



Unemployment Education and Training

Preparing, Attending, and Protecting Yourself at an
Unemployment Hearing

Revised Dial in Number: (800) 683-4564
Access code: 812403



In Partnership with



AGENDA

- Introductions
- Unemployment Insurance: The Basics
- State Procedures
- Hearings Process
- Economic Update
- Questions

TALX Representatives

Name: Garry Koch

National Accounts

gkoch@talx.com

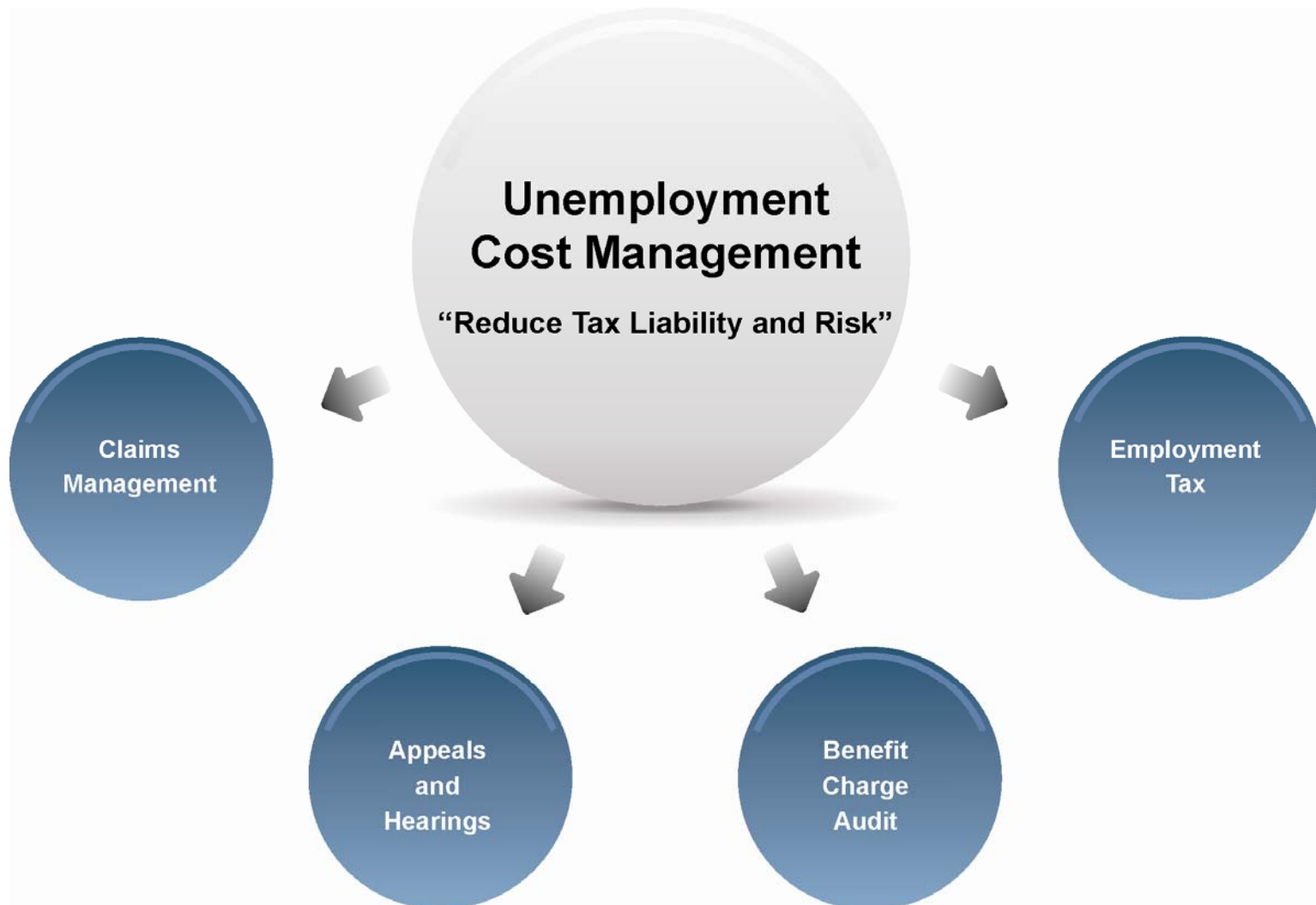
614-658-3007

Jonathan Beretta

Manager, Appellate-Hearings

jberetta@talx.com

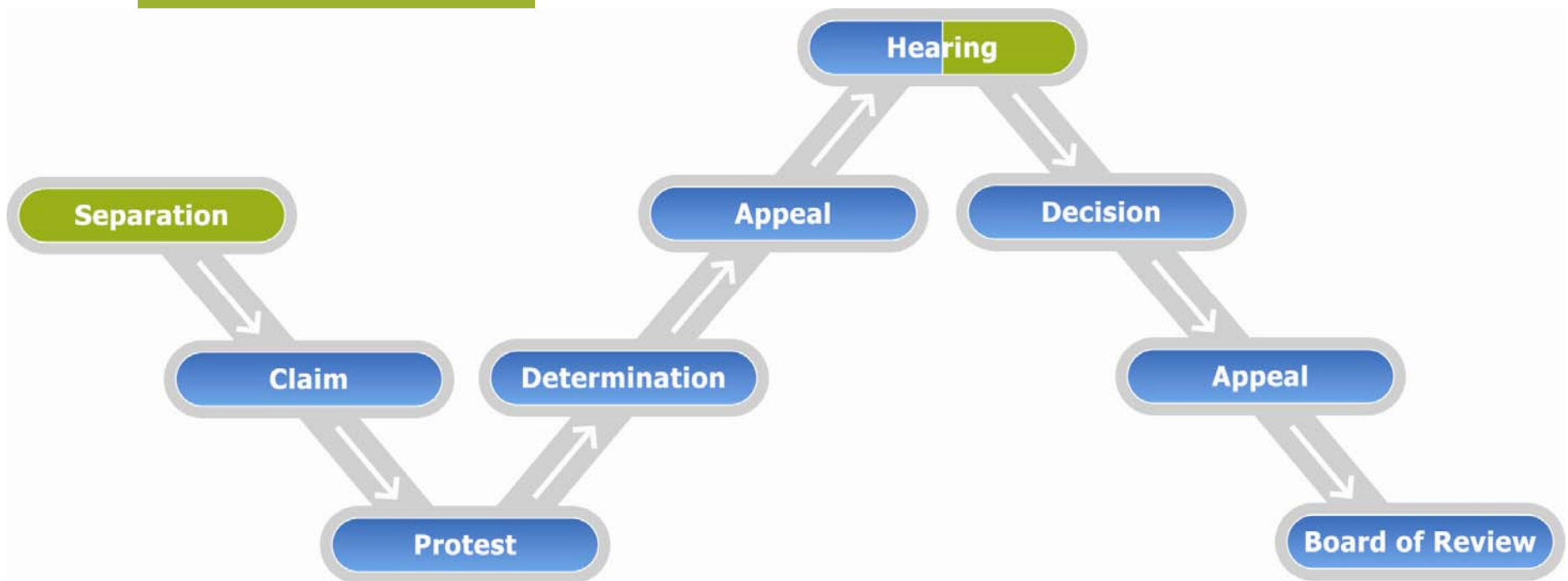




Unemployment Insurance: The Basics

TALX Unemployment Cost Management

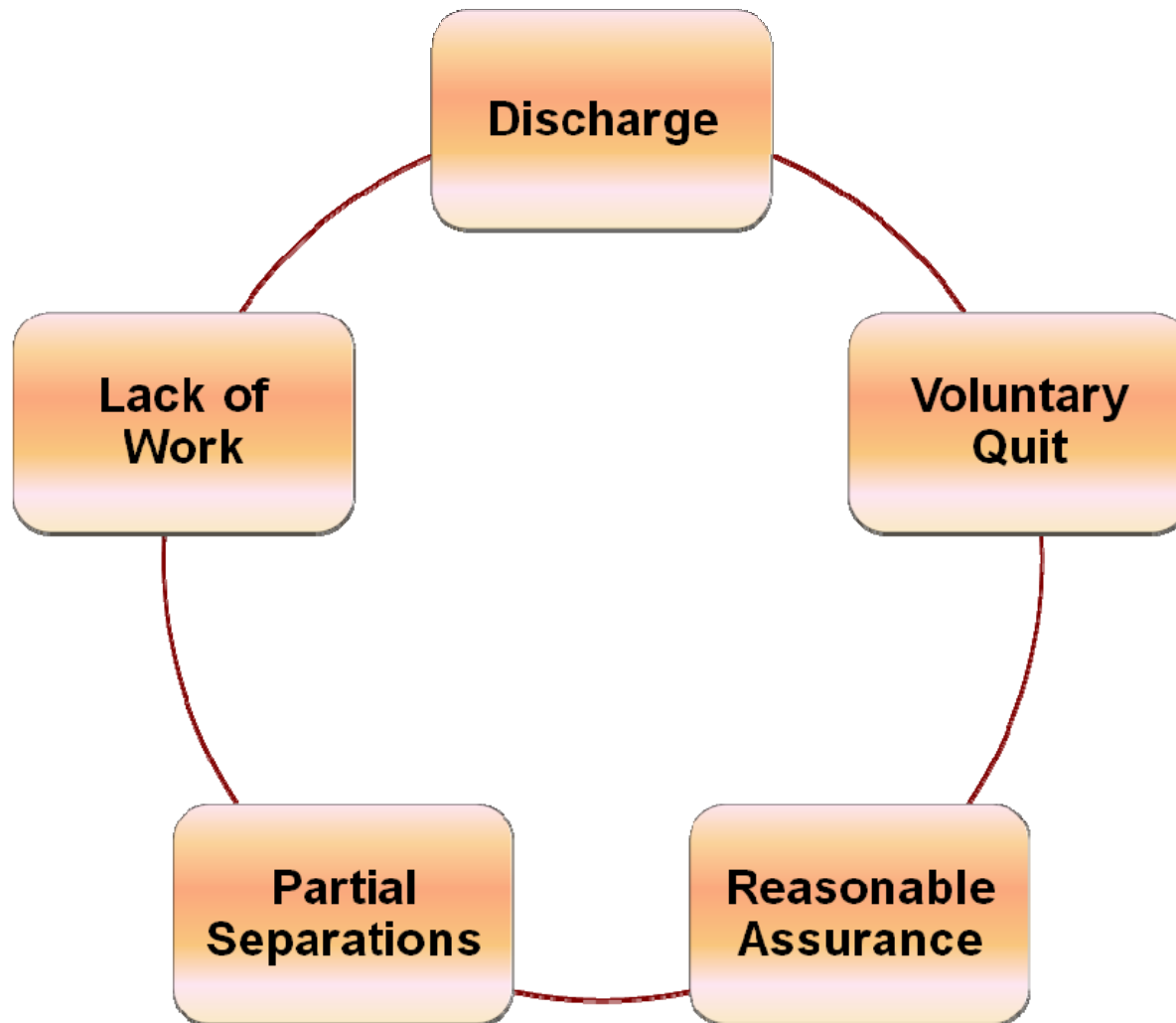
Employer/Client
Involvement



Experience. Expertise. Proven Results.

- Lower unemployment costs
- SAS-70 certified Unemployment Cost Management Program
- Transparency through Online Management Reports
- Each individual claim, appeal and hearing managed to final outcome

Reasons for Filing Unemployment



Job Separation – Voluntary Quit

The Burden of proof is on the claimant to show:

- Work-connected
- Compelling reason
- Steps taken to preserve employment before quitting
- No alternative available



