

SECTION 10.30 CONTROLLING UNEMPLOYMENT COSTS

Last Update: 7/12

For agencies covered by the State's administrative services contract, our administrative services contractor, Employers Edge, will handle all protests of claims, scheduling of fact-finding interviews/administrative hearings with the Iowa Department of Workforce Development (IWD) and contested case hearings. Agencies not covered by the State's contract are individually responsible for protests, fact-finding interviews and contested case hearings involving the claim.

COST CONTROL SUGGESTIONS

An individual who leaves state employment for any reason may file an unemployment claim. Actual receipt of unemployment benefits is based upon the standard that the separation was for "cause attributable to the employer." The following suggestions may assist agencies in assessing or challenging this standard and reducing potential liability for benefits.

- Determine if a new employee is capable of performing the required job duties as quickly as possible. The sooner an unsuitable employee is released, the lower the unemployment liability the agency will incur. Probationary periods have nothing to do with unemployment liability. Employees who are dismissed during the probationary period may still receive unemployment benefits.
- When an employee is discharged for a rule infraction, it is necessary to establish that the employee was informed of the rule. Establish procedures for notifying all employees of work rules and get an acknowledgment in writing. When an employee is warned about a rules violation or improper conduct, document the facts and ask the employee to sign an acknowledgment. Then give a copy to the employee.
- Assemble the facts before discharging an employee. The person authorizing the discharge should have "first-hand" knowledge of the situation, not just "hearsay" information. Sometimes employees commit a minor offense and are discharged as the "last straw" in a chain of events. Make sure the final act is serious enough to warrant a discharge.
- At the time of an employee's separation, prepare a written statement of the circumstances/facts surrounding the separation for future reference. Often details are forgotten and/or supervisors and witnesses are not readily available by the time an employee files a claim. Early documentation will help avoid this situation.
- Exit interviews are an excellent method for recording the reasons for an employee's separation. If the exit interview involves a resignation, establish/record the reason the employee resigned, so allegations of a forced resignation can be refuted.
- When an employee gives notice of resigning, do not tell them to leave immediately. For unemployment purposes, it is best to allow an employee to serve out the "period of notice" when they voluntarily resign.
- If the agency is covered by the State's Unemployment Insurance services contract, issue instructions that if IWD contacts the agency (except telephone hearings), they should be referred to Employers Edge.
- If a contract-covered employee wishes to quit/resign because of dissatisfaction with the workplace, inform him or her of the grievance procedure.
- Establish a policy that when an employee is tardy/absent, they must contact their supervisor. Specify in writing the person to be contacted if the supervisor is not available. Keep written documentation of each

episode of tardiness/absence and maintain attendance records including the date, time, and signature of the person taking a message.

- When an employee requests a leave of absence, provide them with written information on how to request the leave and include the length of leave, requirement for submission of periodic reports (e.g., to whom, how often, what information is needed, etc.) and, if medically related, the type of medical documentation needed. Also provide them with information on how to request an extension of the leave.
- The following questions should be asked and answered when enforcing work rules and standards of behavior.
 - What rule or standard of behavior was violated?
 - Is the rule or standard published or posted for all employees?
 - When, where, and how would the claimant have known of this rule or standard?
 - What is the reason for this rule or standard?
 - Has this rule been consistently enforced?

 - When and how did the employee violate this rule or standard?
 1. Violation which precipitated discharge
 2. Previous violations

 - Was the claimant made aware of violations of the rule or standard on the last and previous occasions?
 1. Termination interview
 2. Warnings

 - How did this violation adversely affect the work of the employee/workplace?
 1. Production
 2. Other employees

SEPARATION ISSUES

Voluntary Quit/Resignation

- The following separation reasons would usually negate a protest:
 1. The claimant was encouraged to resign.
 2. The claimant was given an ultimatum to resign or be discharged, unless you can prove the reason for the ultimatum is misconduct.
- The following separation reasons would generally support a protest:
 1. The employee lacked transportation to work.
 2. The employee moved to a different locality.
 3. The employee resigned before a scheduled layoff and was ineligible for unemployment to the date of layoff.

Discharge for Misconduct

- The following reasons would usually support a protest for misconduct:
 1. Gross misconduct away from work involving a common law or statutory offense that has an effect on the employee's work, and the employee has been convicted or has signed a statement admitting the act.

2. Deliberate act or omission by an employee while at work that breached the duties and obligations expected by the employer and these were previously communicated to the employee. These include the following:
 - A deliberate violation or disregard of the standards of behavior which the employer has the right to expect of employees.
 - Repeated carelessness or negligence.
 - A deliberate disregard of the employer's interests or of the employee's duties and obligations to the employer.
- The following reasons would not usually support a protest for misconduct:
 1. Mere inefficiency.
 2. Unsatisfactory conduct.
 3. Failure to perform satisfactorily as a result of the inability or incapacity to do the job.
 4. Ordinary negligence in isolated instances.
 5. Good faith errors in judgment or discretion.

Suitable Work

- Either of the following situations may violate the original contract of hire and make the resignation attributable to the employer:
 1. The work is not in keeping with the claimant's training and experience.
 2. The work posed a threat to the claimant's mental, physical, or moral well-being.

Available Work

- If the claimant had chosen to remain, would suitable employment continue? If continued work was not available, a resignation could not have occurred since the employee would have been laid off.

Illness or Injury of an Employee or Family Member

- Certain circumstances related to a separation may make the employee eligible for benefits when the separation is other than for good cause attributed to the employer such as the following:
 - There was compelling reason attributed to employment beyond the employee's control which prohibited the employee from continuing to perform the duties of his or her position.