

Workforce Watch Update

Unemployment Claims Best Practices

November 2022

Still Employed Claims

Handling still employed claims can sometimes be confusing. There are situations where these types of claims should be protested and other times they should not. Before responding to these types of cases, ask yourself the following questions:

- What is the claimant's status?
 - Full time, part time, casual, on call, etc.
 - Was the claimant hired under this status?
 - Define the hours worked for that status (i.e. full time = 40 hours)
- How many hours is the claimant currently working?
- Do these hours vary?
 - Check the wages, do they fluctuate?
- Is the claimant guaranteed a specific amount of hours per week?
- Has there been a time in the past (near the BYB or renewal date) that the claimant was laid off or had a reduction in hours even though he/she is currently a full time or part time employee?
- Has the claimant accepted all hours offered to him/her?
 - If not, explain and possibly pursue a job refusal

Regular Full or Part Time Employment

It is recommended that you protest a still working case when the claimant is working a set schedule every week. This is known as working a regular full or regular part time schedule that does not fluctuate. These types of employees could be working 40 hours every week or 20 hours every week. As long as you can show that hours do not change based on the needs of the business, these types of cases should be pursued. To prove this, you can provide copies of pay statements that show the same amount of pay earned each week or time clock punches that show the amount of hours worked.

Working All Available Hours

If you receive a claim for someone who works based on the needs of the business (meaning, a claimant has a fluctuating schedule), it is recommended that these types of cases not be pursued. For example, a claimant may work 20 hours one week, 15 the next week, 20 the following week and so on. If the amount of hours worked frequently changes and the claimant is accepting all available hours, partial unemployment may be awarded to supplement the claimant's income.

Unavailable for Work

There may also be times in which you receive an unemployment claim for someone who is still employed, but not working all available hours. The claimant may be calling out often or giving away scheduled shifts. Remember, in order for a claimant to qualify for unemployment benefits, they have to be available for work. When faced with this type of situation, contact your Equifax Service Team. They will prepare a response to the state letting them know that the claimant is still employed, but has made themselves unavailable for work. Please also reach out to your Equifax Service Team for questions about how a specific state handles still employed claims.

For more information visit:
WORKFORCE.EQUIFAX.COM

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