



Navigating Through the Unemployment Insurance Jungle 2/1/11 yourhusa

Unemployment benefits provide a temporary source of income to unemployed individuals. Unemployment benefit is administered by each state and is funded through employer's taxes. States set the requirements on who is eligible to receive benefit, how long an individual must wait to receive benefits and how much of a benefit is received. They also determine which circumstances disqualify an individual for benefits. When a former employee is disqualified for benefits, the employer is not charged.

Employment claims are decided on a case-by-case basis by the state agency. Therefore, similar terminations may have different results for claimants, even within the same state. However, there are some generalities that can help employers know whether a terminated employee might be successful in collecting unemployment benefits.

Voluntary terminations usually will not qualify a worker to collect unemployment. In order to protect itself from claims from workers who have voluntarily terminated, an employer should attempt to get signed letters of voluntary termination from workers who choose to leave. In the absence of a signed letter of resignation, employers can document the resignation as closely as possible to shore up its defenses.

Job abandonment is generally considered to be voluntary termination. As a result, a worker who abandons his or her job usually will not get unemployment.

Involuntary terminations – In some cases, upon an employee's providing notice of their intended resignation date, the employer terminates employment immediately. This is generally considered an involuntary termination, and the employee may be able to collect benefits.

Most involuntary terminations will qualify a worker to collect unemployment benefits. If an employee is laid off or terminated for performance problems that do not rise to the level of misconduct, or if the position has been eliminated, the worker will probably be able to collect.

Involuntary disciplinary terminations are more difficult to predict. The employer's records of disciplinary infractions and the situation that led to termination would be the employer's best defense if the worker files for unemployment benefits.

