UNEMPLOYMENT INSURANCE

An Employer's Guide to
Unemployment Insurance Compensation,
Employer Taxes, Recruitment and More

BROUGHT TO YOU BY THE

OKLAHOMA EMPLOYMENT SECURITY COMMISSION

OESC-175 Revised May 2015

A Message From the Executive Director

Richard McPherson

The Oklahoma Employment Security Commission (OESC) is a one hundred percent (100%) federally funded state agency dedicated to providing quality service and assistance to Oklahoma businesses and job seekers.

Our mission is to enhance Oklahoma's economy by:

- Matching jobs and workers to increase the efficiency of local labor markets
- Providing unemployment compensation to support unemployed workers and their communities
- Preparing a skilled workforce to enhance and align their skills to meet local labor market needs
- Gathering, analyzing and disseminating information about the labor force to improve local economic decisions

OESC has always been at the forefront of cultivating emerging industries, supporting existing businesses, and developing and enhancing the skills of the Oklahoma workforce. The challenge of facing the demands of the labor market and economic uncertainties requires foresight and planning to provide a skilled workforce for today and the future.

OESC has a vast amount of experience working with and supporting the business community. Whether assisting with the recruitment and attraction of new employers or sustaining existing employers, OESC is a vital partner of business. Through strategically placed Oklahoma Works centers across the state and online through the job matching system, employers and job seekers can access a wide array of workforce services designed to specifically meet their needs.

Quick Reference Guide

Oklahoma Employment Security Commission
P.O. Box 52003
Oklahoma City, Oklahoma 73152
Phone: (405) 557-7200
Web: http://oesc.ok.gov

EMPLOYER CUSTOMER SERVICE

(405) 552-6799

EMPLOYER FAX NUMBERS

Separations OES-617	(405) 962-7524
Wage Charging OES-502	(405) 962-7504
All Other Tax Issues	(405) 557-7271

EZ TAX EXPRESS Help Desk	(405) 557-5452
EMPLOYER ASSISTED CLAIMS Mass Layoffs	(405) 557-5333
EMPLOYER COMPLIANCE New Employers, Terminating Employers, Address Changes, Quarterly Reports, Payments, Amended Reports, Notice of Non-Receipt, Wage Objections, FUTA Certificates	(405) 557-5330
RATES Employer Contribution Rates	(405) 557-7222
COLLECTIONS Employer Tax Warrant Releases, Payment Plans, Interest/Penalty Waivers	(405) 557-7253
WAGE CHARGES Notice of Benefit Wages, Recall Credit	(405) 557-7223
TAX ENFORCEMENT	(405) 557-5449

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Revised May 2015

This publication is issued by the Oklahoma Employment Security Commission, as authorized by provisions of the Oklahoma Employment Security Act. The publication will be made available online. A copy has been deposited with the publication clearinghouse of the Department of Libraries.

Frequently Asked Questions

1 What is "Unemployment Benefit Compensation?"

The Employment Security Act of 1980 provides that under certain conditions payments of money may be made to unemployed individuals from an unemployment compensation fund contributed to by employers subject to the Act.

2 Who Pays Unemployment Compensation Tax?

Oklahoma employers and nonprofit organizations (other than those described in Section 501(C)(3) of the IRS Code) pay the tax if they employ one or more workers in each of twenty different calendar weeks during a calendar year or if they have a payroll of $1,500.00 in a calendar quarter or are liable under the Federal Unemployment Tax Act.

Nonprofit organizations as described in Section 501(C)(3) of the IRS Code will be liable if they employ four or more workers in each of twenty different calendar weeks during a calendar year.

All state agencies, cities, towns, counties, public trusts, or local school districts, including nonprofit elementary and secondary schools, also pay unemployment taxes.

Agricultural employers who have a total payroll of $20,000.00 in any calendar quarter during a calendar year or have ten or more employees in twenty different calendar weeks during a calendar year are required to also pay the tax.

Domestic employers such as private homes, local college clubs or local chapters of college fraternities or sororities who pay $1,000.00 cash remuneration in any calendar quarter during a calendar year must also pay the tax.

3 Can a Claimant Who Quits Work Receive Unemployment Benefits?

A claimant who voluntarily leaves their last work without good cause connected to the work is subject to a disqualification which denies benefits until the claimant becomes reemployed and has earned wages equal to or in excess of ten (10) times their weekly benefit amount.

4 Are You Notified Of Claims Filed?

Yes, if you are the last employer for whom the claimant worked at least 15 working days. The office through which the claim was filed will mail to you a form entitled "**Notice of Application for Unemployment**."

5 Can You Protest a Claim?

Yes, you should file a protest upon receiving a "**Notice of Unemployment Compensation**" when you know of any reason why the claimant should not receive Unemployment Benefits. Your reply in writing must be faxed to (405) 962-7524 within ten (10) days of the date the notice was mailed. If you do not reply within ten (10) days, you may be contacted by telephone for job separation or other information. **Telephone contact does not mean you are an interested party.**

If the individual voluntarily left work or was discharged by you, your protest should include full and complete facts. In the case of a voluntary quit, include the reason the individual gave you for leaving and explain why you do or do not think the reason was justified. In the case of a discharge for misconduct explain in detail the nature of the misconduct.

Frequently Asked Questions

6 What Reply Do You Receive in Response to a Protest?

When an employer's **timely protest is received, the employer becomes an interested party to the claim** and will be mailed a notice of the determination made in regard to the claim. The determination is furnished on a form entitled **Notice of Determination**.

If the claimant does not have sufficient wages within their base period to qualify for unemployment compensation, the employer will be notified by letter.

7 Can You Appeal a Determination?

Yes. Either the employer or the claimant may file an appeal if either party disagrees with the determination. This appeal must be in writing and postmarked or received within the time indicated on the determination. If no appeal is filed within the time period indicated on the determination, the determination becomes final, and benefit payments will be made or denied based on the determination.

8 What Happens When an Appeal is Filed?

When an appeal is received from either the claimant or the employer, the Appeal Tribunal schedules a hearing and notifies all interested parties of the time and the place of the hearing. Testimony given in these hearings is under oath and is recorded. An Administrative Hearing Officer considers the record and renders the decision. Copies of the decision are mailed to all interested parties. Further appeal from this decision may be made to the Board of Review within ten (10) days from the date of mailing the decision.

After the opinion of the Board of Review is issued, further appeal may be made within thirty (30) days to the district court having jurisdiction.

9 Do I Have to Stay on Hold Forever if I Call the Call Center?

No, employers have a special customer service number to call that gets answered promptly. If you have any questions call (405) 552-6799.

10 Can OESC Help Me Find Good Employee Prospects?

Yes, we have a vast array of employer resources through our Oklahoma Works centers, job fairs, OKJobMatch.com and onsite recruiting events. Check out these and many more resources by visiting www.oesc.ok.gov and clicking on Employer Resources. You can also contact any of our Oklahoma Works centers.

Employer Services

OKJobMatch.com is an easy way for employers to find qualified candidates with the right skills. Employers are able to fill key openings more rapidly, identify employee skill gaps relative to the business's current needs, analyze past job opportunity placements to determine where the most successful candidates come from, and determine where qualified candidates are located within the state all within one system, thereby reducing the extraordinary costs of traditional recruitment. Some key features available to assist employers are:

- Job Posting Creation: Employers can upload, improve, or create a job posting. Employers can create a posting by answering questions about typical work activities of similar jobs and enhance the description by adding related keywords or copying text from current job listings.
- Application Management: Every resume received is analyzed in minute detail, evaluating a candidate's qualifications, skill gaps, and likely career path. This helps employers decide which candidates are best aligned for the jobs they need to fill.
- Talent Search: Employers can search for relevant talent from the Oklahoma Talent Bank. The system provides automated pattern-based matching, the ability to find more resumes like a selected one, and a robust set of structured search capabilities.

Be sure to check out the many resources available to all of our valued employers by visiting www.oesc.ok.gov or a local Oklahoma Works center near you.

- Job and Career Fair Events
- Consulting, Job Listing, Job Description Writing and Job Matching
- Labor Market Information and Statistics
- Employer Resources Videos - including videos on topics such as Oklahoma Unemployment Tax Filing (EZ Tax Express), Unemployment Insurance and Appeals, Separation Information, and Misclassified Workers
- Onsite Recruitment Events and Interviewing Space
- New Hire Reporting
- Federal Bonding and Work Opportunity Tax Credit (WOTC) (Tax Credit for Employers)
- Employment Labor Law Posters
- Oklahoma Employer Councils/Business Seminars

Employer Services

Whether you are looking for workers with just the right skills, needing access to tools to help your employees, or seeking the latest state or local demographics we can help!

Hiring Needs

- Job Order Posting
- Employee Referrals
- Job Description Development
- Applicant Pre-Screening
- Specialized Recruitment
- Customized Recruitment Events
- Job Matching

Tax Credit Information

- Work Opportunity Tax Credit
- Hiring From Target Groups
- Federal Bonding

Employer Resources

- Employer Resources Videos
- Unemployment Informational Videos
- Oklahoma Unemployment Tax Filing Video
- Employment Labor Law Posters
- Tax Information for Business/Self Employed
- Mass Layoff Services
- Job Fairs
- Employer Council Events
- OKJobMatch.com Resume and Job Bank

Employee Skill Upgrading

- Skill and Proficiency Testing
- Career Readiness Certificates
- Industry Specific Training

Oklahoma's Economic Health

- Employment and Wage Data
- Labor Force Rates
- Unemployment Rates
- Economic Indicators
- Population Estimates

HIRE A VETERAN

Hiring veterans is good for your company's bottom line. Don't know where to begin? Check out "America's Heroes at Work - Veterans Hiring Toolkit" at http://www.dol.gov/vets/ahaw/ for the step-by-step guide to hiring what will be some of your best employees - VETERANS!

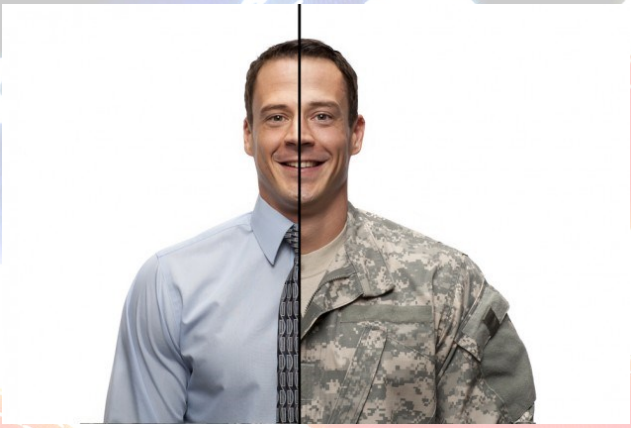
Top Ten Reasons to Hire Veterans

1. **Ability to learn new skills and concepts.** While in the military, service members undergo rigorous training programs to become experts in a wide range of skills and concepts that can easily be transferred to a civilian work environment. The skills service members have learned and applied in real-world situations in the military make them ideal candidates to enhance your organization's productivity.
2. **Strong leadership qualities.** The military trains service members to lead by example as well as through direction, delegation, motivation, and inspiration in some of the toughest situations imaginable. Service members are not only well-schooled in the academic theory of leadership; they also understand and have used practical ways to manage behaviors for results.
3. **Flexibility to work strongly in teams or work independently.** Military training teaches service members to work as a team by instilling a sense of responsibility to one's colleagues. In addition, the size and scope of military operations necessitates that service members understand how groups of all sizes relate to each other and support the overarching objective. While military duties stress teamwork and group productivity, they also build individuals who are able to perform independently at a very high level.
4. **Diversity and strong interpersonal skills**. Service members have learned to work side by side with individuals regardless of race, gender, religion, ethnic and cultural backgrounds, economic status, and geographic origins as well as mental, physical and attitudinal capabilities. Many service members have also been deployed or stationed in numerous foreign countries which give them a greater appreciation for the diverse nature of our globalized economy.
5. **Ability to work efficiently and diligently in a fast-paced environment.** Service members have developed the capacity and time-management skills needed to know how to accomplish tasks correctly and on time, in spite of limited resources and immense pressure.
6. **Respect for procedures and accountability.** Service members know how policies and procedures enable an organization to be successful, and they easily understand their place within an organizational framework. Service members understand the responsibility that comes with being responsible for the actions of subordinates, and they understand how to properly elevate issues through the proper supervisory channels.
7. **Hands on experience with technology and globalization.** Today's military uses the cutting-edge technology to maintain our dominance over the enemy in the battlefield. From communications technology to the security of computer networks and hardware, service members must stay aware of emerging technologies in the public and private sector.

