

Understand the Appeals Process

Both claimants and businesses have the right to appeal UI determinations. Not participating in an appeal could adversely impact your taxes. Here is what you should know about the DEW appeals process:

- Appeals must be filed within 10 days of the determination's mailing date.
- Hearings can be scheduled via telephone for scheduling flexibility.
- Firsthand testimony is needed to explain why the employee was separated.
- Appeals from hearing officer decisions go to the agency's Appellate Panel.
- Appellate Panel decisions can be appealed to the Administrative Law Court.

It is vital that business owners respond to appeals filed by their former employees – or if they disagree with a determination to award benefits, to file an appeal themselves.

Being involved in the appeals process ensures the integrity of the UI benefits system, prevents overpayments, keeps taxes low and results in accurate charging to employer accounts.

For more information on the appeals process, visit dew.sc.gov/appeals.



Business Tips For Keeping Unemployment Taxes Low

Unemployment Insurance taxes are a necessary cost of doing business. Play an active role in controlling these costs by understanding the factors that may increase or decrease this tax liability.



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UI benefits - option 1

UI tax - option 3



Respond Timely

When a former employee files for Unemployment Insurance (UI) benefits, you have the opportunity to supply information to DEW about the reason the individual is now unemployed.

In order to prevent improper payments, you must respond to the department within 10 calendar days of receiving the notification.

You can respond to a separation request online or by paper:

- South Carolina Business One Stop (SCBOS), additional information and registration available at scbos.sc.gov.
- State Information Data Exchange System (SIDES), typically used by third party administrators.
- Paper: mail or fax.

Either the claimant or the business may appeal the decision within 10 days of the mailing date.

Respond Adequately and Effectively

If a former employee was terminated, the information you provide to DEW should include:

- Names and titles of individuals involved;
- Description of the final incident that led to the termination including the date and time;
- List of all warnings given to the employee within the last year including dates; and
- Statement of how the employee's actions impacted the company's operation.

Statements should be factually objective statements rather than subjective. Provided are some examples of common reasons for discharge and the use of stronger, more objective language.

Response: The employee had excessive absences or tardies.

Better Response: The employee arrived late or departed early on five different occasions in the 10 day period leading to his discharge (provide dates).

Response: Employee was insubordinate and had a poor attitude.

Better Response: The employee was asked on two occasions to discuss change to her duties and responsibilities. The employee refused to meet with her supervisor, she put forth minimal effort in completing the task assigned to her and she made mistakes that could have been avoided.

Failure to respond timely and adequately, resulting in an improper payment, may cause increased benefit charges and higher UI taxes.

DEW **will not** remove benefit charges from an employer's account that:

1. Has failed to respond or has not provided an adequate response to a claim which resulted in improper payment; and
 2. Has established a pattern of failing to respond in a timely and adequate manner.
- Visit dew.sc.gov/timelyresponse for more info.

Understand Eligibility Requirements

Claimants are entitled to benefits when they are unemployed through no fault of their own.

This includes:

- Lack of work,
- Reduction in hours,
- Discharged for reasons other than cause and misconduct, or
- Quitting for good cause in connection with employment.
- Substandard performance beyond the control of the claimant

Misconduct – Claimant is not eligible for UI benefits if discharged for misconduct.

Misconduct is defined as:

- Deliberate violations or disregard of standards of behavior which the employer has the right to expect;
- Recurrent carelessness or negligence; showing intentional and substantial disregard of the employee's duties and obligations to his employer.

Discharge resulting from extreme hardship, emergency sickness, or other extraordinary circumstances is not considered misconduct.

Cause – Claimant is disqualified from benefits for between five and 19 weeks if the business discharges the claimant for cause other than misconduct.

Cause is defined as conduct that:

- Demonstrates a level of fault of the employee;
- Does not rise to the level of deliberate disregard of the business' interest; or
- Includes acts or omissions of employees over which an employee exercised reasonable control.

Quitting for Good Cause – To be eligible for benefits, a claimant who voluntarily quits must have had good cause connected with the employment. A claimant's reason for leaving must arise from:

- Working conditions,
- Job tasks,
- Employment agreement, or
- Compelling family reasons.

The claimant must show that, after exploring alternatives to quitting, the claimant had no viable option other than to quit.

See SC Code of Laws 41-35-120

Implement Clear Employee Policies and Keep Records

By implementing and communicating clear employee policies and workplace expectations, businesses can help minimize UI costs. It is important for a business that discharges an employee to produce sufficient evidence of fault or misconduct on the part of the claimant.

To prove fault and misconduct, a business needs to maintain clearly documented and communicated employee policies. It may be beneficial to also keep records of employee orientations, training, evaluations, warnings, and disciplinary actions.