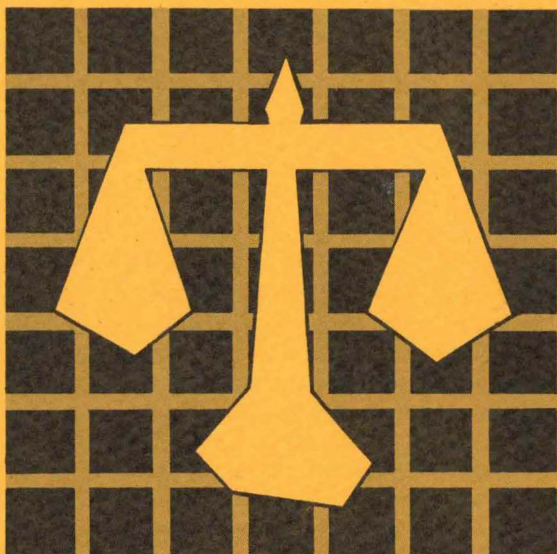


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In Iowa's Job Insurance Program



Employers Have Rights, Too

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This pamphlet is designed to give you, the employer, a quick and easy reference guide for use when Job Insurance claims are filed against your account.

Space does not permit more than basic coverage, so if you have questions, please contact: Job Service of Iowa, Claims Department, 1000 East Grand Avenue, Des Moines, Iowa 50319. Telephone: 515/281-5804.

“Does an employer have any rights when a former employee files a claim for Job Insurance?”

That’s a question Job Service of Iowa hears again and again. And the answer is yes.

Under the laws that govern Job Insurance, employers have rights equal to those of claimants every step of the way. Just as workers have the right to file claims for Job Insurance, so employers have the right to protest them. Just as workers have the right to appeal any decision, so do employers have the same right. For both workers and employers, the rights are comparable and equal, giving both a fair opportunity to present their cases.

If you are an employer, you should familiarize yourself with the procedures involved in challenging claims made by former employees.

Here’s How It’s Done

When a Job Insurance claim for benefits is filed against your account, a notice (Form IESC 201-a) is mailed to you immediately, stating that the claim has been filed. You have a maximum of ten days from the date of the notice to file a protest to the claim. Opposition to the claim should be noted on the reverse side of Form IESC 201-a and the form returned.

If you protest the claim, a fact-finding interview will be scheduled, and both you and the claimant will be notified of the time and place.

IMPORTANT! You or a representative of your company should attend this meeting. If a specific

incident or incidents led to the claimant's separation, the person or persons who were directly involved or who witnessed the incident should also attend the fact-finding meeting to give testimony. Eyewitness testimony is necessary because under the law, hearsay testimony is not admissible as evidence.

If no one from your firm can attend, you may send a written, detailed account of the issues, but remember, you will not then be present to respond to any rebuttal given by the claimant.

The fact-finding interview may rule in the claimant's favor, immediately releasing Job Insurance payments to him. However, additional appeals are open to you—the same as they are to the claimant.

A request for a lower authority appeal hearing may be made within 10 days of receiving the initial determination. And if the Job Insurance hearing officer continues to rule for the claimant, you may ask for a higher authority hearing before the Appeal Board.

Should the Appeal Board still favor the claimant, you may file an application for a rehearing before the Appeal Board. If you do not agree with the rehearing decision, you may then take the case to District Court.

On the other hand, should any of the above appeals bring a decision in your favor, any Job Insurance benefits paid to the claimant will not be charged against your account.

Worker Disqualifications

There are several reasons why a worker's claim for Job Insurance benefits may be judged invalid or partially invalid. Sections 96.4 and 96.5 of the Iowa Code list the following disqualifying factors:

- *1. Voluntary quitting a job without good cause attributable to the employer.
- *2. Misconduct on the job. (Gross misconduct will result in the cancellation of all wage credits the claimant has earned from all employers prior to the date of discharge.)

3. Involvement or participation in a labor dispute.
- *4. Failure to adequately search for work.
5. Unavailability for work.
- *6. Refusal of a suitable job offer or recall from the former employer.
7. Setting unrealistic limitations on wages, hours, locations of jobs.
8. Physically unable to work.
9. Refusal without good cause of referral to suitable work by Job Service of Iowa.
10. Failure to respond to a call-in from the local Job Service office without valid reason.
11. Failure to report to Job Service when directed.

**Important—For items 1, 2, 4 and 6 above, a worker will be disqualified until he or she has worked in and has been paid wages for insured work equal to ten times his or her weekly benefit amount.*

Further protection is provided through the use of the Notice of Separation or Refusal of Work (Form IESC 203) to report separations of workers in your employ. Only separations other than layoffs due to lack of work should be reported. Through this method, you safeguard your own interests, because no charges against your Job Insurance account can be made until separation issues are resolved. (Padded supplies of Form IESC 203 are available without cost from Information Services, Job Service of Iowa, 1000 East Grand Avenue, Des Moines, Iowa 50319.)

Fraud

Much as it's guarded against, workers sometimes collect Job Insurance benefits through willful misrepresentation and fraud. You can help in combating this illegal practice by reporting workers believed to be receiving Job Insurance benefits while working—or

for any other disqualifying reason. All information will be kept confidential.

Your help is also sought in verifying work search activities listed by claimants on weekly forms. Job Service requires that claimants must contact employers in person when looking for work so your cooperation in verifying work search activities is especially important.

Should You Protest Valid Claims?

It's your right as an employer to protest all claims against your account, but let's take a look at some facts: (1) The vast majority of Job Insurance claims filed by Iowa's unemployed are completely bona fide, qualifying the claimant to receive jobless benefits.

(2) Each protest or appeal involves certain administrative costs such as personnel time, computer time, record-keeping and other procedures, many of which are required by law.

(3) Administrative costs as well as Job Insurance benefits are paid for with employer taxes.

To sum up, you as an employer can save Job Insurance benefit moneys by protesting those claims which are **not** valid and by cooperating in Job Insurance fraud investigations. You can also help keep administrative costs down by not protesting claims which you know are valid.

Your Job Insurance Account Classification

The accompanying Form IESC 1469 is designed to provide information necessary to verify the Standard Industrial Classification (SIC) for your firm. The form is mailed on an average of once every three years to all employers in Iowa. The data provided by the completed form is used to classify your Job Insurance account.

In addition, much of the information you provide in filling out the form is also used to prepare labor market data valuable to you and your community.

Your assistance in providing this information is vital and sincerely appreciated. Before filling in the form, please read the instructions carefully. For your

convenience, a pre-addressed return envelope is enclosed. No postage is required.

If you have questions about this report, please call 515/281-8185 and a qualified technician will assist you in every way possible.

This pamphlet is published by Job Service of Iowa for distribution to Iowa employers. For additional copies, please contact:



Research & Analysis Department

OR

Information Services Department
Job Service of Iowa
1000 East Grand Avenue
Des Moines, Iowa 50319