8. **Strong personal integrity.** Military training demands that individuals not only abide by a strong Code of Ethics, but that they live it each and every day. Military personnel are often trusted with security clearances that give them access to highly sensitive information. An employee with a proven track record of trustworthiness is often an asset to an organization.

9. **Strong sense of health, safety and property standards.** Service members are aware of health and safety protocols both for themselves and the welfare of others. Individually, they represent a drug-free workforce that is cognizant of maintaining personal health and fitness. On a company level, their attentiveness and care translate into respect for employees, property and materials.

10. **Triumph over adversity.** In addition to dealing positively with the typical issues of personal maturity, service members have frequently triumphed over great adversity. Service members have proven their mettle in mission critical situations demanding endurance, stamina and flexibility. In the case of wounded warriors, they have overcome severe disabilities, acquired injuries (including invisible injuries) through strength, determination and personal conviction.



UNEMPLOYMENT INSURANCE

What is Unemployment Benefit Compensation?

Under the Employment Security Act of 1980, payments may be made under certain conditions to unemployed individuals from an unemployment compensation fund subsidized by employers subject to the Act.

These payments are known as unemployment benefit compensation.

What is Unemployment Insurance?

Unemployment Insurance is a temporary income intended to help workers who are unemployed through no fault of their own. It is an insurance fully funded by employers.

The intent of Unemployment Insurance is to pay benefits to eligible claimants during times of unemployment when suitable work is not available.

The unemployment payment, while it provides necessities for the unemployed worker, also provides a consistent flow of funds into the economy which supports the demand for consumer goods and services and improves the worker's probability of being reemployed. Relief sustains the economy as it shifts to recovery.

Benefits are Payable to Individuals Who Are:

- Unemployed through no fault of their own
- Able and available to look for and accept employment

or

- Monetarily eligible (Unemployed individuals must monetarily qualify for benefits.) The minimum monetary qualifications are that the claimant earn at least $1500 in taxable wages and have total wages that equal or are in excess of one and one-half times his high quarter wages. However, if the individual earns wages equal to or greater than the taxable limit for the year in which the claim is filed, he will be monetarily eligible.

Is There a Federal Unemployment Insurance Law?

Federal legislation authorizing and governing state unemployment programs is found in both the Social Security Act and the Federal Unemployment Tax Act.

The Social Security Act establishes:

- Funding for state unemployed insurance program administration
- State law requirements
- Federal unemployment compensation accounts

The Federal Unemployment Tax Act establishes:

- Federal unemployment tax rates
- Credits against the tax
- State law approval provisions
- Definitions

UNEMPLOYMENT INSURANCE

What is the Unemployment Insurance Act?

The purpose of the Employment Security Act of 1980, is to promote employment security by increasing opportunities for placement through the maintenance of a system of public employment offices and to provide through the accumulation of reserves for the payment of compensation to individuals with respect to their unemployment.
40 O.S. §1-102.

What are the Unemployment Insurance Rules?

The administrative rules governing the Oklahoma unemployment insurance program are found in the Rules for the Administration of the Oklahoma Employment Security Act, 40 O.S. §240:1-1-1 through §240:25-3-1.

The Rules for the Administration of the Unemployment Insurance Act are written statements providing the administrative guidelines for OESC to follow in delivering unemployment insurance services. These administrative rules are written under the authority of state and federal law and have the effect of law.

How to Keep the Cost of Unemployment Insurance Down?

There are a number of strategies that employers can use to minimize costs associated with unemployment insurance:

- Pay employer taxes on time. If taxes are not paid on time, the employer will only receive 90 percent of the Federal Unemployment Tax Act (FUTA) credit.
- Keep all account information up to date. OESC sends notices to the addresses listed on an employer's Oklahoma account. If the address information is not updated, and the notice goes to an incorrect address, the notice will not be re-mailed, and the employer will lose their right to be an interested party to any subsequent determinations. Questions regarding employer account information can be directed to (405) 557-5330. *Please note that all address changes must be submitted in writing or may be entered online through EZ Tax Express.*

  https://eztaxexpress.oesc.state.ok.us
- Have written policies and procedures. A claimant cannot be denied for failing to follow policy or procedure if they do not know what that policy or procedure is or should have reasonably known.
- Protest all claims where the separation was due to a reason other than lack of work. Also protest a claim any time the claimant is given severance pay in accordance with company policy. There is no guarantee that a timely response will result in disqualification. However, since the employer must prove misconduct in a discharge case, failing to protest or provide information could easily result in the allowance of benefits.

If there is no employer information, then misconduct will only be proven if the claimant gives self-disqualifying information.

- Document everything. If a new policy is created, have all employees sign a receipt acknowledging they have been advised of the policy. If a verbal warning is given to an employee, document that the warning was given. If the employee is given one final chance after an incident takes place, document the fact that if it occurs again the employee will be discharged.

General Provisions and Definitions

Who is Required to Pay Unemployment Tax?

40 O.S. §1-208 requires an employer to report and pay the unemployment insurance tax if that employer meets any one of the following criteria:

- **An employing unit that pays $1,500 in wages in a calendar quarter**

or

- **Employs one or more employees for any portion of a week for any 20 weeks in a calendar year**
- An employing unit that acquires substantially all the organization, trade, business, assets, or employees of a subject employer, or an employing unit that acquires a portion of the organization, trade, business, assets, or employees of a subject employer.
- An employing unit that has previously ceased to be an employer but subsequently has employment (except those that cease under Termination of Coverage Provisions).
- An employing unit that voluntary elects to become subject.
- Any department of Oklahoma or any state, all instrumentalities and any political subdivision.
- An employing unit that is a non-profit organization as described in 40 O.S. §1-210 (4) or that has a 501(c)(3) exemption issued by the Internal Revenue Service, provided they employ four or more employees for some portion of a week during any 20 weeks in a calendar year.
- An employing unit engaged in agricultural employment that pays $20,000 in wages in a calendar quarter or employs 10 or more employees for any portion of a week for any 20 weeks in a calendar year.
- An employing unit that pays $1,000 in wages in a calendar quarter for domestic services.
- An employing unit who is not an employer by reason of any other provision of the Employment Security Act of 1980. They would be a subject employer and required to report and pay tax on all Oklahoma wages if they were subject to the FUTA.

The term "employer" shall include any Indian tribe for which service in employment is performed.

What is an Employing Unit?

40 O.S. §1-209 defines "employing unit" to mean any individual or type of organization, including any partnership, association, trust, estate, joint stock company, insurance company, limited liability company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has in its employ one or more individuals performing services for it within this state.

Unless specifically exempted in 40 O.S. §1-210, all individuals performing services for an employing unit are considered employees of that employing unit and should be reported as such on the State Unemployment Tax Act (SUTA) reports each quarter. The wage information and tax collected for SUTA is used to calculate and pay unemployment benefits to individuals who qualify.

General Provisions and Definitions

What is Employment?

"Employment" means work done for an employer by individuals whom the employer pays, whether permanently or temporarily employed, unless the work is specifically exempt from coverage by the provisions of 40 O.S. §1-210.

Employment encompasses services performed by officers of corporations, including S corporations.

What Types of Employment are Exempt From Unemployment Taxes?

Payments made for services that are exempt should not be included on the quarterly wage report. The following services are some examples of what does not constitute employment and is exempt from unemployment insurance taxes.

- Services of an ordained minister in the exercise of his/her ministry
- Services performed by the spouse of an individual owner (sole proprietor)
- Services performed by an individual owner as a sole proprietor
- Services of a minor child (under 21) in the employ of the parents
- Services of parents in the employ of their sons or daughters
- Service performed by the partners in a partnership

Services performed by an insurance agent or as a licensed real estate agent, if all service is performed for remuneration solely by commissions or fees

- Services performed for a private for-profit person or entity or entity by an individual as a landman (See 40 O.S. §1-210(15)(x) for additional information.)

40 O.S. §1-210(7) and §1-210(15)

What is a Successor Employer?

A "successor employer" is an employing unit that has acquired substantially all of the trade, employees, organization, business or assets of the predecessor employer and continued the operation. The successor employer also acquires the predecessor's unemployment insurance tax rate and history, including their actual contribution, benefit experience and annual payrolls. The successor is jointly and severally liable with the predecessor for all contributions, interest, penalties and fees owed by the predecessor employer.

A partial successor employer is an employing unit that has acquired substantially all of the trade, employees, organization, business, or assets of an employer at one or more separate and distinct establishments and continued the operation. To acquire the portion of the experience rating account that was purchased, the successor must send a written application and the portion of history to be transferred within 120 days of the acquisition.

If an employer transfers all or a portion of its business to another employer and, at the time of transfer, there is substantially common ownership, management or control of the two employers, the histories of the employers will be combined.

General Provisions and Definitions

What is Interstate Employment?

Wages are reported to the OESC if:

- The service is localized in Oklahoma. Service is considered to be Oklahoma employment if it is performed entirely within Oklahoma. The service is also considered Oklahoma employment if performed both inside and outside of Oklahoma, but the service outside of Oklahoma is incidental to the service in Oklahoma.
- The service is not localized in any state. If the service is not localized in any state but some of the service is performed in Oklahoma, and
  - The individual's "base of operations" is in Oklahoma, or if there is no base of operations, then the place from which the individual's employment is directed or controlled is in Oklahoma, or
  - The individual's base of operations or place from which the service is directed or controlled is not in any state where service is performed, but the individual's residence is in Oklahoma.

What is a Lessor Employer?

"Lessor employers" are employing units that contract with other employers, individuals, organizations or legal entities to provide "leased" employees. The lessor employer is liable for contributions on wages paid to individuals performing services for the client lessees. The lessee will be held jointly and severally liable with the lessor employing unit unless the lessor employer posts and maintains a surety bond.

What is a Professional Employer Organization?

40 O.S. §1-209.2 Professional Employer Organization, states:

A. 1. A "Professional Employer Organization" or (PEO) is an organization that is subject to the Oklahoma Professional Employer Organization Recognition and Registration Act and which meets the definition set out in paragraph 9 of Section 600.2 of Title 40 of the Oklahoma Statutes.

