

INTRODUCTION

Pope John Paul II affirmed the need for justice in instances of unavoidable unemployment when he wrote:

"The obligation to provide unemployment benefits, that is to say, the duty to make the suitable grants indispensable for the subsistence of unemployed workers and their families, is a duty springing from the fundamental principle of the moral order in this sphere, namely the principle of the common use of goods, or, to put it another and still simpler way, the right to life and subsistence."

(Laborem Exercens)

The Church Unemployment Pay Program (Program) was developed in 1986 at the direction of the bishops of Wisconsin to assist parishes, schools and other church employers in meeting their social justice responsibilities by providing church funded unemployment coverage for lay employees in the Archdiocese of Milwaukee and the Dioceses of LaCrosse, Madison and Superior.*

The Program provides employees with a temporary pay continuation plan during the period they seek new employment, if their job is terminated for certain unavoidable reasons. The benefit payments are drawn from a savings pool made up of contributions from the employers, and are later reimbursed by the employers involved in specific claims. The Program includes policies covering employment termination situations and is governed by an interdiocesan Board through the Wisconsin Catholic Conference (WCC).

**Assistance of the Diocese of Green Bay in development of this Program is gratefully acknowledged.*

PROGRAM ADMINISTRATION

- Responsibility for the Program rests with a Policy Board (Board) consisting of one person from each participating diocese (appointed by the Bishop) and the WCC Executive Director.
- The Board determines general policies and criteria for the Program, and serves as the final-level appeal body for the benefit claims process.
- The Program Administrator (Administrator), contracted by WCC with the approval of the Board, is responsible for the day-to-day operation of all aspects of the Program and reports to the Board via the WCC Executive Director.
- UC Management Services serves as the Administrator. Brochures, claim forms and appeal

forms are available from:

UC MANAGEMENT SERVICES
P.O. Box 44635 • Madison, WI 53744-4635
(608) 273-8300 • (800) 728-4635
Fax (608) 273-8301

Questions regarding the Program should be directed to the Administrator.

ELIGIBLE EMPLOYERS

- Eligible employers are church/diocesan entities not under mandatory state Unemployment Insurance coverage, including parishes, schools, and diocesan offices/agencies.

COVERED EMPLOYEES

- All employees of participating employers (except priests, members of religious communities, and seasonal workers) are covered if, when they file a claim, they have had at least 20 weeks of work with the employer during the prior 52 weeks, averaging at least 20 hours of work per week.
- Each employer must inform all covered employees of their coverage under the Program via distribution of this designated Program brochure. In addition, the brochure should be posted on employee bulletin boards or other appropriate display areas.

BENEFIT ELIGIBILITY FACTORS

- Qualifying change in employment status:
 - Termination due to position elimination or employer closing or consolidation.
 - Termination or resignation requested by employer for inability to meet employer's performance standards.
 - Contract non-renewal by employer for reason(s) other than misconduct or violation of terms of contract or conditions of hire.
 - Voluntary quit/resignation due to 15% or more reduction in gross wages.
 - Termination or resignation from claimant's next job within the first 13 weeks of that job, if otherwise deemed eligible for benefits from original job.
- Weekly gross earnings less than weekly Program benefit rate will not reduce the benefit rate if otherwise eligible.
- Available for and actively seeking work with at least a comparable number of hours.
- Physically able to work in qualified employment.

- Valid claim filed with the Administrator. Program benefits may be reduced or eliminated if the filing of the claim form with the Administrator is delayed through the employee's own fault.

DISQUALIFICATIONS

- Any week covered by the claimant's receipt of, or eligibility for, any type of offsetting payments such as:
 - Wages.
 - Terminal pay:
 - Vacation
 - Sick
 - Severance
 - Back pay.
- Disability pay.
- Workers Compensation.
- Diocesan Pension/Retirement pay (Program weekly benefit rate reduced by 100% of employer contributions).
- State Unemployment Insurance (Program benefits reduced by 100% of State Unemployment Insurance benefits paid).
- Vacation periods.
- Between school terms for continuing employees.
- Voluntary or medical leave of absence.
- Negative or untimely response to contract renewal offer.
- Voluntary quit/resignation.
- Suspension for good cause - week of suspension plus 3 following weeks.
- Termination for misconduct or violation of terms of contract or conditions of hire.
- Refusal of valid job offer or job interview.
- Position is valid if it offers gross wages and hours at least equal to 85% of the previous gross wages. Employee benefits will not be considered in determining whether or not a position is valid.
- Receipt of a verbal or written offer of comparable school year employment for the following school year by a non-renewed school year employee.
- Acceptance of permanent employment with weekly gross wages greater than the claimant's Program weekly benefit rate.
- Program benefits will be suspended for any week

in which gross wages from recognized temporary or part-time employment exceed the Program weekly benefit rate. The suspended benefits may possibly be drawn later in the benefit year.

BENEFIT DETERMINATIONS

Benefit Amount

- Program weekly benefit rate: 50% of the employee's average weekly gross wages from the employer during the 52 weeks prior to filing claim.
- Program maximum weekly benefit rate: same as the Wisconsin Unemployment Insurance maximum weekly benefit amount.
- Partial benefits are not payable under Program, except when diocesan pension/retirement pay or state UI benefit offset amount is less than Program weekly benefit amount.

