UNEMPLOYMENT WORKSHOP
OBJECTIVES OF THE EMPLOYERS UNITY, LLC PROGRAM

• Reduce unemployment expenditures
• Reduce administrative costs
• Keep management advised with detailed and accurate information
DID YOU EVER HEAR?

I’ve paid into the system my whole life, so why not draw benefits

If I quit, I cannot draw benefits, but if you fire me, I will get benefits

The last employer I worked for pays all my benefits

We quit contesting claims because the employer never wins
PROGRAM HISTORY

- 1935 Social Security Act
- Federal Unemployment Tax Act (FUTA)
- States Empowered – Laws Vary, but Must Conform to Federal
UNEMPLOYMENT PROGRAM PURPOSE

• To Provide Subsistence to Those Who are Involuntarily Unemployed Through No Fault of their Own
STATE HISTORY

Employer A  Employer B  Employer C

Taxes In

= State Fund

BENEFITS OUT

Claimants From All Employers
BASE YEAR EXPLANATION

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Weekly Benefit Amounts

Maximum WBA $442.00
Maximum claim $14,092
Minimum WBA $84.00
THREE TYPES OF SEPARATIONS

Lack of Work
Voluntary Quit
Discharge
VOLUNTARY QUITTS

- Medical Related
- Substantial Changes in Hire Agreement
- Reduction in Hours/Pay (Partial)
- Another Job/Better Job
- Job Abandonment
- Relocating
- Personal Reasons
- Dissatisfaction
- Quit in Lieu of Discharge
DISCHARGES

• Unable to perform
  – inefficiency
  – inadequacy
  – incompetent
  – failure to perform
  – unable to live up to standards & expectations
  – NO misconduct

• Unwilling to perform
  – violation of rules, policies, regulations
  – intentional disregard
  – insubordination
  – burden of proof
  – documentation
  – verbal & written warning
THREE PARTS OF A WARNING

• The violation
• Expected action or how to improve
• The consequences
DISCHARGES

• Final incident/triggering event
  – Quick decision must be made…do not keep employee on until a replacement is found
  – Event should be an issue in which they have been previously warned…(see policy), and not a mix
  – Timing on absenteeism/tardiness issues
  – Use clear, distinct & precise terminology to describe separation to employee
The last incident and prior warnings must be in the control of the claimant.

The last incident must relate to previous warnings, unless gross misconduct.

During the hearing, testimony will start at the final incident and proceed in reverse chronological order.
An unable or unqualified employee
The employer cannot prevail in an unemployment claim
TERMINOLOGY

Accepted Level of Performance

Hire Date

Time

“Could Not” “Unable To”

“Would Not” “Refused To”
WARNINGS

Employee demonstrates they can meet performance requirements of the job

Document the Improvement after the warning

Acceptable Level of Performance

Hire Date

Time

Warning
THE GREAT EMPLOYEE!

Acceptable Level of Performance

Everyone who is attending this seminar

Hire Date

Time
EXPLAIN THE LAST INCIDENT IN DETAIL

Examples of what Managers have turned in to EU in the Past

• Let go for not being a team player
• Let go for a bad attitude
• Let go for using foul language
• Let go for being late too often
• Let go for mistakes in everyday duties
• Let go for poor job performance
CONTRADICTIONS

Evaluations vs. Warnings

Probationary/Performance Plan Periods vs. Promise of Employment & Last Incident
TO RECEIVE BENEFITS AS A CLAIMANT

- Must be available for full-time work
- Must be physically able to work
- Must be actively seeking work
CLAIMS PROCESS

- Claim Filed
  - Employer Response
    - Decision
      - Favorable
        - Claimant Appeal
      - Unfavorable
        - Employer Appeal
Information Needed Upfront on Initial Protest

Many states are excluding the employer from being a party to the claim if their initial protest is generic or lacking enough detail. Employers Unity needs **ALL** details of incident for our initial protest.

If Discharge -

- Copies of *relevant* warnings
- Copies of detailed separation documents
- Any exhibits that pertain to separation (handbook policies, witness statements, audio/visual, etc)

If Voluntary Quit

- Copies of resignation letter/email
- Separation notice if signed or refused to sign—in lieu of resignation letter, witness statements from person/s that heard the person quit if nothing in writing
THE UNEMPLOYMENT HEARING

• Five basic questions about ex-employee
  – first day worked
  – last day worked
  – position/job description
  – rate of pay at time of separation
  – REASON for separation
    • quit?
    • discharge? - why? Be VERY specific
    • layoff?
HEARING PROCESS

Hearing
First Hand Witness Needed

Decision

Favorable
Claimant Appeal

Unfavorable
Employer Appeal

INFORMATION OBTAINED AT THE HEARING WILL BE UTILIZED BY THE BOARD OF REVIEW WITHOUT AN OPPORTUNITY FOR ANY ADDITIONAL FACTS.
BOARD OF REVIEW

Review By A Panel

Decision
Non-appealable
The recommendations made by Employers Unity, LLC. and your account manager are for unemployment insurance purposes only. There may be occasions that arise where the recommendations may not meet the best course of action required when dealing with other types of issues and/or legal matters. These issues should be taken to your own legal counsel. Once again, these recommendations are for the best handling of an unemployment claim only and are not legal advice in whole or part.
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BASE YEAR EXPLANATION

- **Base Period**: April, May, June
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