2. "Client" shall have the same meaning as provided by paragraph 1 of Section 600.2 of Title 40 of the Oklahoma Statutes.

3. "Coemployer" shall have the same meaning as provided by paragraph 2 of Section 600.2 of Title 40 of the Oklahoma Statutes.

4. "Coemployment relationship" shall have the same meaning as provided by paragraph 3 of Section 600.2 of Title 40 of the Oklahoma Statutes.

5. "Covered employee" shall have the same meaning as provided by paragraph 5 of Section 600.2 of Title 40 of the Oklahoma Statutes.

B. For purposes of the Employment Security Act of 1980, the PEO and its client shall be considered coemployers of the covered employees that are under the direction and control of the client.

C. If a PEO fails to become or remain registered under the Oklahoma Professional Employer Organization Recognition and Registration Act, the entity shall be considered a third-party administrator of the client account. As a third-party administrator, a power of attorney will be required to obtain information from the client's account.

General Provisions and Definitions

What Is Worker Misclassification?

Misclassifying workers as independent contractors, who are in fact employees, creates significant problems for the affected employees, competing employers, and to the entire economy. Combatting this practice has become a policy priority nationally. OESC is a partner agency with the Internal Revenue Service (IRS) in the Questionable Employment Tax Practices Initiative that the IRS started. As such, we share information.

Employment versus independent contractor status is defined in 40 O.S. §1-210 (14). Oklahoma uses a version of the ABC Test for worker misclassification. We have no equivalent to Section 530 Safe Harbor, or the Voluntary Classification Settlement Program provisions which the IRS employs.

According to the ABC Test given in the Act, any individual providing services for hire is an employee until it is shown to the satisfaction of the Commission that:

The individual is free from direction and control[1] over his performance of service, and meets one of the following:

- The individual has his own independently established business, or
- The individual is performing services outside the usual course of the business and outside all places of business.

Individuals not meeting this criteria are considered employees and should be reported by the employing unit.

Should you have workers that you classify as independent contractors or that you are contemplating classifying as such, please contact OESC for a determination in order to avoid possible assessments, penalties, and interest at a later time.

What are Employer Audits?

The U.S. Department of Labor, Employment and Training Administration, sets mandatory performance goals to ensure states are correctly and efficiently administering the Unemployment Insurance program. One of the required measures is the employer audit program. Each state is required to audit selected employers for compliance with the Employment Security Act of 1980.

Employers are required by the Act to maintain work records for a period of four years. These records are to be open to inspection and subject to being copied by OESC. These provisions are found in 40 O.S. §4-502.

Records that are needed to complete an audit, according to U.S. Department of Labor guidelines, include:

- Federal and/or state income tax returns
- Franchise tax return (if employer is incorporated)
- Business licenses
- Federal and state payroll reports
- W-2 and W-3 forms
- Individual earnings records, payroll register, and time cards
- Disbursement records (cancelled checks, check stubs, cash disbursements journals, check registers, ACH transactions)
- 1099 and 1096 forms
- Master vendor files

[1] This is explained in OESC Rules, §240:10-1-2. Definitions.

What are Employer Audits? Continued

- Contracts with individuals being treated as contractors as well as invoices, billing statements or other records from same
- Petty cash journal
- Detailed general ledger
- Chart of accounts and/or trial balance
- Financial statements
- Corporate or LLC minutes
- Financial statements
- Any other work records that may be required

NOTE: If an employer is selected for audit, they will be notified by the Compliance Enforcement Officer and advised of the time and date of the audit.

WAGES

What are Wages?

"Wages" are defined in 40 O.S. §1-218. They include all remuneration for services whether in cash or any other medium. Dismissal payments that the employer is required by law or contract to make are wages, as are gratuities that are customarily received in the course of an employee's work. The reasonable cash value of items other than cash will be estimated in accordance with the OESC Rules, §240:10-1-2.

Total wages are equal to gross wages less any exemptions listed below.

- Retirement plans other than deferrals under certain sections of federal law
- Sickness or accident disability plans
- Medical and hospitalization insurance plans
- Life insurance plans
- Bona fide thrift or savings plan
- Cafeteria plans as defined in federal law
- Educational assistance excludable from federal income tax (26 U.S.C. §125)
- Dependent care assistance programs excludable from federal income tax (26 U.S.C. §129)
- Payment by an employer for agricultural or domestic service of the employee's share of FICA without deduction from the employee's pay
- Dismissal payments which the employer is not required by law or contract to make
- Value of meals or lodging furnished by the employees, that are provided on the employer's premises for the employer's convenience
- Payment made under an approved supplemental unemployment benefit plan

What are Wages Paid?

"Wages paid" means wages actually paid to the worker, provided that in the event of any distribution of an employer's assets through insolvency, receivership, composition, assignment for the benefit of creditors or termination of business, wages earned but not actually paid shall be considered as paid.

Wages must be reported for the calendar quarter in which they are paid.

What are Taxable Wages?

"Taxable wages" means the wages paid to an individual with respect to employment during a calendar year for services covered by the Act or other state unemployment compensation which shall equal the applicable percentage of the state's average annual wage for the second preceding calendar year as determined by the OESC, rounded to the nearest multiple of $100. The applicable percentage is determined by the conditional factor in place during the calendar year for which the taxable wage is being calculated. The conditional factor is determined pursuant to the provisions of 40 O.S. §3-113. The applicable percentages are as follows:

- 40 percent during any calendar year in which the balance in the Unemployment Insurance trust fund is in excess of the amount required to initiate conditional contribution rates, pursuant to the provisions of 40 O.S. §3-113

What are Taxable Wages? Continued

- 42.5 percent during calendar years in which condition "a" exists
- 45 percent during calendar years in which condition "b" exists
- 47.5 percent during calendar years in which condition "c" exists
- 50 percent during calendar years in which condition "d" exists

How Does an Employer Calculate the Yearly Taxable Limitation Using Taxable Wages?

Once an employer has determined their total wages as defined by 40 O.S. §1-218, the employer can determine how much of its total wages are taxable up to the Taxable Limitation for each employee. This amount is computed per employee per year.

The following scenarios are for example purposes only. The 2014 taxable limitation was $18,700.

Scenario 1	Total wages	Taxable wages
First quarter 2014	$19,000.00	$18,700.00
Second quarter 2014	$19,000.00	$0.00
Third quarter 2014	$6,000.00	$0.00
Fourth quarter 2014	$16,000.00	$0.00
2014 total	**$60,000.00**	**$18,700.00**

Scenario 2	Total wages	Taxable wages
First quarter 2014	$5,000.00	$5,000.00
Second quarter 2014	$6,200.00	$6,200.00
Third quarter 2014	$8,350.48	$7,500.00
Fourth quarter 2014	$5,500.00	$0.00
2014 total	**$25,050.48**	**$18,700.00**

Scenario 3	Total wages	Taxable wages
First quarter 2014	$2,348.00	$2,348.00
Second quarter 2014	$3,200.00	$3,200.00
Third quarter 2014	$2,500.00	$2,500.00
Fourth quarter 2014	$5,500.00	$5,500.00
2014 total	**$13,548.00**	**$13,548.00**

What are the Filing Deadlines?

An employer may file any quarterly report for the current quarter or any past due quarter. The due dates for OES-3 submission are as follows:

Quarter	Months	Due Date
First	Jan, Feb, March	April 30
Second	April, May, June	July 31
Third	July, Aug, Sept	Oct 31
Fourth	Oct, Nov, Dec	Jan 31

What Do We Mean By "File?"

When any document is required to be filed by the provisions of the Act or the Rules promulgated under the authority of the Act with the OESC, any of its representatives, or the Board of Review for the Commission, the term file, files, or filed shall be defined as follows:

- Hand-delivered to the central administrative office of the OESC by close of business on or before the date due
- Faxed to the fax number indicated on the determination letter, order or other document issued by OESC, by midnight on or before the date due. Timely faxing shall be determined by the date and time recorded by the OESC fax equipment
- Mailed with sufficient postage and properly addressed to the address indicated on the determination letter, order or other document issued by OESC on or before the date due. Timely mailing shall be determined by the postmark. If there is no proof from the post office of the date of mailing, the date of receipt by the Commission shall constitute the date of filing
- Electronically transmitted through data lines to OESC, as directed by the instructions on the determination letter, order or other document issued by the Commission, by midnight on or before the date due. Timely transmission shall be determined by the Commission's transmission log file

Employer Contributions

What is an Experience Rating?

"Experience rating" is the system by which tax rates vary in relation to an employer's experience with unemployment. Experience rating has three major objectives:

- Serve as an incentive to stabilize employment
- Produce proper allocation of the cost of unemployment benefits
- Encourage employer participation in the program

When am I Eligible for an Earned Experience Contribution Rate?

Unless you are subject to 40 O.S. §3-111, an employer who has had more than 15 months coverage prior to January 1 of the year for which the rate is being computed is eligible for an earned experience contribution rate.

When am I Eligible for a New Contribution Rate?

Unless you are subject to 40 O.S. §3-111 or 3-111.1, newly subject employers will be eligible for a new contribution rate. The new employer rate is the greater of the following two options:

- The average contribution rate paid by all employers during the second year preceding the current calendar year
- One (1) percent of taxable wages

The new employer rate is applied to all newly subject employers for approximately two calendar years.

What Constitutes a Successor Employer?

Pursuant to 40 O.S. §3-111, any employing unit which acquires substantially all of the trade, organization, employees, business, or assets of an employer and who continues the operations as a going business shall be determined to be a successor employer. The successor employer shall acquire the experience rating account of the predecessor employer, including the predecessor's actual contribution and benefit experience, annual payrolls, and contribution rate.

Pursuant to 40 O.S. §3-111.1, if an employer transfers all or a portion of its business to another employer and, at the time of transfer, there is substantially common ownership, management or control of the two employers, the histories of the employers will be combined.

What is an Experience Period?

According to 40 O.S. §1-227, experience period means:

- For any tax year occurring after December 31, 2006, the most recent twelve (12) consecutive completed calendar quarters occurring before July 1 of the year immediately preceding the year for which the employer's contribution rate is being calculated

An employer's benefit wage ratio is the percentage equal to the total of benefit wage charges in the experience period divided by the timely taxable payroll used to compute eligibility of claimants during the same three-year experience period immediately prior to July 1 of the year for which the rates are being computed (a period less than three years for newly subject employers).

Employer Contributions

How is my Earned Contribution Rate Computed?

Rates are computed for all eligible employers effective January 1 of each calendar year. The factors in the computation of an employer's contribution rate are:

- An employer's benefit wage ratio
- State experience factor
- Conditional factor (if applicable)

When am I Notified of our Tax Rates?

All employers are notified of their contribution rate on or before September 30 of the year prior to the effective rate year with Form **OES-48, Notice of Employer's Contribution Rate**. This rate is conclusive and binding upon the employer unless the employer files a written protest within 20 days of the date that the **OES-48, Notice of Employer's Contribution Rate** was mailed, including the specific reasons for the protest. OESC will provide a review and issue a determination. The employer may appeal the determination within 14 days of its postmark.

What is the Benefit Wage Ratio?

