

# 5 Tips to Contest Unemployment Claims

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# Controlling Unemployment Insurance Costs

The number of unemployment claims a company has against it can dramatically affect the tax rate they're required to pay for unemployment insurance. Just as with any insurance, the number of claims affects the amount you pay.

Although many employees are eligible to receive unemployment benefits when separated from employment, employees that commit "misconduct" or "voluntary quit" may be disqualified from receiving such benefits.

Minimizing the number of claims can be an effective way to keep the tax rate as low as possible. However, there are financial consequences to appealing an unemployment claim, so it's important to fully evaluate whether to challenge them or not.

In this ebook, you'll learn about the processes and documentation you should have in place before you spend resources appealing a claim.

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# 1. File a Protest Within 10 Days

Despite the 30 day deadline, UIA will start paying unemployment benefits unless a protest is filed within 10 days from the mailing date of the monetary determination.

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## 2. Prove “Misconduct”

- Willful or wanton disregard of employer’s interests
- Carelessness or negligence
- Intentional and substantial disregard of employee’s duties/obligations

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# Procedures to Prove Misconduct

1. Job duties in writing with signatures
2. Document procedures in employee handbook
3. Document oral warnings
4. Written warnings, performance plan, last chance agreement
5. Employee sign-off on policies and warnings
6. Let employee respond to warnings in writing
7. Identify witnesses for potential hearing
8. Termination letter identifying the “misconduct”

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## 3. Prove “Voluntary Quit”

- Employee leaves voluntarily or for good cause
- Employee has burden of proof

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# Procedures to Prove Voluntary Quit

1. Require employees to identify problems in writing
2. Resignation in writing
3. Written confirmation of voluntary quit
4. Written request to return work
5. Save voice messages
6. Identify witnesses for potential hearing
7. Resignation in lieu of termination may still qualify for “misconduct”

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## 4. Arrive to the Hearing on Time

Hearings can be cancelled when the party is 10 minutes late. Requests for telephone participation may not be accepted.

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## 5. Get Legal Help

Corporate employers can't appear in state courts except through an attorney authorized to practice law in their state. Also, the UIA must be named as a party on the appeal.

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## Be Prepared

**Maintain personnel files** of employees in a manner that accurately identifies job performance and reason(s) for separation. This gives an employer the ability to challenge a UI claim and can be essential to defend any other claim that an employee may bring against an employer.

**Prepare an employee handbook** and/or policy that clearly identifies procedures and policies. This is a critical step to communicate expectations to your employees and protect your interests in case of an employee issue.

**Review your employee handbook regularly** because employment laws change frequently. Outdated handbooks may place unnecessary burdens on employers and make them more vulnerable to lawsuits.

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# Complimentary Employee Handbook Review



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