

SECTION .0300 - ADEQUACY

04 NCAC 24D .0301 ADEQUACY THRESHOLD

- (a) An employer who establishes a pattern of failing to provide a timely response or adequate response to the Request for Separation Information (Form NCUI 500AB) under 04 NCAC 24B .0107, shall not be relieved of charges for resulting erroneous unemployment insurance benefit payments.
- (b) In determining the timeliness of an employer response, DES shall consider the following:
- (1) whether the response was received within 14 days pursuant to G.S. 96-15; and
 - (2) whether the employer had good cause for failing to respond within the 14 day period.
- (c) In determining the adequacy of an employer response, DES shall consider the following:
- (1) what information was requested;
 - (2) whether the response to the request is sufficient to satisfy the request;
 - (3) whether an employer should have provided DES with copies of relevant handbooks, policies, warnings, recordings, documents, or other information related to the claim; and
 - (4) whether the employer's responses provide enough facts to enable an authorized DES representative to make a correct legal determination without having to contact the employer to obtain additional information.
- (d) An employer who fails to submit timely or adequate responses to two or two-percent, whichever is greater, of the total requests for separation information (Form NCUI 500AB) under G.S. 96-11.4 during the reporting cycle, shall not be relieved of erroneous payments in the following charging cycle as defined under 04 NCAC 24A .0105.
- (e) DES shall review each employer's account every reporting cycle to determine whether the employer has a pattern of failing to respond timely or adequately to requests for separation information under G.S. 96-11.4, and shall issue an Adequacy Threshold Determination at the conclusion of the reporting year cycle if the employer has met the criteria defined under Paragraph (d) of this Rule.

History Note: Authority G.S. 96-4; 96-11.3; 96-11.4; 96-15; 23 U.S.C. 3303;
Eff. July 1, 2015.