An employer's benefit wage ratio is the percentage equal to the total benefit wage charges in the experience period divided by the employer's timely taxable wages for the same experience period on which contributions have been paid on or before July 31 of the calendar year immediately preceding the year for which the rate is being calculated.

The following is an illustration of an employer's benefit wage ratio computation.

Experience Rate Period	Benefit Wage Charges	Timely Taxable Wages
2011-2012	$10,000.00	$80,000.00
2012-2013	$6,000.00	$100,000.00
2013-2014	$7,000.00	$115,000.00
-	$23,000.00	$295,000.00

Employer's benefit wage ratio = $ 23,000.00 divided by $295,000.00 = 0.07797 = 7.8%

The state experience factor is 38%.

The benefit wage ratio and state experience factor are then applied to the Rate Table to determine the contribution rate:

https://www.ok.gov/oesc_web/Services/Unemployment_Insurance/Taxable_Wage_Base_and_Rates.html

Therefore, the employer's contribution rate is 3.0%.

Employer Contributions

What is the State Experience Factor?

The state experience factor is calculated by dividing total benefits paid from the Unemployment Insurance trust fund for the most recent 12 quarters by the total benefit wages of all employers for the same 12-quarter period. The following illustration shows how the state experience factor was determined for 2015.

Benefits paid divided by	**$ 739,356,755.95**
Benefit Wage Charges	$1,926,944,659.83
State Experience Factor for 2015 rounded to nearest whole percent	38%

What is the Conditional Factor?

Based on the solvency of the Unemployment Insurance Trust Fund, the conditional factor is computed annually in accordance with 40 O.S. §3-113.

The method for determining an employer's earned experience rate involves comparing the employer's own benefit wage ratio to the state experience factor by the use of a table provided by law.

https://www.ok.gov/oesc_web/Services/Unemployment_Insurance/Taxable_Wage_Base_and_Rates.html

Benefit Wage Charges

What Are Benefit Wage Charges?

"Benefit wage charges" are the claimant's taxable base period wages reported by the employer to the OESC for use in determining the claimant's eligibility to receive benefits. Benefit wage charges to an employer's account are used in computing the employer's contribution rate.

There may be instances where benefits are allowed, but the employer may be relieved of a benefit wage charge. More information on this can be found in 40 O.S. §3-105 and §3-106.

How am I Notified of Benefit Wage Charges?

If a claimant is allowed benefits based on the reason for separation at the time an initial claim was filed, and a valid benefit year has been established, an **OES-502**, **Notice of Benefit Wages**, is mailed to all base period employers showing the amount of base period wages being charged to them when benefits are paid to a claimant for the fifth week of unemployment in the benefit year. A copy of this notice should be retained for an employer's permanent record, as no additional transcript will be furnished. An employer must protest the benefit wage charge in order to be relieved of the charge.

How Do I Protest a Benefit Wage Charge?

The protest must be written and contain both the basis for the protest and the circumstances of the claimant's last separation from the employer. The protest must be filed within 20 days of the date of issue on the **Notice of Benefit Wages**. Failure to respond timely, without providing details demonstrating good cause for late filing, will result in no relief of the benefit wage charge.

Am I Notified of Action Taken on a Protested Benefit Wage Charge?

The employer is notified with a **Notice of Cancellation of Benefit Wages** if it is determined that the base period charge has been cancelled and will not be used in computing the employer's tax rate. However, if it is determined that the base period wage charge will be used, the employer will receive an **OES-503, Notice of Determination to Base Period Employer**. The employer can appeal this determination. The appeal must be in writing and filed within 14 days after the **OES-503**, **Notice of Determination to Base Period Employer** was mailed.

Benefit Wage Charges

What Are the Grounds for Protesting a Benefit Wage Charge?

An employer can protest a benefit wage charge when the claimant's separation from the employer was under the following circumstances:

- The employee left the work voluntarily without good cause connected to the work.
- The employee was discharged for misconduct connected with his or her work.
- The employee was a regularly scheduled employee of that employer prior to the week the employee separated from other employment, **and** remained an employee of the employer through the fifth compensable week of unemployment in his or her established benefit year.
- The employee was separated from employment as a direct result of a major natural disaster, declared as such by the President pursuant to the Disaster Relief Act of 1974, P.L. 93-288, and such employee would have been entitled to disaster unemployment assistance if employee had not received unemployment insurance benefits.
- The employee was discharged for unsatisfactory performance during an initial employment probationary period. As used in this paragraph, "probationary period" means a period of time set forth in an established probationary plan which applies to all employees or a specific group of employees and does not exceed ninety (90) calendar days from the first day a new employee begins work. The employee must be informed of the probationary period within the first seven (7) work days. There must be conclusive evidence to establish that the individual was separated due to unsatisfactory work performance.
- The employee left employment to attend training approved under the Trade Act of 1974 and is allowed unemployment benefits pursuant to 40 O.S. §2-416.
- The employee was separated from employment for compelling family circumstances as defined in 40 O.S. §2-210.
- The claimant was separated because of illness or disability which required cessation of work or change in occupation.
- The claimant was separated because of illness or disability of immediate family member.
- The claimant was separated because their spouse obtained employment in a location outside of commuting distance.
- The claimant left a job as part of a plan to escape domestic violence or abuse.

Reimbursing and Governmental Employers

What Are The Options For Reimbursing and Governmental Employers?

Non-profit organizations, as defined by 40 O.S. §1-210(4), and governmental employers may elect to make reimbursing payments in lieu of contributions. Rather than paying contributions based on a tax rate derived from their experience history, reimbursing employers make payments based on the full amount of benefits paid to former employees for wages which are attributable to their employ.

Reimbursing employers are required to reimburse for benefits paid regardless of the reason for separation.

Governmental employers who choose not to elect to make reimbursing payments shall make quarterly payments based on a fixed 1% of taxable wages.

Reimbursing and governmental (1%) employers will receive an **OES-866, Notice to Reimbursing and Governmental Employers** at the time an unemployment claim is filed. This notice only provides the taxable wages earned from the employer that were used in determining the claimant's benefit amount. It does not allow the employer the ability to protest the claimant's eligibility for benefits based upon the separation from their employ. If a reimbursing or governmental employer is the last employer of 15 days or more, they will also receive the **OES-617, Notice of Application for Unemployment Compensation**. This notice does allow the employer to protest the eligibility of the claimant to receive benefits.

Following the end of the quarter, reimbursing employers will receive the **OES-876, Quarterly Statement for Reimbursement of Benefits Paid**. This statement will detail the amounts of benefits paid to claimants for which the employer is required to make reimbursing payments to the Commission.

What Are The Options For Tribal Employers?

An Indian tribe or tribal unit may choose to pay contributions in the same manner as nongovernmental employees for profit. However, an Indian tribe or tribal unit may also elect to make reimbursing payments in lieu of contributions. Indian tribes shall determine whether reimbursement of benefits paid shall be elected by the tribe as a whole, by individual tribal units, or by combinations of tribal units.

Unemployment Benefits

How Do You Qualify for Unemployment Benefits?

In order to be eligible for unemployment benefits, a claimant must be all of the following:

- Separated from work or working less than full time
- Registered and diligently seeking work during each week in which he/she applies for benefits
- Able to work and available to perform work duties in keeping with education, training and experience

A claimant's self-employment cannot interfere with their availability for employment or the type of work they are seeking. In addition, all self-employment wages must be reported. The claimant cannot be working on a commission or receiving or seeking unemployment benefits from another state or the United States.

What Are the Maximum Unemployment Benefit Amounts?

The unemployment benefit amount is determined by the qualifying wages paid to a claimant during the claimant's base period.

The benefit amounts are calculated each year. In Oklahoma, weekly payments range from a minimum of $16 to the current year's weekly maximum of $490.

Computation of the maximum benefit amount changes each year based on the conditional factor associated with the state's Unemployment Insurance Trust Fund.

The number of weeks a claimant can receive unemployment benefits during his/her benefit year is limited to a maximum of 26 weeks.

How Do I Protest Benefits?

When an employer receives a notice of application, they will have 10 days from the postmark date of the notice to protest the claim. If the tenth day falls on a Saturday, Sunday or holiday, the employer will have until the next working day. If an employer does not protest by the tenth day, they will not be considered an interested party to any subsequent determinations.

When protesting claims, employers should provide specific facts regarding the separation. Protests that only say, "Discharged due to misconduct" fall short of providing useful information. OESC needs to know what caused the separation on that particular day, whether the claimant had received any warnings, and what the claimant should have done that could have prevented the separation.

What is a Valid Claim?

A "valid claim" is an unemployment insurance claim filed in accordance with the rules of the OESC by a claimant who has the necessary qualifying wages.

What is a Benefit Year?

A "benefit year" is a one-year unemployment insurance benefit eligibility period that begins on Sunday of the week the first valid unemployment insurance claim is filed.

What is a Base Period?

The "base period" is the first four of the last five completed calendar quarters immediately preceding the first day of a claimant's benefit year.

Unemployment Benefits

How to Apply for Unemployment Benefits:

When an individual files a new claim for unemployment benefits, OESC notifies the last covered employer of 15 or more working days. When a claimant returns to work during their benefit year and is separated from the new job, the claimant can reopen their current claim. If the claimant is separated from employment for any reason other than lack of work, an investigation will be conducted, and a determination will be issued allowing or denying unemployment benefits in accordance with state law. The employer will only be an interested party to the determination if a timely, response is received in accordance with 40 O.S. §2-503. Employers who are not interested parties will not receive a copy of the determination and will not have appeal rights to any subsequent determinations.

What is Able and Available?

The claimant must be able and available for work each week. Any individual who is able or available for work the majority of the week (three out of the five normal workdays) is considered able and available.

Can a Claimant Who Quits Collect Unemployment Benefits?

A claimant who voluntarily leaves their last job without good cause connected to the work is subject to disqualification from benefits. The burden of proof for good cause connected to the work in a voluntary quit is on the claimant.

For a claimant to establish benefits after a disqualification, they must be reemployed and earn wages equal to or in excess of ten (10) times their weekly benefit amount. However, there exists certain circumstances that are not work related that will result in allowance of benefits.

Can a Claimant Who is Fired for Misconduct Collect Unemployment Benefits?

A claimant discharged from their last work for misconduct connected to the work is subject to disqualification for benefits.

In cases of discharge for misconduct, the burden of proof to establish misconduct is on the employer. To lift the disqualification, the claimant must be reemployed and earn wages equal to or in excess of ten (10) times their weekly benefit amount.

What Are Other Separation Issues?

An individual who ceases work due to a labor dispute or strike against their employer is ineligible for benefits if they participate in the dispute and voluntarily remain out of employment for purposes of the dispute. This applies to all circumstances except where the employer has locked out the employees. Labor dispute issues are sent to the OESC Appeal Tribunal for decisions.

