

# In Iowa's Unemployment Insurance Program•••



## ••• Employers Have Rights, Too

**This pamphlet gives you, the employer, a quick and easy reference guide for use when an unemployment insurance claim is filed against your account.**

**Space does not permit more than basic coverage. If you have further questions, please contact your local Workforce Development Center.**

Employers have rights under the laws that govern unemployment insurance. For both workers and employers, the rights are comparable and equal, giving both a fair opportunity to present their cases.

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

### **Here is how it is done**

You will be notified, by mail; when an unemployment insurance claim is filed. If you feel the claim is not valid, you may protest by completing the notice and returning it to Iowa Workforce Development (IWD) at the address or fax number shown. Your response must be postmarked or received, within 10 days from the mailed date.

If you protest the claim and your account is going to be charged, a telephone fact-finding interview is scheduled and you will receive a notice of the interview. The notice will contain the date and time of the interview and a phone number to contact you. **Review this notice.** Be sure the phone number is correct. If the number is **incorrect**, or the word "unknown" is listed, call or fax IWD immediately and provide them with a correct phone number.

It is important that you or a representative of your company participate in the fact-finding interview. If a specific incident led to the claimant's separation, the person or people directly involved or witnesses of the incident should also participate. Eyewitness testimony is more effective than hearsay testimony. You may submit a written statement in lieu of participation and you may fax information to IWD; however, you will not be available to respond to any rebuttal given by the claimant if you do not participate in the telephone interview.

A court decision prohibits IWD from using any testimony or information received **after** the decision is issued. If written information is received after the decision is issued it may be used if either you or the claimant file an appeal.

You will receive a decision within a few days of the fact-finding interview. If the decision is in the claimant's favor, immediately releasing unemployment insurance payments, appeals are available to you—the same as they are to the claimant.

## Appeals

You may appeal the initial determination and present your testimony to an administrative law judge. Instructions to file an appeal are on the reverse of the decision. The appeal must be postmarked or received by the Appeals Section, Iowa Workforce Development within 10 days of the mailing date of the initial decision. You may fax your appeal to (515) 242-5144.

If you submit an appeal, a formal hearing with an administrative law judge will be scheduled. You may state a preference how the hearing is held; by telephone or in person. How the hearing is conducted will be based on the preference and practicality of the distance between the parties involved - most hearings are held by phone. Both, you and the claimant, will be notified by mail of the date and time of the hearing. **You must** call the Appeals Section to provide your telephone number and names of witnesses, or you will not be called for the hearing. It is important that you participate and present any witnesses or evidence in support of your case.

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

Should the Employment Appeal Board still favor the claimant, you may file an application for rehearing before the board. The application must be filed within 20 days of the mailing date of the board's decision. If you do not agree with the rehearing decision, you may then take the case to district court.

If any appeal brings a decision in your favor, any unemployment insurance benefits paid to the claimant will not be charged against your account.

## Protect your rights

To protect your rights, you are urged to use the automated Notice of Separation system whenever a worker leaves employment for any reason other than lack of work. Call (515) 281-3865 and follow the Interactive Voice Response (IVR) instructions within 10 days of the date of the separation. No charges can be made against your account until all separation issues have been resolved.

## Disqualifications

A claimant may be disqualified from receiving unemployment insurance benefits for any of the following reasons:

1. Voluntarily quitting a job without good cause attributable to the employer.
2. Refusal of suitable work or recall by a former employer.
3. Discharge for misconduct in connection with the work.

(For items 1, 2, and 3, a claimant will remain disqualified until he or she earns 10 times his or her weekly unemployment benefit amount.)

4. Discharge for gross misconduct. (Wage credits earned from all employers prior to the discharge are cancelled.)
5. Involvement or participation in a labor dispute.

Exceptions due to recent Supreme Court decisions:

- a. Lockout—Workers who are locked out by an employer, even though willing to work under an expired contract, may be eligible for unemployment insurance.
  - b. Fear of Picket Line Violence—Workers who are not involved in a labor dispute but refuse to cross a picket line because of fear of violence may be eligible for unemployment insurance.
6. Failure to adequately search for work.
  7. Unavailability for work.
  8. Setting unrealistic limitations on wages, hours, or locations of jobs.
  9. Physically unable to work.

10. Refusal without good cause of referral to suitable work by the Workforce Development Center.
11. Failure to report to the Workforce Development Center when directed.
12. Failure to participate in reemployment services when selected.
13. Failure to return and offer services within three working days after completing an assignment if working for a temporary employment firm as a temporary employee with a written contract.

## **Fraud**

Much as it's guarded against, workers sometimes collect unemployment insurance benefits through willful misrepresentation and fraud. You can help combat this illegal practice by reporting claimants believed to be receiving 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. Claimants are required to contact employers in person when looking for work. Your cooperation in verifying job search activities is especially important.

## **What claims should you protest?**

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 majority of unemployment insurance claims filed are completely bona fide, qualifying the claimant for benefits.

2 Each protest or appeal involves certain administrative costs such as personnel time, computer time, recordkeeping, and other procedures. Many of these procedures are required by law. Administrative costs, as well as, unemployment insurance benefits are paid for with employer taxes.

You as an employer, can save unemployment insurance benefit monies by protesting those claims that are not valid, participating in the initial fact-finding interview, and cooperating in unemployment insurance fraud investigations. You can also help keep administrative costs down by not protesting claims that are valid.

For additional copies of this pamphlet, contact:

**Iowa Workforce Development**  
**1000 East Grand Avenue**  
**Des Moines, IA 50319-0209**  
**(800) JOB-IOWA (562-4692)**

**or go to our website at [www.iowaworkforce.org](http://www.iowaworkforce.org)**



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Auxiliary aids and services are available upon request to  
individuals with disabilities.  
For deaf and hard of hearing, use Relay 711.  
70-5003 (10-09)