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Unemployment Update

Protecting the Employer in Voluntary Quit Cases

Documentation is the Key!

As is always the case, documentation is the key to protecting yourself from unwarranted claims involving Voluntary Quits.

Whenever possible, employers should be sure to obtain a letter of resignation in an attempt to confirm exactly why an employee is quitting. Letters of resignation should include the reason the employee is quitting, as well as their intended last day of work. All letters should be dated and signed by the employee.

Conducting an exit interview is another effective means of documenting exactly why an employee is quitting and also provides the individual with an opportunity to make additional statements confirming their choice. It is always a good idea to include more than one employer witness in these interviews, who can later verify what transpired.

As memories fade, both a letter of resignation and an exit interview can protect an employer from contradictory statements made by former employees at a later date.

Voluntary Quits - Issues Relating Specifically to the Job

If an employee is leaving because of an alleged problem pertaining to the job, be sure to document the specific issues involved. Also record and document specific statements made. Did the employee have any documentation available to back up their statements? Employers find it less difficult to defend themselves in these types of situations if they can show they attempted to resolve the situation and have documentation outlining solutions and alternatives made available to the employee prior to their resignation. Where feasible, these could include such options as offering a transfer to a different department or offering to allow the individual to work from a different location.

An employer should always be prepared to present facts to show the claimant did not have good cause to quit or provide evidence that the reason the claimant gave for quitting is not factually correct.

Does the Employer Always Need to Allow an Individual to Work Through Their Notice?

It is not always in the employer's best interest to allow an individual to continue working through their intended last day of work, as stated in their notice. The individual in question could have access to confidential information or have the potential to create negative morale within the office, etc. Should you determine this is the case in a particular situation, you can advise the individual they will no longer need to report to work. However, you must pay the individual for any normally scheduled "post resignation" hours through and including their intended last day of work, as indicated in their letter of resignation.

If you do not pay the individual through their notice, you may be turning a voluntary quit situation into a discharge.

Experience & Expertise

TALX's experience, expertise, and proven results help employers navigate the uncertainty of the unemployment insurance system. For additional information regarding this article or other proactive unemployment cost management techniques, please visit our corporate blog at <http://blog.talx.com> or contact Pete Krieshok at 314-214-7325 or by e-mail at pkrieshok@talx.com.