

Unemployment Hearings Information



The following is important information to keep in mind when you are required to appear at a hearing regarding the separation of an employee who has filed for unemployment benefits. If you are in need of additional assistance or would like to have ADP representation at the hearing, please contact the ADP Unemployment Compensation Services hearings group at **(800) 899-6494**. For additional unemployment or hearings information please visit our Website at www.ComplianceConnection.ADP.com, then click the tab Unemployment Insurance.

What you need to prepare for a Hearing

Employment information: This is the basic information about the former employee (claimant) and their employment with your company. This information includes the date of hire, last physical date worked, date of separation, final rate of pay, regular hours worked and job title. This information should be written on a single sheet of paper for easy review.

Timeline: This is a sheet that may be used as reference to aid testimony regarding dates and times as well as participants in any events that brought about the separation of the claimant.

Documents: This is any and all paperwork dealing with the separation. This may include policy handbooks, timesheets, disciplinary forms and notes or memos. In discharge cases the policy and disciplinary forms are most important. It is important to have copies of the documents at the hearing. One copy will be given to the hearing officer and one copy to the claimant. If the hearing is by telephone, you must send the documents in advance so all parties may have them before the day of hearing. If you do not do this, the documents will most likely not be admitted as evidence at the hearing. **NOTE:** Be sure to fully mask any social security numbers appearing on these documents. Several states require masking by law, plus it is a good data security practice.

Who should be a witness in a Hearing

First-hand witnesses: The most important witness is someone who can offer testimony from personal experience:

Quit cases - the witness is usually the person the claimant gave their resignation to, either verbally or in writing. If another person performed an exit interview, they may be a witness as well.

Discharge cases - the witness is the person who was involved in the event that brought about the need to discharge the claimant. Testimony of a co-worker or other person who witnessed, or was involved in the incident is the most important that can be offered.

Policy Advisor: This is the person who can explain the employer policies as they relate to the separation of the claimant. This person is most important in misconduct cases. The Policy Advisor can be a supervisor, manager or human resources representative.

Tips for witnesses participating in a Hearing

Prepare in advance: Carefully read the Notice of Hearing for all instructions and the hearing location or how to call in for a telephone hearing. Be sure to have all appropriate documents and witnesses relevant to the case. For in-person hearings be sure to arrive early so you may check-in and have time to review the hearing file. During the hearing, the Appeals Referee or Administrative Law Judge will give more consideration to your testimony if the presentation is clear, concise, and well prepared.

Do not memorize your testimony: You may refer to notes, but use them only to reference dates, times, and the summary of facts.

Speak slowly and clearly: All answers must be spoken. (i.e., nodding or saying uh-huh is not an acceptable response during a hearing).

Answer questions simply and directly: Answer only the questions asked. Do not volunteer additional information. If you can answer a question "Yes" or "No" then do so. If you must give an explanation be brief. If you do not understand a question, ask to have it repeated or clarified before answering. Avoid giving opinions or beliefs. If you do not have information or don't remember, simply state that you "do not recall" or that you "do not know."

Do not answer for another person: If a question is asked that another witness does not know the answer to do not prompt them. Make a note to yourself to offer the information in your testimony. If the case is that you do not know an answer to a question asked but another witness may, state in your testimony the other person might know that answer.

Keep sounds and noises to a minimum: The hearing will be tape-recorded. Sounds such as shuffling papers or speaking over another person will cause testimony to not be audible on the tape recording.

For hearings by telephone: Be available at least 5 minutes before the scheduled start time; hearings may start late so remain available for one hour after the scheduled start time. Do not allow noise or interruptions at your location during the hearing. Use the "Mute" button on your telephone when not speaking.

Remember: Testimony and documents presented at this hearing will be used if the matter is appealed in the future. Additional testimony is usually not allowed so it is important to offer all witnesses and documents that are available. You may not supplement testimony after the hearing.