYMENT INSURANCE PROCESSING

Guide for Departmental Administrators

Columbia University Human Resources  
May 2026

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## I. WHOM TO CONTACT

Columbia University  
HUMAN RESOURCES

Studebaker 5<sup>th</sup> Floor  
Mail Code 8710

Contact: Camille Nicholson

Telephone: 851-4089

Email: [cnb23](mailto:cnb23)

## II. UNDERSTANDING HOW THE UNEMPLOYMENT INSURANCE SYSTEM WORKS AT COLUMBIA

Unemployment insurance is managed for all Columbia employees (regardless of department or campus) by the Office of the Vice President for Human Resources. We provide ongoing support to all University officers handling unemployment claims.

We have retained an outside vendor, Experian Employer Services, to assist in managing unemployment insurance claim processing for the University. Experian and Human Resources Operations work very closely together to ensure that every claim is processed promptly and accurately.

If the Department of Labor sends any information or forms regarding an unemployment claim to a department, the document(s) should be immediately forwarded to us at [cnb23@columbia.edu](mailto:cnb23@columbia.edu). The original should then be sent to Human Resources Labor Relations, 615 West 131 Street, Studebaker 5<sup>th</sup> Floor, Mail Code 8710.

Columbia University is **self-insured**, i.e., each dollar of unemployment insurance benefit paid to a former employee is charged directly to the University. Although employees actually reach out to the Department of Labor to apply for the benefit and their check is issued by the Department of Labor, the University reimburses the state for the benefits.

### III. SPECIAL CONSIDERATIONS AT COLUMBIA

- **Casual Employees and Consultants**

The University **is** liable for unemployment insurance benefits collected by Casual employees who were paid through the University's Payroll Office.

The University is generally **not** liable for Unemployment insurance benefits collected by consultants who were paid through Accounts Payable or temporary employees who were hired through, and paid by, a temporary staffing office.

- **Student Officers and Work Study Students**

In New York State, full-time students whose work is directly related to their student status are not eligible for unemployment insurance benefits.

- **Employees on a Leave of Absence Due to a Seasonal Layoff**

Employees of an accredited educational institution who are placed on a leave of absence due to a seasonal layoff are not eligible for unemployment payments during their leave of absence. However, the department **must** provide a written notice of "Reasonable Assurance of Re-employment" to each employee before he/she is placed on a leave. For more information regarding "reasonable assurance" notices, please contact Human Resources.

## IV. NEW YORK STATE UNEMPLOYMENT INSURANCE REGULATIONS

### NEW YORK STATE REQUIREMENTS, BENEFIT AND DURATION

- **REQUIREMENTS**

You must have worked for at least two calendar quarters in the base period (approximately the first 4 of the last 5 completed quarters) with \$1,600 in the High Quarter. A calendar quarter typically covers three months of the year (from all employers combined). (Note that not all of that time needs to have been spent as an employee of Columbia.)

- **WEEKLY BENEFIT**

The weekly benefit rate equals approximately 50% of the employee's average weekly gross wages, not to exceed \$869 per week / minimum \$140 per week.

- **DURATION OF BENEFIT**

The duration of unemployment insurance is a maximum of 26 weeks.

#### IV. NEW YORK STATE UNEMPLOYMENT INSURANCE REGULATIONS

### WHO IS ELIGIBLE FOR UNEMPLOYMENT BENEFITS?

An employee is eligible for benefits only when he/she is out of work through no fault of his/her own. The New York State Department of Labor makes the ultimate decision as to the employee's eligibility for unemployment insurance benefits, based on the information provided by the University and the claimant. Some examples of "qualifying" reasons for benefits are:

- Lack of work
- Poor job performance\*
- Physical limitations verified and no light work available
- Quit with good cause\*\*
- Terminated with no element of intentional deliberate misconduct
- Absenteeism or tardiness with no intentional deliberate misconduct

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\*Note that poor job performance is a "qualifying" reason. The Department of Labor maintains that if the person is unable to do the job, the fault may lie with the supervisor, or perhaps the person should not have been hired in the first place. Any inappropriate hiring is considered the fault of the employer, not the employee.