Job Separation – Discharge

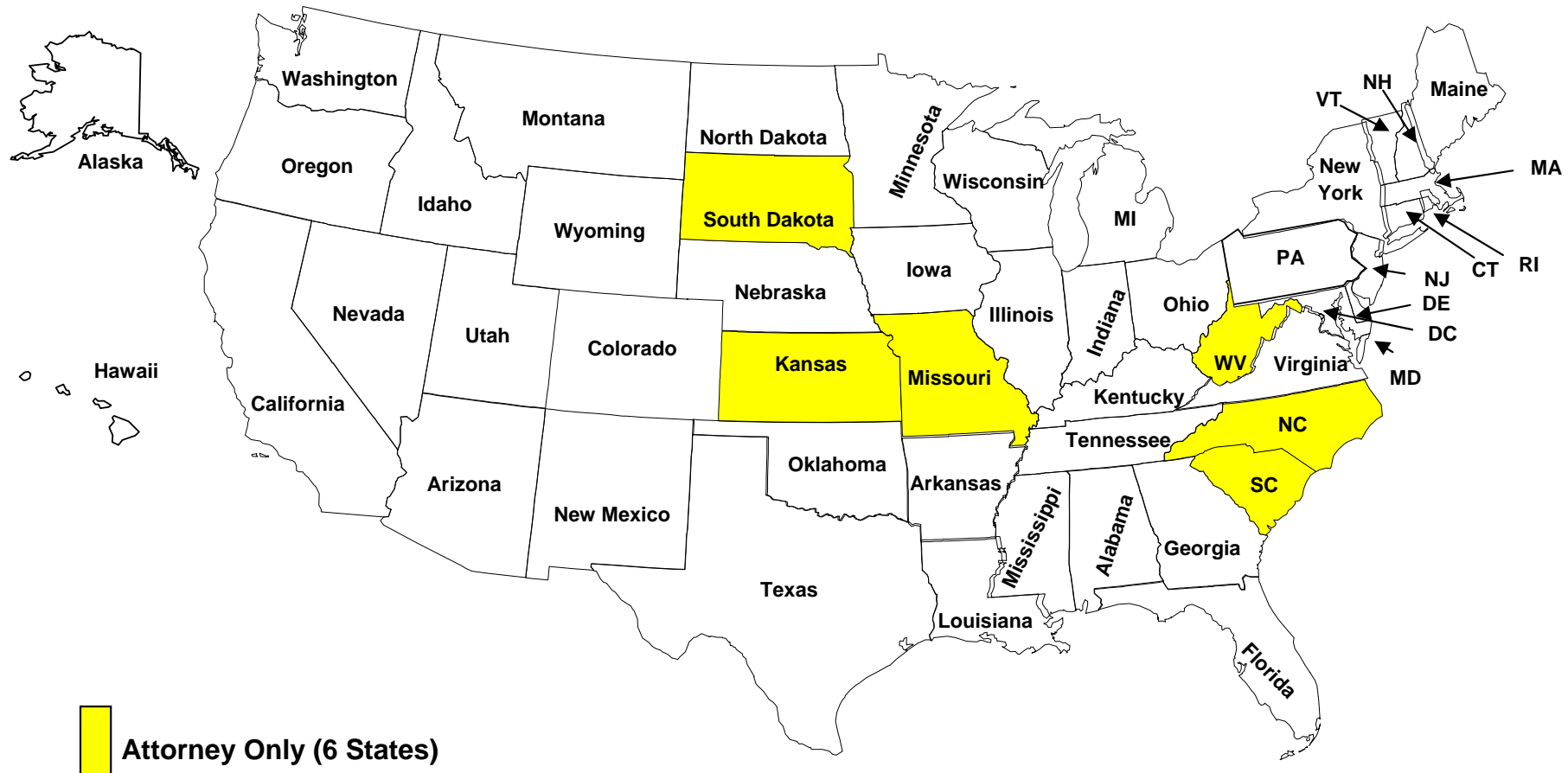
- **The burden of proof is on the employer to show willful, deliberate, intentional disregard of employer's interest.**
 - Policy or Procedure
 - Claimant's knowledge
 - Violation
 - Prior Relevant Warnings
 - Gross misconduct



