



employersedge

unemployment & verification solutions

Best Practices in UI Claims Management and UI Appeals Representation

2016 National UI Issues Conference

Presented By:
Steve Bell
Partner
Employers Edge

Agenda



- Best Practices Before the Unemployment Claim
- UI Claims Best Practices
 - General Best Practices
 - Separation Reason Specific Best Practices
- UI Hearings Best Practices
 - Preparation
 - At the Hearing



Best Practices Before the UI Claim

Establish and Practice Good HR Policies

- Good hiring practices → less turnover → fewer UI claims!
- Perform job evaluations on a regular basis
- Utilize probationary periods to minimize UI exposure
- Provide employees work rules/handbooks & obtain acknowledgements
- Conduct exit interviews
- Obtain resignation letters when possible
- Document all warnings or coaching whether verbal or written

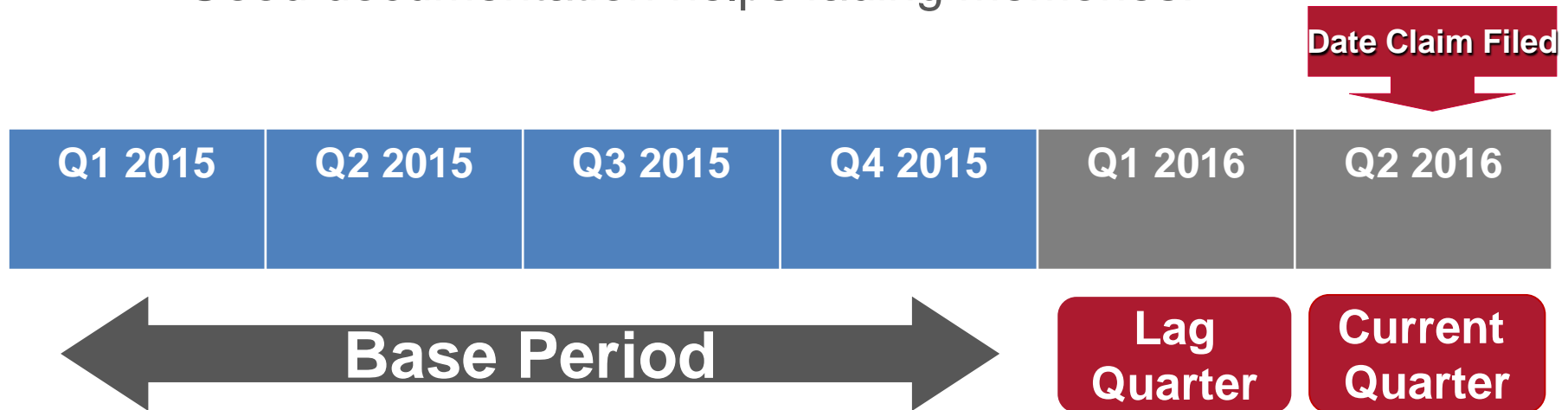


Best Practices Before the UI Claim



Understand the Impact of the Base Period

- Why can claims go back 18 months?
- Good documentation helps fading memories!



Finish the paperwork at time of separation

- Even on Job Abandonment cases

General UI Claims Best Practices



- Participate in UI SIDES
 - Either through a TPA or through employer eResponse
- Provide timely, detailed, and thorough responses
- Be specific as to the separation reason, focus on the ***final incident***
- Who makes the eligibility decision –
Employer or State Workforce Agency?

