

Update: May 2010

Unemployment Update

Avoiding Unnecessary Appeals & Hearings

Unemployment hearings take time; time to prepare, time to gather documentation, and time away from the office or on the telephone for the actual hearing. Providing detailed documentation up front will limit the necessity of an appeal later and help ensure minimal disruption to your Company's daily workflow. An employer that routinely waits until hearings to disclose crucial facts can lose favor with their local unemployment office affecting overall credibility. Additionally, some states will disallow evidence that is not provided with the initial claim response.

Providing all known facts, details, and documentation surrounding an employee separation up-front, when the claim is first filed, can help the unemployment office reach an informed decision at the initial claims level. This will reduce unnecessary time spent in an unemployment hearing by both the employer and the state agency reserving hearings for those situations where the employer or claimant truly disagrees with a well-informed ruling.

Separation Specifics

Be sure to provide the employee's hire date, last physical day of work, and the exact separation reason given – either by the employee or by your organization's representative – at the time of the separation. In a quit situation, provide the specific reason that the employee cited for leaving. When the separation is a discharge, be sure to specify exactly what reason the employee was given.

Witness Information

Always provide the names of any individuals that witnessed the discharge or quit, as well as any relevant events leading up to the separation. Since the credibility of information presented relies on details, outlining these key witnesses further illustrates the strength and accuracy of all of the information provided.

The Final Incident

The "final incident" of any separation refers to the last behavior or violation that led to an employee's discharge. In discharge cases, make certain to provide all available details of this "last straw" situation. Unemployment eligibility relating to discharges often relies heavily on the final incident, so it is always a good practice to outline what exactly happened, how this infraction applies to company policy, and who witnessed the action or behavior.

Documentation

Written records can be compelling examples of how diligent an employer is in documenting employee performance and separation activities. Provide copies of any and all documents that pertain to each employee separation. Depending on the type of separation, these may consist of a letter of resignation, a warning, or relevant company policy. In cases where the cause for separation was a failure to follow company policy, provide an acknowledgement from the employee proving that they were aware and agreed to the policy.

Providing as much factual information as possible when a claim is filed provides the state unemployment office with all the details they will need to rule effectively on each unemployment claim the first time, eliminating the need to appeal cases to a hearing. Taking the time to do so up front can ultimately save a great deal of time that would have been spent in the appeals process and attending unemployment hearings.

TALX's experience, expertise, and proven results help employers navigate the uncertainty of the unemployment insurance system. For additional information regarding this article or other proactive unemployment cost management techniques, please visit our corporate blog at <http://blog.talx.com/> or contact Pete Krieshok at 314-214-7325, or by e-mail at pkrieshok@talx.com.