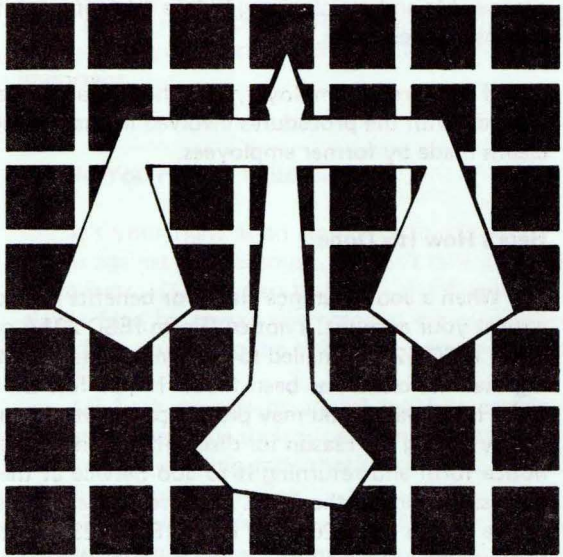


# In Iowa's Job Insurance Program



## Employers Have Rights, Too

**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 201A or Form IESC 423) is mailed to you immediately, stating that the claim has been filed. If you feel the claim is not valid, you may protest payment of benefits by noting the reason for disqualification on the notice form and returning it to Job Service at the address shown on the form. Any response to this notice (Form IESC 201A or Form IESC 423) must be postmarked within 10 days from the date the notice was mailed.

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 the fact-finding interview. If a specific incident or incidents led to the claimant’s separation, the person or persons who are directly involved or who witnessed the incident should also attend the fact-finding interview to give testimony. Although hearsay testimony can be accepted as evidence, eyewitness testimony is more effective.

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 the claimant. However, additional appeals are open to you—the same as they are to the claimant.

You may appeal the initial determination and present your testimony to a hearing officer. Instructions on how to file an appeal are included on the decision. The appeal must be postmarked or received by the appeal section of Job Service within 10 days of the mailing date of the initial decision.

If you submit an appeal, a formal hearing with a hearing officer will be scheduled. You may choose whether the hearing is in person or by telephone. (A request for an in-person hearing will be approved unless the distance between the parties involved would make such a hearing impractical.) Both you and the claimant will be notified by mail of the time and place of the hearing. It is important that you participate and present any witnesses or evidence in support of your case.

If the hearing officer continues to rule for the claimant, you may ask for a higher authority review by the Appeal Board. Your appeal to the board must be postmarked within 15 days of the mailing date of the hearing officer's decision.

Should the Appeal Board still favor the claimant, you may file an application for a rehearing before the Appeal Board. The application must be filed within 20 days of the mailing date of the board's decision.

**NOTICE OF SEPARATION OR REFUSAL OF WORK UNDER CONDITIONS THAT MAY DISQUALIFY**

Social Security Number	Worker's Name
------------------------	---------------

THE ABOVE WORKER'S EMPLOYMENT WAS TERMINATED FOR THE REASON CHECKED

1.  VOLUNTARILY

4.  LEFT EMPLOYMENT TO TAKE OTHER AND / OR BETTER EMPLOYMENT

Name of Business:

Mailing Address:

**IF ITEM 1, 2 OR 3 IS CHECKED, WE BELIEVE THE WORKER SHOULD BE DISQUALIFIED FOR J**

Employer Name	Certified Correct By
Employer Address (Street, City, State and Zip Code)	Title
	Date

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 these appeals bring a decision in your favor, any Job Insurance benefits paid to the claimant will not be charged against your account. (This may not always apply to reimbursable employer accounts.)

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. If you submit Form IESC 203 to Job Service, it must be postmarked within 10 days of the date of the worker's separation from your employment.

**IMPORTANT!** Form IESC 203 should be prepared in triplicate. Send the original to Job Service, retain one copy for your file, and give the third copy to the terminating worker.

Padded supplies of Form IESC 203 are available without cost from Public Relations, Job Service of Iowa, 1000 East Grand Avenue, Des Moines, Iowa 50319.

Department Rule)

Instructions On Reverse

		BEGAN WORK THIS PERIOD Month Day Year		
QUIT	2. <input type="checkbox"/>	DISCHARGED FOR MISCONDUCT IN CONNECTION WITH WORK	3. <input type="checkbox"/>	DATE OF SEPARATION Or Refusal Or Recall To Work Month Day Year
			REFUSED SUITABLE WORK OR RECALL TO WORK	
		IOWA ACCOUNT NUMBER	If Applicable Location Code	

INSURANCE BENEFITS

TELEPHONE NUMBER
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203A (For Department Use Only)			
(1) _____	201A	(2) _____	174 Pre-Run
(3) _____	253	(4) _____	Employer Letter Dated:
O.C. Date: _____			

## **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.

## **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. Voluntarily 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.

*\*Note—For items 1, 2, 4 and 6, 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.*

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

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Des Moines, Iowa 50319



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