Top Ten Unemployment Questions

Olympic Educational Service District 114

1) When can someone file an unemployment claim?
Anybody can file for benefits at anytime for any reason. Whether or not they receive benefits is determined on a case by case basis. An award for benefits is based on a qualifying separation and being able to, available for and actively seeking work. Once awarded, the claimant has one year to collect 26 weeks of benefits.

2) The claimant has not worked for us for over a year, why would we receive a claim/charges now?
An employer can be responsible for a claimant’s benefits for up to 18 months after becoming unemployed. The state calculates unemployment by determining what employers paid wages to a claimant during the first four of the last five COMPLETED calendar quarters preceding the filing date of the claim. If your district paid any wages during those four quarters, the base year, the district could be responsible for all or a percent of benefits paid to the claimant.

3) Why did we not get contacted on a claim, but are now being charged?
   – The school district is a reimbursing employer. The reimbursement method has some advantages over the merit rated system:
     • Pay only for actual benefit payments issued
     • Avoid increased tax liability due to unfavorable economy
     • Avoid unemployment tax assessments
   – The tradeoff for protection from a merit rate and tax increases is the loss of appeal rights to some claims. As a Reimbursing employer, you can only protest claims when you are the most current (last) employer.
In cases where the district is only a base year employer, TALX will not make contact on that claim because the district does not have any protest rights and will automatically be charged.

4) Why do we get such short notice on requests for information or notification on hearings?
TALX immediately contacts employers upon receipt of a claim or hearing notice. The problem is that the state is only required to give a certain amount of notice per statute.
For instance, the state is only required to mail hearing notices 7 to 10 days prior to the scheduled hearing date (weekends are included in the count). If a notice is mailed out on a Thursday, it could not be until Monday that you will get notice for a Wednesday hearing.

5) The claimant was a coach and knew the job was going to end, why are they being allowed benefits?
Anytime an assignment is completed it is considered a lack of work whether the claimant knew the assignment would end or not. When a sports season ends and there is not continuing work available to a coach, they are eligible to receive unemployment benefits.

6) The claimant is a substitute teacher and has Reasonable Assurance, why are they receiving benefits?
Reasonable assurance only applies during school break dates (summer break, winter break, spring break). During all other weeks substitutes are eligible for full or partial benefits because they are “under employed”. **DEFINITION OF PARTIAL UNEMPLOYMENT** – week of less than full-time work if earnings are less than $1 1/3 \times WBA + $5

7) The claimant retired from the district, but is still receiving benefits based on their work as a substitute. How is that possible?
If the employee is in a position that is not full time and the employer does not contribute to the fund, the pension is not considered to be deductible from benefits. Benefits can be awarded if all other qualifications are met.

8) The claimant was awarded benefits and the decision states that we could get a relief of charges. Why are we still being charged?
This is another one of those tradeoffs for being a reimbursing employer. In instances where the separation is considered a “win-win” (the claimant qualifies for benefits, but the (tax rated) employer qualifies for a relief of charges) a reimburser will still be charged. You will most often see this in the following types of cases: voluntarily quit for a bona fide job offer, voluntarily quit for medical reasons per Doctor’s orders, voluntary quit to care for a parent, spouse or child and voluntarily quit to move with a spouse due to mandatory job transfer. In all cases the claimant must also be able to, available for and actively seeking work.

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9) The claimant received a layoff notice but is later notified that they will be rehired for the following school year. Do they qualify to receive benefits over the summer break? Unfortunately, in this instance, they technically do qualify because they did not have reasonable assurance to return after the schedule break when the school year ended. Receiving benefits and payout through the summer does not affect the award for benefits. The continued pay received through the summer is for pay that was earned during the nine month school year and will not reduce the amount of benefits received.

10) How can I find out the outcome of a claim or other information about our account? You can always contact Cindy Wilson or Sandra Phillips for any information you need. In addition to utilizing us as a resource you should have access to Insight Management Reports. This is an online reporting tool that allows you to run reports on your district’s activity, look up individual claims and even load claims information. If you need updated login information please contact Sandra Phillips.

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