\*\*The burden of providing "good cause" will be on the claimant. For example, if an employee resigns because his/her spouse has secured a better job out of the state, the Department of Labor may deem this to be a voluntary resignation with good cause. Therefore, the University will be liable for the claimant's Unemployment Insurance Benefits. A change in working conditions may be considered to be a good cause for resignation.

## IV. NEW YORK STATE UNEMPLOYMENT INSURANCE REGULATIONS

### **WHO WILL HAVE THEIR BENEFITS DENIED?**

An employee who causes his/her own unemployment will be denied benefits. Under the New York State Law, an employee will be deemed ineligible for unemployment insurance benefits if the employer can prove misconduct, or if the Department of Labor deems that the employee resigned voluntarily without "good cause." Some examples of disqualifying separations are:

- Voluntary quit without "good cause"
- Discharge for intentional misconduct
- Voluntary Retirement
- Absenteeism/tardiness after written warning and without "good cause"
- Failure to return from leave of absence
- Violating standards of behavior the employer has a right to expect
- Any employee of an accredited educational institution who is unemployed between terms or regularly scheduled breaks and has written reasonable assurance of returning to work at the end of that break is not eligible for unemployment compensation.

## V. NEW YORK STATE UNEMPLOYMENT INSURANCE REGULATIONS

### WHAT MUST YOU AS A SUPERVISOR DO?

The need for careful documentation of the history of each case is extremely important. Unfortunately, too many managers are unable to establish the facts of their cases because of insufficient written documentation. At a hearing, your direct testimony and documentation will aid the examiner toward a decision in your favor.

When an employee is discharged\* for cause, willful and deliberate misconduct must be proven. One way to do this is to produce a copy of a written warning that states specifically that the employee had previously been made aware that his/her job was in jeopardy for the same type of misconduct for which he/she was ultimately terminated. (Note that in extreme cases of misconduct, prior warnings will not be necessary.)

Verbal, written and final warnings should be given for one issue only. The law clearly states that discharge for cause must be solely for deliberate and willful misconduct. Keep in mind that you should never give more than one reason for discharge, and that reason should be stated as "willful, deliberate misconduct". When you are able to document that discharge properly, the University is less likely to be liable for unemployment benefits for the person.

The Department of Labor will closely examine your timing of discharge for cause. What was the date of your final warning in relation to the date of discharge? By not taking reasonably prompt action, the Department of Labor could rule that you, in effect, condoned the act. If you need more time to consider what action should be taken, you may suspend the employee until you have made a decision. The suspension must be reasonable and for a limited period of time,

If an employee voluntarily quits, he/she should sign a statement (e.g. a resignation letter or exit interview form), that specifies his/her reason for leaving, or at least indicates that the decision to quit was voluntary.

In the final analysis, it is the individual's supervisor who controls the cost of unemployment insurance. Your continued efforts to reduce unemployment claims can be a major contribution toward cost reduction. When a contest takes place as to whether or not a former employee is eligible for benefits, it is the supervisor's action before the separation, which is the determining factor. The immediate supervisor is the best person to testify at a hearing under oath with proper documentation.

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**\* Important Note:**

Problems should be fully investigated and facts weighed on a case-by-case basis before a disciplinary decision is made, suspension or discharge should only occur after consultation with Labor Relations or Client Services.

#### IV. NEW YORK STATE UNEMPLOYMENT INSURANCE REGULATIONS

### RECORD OF EMPLOYMENT FORM FOR SEPARATING EMPLOYEES

It is vitally important that every separating employee\* receives a copy of the New York State Department of Labor **Record of Employment Form**, in order to ensure that Unemployment Insurance claims can be handled properly.