Other Issues Affecting Eligibility:

A claimant can also be denied benefits or have benefits reduced:

- In cases involving fraud or misrepresentation
- If the claimant is not able and/or available for work in keeping with their prior work experience, training and education
- If the claimant is an alien not lawfully permitted to work in the United States
- Between two successive seasons, if benefits are based on services performed as a professional athlete, and services were performed in the first season, and there is reasonable assurance the claimant will perform services in the second season
- Between two academic years or terms, if benefits are based on services performed as a school employee, and there is reasonable assurance that the claimant will perform such services in the second academic year or term. School employees are ineligible during customary vacation periods or holiday recesses if they have reasonable assurance of returning to work
- If the claimant is enrolled in scheduled school activities and is not willing to quit school, adjust their schedule or change shifts to secure employment
- Dismissal and/or severance payments required by law or contract
- Unemployment benefits under an unemployment compensation law of another state or the United States
- Pension or retirement pay based on previous work, if such payment is under a plan maintained or contributed to by a base period employer
- Wages from part time employment
- Vacation and/or sick leave payments in a circumstance when required to return to work on a specific date or at the end of a specific vacation

What About Employees Working for Temporary Agencies?

For the purposes of this section, the following definitions apply.

> "Temporary help firm" means a firm that hires its own employees and assigns them to clients to support or supplement the client's work force in work situations such as employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects.
>
> "Temporary employee" means an employee assigned to work for the clients of a temporary help firm.

A temporary employee of a temporary help firm will be deemed to have left his or her last work voluntarily without good cause connected with the work if the temporary employee:

- Does not contact the temporary help firm for reassignment on completion of an assignment. The temporary help firm shall establish the manner for a temporary employee to communicate that his or her assignment has ended and that he or she is available for reassignment at any time
- Refuses a suitable job assignment, without good cause
- Communicates his or her decision to cease seeking assignment for any period of time

What About Employees Working for Temporary Agencies? Continued

- Becomes unavailable to accept a suitable job assignment, without good cause
- Accepts employment with a client of the temporary help firm

Note: This provision shall apply *only if* the temporary employee has been advised of the obligations and has been provided a copy of a separate document written in clear and concise language that states the provision of this section and that unemployment benefits may be denied for failure to comply.

For unemployment insurance purposes, the temporary help firm is deemed to be the employer of the temporary employee. This means that regardless of the particular business requirement of the temporary agency, if the claimant contacts the temporary service upon the completion of an assignment, and no work is available, the claimant will be considered to be laid off due to lack of work.

In addition, the claimant must be made aware of the requirement to check in upon the completion of an assignment. The objective of the claimant is also considered.

What About Employees Hired for Limited Periods of Time?

- When an employer employs a worker for a limited duration of time *specified by the employer*, the worker is considered to have been laid off due to lack of work at the end of the time period set by the employer, provided that the worker's separation was due only to the completion of the work or the expiration of the time period
- When an employer employs a worker for a limited duration of time *specified by the worker*, the worker is considered to have voluntarily quit work at the end of the time period set by the worker, provided that the worker's separation was due only to the expiration of the time period

This means that if the employee sets the dates of employment then, upon completion of the length of time specified by the employee, the employee is considered to have quit the job. If the employer sets the dates of employment then, upon completion of the length of time specified by the employer, the employee is considered to have been laid off due to a lack of work.

If the individual separates before the agreed upon last day of employment, then OESC looks at why the individual separated and makes a ruling upon the reason for separation.

What Do I Need to Know About Drug and Alcohol Testing?

In order to establish that the drug or alcohol test of an unemployment insurance claimant was conducted in accordance with the Standards for Workplace Drug and Alcohol Testing Act, 40 O.S. §551 through §565, the employer must produce the following documentation:

- Documentation of a positive test result issued by the testing facility that performed the test
- Documentation of the chain of custody of the testing sample from the point of collection to the testing facility
- The medical review officer's certification of proper testing standards and procedures
- A statement concerning the circumstances, as set out in 40 O.S. §554, under which the testing was requested or required
- A copy of the employer's drug testing policy, as required by 40 O.S. §555
- Documentation showing that the employer provides an employee assistance program, as required by 40 O.S. §561
- Any evidence relevant to the adjudication of questions of fact or law regarding drug or alcohol testing that may be an issue in the claim for unemployment benefits

The claimant must be tested for a valid reason. Valid reasons include but are not limited to:

- Testing of a new applicant
- Testing under reasonable suspicion
- Post-accident testing
- Random testing
- Scheduled periodic testing

If an employer does not have an established drug testing policy that conforms to the Standards for Workplace Drug and Alcohol Testing Act and that employer discharges someone for testing positive for drugs, the discharged individual cannot be disqualified from receiving unemployment insurance because of the positive drug test.

What if They Were Fired for Refusing to Undergo Drug and Alcohol Testing?

An employee discharged on the basis of a refusal to undergo drug or alcohol testing or a confirmed positive drug or alcohol test conducted in accordance with the provisions of the Standards for Workplace Drug and Alcohol Testing Act shall be considered to have been discharged for misconduct and shall be disqualified for benefits pursuant to provisions of 40 O.S. §2-406. In any claim brought by the discharged employee for compensation, a copy of the drug or alcohol test results shall be accepted as prima facie evidence of the administration and results of the drug or alcohol test.

Who Has the Burden of Proof?

When an individual is discharged, the burden of proof lies with the employer to show the discharge was for misconduct connected with the work. When an individual quits, the burden of proof lies with that individual to show good cause for quitting.

Can a Claimant Refuse Offers of Suitable Work?

An individual is disqualified from receiving benefits if he/she fails to:

- Diligently search for suitable employment at a pay rate generally available in that area and keeping with his/her prior experience, education and training
- Apply for work with employers who could reasonably be expected to have work available within the claimant's general geographic area
- Present himself/herself as an applicant in a manner designed to encourage consideration for employment
- Accept an offer of work from an employer, including any former employer
- Apply for or accept an offer of work when so directed by the OESC Workforce Services staff
- Accept employment pursuant to a hiring hall agreement when so offered

Any individual violation of the first three stipulations is disqualified for the week in which the violation occurred. An individual in violation of the last three stipulations is disqualified for the week in which the violation occurred, and disqualification will continue until the individual becomes reemployed and has earned wages equal to or in excess of 10 times his/her weekly benefit amount.

Any individual violating the last three requirements due to illness, death of a family member or other circumstances beyond his/her control will be disqualified for regular benefits under this section only for the week of the violation.

Further, any individual disqualified for the week of the occurrence of such circumstances beyond his/her control is not eligible for extended benefits for the purposes of 40 O.S. §2-701 through §2-724 until such individual has become re-employed and has earned wages equal to at least 10 times his/her weekly benefit amount.

Am I Notified of Claims Filed Against Me?

In accordance with 40 O.S. §2-503, the last employer for whom the claimant worked at least 15 working days is notified when the claimant begins receiving unemployment benefits. An **OES-617, Notice of Application for Unemployment Compensation** is mailed to the separating employer. One important factor to protect an employer is for the employer to respond to all notices in a timely manner with complete information. Appeal rights are based on written responses.

Can I Appeal a Determination?

The employer or the claimant may file an appeal if either interested party disagrees with the determination. The appeal must be in writing and postmarked or faxed within 10 days from the date the determination was mailed. If no appeal is filed within the 10-day period, the determination becomes final, and benefit payments will be made or denied based on the determination.

How to Protest an Unemployment Claim:

Many employers may not be aware of the requirements of responding to notices of unemployment claims. 40 O.S. §2-503(E) states:

E. *Within ten (10) days after the date on the notice or the date of the postmark on the envelope in which the notice was sent, whichever is later, an employer may file with the Commission at the address prescribed in the notice written objections to the claim setting forth specific facts which*

1. *Make the claimant ineligible for benefits under 40 O.S. §2-201 through §2-210;*
2. *Disqualify the claimant from benefits under 40 O.S. §2-401 through §2-419; or*
3. *Relieve such employer from being charged for the benefits wages of such claimant.*

If an employer protests with inadequate information, they will receive a decision in the mail stating that their protest has been received, but there is inadequate information surrounding the separation to make the employer an interested party. As a result, the employer will not receive a copy of the separation determination and will not have appeal rights if they believe the claim is allowed in error.

After receiving an **OES-617, Notice of Application for Unemployment Compensation**, an employer can file a protest if any reason exists showing the claimant should be denied benefits. A written reply must be postmarked within 10 days of the date the **OES-617, Notice of Application for Unemployment Compensation** was mailed. If an employer does not reply within 10 days, they may be contacted for information on job separation and other subjects.

IMPORTANT: Being contacted by OESC does NOT mean an employer is considered an interested party.

If the claimant voluntarily left work or was discharged by the employer, the employer's protest should include full and complete facts. In case of a voluntary quit, the reason the individual gave for leaving should be included as well as an explanation as to why the employer does not think the reason was justified. In case of a discharge for misconduct, an employer should explain the nature of the misconduct in detail.

What if I am Late Responding to the OES-617?

If an employer wishes to protest, but missed the 10 day response time, the employer should still write a written response, following the details given in "How to Protest an Unemployment Claim," but also include a written justification for being late to respond. The information will be treated as a response only and not as a protest to the receipt of benefits since no separation details were provided. No appealable determination will be issued.

What Reply Do I Receive in Response to a Protest?

When an employer's timely protest is received that complies with 40 O.S. §2-503, the employer becomes an interested party to the claim and will be mailed a **Notice of Determination** in regard to the claim. If the claimant does not have sufficient wages within their base period to qualify for unemployment compensation, the employer will be notified by letter. If there have been no issues raised, or claimant was released for lack of work, no notice will be mailed to the employer.

How Does the Appeal Process Work?

When an appeal is received from either the claimant or the employer, the Appeal Tribunal schedules a hearing and notifies all interested parties of the time and place of the hearing. Testimony in these hearings is under oath and recorded. An Administrative Hearing Officer considers the record and renders a decision. Copies of the decision are mailed to all interested parties. Further appeal of this decision may be made to the Board of Review within 10 days from the date the decision was mailed. After the opinion of the Board of Review is issued, further appeal may be made within 30 days to the district court having jurisdiction.

What is Misconduct?

A claimant discharged from their last work for misconduct connected to the work is subject to disqualification for benefits. In cases of discharge for misconduct, the burden of proof to establish misconduct is on the employer. To lift the disqualification, the claimant must be reemployed and earn wages equal to or in excess of ten (10) times their weekly benefit amount.

Misconduct shall include, but is not limited to the following:

1. Any intentional act or omission by an employee which constitutes a material or substantial breach of the employee's job duties or responsibilities or obligations pursuant to his or her employment or contract of employment;
2. Unapproved or excessive absenteeism or tardiness;
3. Indifference to, breach of, or neglect of the duties required which result in a material or substantial breach of the employee's job duties or responsibilities;
4. Actions or omissions that place in jeopardy the health, life, or property of self or others;
5. Dishonesty;
6. Wrongdoing;
7. Violation of a law; or
8. A violation of a policy or rule enacted to ensure orderly and proper job performance or for the safety or self or others.

New Hire Reporting

What is the Purpose of New Hire Reporting?

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) requires employers to report certain information on their newly hired employees to a designated state agency.

On December 8, 2010, the President signed the Claims Resolution Act (Public Law 111-291) into law, which resolves several claims against the government and extends the Temporary Assistance for Needy Families and related programs. The law also makes reforms to the Unemployment Insurance program, including the requirement **that employers report to the State Directory of New Hires (SDNH) the date that an employee first performs services for pay.** This is an anti-fraud measure aimed at reducing the number of overpayments to individuals receiving unemployment insurance benefits. The law amends section 453 A of the Social Security Act effective June 8, 2011, and the new SDNH reporting requirements go into effect on that day.

