

How to Avoid Unwarranted Unemployment Claims

Presented by: Robin Quon, Owner of Hearings Et Al

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After identifying typically held falsehoods in this area, we will discuss how the company's bottom line is affected by unemployment insurance claims. Explanation of how the unemployment insurance tax is computed, and its effect on the company's overhead will be provided. Examples of tax rates will be shown.

Understanding the fiscal importance of avoiding unwarranted claims, we will turn to a discussion of the eligibility for an unemployment claim. After covering the three basic requirements a claimant faces, we will focus on the tangential requirements of availability, ability and active search for work. Monetary eligibility will also be discussed.

Then our attention will shift to the nature of the separation and whether the claimant was discharged or quit. Determining the nature of the separation is a critical issue in some instances, and can determine the outcome. Misconduct must be shown to justify disqualification if the claimant was discharged: we will discuss the elements of misconduct and how to prove them. Issues of effective documentation, progressive discipline, timeliness of the discharge after the final incident, knowledge of the employer's expectations and similar topics will be discussed in addressing the pitfalls of showing misconduct. Discussion of various types of absenteeism policies will help identify those which are most conducive to avoiding unwarranted claims. The exception to the misconduct rule relating to isolated instances of poor judgment will be thoroughly covered as it creates many difficulties, and is commonly the basis for allowance of benefits in situations where it is difficult for the HR person to explain to higher management.

Next the question of when a quit is for good cause will be discussed, as well as how to document the leaving in a way that will assist in avoiding the allowance of benefits. The question of chargeability, e.g., whether the employer's tax account will be impacted by the quit or discharge, will be discussed, and strategies for avoiding charges will be identified.

After a break, we will have a mock hearing. Participants will play the parts of the claimant and his/her witnesses and the employer and its witnesses. This will give participants the opportunity to see how effective testimony is given or not given, and what impact having the wrong witness has on the outcome of the case. After the hearing, we will discuss the likely outcome of the hearing and how presentation of the evidence could have been improved.