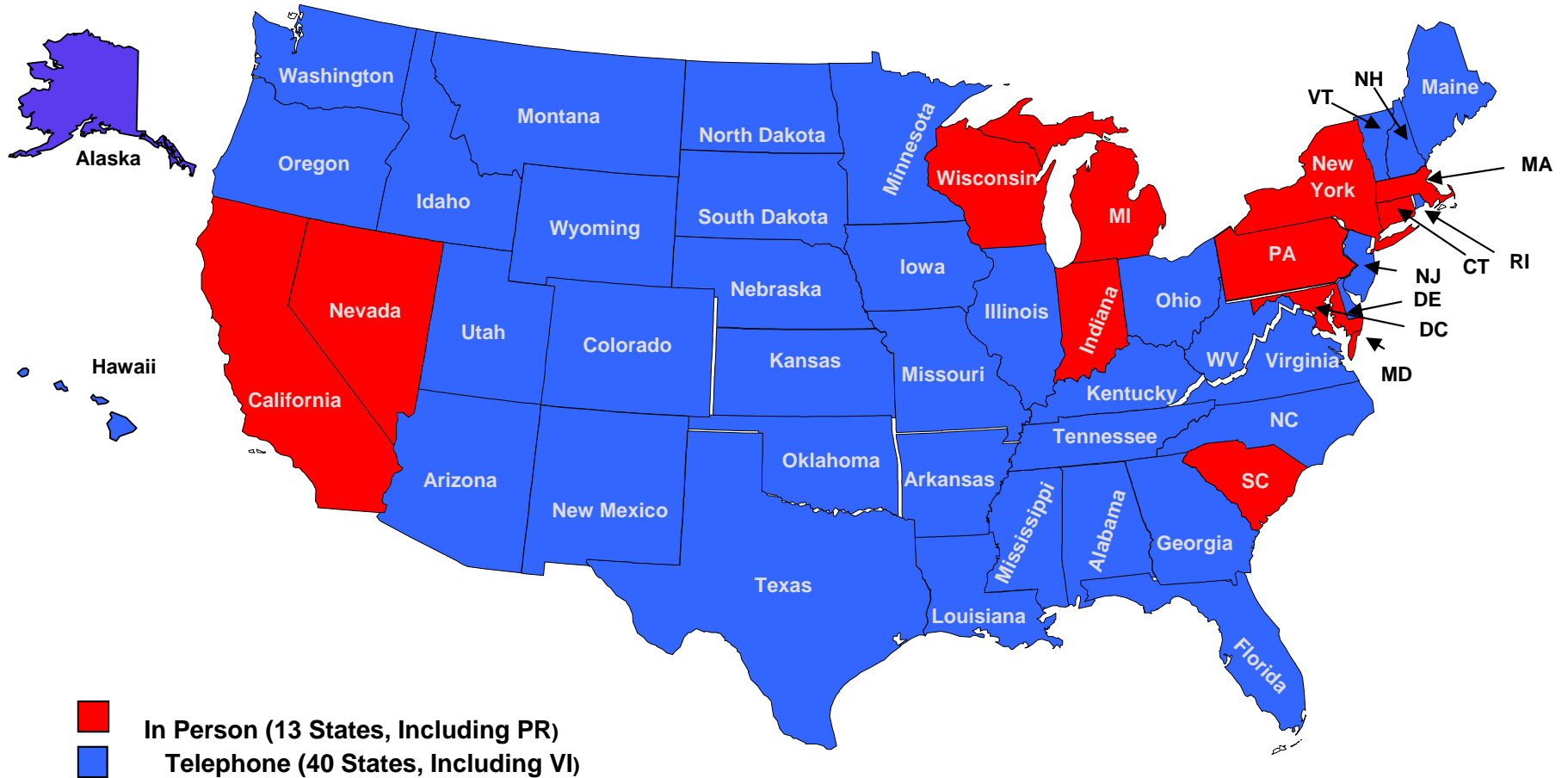
State Procedures

State Procedure

State-Licensed Attorney Requirement

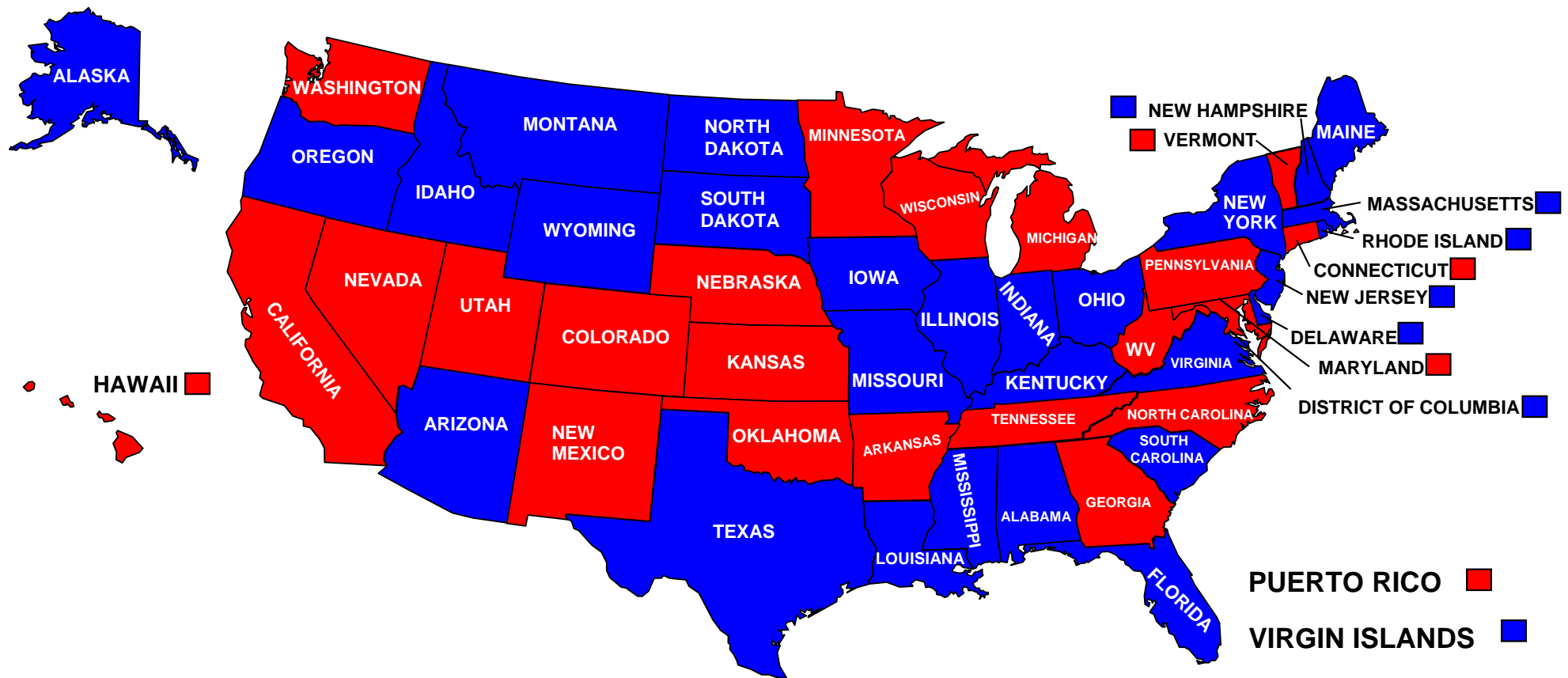


State Procedure In-Person or Telephone



Claims Response – Complete Response Required

Red States Impose Some Form of Penalty



Preparing for & Attending the Hearing

TALX Appeals and Hearings Service



Experience and Expertise

- Timely hearing notification and witness preparation
- Over 100 full time hearing consultants
- Over 80 full time hearing representatives
- Average tenure 15 years
- Preferred representatives assigned
- Formal training and ongoing internal education
- Industry leader regarding internal hearing representation

Proven Results

- Lower unemployment costs
- Increased winning percentages
- No missed deadlines
- Greater efficiency and hearing preparation time
- Transparency through Online Management Reports

Sample Hearing Notice



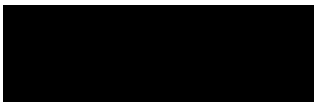
CALIFORNIA UNEMPLOYMENT
INSURANCE APPEALS BOARD

Charles D. Nabarrete
Administrative Law Judge

NOTICE OF HEARING

Case No. 2790638

██████████
██████████
Claimant



EDD: 0250

HEARING TIME and PLACE

DATE: Friday, July 17, 2009
TIME: 10:00 AM (California Time)
PLACE: 100 N BARRANCA ST -- STE 1000
WELLS FARGO BANK BLDG -- 10TH FLOOR
WEST COVINA CA 91791

UNDERGROUND PARKING AT "P1" ONLY.
QUESTIONS - CALL (626) 331-4165

SPECIAL INSTRUCTIONS

CLAIMANT: Appear by Phone - Call Collect
(626) 331-4165
EMPLOYER: Appear in person at the location above
EDD: Appear in person at the location above

- * All parties send any additional documents by 7/10/2009 to the Office of Appeals at the address shown on the attached address page.
