

Did You Know...

The *Notice of Potential Charges/Notice of Protest (Form LO400)* has been revised?

Employer Risks and Exposures

The Unemployment Insurance (UI) Division of the New York State Department of Labor (DOL) issued the updated *Notice of Potential Charges/Notice of Protest (LO400)* in November 2005 (see attached pdf file). The notice of Protest is sent to employers when a former employee (the claimant) has requested Unemployment Insurance Benefits. This notice gives the employer an opportunity to protest the claimant's request for benefits. When a claimant files for UI benefits, the LO400 is sent to each of the employers the claimant worked for during the base period.

Page 1 of the LO400 is the *Notice of Potential Charges*. Step 2 indicates the claimant's gross wages during the base period. The employer is responsible for verifying that this information is accurate. Any discrepancy in wages should be indicated in the correction column and the form submitted to the DOL. The potential weekly charges that the employer may be liable for are shown in Step 3. Failure to submit accurate wage information to the DOL can result in the employer's UI account being overcharged, which may increase the employer's tax rate in future years.

Page 2 of the LO400 is the *Notice of Protest*. This page should be completed and returned to the DOL as soon as possible if the employer feels the claimant should not be eligible to collect UI benefits. Failure to submit the form can result in the employer's UI account being charged for a claimant that did not lose his/her job for a qualifying reason.

Avoiding Disaster

Read the questions and instructions on the LO400 to familiarize yourself with the new form. **Contact AMTEK's Managed Separations Department at 315.463.0596 or 1.800.457.8829** if you have any questions.

AMTEK clients should fax all pages of the LO400 to the Managed Separations Department immediately @ 315-463-0596. On Step 2 of the *Notice of Potential*

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Charges, make any necessary corrections to the wage information in the corrections column. Do not cross out any incorrect information. If you would like to protest the claimant's eligibility for UI benefits, make sure to fax all supporting documentation (e.g., resignation letter, discipline notices). *Do not sign or date the form.* AMTEK will process the LO400 and submit it to the DOL on your behalf, if applicable.

Clients are encouraged to use AMTEK's corrective discipline and separation forms. Call AMTEK's Human Resource Hot Line at 1.800.457.8829 to request any forms.

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