OESC is the designated state agency in Oklahoma that receives these new hire reports. The Child Support Enforcement Division (CSED) of the Oklahoma Department of Human Services is the repository for Oklahoma's directory of new hires. Many states have selected their child support program as the designated state agency to receive the new hire reports. The Oklahoma Legislature determined that since employers are accustomed to reporting quarterly wage data to OESC, it would be less burdensome for employers to report their new hire reports to OESC as well. OESC and CSED have partnered together to develop the OES-112, **New Hire Reporting Form**, data file layout and a pamphlet.

New hires must be reported within 20 days of the employee's start date of performing services. The Date of Hire is being redefined to mean the date that an employee actually started performing services instead of the date they are hired.

Employers play a key role in this important program by reporting all newly hired employees to OESC which then forwards all new hire reporting information to the Oklahoma CSED.

What is New Hire Information Used For?

CSED will match new hire reports against their child support records to locate parents, establish a child support order or enforce an existing order. Once these matches are done, Oklahoma will transmit the new hire reports to the National Directory of New Hires (NDNH). OESC may also use the state new hire information to **detect and prevent erroneous benefit payments**. In addition, the Department of Human Services (DHS) can conduct matches between the new hire database and other state programs to prevent unlawful or erroneous receipt of public assistance payments. **The information provided will be used to match new hires against unemployment benefit claims to help detect and prevent fraudulent unemployment payments**.

New Hire Reporting

New Hire Reporting Benefits You!

A direct benefit to employers is the reduction and prevention of fraudulent unemployment and workers' compensation payments. Timely receipt of new hire data allows OESC to cross-match this data against its active unemployment claimant files and either stop payments or recover erroneous payments. To ensure a correct match, it is important to provide both a name and Social Security Number.

What is The Deadline For Reporting New Hires?

All newly hired employees must be reported to OESC within 20 days of being hired if an employer is reporting by mail or fax. Employers who report electronically must report at least twice monthly, within at least 20 days of an employee being hired. "Date started to work" is defined as the first day services are performed by the employee for a wage.

How Do States Know Where Their State's New Hires are Being Reported?

The National Directory of New Hires (NDNH) will maintain a list of those multi-state employers that have elected to use single-state notification. The designated reporting locations of those employers will be made available to all states so they can be aware of where their state's new hires are being reported.

What Form is Used to Report New Hires?

Employers are encouraged to report new hires by either submitting reports by electronic media or by mailing or faxing a copy of the OES-112, **New Hire Reporting Form**.

https://www.ok.gov/oesc/newhire/app/forms/oes-112_NewHire_rev_11-11.pdf

It is suggested that an employer complete one form with their Federal Employer Identification Number (FEIN), Oklahoma Employer Account Number, company name, payroll address and telephone number and then make several photocopies of this form. This way, an employer only needs to add employee specific information. Because not all legally required data is included on W-4 forms, it is not recommended that employers use W-4s for new hire reporting purposes.

How is the New Hire Data Safeguarded?

Security and privacy of new hire data are important issues for all those involved in the implementation of this nationwide program. Oklahoma law requires safeguarding confidential information. All data will be sent from Oklahoma to the National New Hire Directory over secure and dedicated lines. Federal law requires that the Secretary of the Department of Health and Human Services establish and implement safeguards to protect the integrity and security of information in the National Directory of New Hires and to restrict access to and use of the information to authorized persons and purposes.

New Hire Reporting

How Do I Submit New Hire Data?

New hire data may be submitted in a variety of ways:

- OESC recommends that businesses use the convenient online new hire reporting system.

  https://www.ok.gov/oesc/newhire/app/index.php

- Data is entered directly into the system for each employee and may be entered at the employer's convenience by entering as many or as few records at a time as desired.
- Businesses who currently have their own computerized personnel or accounting system in place and who gather all of the required data for their employees may wish to submit electronically. A file layout is provided at:

  http://www.ok.gov/oesc/specs.html

- Employers may create their file using the provided layout and submit the file through our online process or copy to a CD according to the instructions and mail to the following address.

Fax or mail to:

Oklahoma New Hire Reporting Center
P.O. Box 52004
Oklahoma City, Oklahoma 73152-2004
Toll free fax: (800) 317-3786
Local fax: (405) 557-5350

How Do Multi-State Employers Report to One State?

Employers **may not** report new hires using both multi-state and single-state methods. They must choose one or the other.

If an employer chooses to report new hire data on all employees to only one of the states in which they have a presence, they must comply with the following requirements:

- Notify the Secretary of Health and Human Services in writing, specifying which state the employer has designated as recipient of all their new hire information for their entire business.

The notification should be mailed to:

Department of Health and Human Services
Multistate Employer Registration
Office of Child Support Enforcement
P.O. Box 509
Randallstown, MD 21133
(202) 401-9267

At a minimum, the employer should include the employer's name and address. The following optional information is also recommended:

- Federal Employer Identification Number (FEIN)
- Employer phone number
- States in which the company does business
- Estimated number of new hires per year
- Corporate point of contact for clarification of data

New Hire Reporting

- Transmit all new hire information electronically in accordance with the designated state's requirements. An employer does not need to report the required elements from each state in which they have employees. Employers are only asked to report what is required by the state they have selected for reporting purposes

Please note, however, that if an employer chooses to report to one state, the information may not be available to the employee's work state for purposes of detecting fraud in the unemployment insurance or workers' compensation programs.

What if I Have More Questions on New Hire Reporting?

If you have questions about new hire reporting, contact the New Hire Unit at (405) 557-7133, toll free at (800) 317-3785 or via e-mail at webmaster@oesc.state.ok.us.

Questions regarding income assignments or other matters relating to Child Support should be directed to (405) 522-5871 or:

Department of Human Services
Child Support Enforcement Division
P.O. Box 53552
Oklahoma City, OK 73152

Employer Responsibility

How to Register as a New Employer in Oklahoma?

The eligibility requirements are explained in the "How is my Status Determined?" section below. To obtain the required forms, contact the Employer Compliance Department or visit our website at http://oesc.ok.gov. The OES-1, **Application for Oklahoma Unemployment Insurance Tax Account Number** can now be completed online at:

https://eztaxexpress.oesc.state.ok.us

What Reports and Forms are Needed to Register?

All new or reinstated businesses are required to submit an OES-1. Once an employer becomes subject, an Oklahoma account number is assigned, and reports are mailed to the employer every calendar quarter unless a previous report was filed online. The quarterly wage report is due by the last day of the month following the end of the calendar quarter.

What Penalties are Issued for Reimbursing Employers?

A penalty is assessed for failure to file Form OES-3, **Employer's Contribution Report** within 15 days of Notice of Non-Receipt in the amount of $10 each day until the report is filed up to a maximum of $100. If reimbursing payments are not made within 45 days of the mailing of the **Quarterly Statement for Reimbursement of Benefits Paid**, a penalty of 5 percent of the amount due will be added. Interest accrues at 1 percent per month until paid.

How is my Status Determined?

An employer is subject to report and pay the unemployment insurance tax if that employer meets any one of the criteria found on pages 12-16, under General Provisions and Definitions.

When Can I Stop Filing a Quarterly Wage Reports?

You may stop filing reports if you have:

- Closed your business and will have no further payroll
- Sold your business and will have no further payroll

This information needs to be submitted in writing and should include the date the business closed or was sold and the name and address of the new owner. The OES-24, **Termination of Business in Whole or Part** can be completed to close the account with or without a new owner.

The OES-24, **Termination of Business in Whole or Part** can now be completed online at https://eztaxexpress.oesc.state.ok.us, or by visiting our website at http://oesc.ok.gov.

What are the Penalties for Not Filing or Paying Required Reports or Contributions by Due Date?

To assure compliance with the Employment Security Act of 1980 and avoid the extra expense connected with obtaining and processing delinquent reports, the Act provides for the following penalties which attach to reports and payments not submitted when due.

A penalty is assessed for failure to file Form OES-3, **Employer's Contribution Report** in the amount of $100, plus 10 percent of the contribution due, if the report is not filed within 15 days of notice of non-receipt. Interest accrues at 1 percent per month on past due contributions.

EZ Tax Express

What is EZ Tax Express?

To better serve Oklahoma, OESC has developed an internet portal, called "EZ Tax Express," to enable employers to perform many of the functions via the internet that were previously completed on paper.

https://eztaxexpress.oesc.state.ok.us

Beginning January 1, 2011, employers and third party administrators (TPAs) that file on behalf of the employer are required to file electronically via EZ Tax Express.

OESC Rules §240:10-5-91 Reports:

(1) This subsection shall apply to all Employer's Quarterly Contribution and Wage Reports that are due for filing after January 1, 2011.

(2) All employers with an assigned Oklahoma State Unemployment Tax Act (SUTA) account number shall be required to file the Employer's Quarterly Contribution and Wage Report through the employer portal on the Commission Internet website.

(3) All third party administrators shall be required to file the Employer's Quarterly Contribution and Wage Report through the employer portal on the Commission Internet website for clients with an assigned Oklahoma SUTA account number.

What Features are Available Through EZ Tax Express?

When using the OESC EZ Tax Express, employers will be able to:

- Apply online as a new employer to obtain an Oklahoma Employer Account Number
- File their **Oklahoma Employer's Quarterly Contribution Report** (OES-3)
- Pay their Oklahoma Unemployment Tax online
- View their **Oklahoma Employer's Quarterly Contribution Reports** (OES-3)
- View their tax rate information
- View their tax account information
- View the status of appeals
- Submit a request to place their Oklahoma Employer Account Number in inactive status
- Perform a limited update of employer contact information

How Do I Register For Or Reactivate An Oklahoma Unemployment Tax Account Number?

Through EZ Tax Express, employers can complete the OES-1, **Application for Oklahoma Unemployment Insurance Tax Account Number** online and submit it to obtain an Oklahoma SUTA account number or to reactivate their Oklahoma SUTA account number. The completed report is submitted to the Employer Compliance Unit for review. The employer will be notified by mail once the account is established or reactivated.

(https://eztaxexpress.oesc.state.ok.us)

Am I Eligible to File an OES-3 Using EZ Tax Express?

Oklahoma employers may file their OES-3, **Oklahoma Employers Quarterly Contribution Report** through EZ Tax Express if both of the following are true:

- The employer's account is active for the quarter of filing and
- A report has not already been filed

EZ Tax Express

How Do I Use the EZ Tax Express Online Payment Option?

When using the EZ Tax Express online payment option, employers will be able to:

- Enter a specific amount to be paid
- Select the specific quarter and year to which to apply the payment
- Make a payment to be processed the same day or schedule a payment for a later pay date
- Print a copy of their online payment confirmation for their records

In addition, third party filers and bulk filers will be able to:

- Display individual employer amounts to be paid
- Edit each individual employer payment amount

Electronic funds transfer (EFT) is a vital part of daily business activity. EFT allows employers to maximize their monetary resources by providing more control of their money flow. It is designed to be secure and cost-effective and to move funds in a fast and timely manner.

Benefits that EFT offers to employers include:

- Control of bank account activity
- Timely payment of contributions
- Avoidance of postal delays and restrictive postal time schedules
- Secured method of payment

EFT is available to all employers for payment of unemployment contributions and reimbursable charges.

What Can Be Viewed Online Using EZ Tax Express?

