



INCREASING ECONOMIC SECURITY FOR SURVIVORS THROUGH UNEMPLOYMENT INSURANCE BENEFITS

LAUREL KLEIN SEARLES
DIRECTOR OF UNEMPLOYMENT INSURANCE
KANSAS DEPARTMENT OF LABOR
WWW.DOL.KS.GOV

JULY 30, 2019

ECONOMIC INSECURITY & SURVIVORS

- Economic insecurity is a reality for many survivors of domestic and sexual violence.
 - 99% of victims of domestic violence experience financial abuse. *Adams, Adrienne E. "Measuring the Effects of Domestic Violence on Women's Financial Well-being." CFS Research Brief 2011-5.6.*
 - 50% of rape victims were discharged or forced to quit their jobs in the year following their rape. *Ellis, E. M., Atkeson, B. M., & Calhoun, K. S. (1981). An assessment of long-term reaction to rape. Journal of Abnormal Psychology, 90, 263-266. doi:10.1037/0021-843X.90.3.263*
- Financial abuse can happen to anyone regardless of income or educational level. *Moving Ahead Through Financial Management Curriculum, Module One: Understanding Economic Abuse, <https://nnedv.org/content/economic-justice-curriculum/>*

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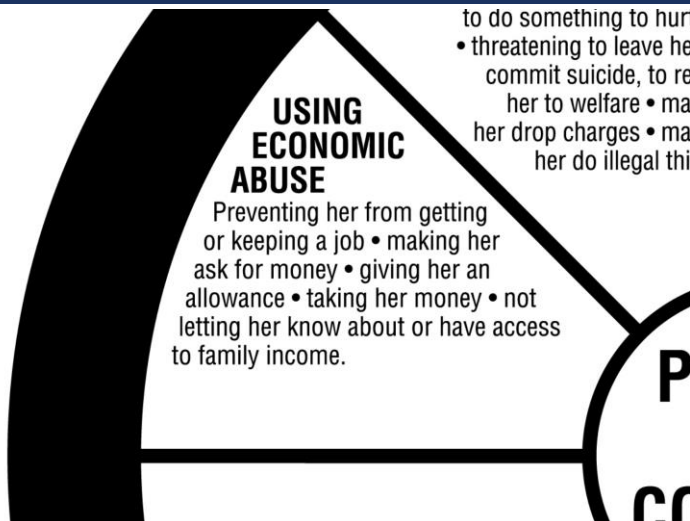
POWER & CONTROL WHEEL



DOMESTIC ABUSE INTERVENTION PROGRAMS
 202 East Superior Street
 Duluth, Minnesota 55802
 218-722-2781
 www.theduluthmodel.org



ZOOMING IN ON ECONOMIC ABUSE



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13TH ANNUAL NATIONAL CENSUS OF DOMESTIC VIOLENCE SERVICES

- On September 13, 2018, domestic violence programs in Kansas were unable to meet 93 requests for services.
 - 51% of the requests were for housing
 - Other requests were for transportation, childcare, legal representation and more.
- <https://nnedv.org/mdocs-posts/2018-kansas/>

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UNEMPLOYMENT & SEXUAL VIOLENCE

- Poverty and unemployment are community and societal risk factors for the perpetration of sexual violence. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention [CDC], 2009.
- Economic insecurity is a risk factor for sexual victimization throughout the world. Jewkes, Sen, & Garcia-Moreno, 2002.
- Following sexual violence, a person could need to attend counseling, criminal justice, medical, and other appointments, which can cause them to miss work and lose wages.
- The National Violence Against Women Survey found that almost 20% of adult female victims of rape, and almost 10% of adult male victims of rape, lost time from work. Tjaden & Thoennes, 2006.
- https://www.nsvrc.org/sites/default/files/2013-04/publications_nsvrc_guide_tanf.pdf
- <https://www.nsvrc.org/publications/nsvrc-publications-information-packets/sexual-violence-workplace-information-packet>

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FOUNDATIONS OF UNEMPLOYMENT INSURANCE

- Unemployment insurance was created to combat economic insecurity, due to involuntary unemployment, as it is a serious menace to health, morals, and welfare of the people of this state. See K.S.A. 44-702
- It is one tool to help ensure economic security for survivors of sexual and domestic violence.

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FOUNDATIONS OF UNEMPLOYMENT INSURANCE

- The unemployment insurance program is funded through taxes that **employers** pay based upon their employees' wages.
- Employers pay both state and federal unemployment insurance taxes.
- Employers may fall in one of three categories:
 - contributing employer, K.S.A. 44-710(c);
 - reimbursing employer, K.S.A. 44-710(e); or
 - rated governmental employers, K.S.A. 44-710d(g).