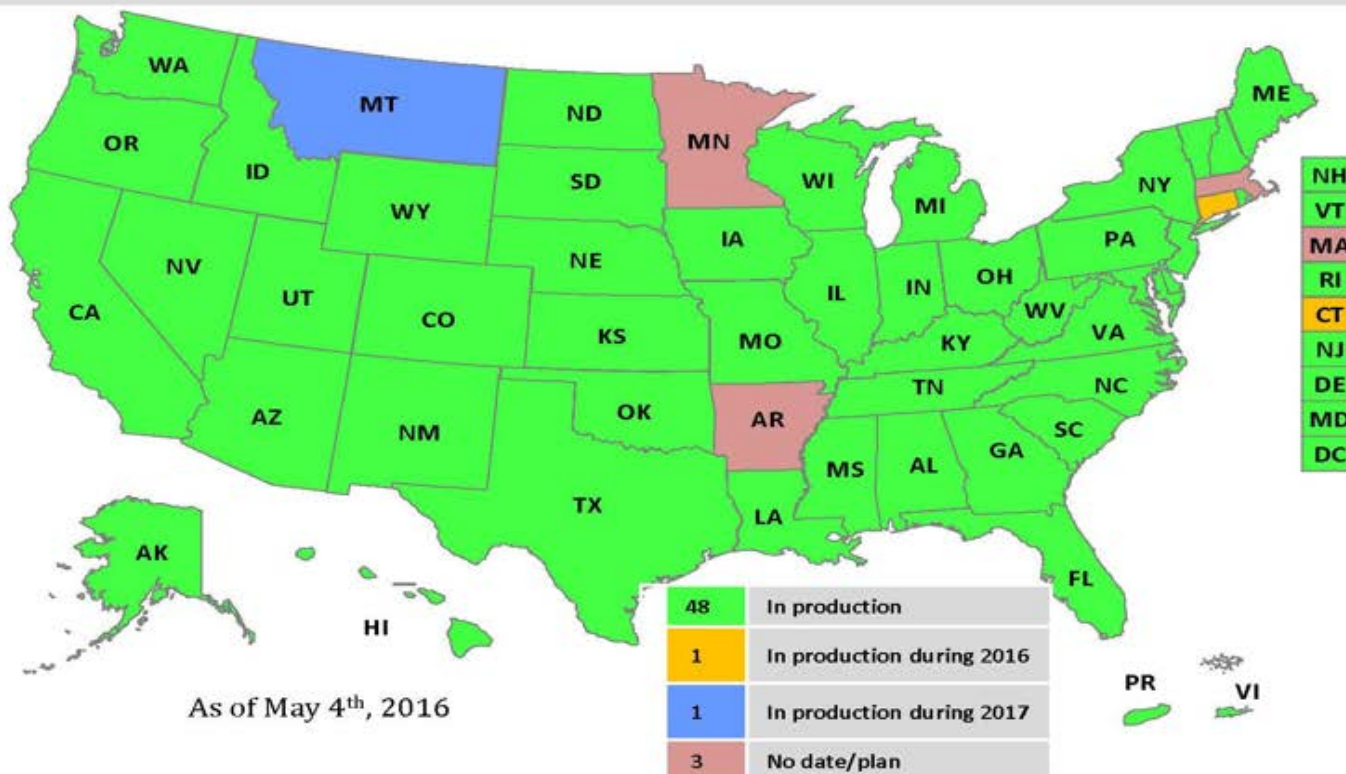
UI SIDES



UI State Information Data Exchange System (SIDES) Separation Information Exchange

Multi-State Third Party Administrators and Employers

 Equifax
 ADP St. Louis
 Employers Edge
 Personnel Planners
 Thomas & Company
 Caterpillar
 Corporate Cost Control
 Intelligent Employee Solutions
 ADP New Hampshire
 AZ Labor Force
 People Systems
 Ernst and Young
 Premier Employee Solutions
 Dunn Corporate Resources
 Barnett Associates
 Sedgwick CMS



As of May 4th, 2016

UI Claims Best Practices – Sep Reasons



Focus on Three Types of Separations:

The state unemployment agency will ask... "Was continuing work available?"