- Current Mailing Address
- Current Business Address
- Address Change History (changes made through EZ Tax only)
- View Status Report (submitted through EZ Tax only)
- Account Balance
- Benefit Wage Charge Appeals
- Benefit Wage Charges
- Tax Warrants
- Tax Appeals
- Tax Payments (all payments)
- Tax Refunds
- Employer Contribution Rate
- IRS FUTA Certification
- Termination Report (submitted through EZ Tax only)
- Quarterly Contribution Reports (submitted through EZ Tax only)
- Payment History (submitted through EZ Tax only)

How Do I Update Account Information Using EZ Tax Express?

When using the Update Account Information option, employers will be able to:

- Complete the OES-24, **Termination Report** online (employers are notified by mail when the account is terminated)
- Update mailing address, phone number and contact information

Changes to international addresses cannot be updated in EZ Tax Express at this time.

Please send requests for international address corrections to:

Oklahoma Employment Security Commission
Attn: Employer Compliance Department
P.O. Box 52003
Oklahoma City, OK 73152-2003

Unemployment Fraud

OESC is responsible for protecting the Unemployment Insurance Trust Fund. We have a dedicated fraud detection unit to identify and recommend criminal prosecution for those who commit fraud.

NOTE: Fraud, for Unemployment Insurance purposes, is knowingly making a false statement, misrepresenting a material fact, or withholding information to obtain unemployment benefits. If you are found guilty, you will be required to monetarily repay any funds plus penalty and interest. All fraud cases are subject to possible criminal prosecution, fines and imprisonment.

Be On The Lookout for Claimant Fraud!

If you are made aware of an employee working and still collecting unemployment, please contact the Fraud Detection Unit at (405) 557-7164.

What Acts Constitute Employer Fraud?

It is a crime to commit unemployment insurance fraud. 40 O.S. §5-103 states that an employer who makes a false statement or representation knowing it to be false or fails to disclose a material fact is guilty of a misdemeanor. Individuals who commit fraud are subject to fines, penalties and/or criminal prosecution.

Acts that constitute employer fraud include:

- Misclassifying workers
- Incorrectly reporting wages
- Providing false information to prevent an otherwise eligible claimant from obtaining unemployment insurance benefits
- Failing to pay unemployment insurance taxes
- Failing to report necessary information
- Prohibiting inspection
- Engaging in SUTA dumping, or the manipulation of tax rates to pay a lower tax rate than the earned experience rate

Employers, Help Us Fight

FRAUD

Report New Hires within 20 days of the first date of employment.

Reporting New Hires timely will:

- Reduce Unemployment Insurance taxes where benefits would have otherwise been charged against an employer's experience rating account
- Prevent overpayments or allow early detection of overpayments, resulting in substantial savings to the Unemployment Insurance Trust Fund
- Reduce unemployment benefit payments that might otherwise have been paid to workers who refuse suitable jobs or are working full-time
- Allow OESC staff to investigate fraudulent claims and access overpayments quicker
- Help one of our partner agencies, Oklahoma Department Of Human Services, locate parents and enforce an existing order for child support

Reporting New Hires is easy to do. Choose an option below:

- You may report online @ https://www.ok.gov/oesc/newhire/app/index.php
- You may obtain the OK New Hire Reporting form at the same website address above and click on Employer Forms. This form may be sent:
- By Mail - OK New Hire Reporting - P.O. Box 52003, Oklahoma City, OK 73152-2003
- By Toll Free Fax 1 (800) 317-3786 or Local Fax (405) 557-5350

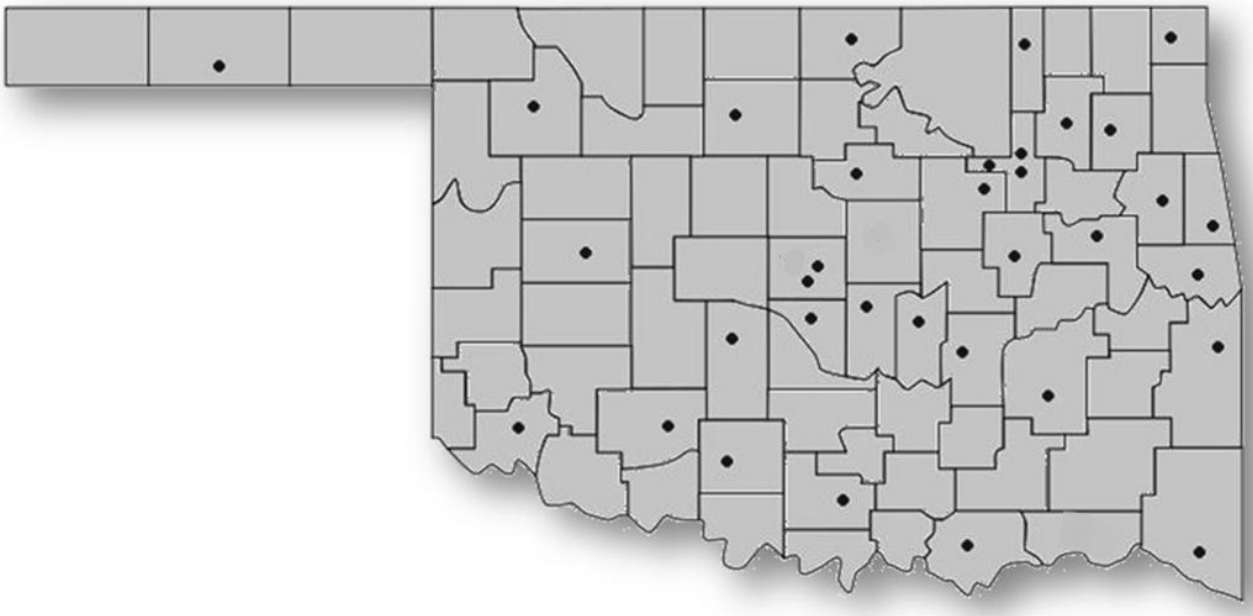
NOTE: **Please remember to include the worker's full social security number and the hire date.**

Please visit the OESC website: https://www.ok.gov/oesc/newhire/app/helpful_hints.php for more information about New Hire Reporting. You may also email your questions to newhires@oesc.state.ok.us or call the New Hire Unit at (405) 557-7133.

Oklahoma Works Center Locations

OKLAHOMA EMPLOYMENT SECURITY COMMISSION

OKLAHOMA WORKS SERVICE CENTER LOCATIONS



Ada	Guymon	OKC Eastside	Seminole
Altus	Holdenville	Okmulgee	Shawnee
Ardmore	Idabel	Ponca City	Stillwater
Bartlesville	Lawton	Poteau	Stilwell
Chickasha	McAlester	Pryor	Tahlequah
Claremore	Miami	Sallisaw	Tulsa Eastgate
Clinton	Muskogee	Sand Springs	Tulsa Skyline
Duncan	Norman	Sapulpa	Woodward
Durant	OKC Brookwood		
Enid			

Note: Click on the Oklahoma Works Center to find information on a center near you.

Proud Partner of OKLAHOMA WORKS

Oklahoma Employment Security Commission

Application for Oklahoma UI Tax Account Number

OES-1 (9-13)

1. Business or Trade Name | Telephone No. | 2. Federal Identification

3. Business mailing address (no. & St.) | (City or Town) | (State) | (Zip)

4. Type of Organization: Sole Proprietor ¦ Partnership ¦ Corporation ¦ Partnership ¦
Tribal Rated ? Tribal Reim ¦ Non-Profit Rated 0 Non-Profit Reim ¦ Gov 1% ¦ Gov Reim ¦ Other (Specify) 0

5. Owners/Partners/Corp Officers/Members | Title | Residence Address | Telephor | Stock Ownership%

Name-
SSA#-

Name-
SSA#-

Name-
SSA#-

6. If a Corporation or LLC, Enter Full Name | State of Incorporation or Filing | Date of filing

7. If an LLC, how have you chosen to be taxed for federal tax purposes?
Sole Proprietor ¦ Partnership ¦ Corporation ¦

8. Is your Business a nonprofit organization? Yes ¦ No ¦ Do you have a 501(c)(3) exemption? Attach Copy. Yes ¦ No ¦

9. Date entered business in Okla. | 10. Date of first employment in Okla.

11. Describe the exact nature of your business or employment activity and list the principal products manufactured or traded in Oklahoma:

12. Did you acquire an established business in Oklahoma? Yes ¦ No ¦ If Yes, did you acquire substantially all of the Oklahoma trade, organization, employees, business or assets? Yes ¦ No ¦
See O.S. 40 3-111 and 3-111.1 Date of acquisition:

Name, Address and Oklahoma account number of former owner.

13. Are you liable under the Federal Unemployment Tax Act? Yes ¦ No ¦
If Yes, enter year liable:

14. If you have previously filed reports to the Oklahoma Employment Security Commission show name and account number.

15. Show addresses of all locations in Oklahoma: (1)
(2) (3)

1.6. Enter gross Oklahoma payroll for the current and two prior calendar years:

	Calendar Year	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	
		$	$	$	$	
		$	$	$	$	
		$	$	$	$	

17. Enter by week the number of workers you employed in Oklahoma during the same period.

Yr	1st wk	2nd wk.	3rd wk.	4th wk.	5th wk.	Yr	1st wk	2nd wk.	3rd wk	4th wk	5th wk	Yr	1st wk	2nd wk.	3rd wk	4th wk	5th wk.
Jan.						Jan.						Jan.					
Feb.						Feb.						Feb.					
Mar.						Mar.						Mar.					
Apr.						Apr.						Apr.					
May						May						May					
Jun.						Jun.						Jun.					
Jul.						Jul.						Jul.					
Aug.						Aug.						Aug.					
Sep.						Sep.						Sep.					
Oct.						Oct.						Oct.					
Nov.						Nov.						Nov.					
Dec.						Dec.						Dec.					

Note: Must be signed by owner, all partners, corporate officers or authorized official.

18. Signed: Title Date

For Commission use only Control No.

State No | FEIN

L-Date | E-Date | S-Date | R-Date

SAMPLE

For Copies of Form go to https://www.ok.gov/oesc/newhire/app/forms/OES_1_rev_9_13.pdf

Instructions for preparation of form OES-1, Application for Oklahoma UI Tax Account Number

1. Enter the name by which the business is known. Examples: "A & **B** Hardware", Whiteway Theater, McDonalds, O'Reilly's, Starbucks, etc.
   List your business telephone number.

2. Enter Your Federal Identification Account Number.

3. Enter address to which forms for reports, notices and correspondence should be mailed by Commission.

4. Enter a check mark after the word that properly describes type of ownership of your business.

5. Enter full name, residence address, telephone number and Social Security Number of all owners, partners, corporate officers or members. Attach additional sheet if sufficient space is not provided. All corporate officers, including officers of Sub-Chapter S corporations, are considered employees for unemployment tax reports.

6. Enter full corporate name (as it appears on your corporate seal), date of incorporation or filing and State which incorporated.

7. When you reported to the U.S. Internal Revenue Service that you were chartering a limited liability company, you were required to "check the box" on IRS Form 8832 to inform them how you wanted to be taxed. Your answer here should be the same as you selected for federal tax purposes.