Benefit Duration

- Number of weeks of Program benefit: 80% of the weeks worked for the employer during the 52 weeks prior to filing claim.
- Maximum number of weeks of Program benefits: 26. No extended benefit weeks are available.
- Benefit year: the 52 week period after a valid Program claim is established. Any potential Program benefits must be drawn during the benefit year.
- Program benefit eligibility begins the calendar week during which a valid claim is received by the Administrator or the calendar week following the last day covered by employer payments (except school year payouts), whichever is later.
- If an ex-employee is otherwise eligible for Program benefits, eligibility will begin the week following the last day covered by employer payments (except school year payouts) if employer had previously failed to provide employee the Program brochure.

CLAIMS PROCESS

- Claim forms and appeal forms may be available from the employer and are available from the Administrator.
- Claimant must submit a completed Benefit Claim Form to the Administrator within one year of the last week covered by appropriate employer payments unless claimant has not been informed of Program's existence.

- Salary payments made to school year employees during the summer months beyond the normal school year term are considered to be payments due the employees for work performed during the school year. Potential Program benefit eligibility would, therefore, begin the week after the end of the normal school year. Program claims by non-renewed employees may be filed during or before that week, rather than when the salary payout period ends.

- Prior to drawing any Program benefits, claimant must apply for any other types of payments (such as disability, workers compensation, state unemployment insurance, etc.) for which the claimant may have potential eligibility. If claimant has worked in employment covered by any state unemployment insurance law in the eighteen months prior to filing a Program claim, the claimant must file for such benefits. Copies of written determinations as to eligibility for any other payments per above may be required by the Administrator.

- Employer provides complete payroll and employment status information to the Administrator in a timely fashion via the toll-free telephone number when contacted upon the Administrator's receipt of claimant's claim form.

- Administrator makes a written initial determination of claimant eligibility and potential Program weekly benefit rate and duration.

- Determinations are based upon Program specifications and information obtained by the Administrator from both parties. For income tax purposes, Program benefits are treated as other income, NOT as state unemployment insurance benefits. Income taxes are not withheld.

- Determinations are mailed to both parties, the involved diocese, and the WCC.

- Bi-weekly Program benefit payments begin one week after all appropriate payments from the employer are exhausted.

- When Program benefit checks are issued, a copy of each check is sent to the employer involved for audit purposes.

- Unless one of the circumstances below apply, it is unnecessary for claimant to contact administrator each week.

- Claimant must provide immediate notice to the Administrator of any of the following:

- * All job interviews refused.
- * All job offers refused.
- * All verbal or written school year job offers received by school year employees, at the time the offer is extended to the employee.
- * All job offers accepted (full-time, part-time, permanent, or temporary).
- * All part-time or temporary weekly gross wages in excess of the claimant's Program weekly benefit rate.
- * Any unavailability for potential work due to illness, vacation, school classes, personal reasons, etc.

- Failure to provide the above notifications may result in suspension or termination of Program benefits and possible overpayments subject to immediate repayment to the Program. Legal actions will be instituted to recover any unpaid overpayments and associated fees.

APPEALS PROCESS

Appeal Committee Review

- Initial determination of the Administrator may be appealed by either party to a Program Board Appeal Committee Review. The appeal must be in writing on the appropriate Appeal Form submitted to the Administrator, specifying the reason for the appeal. The appeal must be received by the Administrator within 30 days of the issuance of the initial determination.

- A three-person Appeal Committee (Committee) of the Board will review the information utilized in arriving at the initial determination and will issue a written Determination within 30 days to both parties.

- The Committee may contact various involved parties in reaching its determination, depending upon the circumstances. Both the claimant and the employer may be requested to acknowledge documentation supplied to the Administrator during the initial investigation of the claim.

- The Committee consists of three members of the Board. It will normally include the WCC Executive Director, the Board member representing the diocese from which the claim is filed, and another Board member.

PROGRAM BOARD HEARING

- Either party may appeal the Appeal Committee Determination to the Board by submitting a written appeal on the appropriate Appeal Form to the Administrator specifying the reason for the appeal.

The appeal must be received by the Administrator within 30 days of the issuance of the Appeal Committee Determination.

- The Board has authority to determine whether there are sufficient grounds for any appeal. If an appeal is ruled valid, a hearing before the Board will be scheduled at an appropriate location or it may be scheduled via telephone.

- A simple majority of the board must be present to conduct a hearing. The Board member representing the diocese of the claimant's employer may be present at the hearing but will not be a voting participant in the hearing process. Should the Board Decision result in a tie vote, the previous Appeal Committee Decision will be upheld.

- Both parties are expected to testify under oath at the hearing and supply appropriate witnesses and documentation to provide a sufficient factual basis for a decision by the Board. Affidavits are not permitted. Witness(es) may be sequestered.

- Either party may be represented by counsel and may cross-examine witnesses. Any counsel fees or other expenses are the responsibility of the individual parties and are not reimbursable.

- The Administrator normally serves as the non-voting chairperson at the hearing.

- The goal of the chairperson is to provide an informal forum in which both parties will have the opportunity to present the facts of their case and receive a fair and equitable decision from the Board.

- In order to expeditiously and fairly obtain necessary information, the chairperson has the authority to determine hearing procedures, including the limitation of issues to be reviewed; the order of testimony and rebuttal; the relevance of any specific witness, testimony, or documentation; possible sequestering of witnesses; and time limitations that may be applied to case presentation.

- Hearings may be recorded only for the exclusive use of the Board in reaching its decision. The hearings are closed to the media and public.

- The written Board Decision will be issued within 30 days of the hearing and is final.

**CHURCH
UNEMPLOYMENT
PAY PROGRAM**



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CONFERENCE**

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