

Employee Separation Reports, Unemployment Claims

Numerous HR Connect issues have been written in the past to offer guidance on many employment topics including Hiring the Best Person, (Issue #3), setting performance expectations and “SMART” goals (Issue 9, 61), coaching and motivating employees (Issues 10, 17, 18, 32, 54), documenting employee performance (Issue 42) and guidelines for terminations (Issue 41). When a position needs to be eliminated for financial reasons or coaching and motivating do not work and/or a decision is made to eliminate a position and lay-off that employee, we need to be very attentive to the documentation surrounding each termination. This HR Connect will focus on the need for specific, accurate and legally defensible documentation regarding each termination or “separation” of any employee. This issue will also review the process of dealing with EDD through our third party vendor, TALX.

As noted in the Employee Handbook in Section VII - Termination of Employment there are two types of terminations: Voluntary Terminations and Involuntary Terminations.

Voluntary Terminations

Many separations are very straight forward: retirements; employee decides to pursue another career, wants to return to school, get married, move out of town; employee finds another position. Such separations “**without Good cause**” usually disqualify the employee from being eligible to receive unemployment compensation (through EDD).

If employees voluntarily leave their job “**with good cause**” and the employee had attempted to stay employed but circumstances force the employee to leave, that employee would be eligible for unemployment compensation. Reductions in hours or elimination of a position; care for a dependant parent or child, spouse transferred are all valid reasons to leave “with good cause” and qualify the individual to be eligible to collect unemployment compensation.

Careful reporting and documentation of voluntary quits should be standard operating procedure as it is essential in the effective control of unwarranted claims. Since laws and exceptions vary greatly, you should take care to obtain, if possible, a letter of resignation and/or conduct an exit interview documenting reasons for a “quit.” If an employee is leaving because of an alleged problem on the job, it is necessary to document background and attempts, if any, to find a solution (e.g. offer of a transfer or leave of absence). A resignation in lieu of discharge is not a voluntary quit since continuing work was not available.

Involuntary Terminations: e.g. *Lack of Work and Poor Performance*. These two types of involuntary terminations will allow a claimant to collect unemployment benefits.

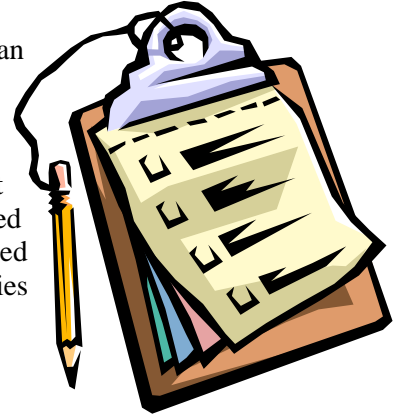
Lack of Work – A permanent or temporary absence of available work due to a reduction in the work force usually is sufficient for the claimant to collect unemployment benefits. **Poor Performance** – The inability to meet company standards of performance also usually qualify the claimant to collect unemployment benefits.



The Archdiocese's reserve account will not be charged if it terminates employees for misconduct. However, "misconduct" does not mean the same as "good cause for termination." The burden of proof is on the employer if the discharge is for alleged misconduct. You must have documentation to prove your case. When dealing with the State unemployment agencies, appropriate written documentation is generally crucial to determining a claimant's ineligibility for benefits. TALX relies upon your documentation. The documentation you create may be valuable to you if your decisions are later questioned by any government agency.

Hopefully, throughout the employee's career with us, a file documenting the employees performance is in the employee's personnel file. Even if there is accurate documentation in the file, care should be taken in the final days to complete necessary, supportive, legally defensible documentation to avoid legal problems in the future.

For all terminations, voluntary or involuntary, fill out an "Archdiocese of San Francisco Employee Separation Report." The Employee Separation Report lists several reasons for termination which you can select from, and if necessary, provide an explanation. The reason for termination indicated on this form will help TALX determine if the claim should be contested or not in order to protect our reserves and to help control our costs. There are 2 types of forms: one is used for terminated school employees only; and the other form is for terminated employees in parishes, agencies and the Chancery. Each form has four (4) copies and each copy should be kept in or sent to various specific locations:



School

- 1) **Blue copy** – should be sent to the Dept. of Catholic Schools
- 2) **Yellow copy** – should be retained in the personnel file in the school where terminated employee worked

Parish/Agency/Chancery

- 1) **White copy** – should be sent to the Office of Human Resources
- 2) **Yellow copy** – should be retained in the personnel file of the terminated employee in the parish, agency or the Chancery
- 3) **Pink copy** – should be retained at the location and **only sent** to our Claims Administrator, TALX UC Express, P.O. Box 4121, Concord, CA 94524 **if** an unemployment claim is filed by the terminated employee. **NOTE: This is a NEW procedure.**
- 4) **Gold copy** – should be given or sent to the terminated employee

Be clear on the immediate cause of separation. If it is a voluntary quit, it will either be "without good cause" or "with good cause". If it is a discharge, describe briefly on the form the misconduct or reason for discharge. If an employee was offered and accepted an invitation to resign in lieu of termination, state as such on the form.

Several examples of a completed Separation Report are attached.

Forward all claims, hearing notices & telephone calls to:

TALX UC eXpress
P. O. Box 4121
Concord, CA 94524-4121
Tel.: (800) 846-9242 ext. 6933
Fax: (866) 219-8832



Contact: Nancy Moore, Sr. Unemployment Insurance Consultant
Email: nmoore@talx.com

Please do not hesitate to contact the Office of Human Resources, if you have any questions or if you have any indication that you may be terminating any employee's service with the Archdiocese. Contact Persons: Carl Feil, Director of HR (415) 614-5541 or Patrick Schmidt, Associate Director of HR (415) 614-5538.