

## **Common Questions from Conversation with Colorado Unemployment Office:**

1. We are NOT required to use up all our PTO before being eligible for unemployment benefits. That is a decision between you and your employer. You can take all, some, or none of it and still receive benefits. Refer to any applicable office manuals and/or policies that may state otherwise.
2. Any PTO taken needs to be reported under the "other pay" section when filing. You can say no additional pay is available if you are choosing not to take PTO. Or you can put in however many hours you will be receiving. This information will determine your benefits. If you receive 2 full weeks of paid PTO, you won't receive benefits till week 3 of being out of work. If you take no PTO, you will receive benefits sooner.
3. It is VERY important that you and your employer put the same information about PTO on the forms. The dentist will receive a notice of the claim and must respond to it. Your claim will be processed faster if you both put the same information for PTO/"other pay" received.
4. For staff such as dental assistants and front desk who will be coming in at reduced hours during the closure for emergency visits: they may continue to be on payroll and get paid for hours worked while ALSO receiving unemployment. They simply must report the hours worked to the unemployment office. Unemployment is calculated on a weekly basis. If you work 40 hours one week and then none the next during the closure, you can still receive benefits. The amount of time worked will affect how much benefit you do receive though.
5. There is a one week waiting period before employment benefits kick in. Colorado legislature has or is going to pass an emergency bill to waive the one week waiting period. That is still being discussed at this time
6. Dentists need to decide for themselves if it is financially better for them to front the cash for payroll vs having an increase in unemployment claims. Some are deciding to pay their employees instead of dealing with any financial consequences later. Others are choosing to have their employees file for unemployment and save up for/deal with any repercussions later once they're functioning normally again. The Federal government is working with State legislators to help businesses lower or waive tax penalties as a result of increased claims.
7. ALL employees have the right to file for unemployment. ALL employers have the right to contest it. How the process works is that you file for unemployment and explain the situation. Your dentist can either approve or contest it. The unemployment office will gather facts from both sides. You will be able to make the case why you should receive the benefits. The employer will make the case why you should not. The unemployment office will make the final decision. The employer DOES NOT have the right to say you can or cannot receive benefits. That determination is left solely to the unemployment office.
8. In regards to offices who are choosing to stay open, despite recommendations, hygienists who feel uncomfortable working and choose to stop can still file. Much like with a contested claim, you can explain the situation and the unemployment office will make the final decision. They are making determinations on a case by case basis based on your specific circumstances and reasons for no longer working.

9. The "actively seeking work" rule will not apply to us. There is a question where you are asked if the employer is planning to bring you back into work within the next 16 weeks. A "yes" response will override this seeking work requirement and classifies you as "job attached" and will exempt you from searching for a job. If the closure extends beyond 16 weeks, this might change, but hopefully we are all back to work by then!

10. Benefit start date will be determined by the day you file and your final day of work. The unemployment office work week is Sunday to Saturday. **Example:** if the last day you worked was Monday, Tuesday, or Wednesday this week and you put that as your final work day, they will back track your benefit start date to March 15th. If your last day is tomorrow, they will start your benefits on March 22nd.

## FAQ Sent Out by Colorado Dental Association

### Can my employees file for unemployment during this temporary closure?

- Employees working less than 32 hours per week and making 55% or less than their average wages over a 12-month period are qualified for unemployment compensation. Any employee can [apply for unemployment](#) at any time, however, that does not mean the employee will be approved by the Colorado Department of Labor and Employment. Employers are notified when an employee files a claim and the employer has the right to deny the claim, which the state will then consider.
- Employees are not required to exhaust their accrued paid time off (PTO) prior to applying for unemployment. Payments begin after the employees' claim has been processed and the employee is determined to be eligible for benefits. The first week an employee becomes eligible for benefits is called the "waiting week" where the employee will not be paid. The employee must request payment every two weeks after he/she is approved to be eligible. Payment is made either through an unemployment debit card or direct deposit.
- There is an alternative to laying off employees called the "[Work-Share Program](#)." This program allows employees to continue working but with fewer hours. To [qualify for this program](#), the normal weekly work hours of the employees must be reduced by at least 10% and no more than 40%. The reduction must affect at least two employees in the business and the employer must have paid as much in premiums as was paid to former employees in unemployment insurance benefits, review the rate notice you received in November to see if you qualify for this option.
- Additionally, an employer can require that employees use vacation or other paid leave accrued. Employers also have the option to lower an employee's hourly rate, provided the rate paid is at or above the Colorado minimum wage currently at \$12.85 per hour. Employees performing any part of their assigned duties even during a furlough day must be paid for the time worked. Fair Labor Standards Act requires that exempt employees (executive, administrative or professional) must be paid a minimum of \$684 per week. Employers must pay exempt employees the full predetermined salary amount for any

week in which an exempt employee performed work without regard to the number of hours worked.