



## Questions and Answers

**Unemployment Insurance (UI) benefits can be based on temporary or part-time employment.**

**Answer: True**

Applicants may be eligible for UI benefits based on temporary or part-time employment so long as they have earned \$3,500 in wages anytime in the 4-quarter “base period”.

**An applicant’s weekly benefit amount is about 3/4 of their average weekly wage. Answer: False**

An applicant’s weekly benefit amount is about 1/2 of their average weekly wage (up to the current maximum weekly rate of \$857)

**Applicants usually receive full unemployment benefits for 52 weeks. Answer: False**

- An individual can receive UI benefits for up to 26 weeks per “benefit year”. Applicants who did not work for the entirety of their base period may not be eligible for the full 26 weeks of benefits.
- An applicant might be unemployed sporadically during his or her 52-week “benefit Year”. When this occurs, benefits are charged to the original base period employer(s)

**UI applicants who are students can limit their work search to part-time jobs that fit their school schedule. Answer: False**

- For Unemployment Insurance purposes, work usually must come first. This means the applicant must be available for work the usual hours of one’s occupation.
- Exception: approved training

**The longer you keep a new employee who can’t do the job, the greater your risk of increased UI costs. Answer: True**

The more money you paid the employee during the base period, the greater the potential impact on your experience rate.

**If you schedule a worker for less than half their usual weekly hours of work, they may be eligible for partial UI benefits that week. Answer: True**

- Workers whose hours have been significantly reduced may be eligible for a partial UI benefit.
- If a worker has part-time earnings while receiving UI benefits, 50% of those earnings reduce the UI benefit for that week.

**Example** – Applicant's regular weekly unemployment benefit amount is \$250, and they earned \$100 for a one-day part-time job:

- We take 50% of their weekly earnings ( $\$100 \times 50\% = \$50$ )
- Reduce their regular weekly unemployment benefits that week by that amount ( $\$250 - \$50 = \$200$ )
- Weekly unemployment benefits are reduced to \$200 that week (but, they also earned \$100 from the PT job!)

**An on-call, substitute, or seasonal employee who is between work assignments is, by law, laid off due to a lack of work. Answer: True**

- When you remove an employee due to a lack of work, it is a layoff.
- It doesn't matter the cause or that the individual knew the job would end.

**If you provide a consistent, scheduled amount of part-time work to an employee, you may not be charged for UI benefits paid if they lose their full-time or other job. Answer: True**

- Work MUST be scheduled and ongoing – NOT on call or seasonal. Schedule can be weekly, monthly, every other weekend, etc.
- You can, however, be charged for benefits paid if the part-timer works seasonally, on-call, or as needed.

**Most workers who quit their jobs are not eligible for unemployment benefits. Answer: True**

- Remember: the general rule is that UI benefits are for workers who are unemployed due to no fault of their own.

There are a few exceptions, such as: worker quits due to a good reason caused by the employer.

Example:

- Worker is subjected to adverse working conditions by the employer
- Worker requests employer to correct adverse working conditions
- Employer doesn't correct adverse working conditions

**Most workers who are fired from their jobs are not eligible for UI benefits. Answer: Depends**

- Workers who are fired for misconduct or aggravated misconduct are always ineligible.
- Misconduct defined in law:

Subd. 6. **Employment misconduct defined.** (a) Employment misconduct means any intentional, negligent, or indifferent conduct, on the job or off the job, that is a serious violation of the standards of behavior the employer has the right to reasonably expect of the employee.

(b) Regardless of paragraph (a), the following is not employment misconduct:

- (1) conduct that was a consequence of the applicant's mental illness or impairment;
- (2) conduct that was a consequence of the applicant's inefficiency or inadvertence;
- (3) simple unsatisfactory conduct;
- (4) conduct an average reasonable employee would have engaged in under the circumstances;
- (5) conduct that was a consequence of the applicant's inability or incapacity;
- (6) good faith errors in judgment if judgment was required;
- (7) absence because of illness or injury of the applicant, with proper notice to the employer;
- (8) absence, with proper notice to the employer, in order to provide necessary care because of the illness, injury, or disability of an immediate family member of the applicant;
- (9) conduct that was a consequence of the applicant's chemical dependency, unless the applicant was previously diagnosed chemically dependent or had treatment for chemical dependency, and since that diagnosis or treatment has failed to make consistent efforts to control the chemical dependency; or
- (10) conduct that was a consequence of the applicant, or an immediate family member of the applicant, being a victim of domestic abuse, sexual assault, or harassment or stalking. For the purposes of this subdivision, "domestic abuse," "sexual assault," and "harassment" or "stalking" have the meanings given them in subdivision 1.

- Workers who are fired simply for poor performance are usually eligible.
- We decide who is eligible. Don't tell us "it was misconduct". Tell us what happened and why it mattered to YOUR business. Responding to UI questionnaires helps us make a fair, accurate determination.

**Violating a written policy counts as "misconduct" and disqualifies an applicant from receiving UI benefits. Answer: Depends**

- Was the violation serious or minor? Minor violations can become serious after warnings.
- We need information from the employer to determine whether the violation was serious or not.

**This information is based on Minnesota Unemployment Insurance law but does not take the place of the law. It is accurate as of 2/10/2023.**

**The more reasons an employer has for firing someone, the more likely they will be disqualified from benefits. Answer: Not exactly**

- Key question for UI purposes: what happened to trigger the discharge?

**The *reasons* for absences are more important in deciding UI benefit eligibility than the *number* of absences. Answer: True**

- How many absences were due to illness?
- How many absences were avoidable or preventable?
- Employers can require doctor notes from apparent abusers.

**If you have a “no fault” attendance policy, there is no need to document the reasons for an employee’s absences. Answer: False**

- Always document reasons for employee absences.
- Your record of the reasons for absences could be critical in proving misconduct and avoiding UI charges.

**Being fired for a “no call-no show” absence usually disqualifies one from UI benefits. Answer: Depends**

- Not calling in is *serious*. If you did not call in, you need a good excuse.
  - In jail? → not an excuse.
  - In hospital? → maybe.

**When applying for UI benefits, applicants always provide detailed accounts clearly identifying why their employment ended with you. Answer: False**

- Employers should be *specific* and *detailed* if alleging misconduct.
- Details make it real, in case the applicant provides a different version or denial of events.

**If an applicant’s statement is different from the employer’s, we believe the employer because they are usually more honest about what happened. Answer: False**

- How do you determine the truth between two versions from two different people you don’t know? That’s what we have to figure out.
- Who is giving details and documentation?
  - Whose information is more complete and consistent?
  - Employers often have an advantage with documents and witnesses, but applicants have first-hand experiences.