- ***Voluntary quit***
 - Employee Initiated Separation
 - Continued Work Available
- ***Lack of work***
 - Employer Initiated Separation
 - Continued Work NOT Available
- ***Discharge***
 - Employer Initiated Separation
 - Continued Work Available

UI Claims Best Practices – Sep Reasons



UI Benefits for a Voluntary Quit?

The **burden of proof** is the responsibility of the claimant to show:

1. Serious, compelling reason for quitting
2. No alternative to quitting
3. Everything possible was done to protect employment before quitting

In other words, there must have been good cause and a compelling reason for quitting work in order to receive unemployment benefits.

UI Claims Best Practices – Sep Reasons



Possible Good Causes for Quitting:

- Poor working conditions
- Substantial drop in wage/benefits
- Change In duties
- Illness or injury - doctor recommended
- Other employment that fell through
- No job after leave of absence



UI Claims Best Practices – Sep Reasons



Not a good cause for Voluntarily Quitting:

- Dissatisfied with job/supervisor
- Looking for other work
- Staying home with family
- Job abandonment

DENIED

UI Claims Best Practices – Sep Reasons



Best Practices for Voluntary Quits:

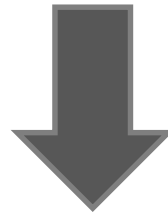
- Request a Resignation Letter
- Finish paperwork at the time of separation
- Win – Win possibilities in many states
 - But not generally for reimbursable employers
- Remember – A Quit in Lieu of a Discharge IS a Discharge

UI Claims Best Practices – Sep Reasons



The Key to Discharge Separations:

- The **burden of proof** is with the employer to prove with **clear and convincing** evidence that the employee was discharged for **misconduct**



A deliberate and willful disregard for the employer's best interests

UI Claims Best Practices – Sep Reasons



Examples of “Misconduct”

- Violation of known company rules
- Absence within claimant’s control
- Tardiness within claimant’s control
- Insubordination - refusal of direct order
- Poor work performance yet was capable
- Misappropriation/mishandling of funds, merchandise or property
- Under influence of drugs/alcohol at work



UI Claims Best Practices – Sep Reasons



What is NOT “Misconduct?”

- Poor work performance
 - Unable, not unwilling
- Attendance/Tardiness
 - Beyond claimant’s control
- Isolated incident – No prior warnings
- Good faith error
 - Had employer’s best interest at heart
- Layoff – Lack of work



UI Claims Best Practices – Sep Reasons



Discharge Best Practices:

Follow a Discharge Checklist to Ensure Consistency, Thoroughness

- ✓ Detail the rule or policy which was violated
- ✓ Detail the final incident that caused the separation
- ✓ Prove the claimant knew the rule
- ✓ Show that the claimant was warned and the dates by attaching copies of any prior warning, coaching, or verbal discussions
- ✓ Show how the employee was made aware of the expectations
- ✓ Indicate how the claimant knew their job was in jeopardy and the consequence
- ✓ Establish that the rule violated protects business interests and is applied consistently and uniformly

UI Hearings Best Practices



Preparation for the Hearing:

- Person(s) with firsthand knowledge must attend
- Thoroughly review hearing packet provided by state
 - Note hearing participation details
- Dates of employment
- Rate of pay
- Job description
- Days/hours worked
- Reason for separation
- Signed resignation (voluntary quits)
- Documentation / written warnings (discharges)
- Detailed description of the final incident (discharges)



UI Hearings Best Practices



At the Unemployment Hearing:

- Stay focused on the main issue – the final incident that led to the separation
- Object to irrelevant testimony or questions not related to the main issue
- Remain poised, unemotional, and in control
- Take notes of claimant's testimony to help with your rebuttal
- Offer a summation where needed to clarify a complex case; otherwise, rest on the record

Other Miscellaneous Best Practices



In the Staffing Industry

- Have a Failure to Maintain Contact Policy
- Report Job Refusals on a Detailed Job Refusal Form
- Track and report Able and Available Issues

Know Regular Part Time versus On-call/as needed work

Questions...