8. If your answer is "Yes", please attach a copy of your letter of exemption from the Internal Revenue Service.

9. Date your firm entered business in Oklahoma.

10. Enter the earliest date on which services were performed and wages paid in Oklahoma.

11. State what kind of business you operate in Oklahoma and the principal product manufactured or traded.

12. If your answer was "Yes", please enter name and address of former owner and date acquired.

13. If "Yes", enter the year you first became liable.

14. Self explanatory.

15. Attach additional sheet if necessary.

16. Enter gross payroll of your business by quarter for the current year and the preceding to (2) calendar years (Oklahoma payroll only).

17. Enter by week the number of workers to whom you furnished employment in Oklahoma. Include both full-time and part-time employees. Indicate current calendar year employment followed by employment in preceding calendar years. A week is seven (7) consecutive calendar days beginning at 12:01 A.M. Sunday and ending at 12:00 midnight on the next succeeding Saturday.

18. Must be signed by owner, partner, corporate officer or authorized official.

Mail completed and signed form to:

Oklahoma Employment Security Commission
Attn: Employer Compliance
PO Box 52003
Oklahoma City, OK ***73152-2003***
405-557-5330
405-557-7271 *fax*

Oklahoma New Hire Reporting Form

OES-112(07-12)

Please fill out completely and mail to: Oklahoma New Hire Reporting Center
PO Box 52003
Oklahoma City OK 73152-2003

OR FAX to: 1-800-317-3786 or OKC Metro Area (405) 557-5350

Download a copy of this form at: www.ok.gov/oesc/index.php?c=11

OKDHS - Oklahoma Employer Services Center Information Number:
1-866-553-2368 or OKC Metro Area (405) 325-9190

Employer Information

Federal Employer Identification Number

Oklahoma Account Number

Company Name

Payroll Processing Area Code, Phone Number

Extension

Payroll Processing Address Line 1

City

State

Payroll Processing Address Line 2

Country

Payroll Processing Address Line 3

ZIP Code

New or Rehired Employee Information

Social Security Number

Occupation

First Name Middle Last Name

Starting Salary

☐ Hour ☐ Week ☐ Commission / Other
☐ Month ☐ Year

New Hire - Employee hired or recalled with more than 60 days separation
Recalled - Employee recalled with less than 60 days separation

☐ New Hire ☐ Recalled

State of Hire

Mailing Address

Date Started to Work or Recalled
Month Day Year

City

State

ZIP Code

Dependent health insurance available?
☐ Yes ☐ No

Date of Birth
Month Day Year

Is this person currently employed with your company?
☐ Yes ☐ No

SAMPLE

For Copies of Forms go to http://oesc.ok.gov

Oklahoma State Employment Service

JOB ORDER FAX

Number of pages:	Date:	Time:

Company Name: _____ FEI# _____

Address: _____

Contact Person: _____

Phone Number: _____ FAX Number: _____

Job Title:

Job Description:

Skills Required:

Experience / Education Required:

SAMPLE

Number of Openings: _____

Salary Range: _____

Hours Worked per Week: _____

Normal Work Days: _____

Normal Work Hours: _____

Federal Contractor ☐ Yes ☐ No

How to Refer Applicants

- ☐ Call for Appointment
- ☐ Send Direct
- ☐ Forward Resume
- ☐ Forward Application

Benefits Available

- ☐ Vacation
- ☐ Sick Leave
- ☐ Health Insurance
- ☐ Dental Insurance
- ☐ Life Insurance
- ☐ Retirement / 401K Plan
- ☐ Profit Sharing

OKLAHOMA WORKS

OES-7 (3-97)

For Copies of Forms go to https://www.ok.gov/oesc/newhire/app/forms/oes-7.pdf

OES-24 (Rev. 09-13)

State of Oklahoma
OKLAHOMA EMPLOYMENT SECURITY COMMISSION
P.O. Box 52003
OKLAHOMA CITY, OKLAHOMA 73152-2003

EMPLOYER'S REPORT ON TERMINATION OF BUSINESS IN WHOLE OR IN PART

1. Name _____ Account No. _____
2. Address _____
3. Type of ownership: ☐ Individual ☐ Partnership ☐ Corporation ☐ Trust ☐ Estate ☐ Limited Liability Company
   If other, specify: _____
4. a. Date of termination: _____ ☐ IN WHOLE ☐ IN PART
   b. Name and location of business terminated: _____
   c. Name and location of business retained: _____
5. Explain nature of change in ownership, or other transfer of business: _____
6. Is anyone continuing the business you terminated? ☐ YES ☐ NO If "YES, answer the following:
   a. Name and address of successor: _____
   b. Date of succession: _____
   c. Has successor taken over all, or substantially all, of your trade, organization, employees, business, or assets? ☐ YES ☐ NO
   d. You are authorized to transfer all reports, credits of $ _____ and experience rating history to the liable successor shown in item 6a, effective _____, _____.
7. a. Are you using the services of an Employee Leasing Company? ☐ YES ☐ NO
   b. If "YES", please provide name and address of Leasing Company _____
8. Bankruptcy Case # _____ Chapter _____ Date Filed _____ District _____
   Date of First Creditor's Meeting _____
   Provide attorney's name/address: _____
9. Remarks: _____

I certify that the information provided on this form is true and correct to the best of my knowledge and understanding:
Signed: _____ Title: _____ Date _____ Phone: _____
Preparer's Name, if other than taxpayer: _____ Phone: _____
Address: _____ City: _____ State: _____ Zip: _____

TERMINATION OF BUSINESS DOES NOT TERMINATE YOUR COVERAGE. ALL FUTURE OKLAHOMA PAYROLLS MUST BE REPORTED UNTIL YOU LEGALLY TERMINATE COVERAGE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 3-202 OF THE LAW. TO OBTAIN OES-1, APPLICATION FOR OKLAHOMA UI TAX ACCOUNT NUMBER OR ASSISTANCE CONTACT THE EMPLOYER COMPLIANCE SECTION AT (405) 557-5330. THIS FORM MAY BE FAXED TO ATTN: EMPLOYER COMPLIANCE AT (405) 557-7271.

AUXILIARY AIDS AND SERVICES ARE AVAILABLE UPON REQUEST TO INDIVIDUALS WITH DISABILITIES

0024

SAMPLE

For Copies of Forms go to https://www.ok.gov/oesc/newhire/app/forms/OES_24_rev_9_13.pdf

OES-617 (11-10)

Notice of Application for Unemployment Compensation

Failure to Respond Could Affect Your Tax Rate

OKLAHOMA EMPLOYMENT SECURITY COMMISSION

UNEMPLOYMENT SERVICE CENTER
P.O. BOX 52006
OKLAHOMA CITY, OK 73152

FAX: 405-962-7524

EMPLOYER NAME
EMPLOYER ADDRESS

ACCT#:

CLAIMANT'S NAME

SSN: Claim ID:

has applied for Unemployment Compensation benefits under the Oklahoma Employment Security Act. This individual stated that separation from employment on 08-10-2014 was a result of: LACK OF WORK

Your written reply must be faxed to 405-962-7524 (or sent by US Mail to the address shown above). Your reply must be received or postmarked within ten days of 10-14-2014 . Otherwise, this will affect you, the employer, being an interested party to the claim. If you are a third party administrator submitting a response on behalf of your client employer, please read the paragraph entitled "240:10-3-53. Third party administrators – filing requirement".

Only a response according to Section 2-503 of the Oklahoma Employment Security Act (see below) will make you an interested party to the separation. However, you may be contacted by telephone, mail, or e-mail for information concerning this individual's reason(s) for separation. Information furnished by you will be shown to the individual.

Section 2-503 of the Oklahoma Employment Security Act

A. Claims for benefits shall be made in accordance with such rule as the Oklahoma Employment Security Commission may prescribe.

B. Promptly after the initial claim or the additional initial claim is filed, the Commission shall give written notice of the claim to the last employer of the claimant for whom he or she worked at least fifteen (15) working days. Promptly after the Commission is notified of the claimant's separation from an employment obtained by a claimant during a continued claim series, the Commission shall give written notice of the claim to the last separating employer. Notices to separating employers during a continued claim series will be given to the last employer in the claim week without regard to length of employment.

C. Promptly after the claim is paid for the fifth week of benefits, the Commission shall give written notice of the claim to all other employers of the claimant during the claimant's base period. The notice will be given pursuant to Section 3-106 of this title.

D. Notices shall be deemed given when the Commission deposits the same in the United States mail addressed to the employer's last-known address. Notice shall be presumed prima facie to have been given to the employer to whom addressed on the date stated in the written notice.

E. Within ten (10) days after the date of the notice or the date of the postmark on the envelope in which the notice was sent, whichever is later, an employer may file with the Commission at the address prescribed in the notice written objections to the claim setting forth specifically the facts which:

1. Make the claimant ineligible for benefits under Sections 2-201 through 2-209 of this title;
2. Disqualify the claimant from benefits under Sections 2-401 through 2-418 of this title; or
3. Relieve such employer from being charged for the benefits wages of such claimant.

If this individual voluntarily quit work or was fired for misconduct, your reply **must include** full details. In the case of voluntary quit, include the reason the individual gave you for leaving and explain why you do or do not feel the reason was justified. If the individual was fired, explain the reason(s) in detail. Include any additional information which might affect the claimant's right to receive benefits. Failure to provide full details may prevent you, the employer, from being an interested party to the claim.

If you wish, you may use our online form to assist you in responding to this notice. The website address is **http://www.ok.gov/oesc_web**. Click on Employer Information & Forms to access questionnaires regarding the claimant's separation or receipt of deductible income. You must print or save these documents to your computer, they will not be saved on the website. The documents should be submitted with your protest. **Completion of the documents does not replace your requirement to protest benefits.**

If you have questions regarding the status of an Unemployment Insurance claim, please contact (405) 552-6799. Please select Option #3 to speak with a customer assistance representative.

Each employing unit subject to the Employment Security Act of 1980 shall post and maintain in places readily accessible to individuals in its employ a notice explaining the worker's rights to unemployment benefits and how to make a claim for benefits pursuant to 40 O.S. Section 2-502. Notices are to be placed in locations easily accessible by employees and where it is likely for employees to see and read the notice. The notice may be posted electronically on an employer Internet website, or periodically distributed through e-mail if that can be shown to be the most likely method of reaching the employees with the notice. Notice forms are to be furnished by the Commission through the Commission's Internet website without cost to the employer.

Each employing unit shall upon request furnish each worker separated from its employ (permanently or for an indefinite period, or for an expected duration of seven (7) or more days) at the time of such separation, or if delivery is impossible or impracticable, then by mail:

(1) A copy of the Commission's booklet entitled "Rights and Responsibilities of the Unemployed Workers (OES-341);" and
(2) Sufficient identification of the employer's name, address and account number under which the worker's wages were, or will be, reported to the Commission.

Employers who wish to obtain copies of the OES-341 – "Rights and Responsibilities of the Unemployed Worker" will need to contact (405) 557-7190.

240:10-3-53. Third party administrators – filing requirement

Any third party administrator that files more than 30 protests in any month during the previous calendar year in response to benefit claim notices, on behalf of its client employers, shall file the protests by telefax only to the telefax number set out on the Notice of Benefit Claim form. The Oklahoma Employment Security Commission shall not accept hand delivery, postal mailing, or e-mailing of protests by third party administrators meeting the volume of filings set forth above.

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