

Update: July 2010

Unemployment Update

Unemployment Insurance Benefit Integrity

On November 20, 2009, President Obama signed Executive Order 13520. The purpose of this order is to reduce improper payments by intensifying efforts to eliminate payment error, waste, fraud, and abuse in the major programs administered by the Federal Government, while continuing to ensure that Federal programs serve and provide access to their intended beneficiaries. The order adopts a comprehensive set of policies, including transparency and public scrutiny of significant payment errors throughout the Federal Government.

States Emphasize Reducing Overpayment and Fraud: The Impact on Employers

All state unemployment agencies require complete details be provided at the initial level of the unemployment claim. States no longer tolerate insufficient details with the initial claim response, in part because of the focus on reducing unemployment overpayments to claimants and fraud. From the State's perspective, the employer and claimant are the knowledgeable parties and should have the facts at hand; therefore, the state looks to the employer for professional and complete information on a separation. When an employer fails to provide complete supporting separation information the state must rely on the available information provided to them to make a determination of benefits.

Penalties for Employers Supplying Late or Insufficient Information

Some states are applying monetary penalties and/or penalties that could remove an employer's rights to pursue the claim further. In addition, some states are penalizing the employer for insufficient or inaccurate responses at the claim level. This climate is ever-changing and due to demands made to increase efficiencies and reduce costs, several states are anticipated to follow suit by the end of the calendar year.

Penalties should not be the only incentive to provide separation information up front. It is good business practice to provide all separation information, details and documents with the initial claim response for a number of reasons including:

- Shortening or mitigating the appeals and hearings process, saving time and money for both the State and the employer.
- Building good rapport with the state and being a good steward of best practices. Having proper documentation readily available is good business practice for employers and the documentation may be needed in other areas than unemployment like Equal Employment Opportunity Commission (EEOC) matters.

States Require Detailed, Complete Information to Make an Accurate Determination

Many states penalize the employer for insufficient responses. Sufficiency is defined as information that is timely, provides complete details, and includes supporting documentation. States will frequently indicate in their determination that the "protest of the claim was not timely" when they mean "sufficient" information was not received timely.

States will focus on the final incident that initiated the claimant's separation and they need supporting documentation to understand the complete picture. Employers should supply copies of: written warnings, company policies, resignation letters, admission statements, and any other documents that support the reason for separation and substantiate "the burden of proof." A reason for separation alone is not sufficient.

TALX's experience, expertise, and proven results help employers navigate the uncertainty of the unemployment insurance system. For additional information regarding this article or other proactive unemployment cost management techniques, please visit our corporate blog at <http://blog.talx.com/> or contact Pete Krieshok at 314-214-7325, or by e-mail at pkrieshok@talx.com.