On or shortly before the last day worked, the departmental administrator should give a copy of the **Record of Employment Form** to each employee terminating from the University, whether the employee was **permanent or casual\*\***, regardless of the reason for termination. An important part of the form is the tear-off section at the bottom, which should be sent back to **Human Resources Operations** as proof that the employee received the form.

Whatever the cause of separation, if the employee applies for unemployment benefits, the NYS Department of Labor will consult the **Record of Employment Form** for the address to which the claim form is to be sent. We are required by NYS Department of Labor to respond to follow-up requests for information regarding unemployment claims within ten days, or the University incurs a \$50 penalty when the deadline is not met. Having the correct address for the claim is therefore important in helping the University avoid these penalties.

Failure to distribute the **Record of Employment Form** can result in an eligible individual not collecting the unemployment benefits to which she or he is entitled, or to an ineligible individual collecting benefits inappropriately. Not only is the latter situation unfair, but it also inflicts an unnecessary financial burden on the University.

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\* Permanent or non-student casual employees. Do not give the form to consultants or to temporary employees who were hired through a temporary staffing office.

\*\* Not applicable to student casualls or work-study students.

## IV. NEW YORK STATE UNEMPLOYMENT INSURANCE REGULATIONS

# HOW TO BE AN EFFECTIVE WITNESS AT AN UNEMPLOYMENT HEARING

### INTRODUCTION:

The State of New York Department of Labor provides a hearing procedure when an employer or a claimant is dissatisfied with the initial determination made by the initial claim adjudicator. The first level hearing is held before a single examiner. Following this hearing, either party may request a board of review, and beyond that, an appeal to the courts. This guide has been designed to aid anyone who is appearing as a witness at a first level hearing or at the board of review. Please feel free to reproduce this copy and make it available to each witness. The direct testimony of your witness can be crucial, and strict adherence to these guidelines will strengthen your case.

### WHAT TO EXPECT:

You will be attending an informal closed hearing where formal rules of evidence are not followed. All testimony will be taken under oath and recorded. The hearing is open to any of those persons who can give direct testimony on the separation issue. Both employer and claimant are allowed representation. These representatives are allowed to cross-examine the employer or the claimant. In addition, the Department of Labor has the power to subpoena witnesses. Exhibits and supportive documents are allowed and should be used by the witness when they are pertinent to the separation issue.

### WHAT YOU SHOULD DO AS A WITNESS:

- Plan to arrive at the hearing at least 15 minutes prior to its scheduled start, so that any changes in evidence or strategy may be discussed with the University and Corporate Cost Control (our unemployment consultants) representatives assigned to assist you.
- Bring with you the proper documentation needed for your testimony and be prepared to provide accurate dates and times surrounding the separation issue.
- Be prepared to testify from your own knowledge what transpired at the time the separation took place.
- Be positive, and keep to the specific issue.
- Listen carefully to questions being asked and answer those questions briefly and specifically.
- If you have any question during the hearing, you may ask to confer privately with the University and Corporate Cost Control representatives.

### WHAT YOU SHOULD NOT DO AS A WITNESS:

- Try not to be vague in your answers. When you use phrases such as: "I think so," "I am not sure," or "I may have," you will weaken your case.
- Do not answer questions when you are unsure of the answer you are giving. Giving no answer is better than giving the wrong answer.
- Do not allow yourself to be drawn into a discussion that will weaken the specific reason for discharge. For example, if the discharge was for absenteeism, any discussion relating to attitude, performance, insubordination, etc. is totally irrelevant and will weaken your case.
- Do not volunteer unsolicited information. Remember, keep to the specific. Do not allow your personal feelings toward the claimant to reduce your effectiveness. Remember that you are appearing for your employer in an adversary position. Any outward display of friendliness, sympathy, or concern on your part may be interpreted by the examiner as a lack of conviction in your own testimony. You may be as friendly *as* you like outside the hearing room. Most examiners will be quick to point out that the decision *is* theirs to make and that your function is purely a presentation of the facts.