



## How to Avoid Unemployment Claims (Part 2)



When employers say they want to avoid unemployment claims, what they really mean is: “how do I avoid *having to pay out* unemployment claims?” There are actions employers can take to better their odds of winning the claim. It’s much more difficult without having laid the groundwork.

Avoiding unemployment claims begins long before the claim ever hits your desk.

**There are six proactive things employers should do to avoid unemployment claims:**

1. Hire Smart
2. Set Clear Expectations
3. Follow Through on Your Policies
4. Resist Firing Employees Without Reasonable Warning
5. Communicate Often With Employees
6. Document, Document, Document

[See Part 1 for items 1, 2, & 3.](#)

### **4. Resist Firing Employees Without Reasonable Warning**

Employers better their chances to win an Unemployment claim if:

Management can prove that the employee knew or should have known that the behavior would result in immediate termination.

- When considering termination would you be able to prove the misconduct at an unemployment claim hearing?
- Is there a way to turn around the relationship with the employee?
- Even if you do have to let the employee go later, the fact that you tried to preserve the job will go a long way in helping you win the claim.

**In situations where an employee must be removed from the workplace for safety or legal reasons. An employer's priority is protecting your employees, customers and business.**

- Document the incident and get statements from witnesses.
- If there is a dispute later over unemployment benefits,
  - you can show that the employee's actions were so bad that any reasonable person would know they could be fired without warning.

## **5. Communicate Often with Employees**

To be eligible for unemployment benefits, an employee must lose the job through no fault of his or her own.

- That's much easier for a former employee to show if he or she was completely blindsided by the firing.
- This happens because of a lack of documented communication regarding performance or disciplinary issues.
- Don't wait for an annual performance review to discuss issues. An employee should never be unsure about where he or she stands.
- If needed, put an employee on a written improvement plan with clear objectives.
- Best case scenario, you turn around the situation and keep the employee.
- If you do have to let the employee go, your willingness to work with him or her reflects favorably on you in an unemployment dispute.

## **6. Document, Document, Document**

Have you heard the saying: "If it's not in writing, it didn't happen?"

This is true, in unemployment disputes, where it often comes down to your word against the former employee's. Proper documentation puts proof on your side and can make all the difference in a hearing.

Get it all in writing:

- employment policies
- job descriptions/contracts/offers
- disciplinary actions/writeups
- improvement plans
- policy changes
- resignation letters
- termination forms (that list the reason for termination)
- witness statements

Get documents signed to show that the employee reviewed and understood the information.