If you miss this deadline, the judge may exclude your documents.
- * If an interpreter is needed, call the phone number below immediately.
Si necesita un intérprete llame el numero de telefono abajo inmediatamente.
- * If you are appearing in person, bring all documents and witnesses necessary to support your case. Arrive 15 minutes early to review the appeal file.
- * If you are appearing by phone and have witnesses, contact the Office of Appeals for instructions.
- * **IMPORTANT: Read the enclosed 'Hearing Information' pamphlet.**

THE FOLLOWING ISSUES WILL BE CONSIDERED AT THE HEARING (Section references are to the Unemployment Insurance Code unless otherwise noted):

1030/32 Should the employer's reserve account be charged for any benefits paid to the claimant.

ISSUES CONTINUED ON NEXT PAGE...

Direct questions to:

LOS ANGELES OFFICE OF APPEALS
Telephone: (213) 897-5267
Fax: (213) 897-6972

Date Mailed: 07/03/2009

What should I do once I receive a hearing notice?

- Comply with Instructions
- Mark the Date on Your Calendar
- Review Documentation in it's Entirety
- Prepare Witness(es)

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
Charles D. Nabarrete
Administrative Law Judge

NOTICE OF HEARING

HEARING TIME and PLACE
DATE: Friday, July 17, 2009
TIME: 10:00 AM (California Time)
PLACE: 100 N BARRANCA ST -- STE 1000
WELLS FARGO BANK BLDG -- 10TH FLOOR
WEST COVINA, CA 91791
UNDERGROUND PARKING AT "P1" ONLY.
QUESTIONS - CALL (626) 331-4165

SPECIAL INSTRUCTIONS
CLAIMANT: Appear by Phone - Call Collect (626) 331-4165
EMPLOYER: Appear in person at the location above
EDD: Appear in person at the location above

