

Firstly, I want to apologize for a mistake I made regarding how your unemployment benefit amounts would be calculated. I stated in previous documents to you that calculations would be based on your current hourly wage. I have since learned that this was an incorrect assumption on my part.

Ohio Department of Job and Family Services looks back at what your average weekly earnings were during 2019. This means that they are using your hourly wages prior to our last two raises to complete these calculations. We received a 1% raise in January 2020, and a 2.5% raise in July 2019. This means that the hourly wage they are considering for you when calculating your benefits are based on a figure that is only about 97.5% of your current wages. I am sorry for any adverse impact this inaccurate information may have caused you.

We have heard that some people are at or near their vacation ceiling and want to take vacation time in order to be able to continue accruing additional time. The Library is concerned that during this time while we are all only working at 50% (and have no subs available to use), there may not be enough people available to complete the work which needs to be done in order to meet our service needs to the public, and your manager may not be willing to allow you to take vacation time right now for this reason.

If you are at your ceiling and you are not allowed to take any vacation time right now, then when we emerge from the furloughs you will still be at your ceiling and have that maximum amount of time eligible to be used when you are again allowed to use it.

I will identify some additional issues of which I have become aware. In order to try to solve these problems, provide correct information as to how things should be handled, and achieve resolution of these situations, I need to know who all have been affected and in what ways. I ask that any of you who are in any of these situations listed below get back in touch with me as soon as possible, with the details of your experiences. Also, if there are other issues you are experiencing in these areas which are not included on this list, please let me know about those as well.

- A. If you are someone who is in a higher risk category for COVID-19 due to an underlying medical condition and do not feel comfortable returning to work, please consider asking your doctor for documentation that you have such a condition and request that the library make accommodation for your situation. The request from the doctor does not have to specify what your medical condition is, just that you have a condition which causes you to fall into that category, and you also do not have to share with me what your condition is, just that you need to ask the library for accommodation and what accommodation you feel would be sufficient.
- B. Some people have reported being asked whether they would agree to a voluntary temporary transfer. This is a mechanism which was used previously when we had furloughs during the

2009 recession, and is allowed per Article 14-C of the Collective Bargaining Agreement. Since there is currently a hiring freeze and since they have no subs available to be called, there will be situations where a location does not have enough people working to fulfill their needs. This transfer may last for the length of the furloughs or, if it is due to an employee being off for a specified period of time, it could expire when that person returns.

You do not have to agree to such a request. However, if they ask for voluntary transfers and do not get anyone to volunteer, then they will assign an involuntary transfer instead, which will usually be based on the person with the least seniority. Any such transfer, whether voluntary or involuntary, would be considered temporary only, and you would return to your original position when the library no longer has the need for you to work at the alternative location.

- C. Some people actually do have vacations scheduled or other specific reasons to need to take time off. While managers do always have the right to deny vacation requests based on Library needs, if your request has been denied we can try to help you work with your manager to achieve a resolution. Requesting vacation time off with plenty of advance notice is more likely to result in approval. Making the request in Novatime per the usual methods, but requesting 20 hours vacation rather than 40 hours for the week you want off, is the best way to approach this.

Also, someone may have a specific need to take other time off, such as bereavement leave or recovery after surgery. These types of requests for time off should not be denied by your manager and should also only require 50% of your usual hours as leave.

- D. There are some outstanding issues that people have been experiencing with their managers and/or with HR regarding use of Paid Time Off and what affect that would have on unemployment benefits. There have been multiple communications from HR which state
- "...taking paid or unpaid time-off MAY Impact ones' eligibility for Unemployment Compensation benefits for the corresponding week. This eligibility determination is at the discretion of ODJSF-not the Library."
 - "Employees on FMLA through their employer are not unemployed. Unemployment benefits are available only if you are unemployed."

If these statements were correct it would mean that anyone on FMLA leave, or using any paid time off such as vacation, comp time, sick leave, or bereavement leave, would not be eligible to receive unemployment benefits through SharedWork Ohio.

We believe that both of these statements are an incorrect interpretation of the ways that SharedWork Ohio works. The SharedWork Ohio Guide clearly states in multiple places that use of paid time counts toward compensated hours, and that unemployment benefits are only

reduced or denied if there is use of **unpaid** leave. For example, this definition appears on page 2 of the SharedWork Guide:

Total compensated hours – the number of hours an employer has paid a participating employee in a given week, including hours worked and any approved paid leave (such as vacation or sick leave); any unpaid leave, even if approved by the employer, does NOT count as total compensated hours and may affect eligibility for SharedWork Ohio benefits

and on page 25 is found the following:

Weekly SWO Continued Claim Filing

Employers are responsible for reporting the weekly compensated hours for all participating employees. **Compensated hours should include any approved paid leave, such as vacation or sick leave, jury duty, etc.** To prevent payment delays, this information must be reported as soon as possible, but no earlier than 12:01 a.m. on the Sunday following the week worked.

