



The Dilemma Of Unemployment Claims

Publication

9.01.11

One of the most common dilemmas for employers is how to respond to an unemployment claim filed by a former employee. Sometimes an employer wants to do its best to make sure the employee receives unemployment insurance benefits, especially if the person was a good worker and was laid off. Other times, the employer is justifiably upset that the employee is trying to claim benefits, usually because the worker was fired for some form of misconduct. In every instance, employers wonder how the claim will impact them, how they should respond, and what to do when the form arrives in the mail.

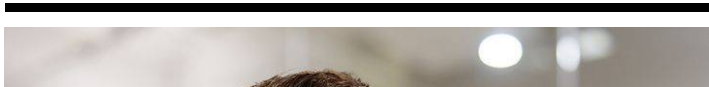
The first thing employers need to understand is that an unemployment insurance claim is not the same as a lawsuit or a union grievance. Winning or losing a claim for benefits does not impact whether an employer will win or lose a discrimination claim or grievance proceeding, even if the employee is threatening to sue over the same termination that led to the UI claim.

The standard for "winning" a UI claim and having an employee disqualified from receiving benefits is extremely high – some employers say that unless the worker is caught fighting, stealing or abusing drugs at work, it's tough to win a UI claim. The truth isn't that far off. The Oregon Employment Department will be generous to employees and grant benefits in most instances, unless the employer can prove serious misconduct, and not only a one-time error in judgment. Benefits will be granted if the employee was let go for general poor performance, lack of skill or work errors. Benefits also will be granted if the employee is forced to quit for reasonable reasons.

The bottom line is that an employer needs to consider many factors before deciding how to respond to a UI claim; at times, a proper challenge may be the right choice, and other times, an employer may wish to step out of the way.

This article appeared in the September 1, 2011 issue of *Daily Journal of Commerce*.

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