- * All parties send any additional documents by 7/10/2009 to the Office of Appeals at the address shown on the attached address page. If you miss this deadline, the judge may exclude your documents.
- * If an interpreter is needed, call the phone number below immediately. Si necesita un intérprete llame el número de teléfono abajo inmediatamente.
- * If you are appearing in person, bring all documents and witnesses necessary to support your case. Arrive 15 minutes early to review the appeal file.
- * If you are appearing by phone and have witnesses, contact the Office of Appeals for instructions.
- * **IMPORTANT: Read the enclosed 'Hearing Information' pamphlet.**

THE FOLLOWING ISSUES WILL BE CONSIDERED AT THE HEARING (Section references are to the Unemployment Insurance Code unless otherwise noted):
1030/32 Should the employer's reserve account be charged for any benefits paid to the claimant.

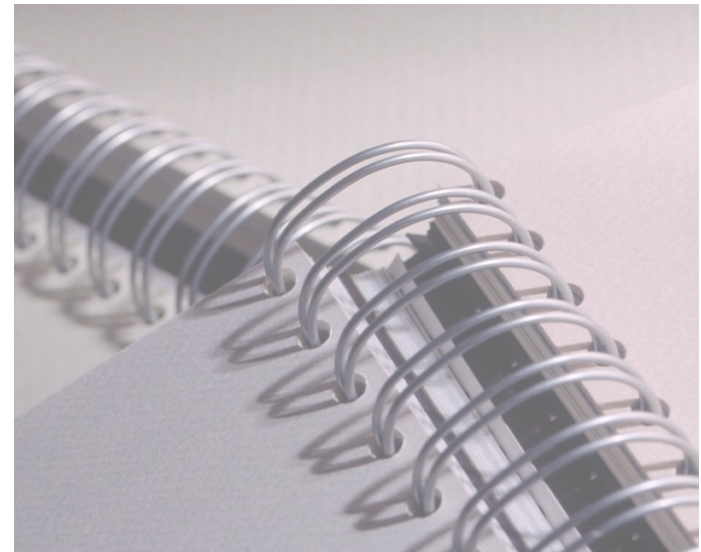
ISSUES CONTINUED ON NEXT PAGE...

Direct questions to:
LOS ANGELES OFFICE OF APPEALS
Telephone: (213) 897-5267
Fax: (213) 897-8972

Date Mailed: 07/03/2009

Preparing Witness – Voluntary Leave Case

- Oral or written resignation?
- Notice given?
- Reason given?
- Other options available?
- Worked through notice period?
- Paid through notice period?
- Continued work available?



Preparing Witness – Discharge Case

- Who discharged claimant?
- On what date?
- Reason given?
- Final incident?
- Knowledge of policy/procedure?
- Prior warning?



Adjudicator/Hearing Officer's Role

- Conduct fair, impartial hearing
- Control the hearing
- Elicit testimony from both parties
- Rule on admissibility and objections
- Listen to relevant facts



Adjudicator/Hearing Officer's Expectations

- Arrive or be ready for the call on time
- Bring witness(es) with first-hand knowledge
- Bring pertinent documents
- Be polite and respectful



What are my rights as the employer?

You have the right to:

- To have notice of issues to be discussed
- To have witnesses testify
- To present documentary evidence
- To confront and question the opposing side
- To have representation



What should I expect at the hearing?

- Hearing is recorded
- Testimony offered under oath
- Hearing Officer asks questions
- Employer usually begins in discharge
- Claimant usually begins in voluntary quit case



What happens after the hearing?

- Decision usually issued within two weeks
 - Instructions for further appeal
 - Board of Review
 - Court of Appeals or other state venue



