



EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION

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The federal government provides up to 13 additional weeks of Emergency Unemployment Compensation (EUC) benefits for states that reach a total three-month average unemployment rate greater than 6 percent. Colorado has reached a three-month (December, January, and February) average unemployment rate greater than 6 percent and Colorado claimants now qualify for 13 additional weeks of EUC benefits. The first payable week for this EUC extension is the week ending April 18, 2009.

What does that mean? It means that, because of the R-word (ok. recession) that currently impacts the E-word (ok. economy) separated employees are entitled to an additional 13 weeks of benefits, after standard benefits are exhausted.

The extension of this benefit highlights the number of applications that the State is receiving on a daily basis. There are a lot of unemployed folks out there.

If you are terminating employees because of a lack of work, there is little you can do to prevent them from receiving unemployment benefits (UB). That is what the benefits are designed to do - help employees who are separated through no fault of their own. In these tough times, working with employees to help them weather the storm is the compassionate thing to do.

If, however, you are terminating an employee for cause, then you may feel differently about helping them to their next home. Disputing an award of UB is difficult at best. If you want to protest an employee's application, you must prove that they separated because of something within their control.

While Colorado is an at-will state (meaning that employers may terminate employees for any legal reason or for no reason at all) and you are not required to create documentation when terminating an employee, documentation is helpful. As I have explained in earlier posts, performance management practices are particularly helpful when the dark day arrives and you must terminate an employee for cause.

One way to prove that an employee caused his or her own termination is to prove that they were terminated for violating a written work rule. Though every hearing officer interprets this standard with a slightly different eye, the clear path is to produce documents that clearly show that the employee received several written warnings. The



paperwork should show that the employee was notified, in writing, that if their behavior did not change that they would be terminated. In my experience, in the eyes of hearing officers and juries alike, if it isn't written down, it didn't happen.

So, I will leave you with this. If you want to avoid increased premiums associated with granted unemployment claims, remember these three words: document, document, document.

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