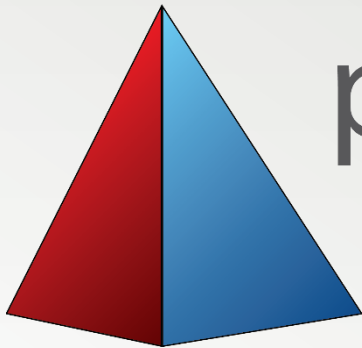


Understanding the Unemployment System

How to Save Your
Organization
Money



pinnacle
unemployment
services and consulting

The Cost of Unemployment to Employers

- Every dollar that a former employee collects is reimbursed DOLLAR for DOLLAR to the state.
- A single maximum claim can cost as much as \$.
- The state will utilize four full calendar quarters to calculate the claimant's weekly benefit rate.
- Up to a year and three months after the separation, an employer can still be charged for the unemployment claim.



Two Ways to Minimize Your Unemployment Costs



- ◉ Reduce liability in those claims that will be approved and charged to your organization.
- ◉ Assist in having unwarranted claims denied and relieve your organization of chargeability by providing sufficient facts and documentation to the state.

Reduce Liability in Allowable Claims

- ◉ Liability is calculated based on how long the claimant was employed and how much they earned. The more a claimant has earned, the greater the liability will be.
- ◉ Identify and terminate employees guilty of poor performance, incompetence and poor judgment as early in employment as possible.



Two Undeniable Truths

- ① The unemployment regulations are applied to presume eligibility and claimants are granted the benefit of the doubt in credibility cases.
- ① The burden of proof lies entirely with the employer in both discharge and voluntary quit cases.

Discharges

Benefits are denied if a claimant is discharged for either:

- ⊙ A **knowing violation** of a reasonable and **uniformly enforced** policy or rule
or
- ⊙ **Deliberate misconduct** in willful disregard of the employer's interest

Three Things that Employers Must Prove in a Discharge

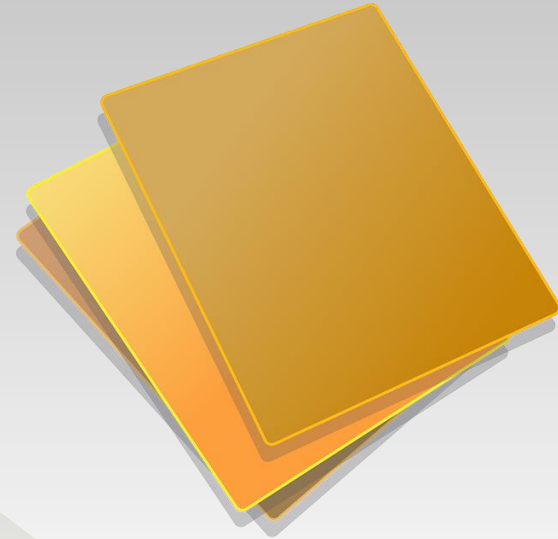
- ① The claimant committed a final act of deliberate misconduct.
- ① The claimant was aware that his behavior violated a policy or expectation.
- ① The claimant was aware that the final act could result in discharge.



Creating an Effective Written Warning

- ⦿ The warning should include detailed information regarding the violation, the claimant's explanation for the violation and the policy or expectation that was violated.
- ⦿ The warning should inform the claimant clearly that their employment is in jeopardy upon the next violation.

Ways to Best Document the Final Act



- Obtain a detailed written statement from the claimant and any witnesses regarding the final act.
- In the absence of a statement, a termination letter including the facts and claimant's explanation should be generated.
- Suspend pending investigation/review.

Written Warning Example – Part I

EMPLOYEE WARNING REPORT

Employee's Name _____

Date of Warning _____ Written _____ Verbal _____

Date of Violation _____

Describe violation in detail _____

What company policy was violated _____

How would the employee know that the policy existed _____

What will happen if this policy is violated again _____

_____ Termination
_____ Suspension
_____ Written Warning

Written Warning Example – Part II

What was the employee's excuse or explanation for the violation _____

Employee's Comments – I agree ____ I disagree because _____

Employee's Signature _____ Date _____

Supervisor's Signature _____ Date _____

Employee's Initials if refuse to sign warning _____ Date _____

If applicable, was warning translated to employee in his native language? Yes _____

Translator's Signature _____ Date _____

Voluntary Quits

- ⦿ Employers focus primarily on documenting misconduct. An employee complaint that results in a resignation can be just as costly as a discharge case. Employee complaints should be documented as thoroughly as misconduct.
- ⦿ Employees must show they brought concerns to the employer's attention through the full chain of command available to them in an attempt to resolve prior to quitting.

Ways to Best Document a Voluntary Quit

- ⦿ Always obtain a written letter of resignation or form containing the reason the claimant is quitting.
- ⦿ In cases of job abandonment or when an employee resigns by telephone, send a certified return receipt letter detailing the facts.

Voluntary Quit Letter Example

LETTER OF VOLUNTARY RESIGNATION

I, _____, am voluntarily resigning from
(employee)

my position at _____
(company)

effective _____ . The reason for my leaving is _____
(date)

(employee) _____
(date)

(supervisor) _____
(date)

Summary

- ① Limit liability where possible.
- ① Obtain detailed documentation for all separations.
- ① Participate in all three levels of the appeals process and send first hand witnesses to hearings.



Final Thoughts / Q&A

- ⦿ If you're contacting Pinnacle USC after the employee has separated from your company, it's too late!
- ⦿ The most successful separation cases are built during the events leading up to the separation.
- ⦿ FINAL QUESTIONS?



Contact Us

Josh Goodman, President

- > jgoodman@pinnacle-usc.com
- > 860-265-4200
- > pinnacle-usc.com

