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Title 22@ Social Security

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Division 1@ Employment Development Department

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Subdivision 1@ Director of Employment Development

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Division 1@ Unemployment and Disability Compensation

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Part 1@ Unemployment Compensation

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Chapter 4@ CONTRIBUTIONS AND REPORTS

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Article 6@ RECORDS, REPORTS AND CONTRIBUTION PAYMENTS

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Section 1089.1@ Employers' Duties Regarding Notification to Employees of Potential Unemployment and Disability Insurance Benefits and Change of Status

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## **1089-1 Employers' Duties Regarding Notification to**

## **Employees of Potential Unemployment and Disability**

## **Insurance Benefits and Change of Status**

### **(a)**

Unless the context otherwise requires, the following terms used in this section and in forms issued by the department pursuant to this regulation shall have the following meaning: (1) "Unemployment insurance" means unemployment compensation benefits program; (2) "Disability insurance" means the unemployment compensation disability benefits program.

#### **(1)**

"Unemployment insurance" means unemployment compensation benefits program;

#### **(2)**

"Disability insurance" means the unemployment compensation disability benefits program.

### **(b)**

The director shall make available to each employer registered with the department under the provisions of Section 1086 of the code, the following forms and pamphlet: (1) "Notice To Employees", Form DE 1857D Rev. 9: (1/86), incorporated by reference, which informs employees of their rights to unemployment insurance for those employees covered only for unemployment insurance. (2) "Notice To Employees", Form 1857A Rev. 28: (2/88), incorporated

by reference, which informs employees of their rights to unemployment insurance and disability insurance for those employees covered for both programs. (3) "For Your Benefit, California's Program for the Unemployed," Pamphlet DE 2320 Rev. 41: (10/90), incorporated by reference, which informs employees of the Department's unemployment insurance and disability insurance programs.

**(1)**

"Notice To Employees", Form DE 1857D Rev. 9: (1/86), incorporated by reference, which informs employees of their rights to unemployment insurance for those employees covered only for unemployment insurance.

**(2)**

"Notice To Employees", Form 1857A Rev. 28: (2/88), incorporated by reference, which informs employees of their rights to unemployment insurance and disability insurance for those employees covered for both programs.

**(3)**

"For Your Benefit, California's Program for the Unemployed," Pamphlet DE 2320 Rev. 41: (10/90), incorporated by reference, which informs employees of the Department's unemployment insurance and disability insurance programs.

**(c)**

Each employer shall post and maintain in places readily accessible to all employers the form identified in subdivision b(1) of this section if it employs individuals covered only for unemployment insurance and also the form in subdivision b(2) of this section if it employs individuals covered for unemployment and disability insurance.

**(d)**

When an employer discharges, lays off, or places an employee on leave of absence, the employer shall give to the employee the following notices:(1) Written

notice of his or her unemployment insurance benefit rights by providing the pamphlet identified in subdivision (b)(3) of this section. The notice of unemployment insurance benefit rights shall be given no later than the effective date of the action; (2) Written notice regarding the change in the employee's status. The notice of change of status shall be given no later than the effective date of the action and shall contain at a minimum:(A) The name of the employer; (B) The name of the employee; (C) The social security account number of the employee; (D) Whether the action was a discharge, a layoff, a leave of absence, or a change in status from employee to independent contractor; and (E) The date of the action.

**(1)**

Written notice of his or her unemployment insurance benefit rights by providing the pamphlet identified in subdivision (b)(3) of this section. The notice of unemployment insurance benefit rights shall be given no later than the effective date of the action;

**(2)**

Written notice regarding the change in the employee's status. The notice of change of status shall be given no later than the effective date of the action and shall contain at a minimum:(A) The name of the employer; (B) The name of the employee; (C) The social security account number of the employee; (D) Whether the action was a discharge, a layoff, a leave of absence, or a change in status from employee to independent contractor; and (E) The date of the action.

**(A)**

The name of the employer;

**(B)**

The name of the employee;

**(C)**

The social security account number of the employee;

**(D)**

Whether the action was a discharge, a layoff, a leave of absence, or a change in status from employee to independent contractor; and

**(E)**

The date of the action.