Helpful Hints

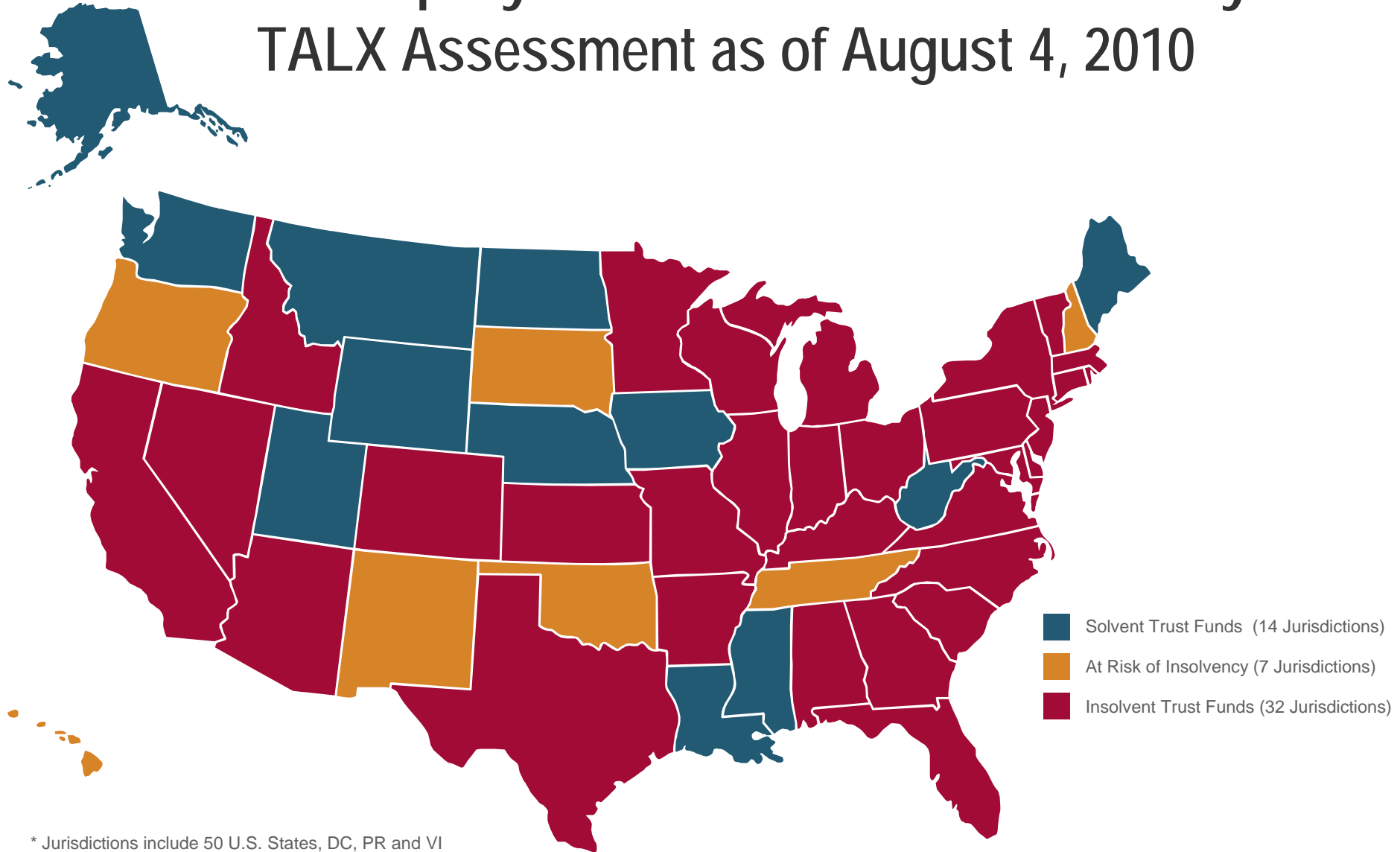


- Conduct yourself as you would at an interview
- Be on time but early if possible
- Be prepared and organized
- Provide copies of documents as required
- Watch your demeanor
- Respond, rebut claimant's misstatements
- Have short summary, closing statement prepared

Unemployment Economic Update

Unemployment Trust Fund Solvency

TALX Assessment as of August 4, 2010



Employers Fund the System

- **Merit Rated Tax**

- Tax based on employer experience
- Paid on portion of each employee's earnings
- Includes various **socialized costs** - (fraud & out of business)
- **Tax payers pay \$1.42 for each \$1.00 of benefits paid out**

- **Direct Reimbursement**

- 501(c)(3) Non-Profit, Government Entities, and Indian Tribes
- Dollar for dollar reimbursement as benefits are paid
- Certain protest rights on past claims are lost (**Base Period**)
- Avoid State Solvency Assessments

For more information on UST please contact:

Bill Downey
Unemployment Services Trust
Phone: 888 249 4788 x1156
Email: info@chooseUST.org

Garry Koch
TALX Corporation
Phone: 614 658 3007
Email: Gkoch@talx.com

Questions and Answers



Jonathan Beretta
Appellate Manager
Office: (602) 382-5244
jberetta@talx.com
TALX Corporation

Garry L. Koch
National Accounts
614 658 3007
gkoch@TALX.com
TALX Corporation