When you file your claim each week, you can see the information which HR provided to JFS regarding how many hours you were compensated for each week. The number of hours you should be compensated for are 50% of your usual hours. There is also a place for HR to indicate if the compensated hours differ from the hours you were supposed to work that week, and a place for them to indicate the reason for the discrepancy. Unless you have needed to use unpaid leave, this area should look as shown below, from page 47 of the Guide:

Continued Claim Application - SWO Claim - 1/30/2016

EMPLOYEE, E PARTICIPATING Log Out

Employer Answer Help Text

1. Provide total compensated hours.

IMPORTANT! Include any hours of leave that were paid by the employer.

2. Was the employee compensated for the required hours on the plan? Yes No

If NO, please select a reason from the drop-down menu

Employer Certification: I certify that the above information concerning this participating employee is true and accurate.

Claimant Answer

3. Is the above information reported by your SharedWork Ohio employer correct? Yes No

If NO, please explain:

Did you work for another employer full time or part-time or were you self-employed during the week claimed? If you

The number in the top box (1) for total compensated hours should be 50% of your regular hours per week. If this number is 50%, then the next box (2) should be marked by HR as “Yes”.

If the total compensated hours in box (1) is less than 50% because you used unpaid leave, then box (2) would be marked “No” and HR would give the reason that it is less than 50% from a drop down menu.

Step 4

Question 1:
Review the information reported by your employer at the top of the page. Below that, answer Yes or No, depending on whether you agree or disagree with the employer’s responses. If you disagree, provide a detailed explanation in the text box.

The next section is where you can disagree with what HR submitted if needed. If your number is 50% of your normal hours but the library has marked “No” for some reason in box (2), you would answer Question #1 “Is the above information reported by your SharedWork Ohio employer correct?” by marking Claimant Answer “No” (3) and then give your reason in the text box provided. For example, you could indicate “I was compensated for 20 hours, which is the 50% reduction in hours covered by this SharedWork plan. I worked 12 of those hours and took 8 hours of paid vacation time” or “I was compensated for 20 hours, which is the 50% reduction in hours covered by

this SharedWork plan. I was on paid sick leave for all 20 of those hours.” This response would then cause the people at JFS to look at this claim to determine whether you or HR was correct in what was claimed.

If the Library answers question 2 as “No” and you do not disagree with that answer, you probably will not receive any unemployment benefits or the \$600 from the CARES Act for that week.

- E. There are some individuals whose rate of pay is high enough that their unemployment benefits calculation would place their benefit above the maximum benefit allowed, which is \$240 per week in our case during the 50% furlough. However, that maximum benefit is supposed to be increased if you have dependent children or spouse. The following chart shows those maximum unemployment benefit amounts, although since we are on a 50% furlough, our maximum benefits would be half of the amount shown in the last column.

Number of Allowable Dependents	Dependency Classification	If your Average Weekly Wage was:	Then your Maximum Weekly Payment is:
0	A	\$960 or higher	\$480
1 or 2	B	\$1,164 or higher	\$582
3 or more	C	\$1,294 or higher	\$647

When filing the initial application for unemployment, there was a place on the application to state any dependents that you have, listing them by name and social security number. However, the determination letter that some people who would fall into this category have

received shows that they are in dependency classification A with a maximum of \$240 regardless of whether they listed any dependents or not. There is a place when you view that determination letter that you can file an appeal. If you fall into this category of people, you should do so, stating that your dependency classification should be either B or C (depending on how many dependents you have) rather than the classification A which you have been assigned. You may also want to attach documentation of your spouse and/or children's dependency to you, such as the top of your income tax forms.

- F. Some people who have a second job and reported that income when filing their weekly claims have received a very confusing communication, indicating that they had a "week with work followed by a week of no work." We are still trying to determine what the problem is which is causing the Department of Job and Family Services to question their claim, and will have to let you know later how this needs to be resolved.

If you fall into any of the categories of people experiencing these problems (which are summarized again in the list below), please get in touch with me as soon as possible, letting me know which category (or categories) you fall into and the specifics of what the problem is and what steps you have already taken to try to resolve things. It would be helpful if you could forward any emails from your manager or HR regarding their request that you voluntary transfer or their replies to your requests for time off. Any screen shots you are able to share from the JFS website portal regarding your benefit determination would also be useful.

- A. Have an underlying medical condition which puts you at higher risk for COVID-19
- B. Have been asked to voluntarily transfer to a different location
- C. Need to take paid time off (vacation, sick, bereavement, FMLA) and manager has denied your request
- D. Have requested and gotten approval for time off using PTO, and then weekly claim form has answer "No" checked by HR in question 2
- E. Assigned to wrong dependency classification in your determination letter
(I would also like to hear from anyone who was correctly assigned to classification B or C in their determination letter without needing to do anything extra)
- F. Have income from a second job, letting me know whether you have received the confusing letter from JFS as described above

I will continue working hard on your behalf to get all of these issues resolved as soon as possible.

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