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BENEFITS

- In order to receive benefits, a claimant must meet four requirements, the claimant must be
 - unemployed
 - monetarily entitled,
 - eligible, and
 - not subject to any disqualifications.

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UNEMPLOYED

- An individual is considered to be totally unemployed during weeks where the claimant did not work and wages were not payable to the claimant. K.S.A. 44-703(m).
- A claimant may be deemed partially unemployed during any weeks where the claimant worked part time and earned wages less than his or her weekly benefit amount. *Id.*

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MONETARY ENTITLEMENT

- To be “entitled” an employee must have worked and earned sufficient wages in the employee’s base period. K.S.A. 44-704(g).
- Within the base period, the claimant must have earned wages in at least two calendar quarters and earned thirty times the weekly benefit amount. K.S.A. 44-705(e).

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BASE PERIOD

- Defined in K.S.A. 44-703(b)

| Base Period | | | | | |
|----------------------------|----------------------|-----------------------------|-------------------------------|----------------------------|---|
| January – March 2015 | April – June 2015 | July – September 2015 | October – December 2015 | January – March 2016 | April – June 2016 (filed claim this quarter) |

- Inquiry: did claimant work in at least 2 of those quarters? K.S.A. 44-705(e).

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ELIGIBLE

- Claimants must file weekly claims each week he or she is unemployed. See K.S.A. 44-705(b).
- They must also be able and available. K.S.A. 44-705(c).
 - To be able means you can actually perform the tasks of your usual occupation or some other occupation for which you have training or experience. No physical limitations prevent you from working.
 - To be available means that you are available to accept a job if offered. No personal circumstances such as transportation, child care, self-employment, limit you from working.

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ELIGIBLE

- In order to demonstrate that a claimant is able and available, a claimant must pursue a “full course of action most reasonably calculated to result in the claimant’s reemployment” K.S.A. 44-705(c).
- KDOL requires three job seeking activities per week with at least two being resume or application submissions.
 - Work Search Activity Log: <https://www.getkansasbenefits.gov/Files/PDF/kben987.pdf>
- Agency efforts to verify eligibility:
 - My Reemployment Plan: <https://www.getkansasbenefits.gov/Files/PDF/K-BEN990.pdf>
 - My Reemployment services

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DISQUALIFICATION

- A claimant may be disqualified to receive benefits based upon the separation from work.
- A claimant may be disqualified for other reasons. K.S.A. 44-706(c)-(v).

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DISQUALIFICATION: VOLUNTARY SEPARATION

- An individual will be disqualified for benefits if that individual left work without good cause attributable to the work or the employer. K.S.A. 44-706(a).
- Good cause defined:
 - “cause of such gravity that would impel a reasonable, not supersensitive, individual exercising common sense to leave employment.” K.S.A. 44-706.
 - “requires a showing of good faith of the individual leaving work, including the presence of a genuine desire to work.” *Id.*

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DISQUALIFICATION: VOLUNTARY SEPARATION

An individual may not be disqualified if they leave under the following circumstances:

- **Forced to leave due to illness or injury**
- **Left temporary work to return to regular employer**
- **Left for military service that was delayed or rejected**
- **Transfer of military spouse**
- **Hazardous working conditions**
- **Approved training**
- **Harassment**
- **Better work**
- **Violation of ordinance or statute**
- **Violation of work agreement**
- **Personal compelling emergency**
- **Domestic violence**

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DOMESTIC VIOLENCE EXCEPTION

An individual that voluntarily leaves work shall not be disqualified under K.S.A. 44-706(a), if the individual left work due to circumstances resulting from domestic violence, including:

- (i) reasonable fear of future domestic violence at or en route to or from work;
- (ii) the need to relocate to avoid future domestic violence;
- (iii) the need to address the physical, psychological and legal impacts of domestic violence;
- (iv) the need to leave employment to receive services or shelter from an agency providing support services or shelter to victims of domestic violence; or
- (v) the reasonable belief that termination of employment is necessary to avoid future domestic violence and to provide for the future safety of the individual or the individual's family.

K.S.A. 44-706(a)(12)(A)

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DEFINITIONS—KSA 44-761

- (a) "Abuse" means:
- (1) Causing or attempting to cause physical harm;
 - (2) placing another person in fear of imminent physical harm;
 - (3) causing another person to engage involuntarily in sexual relations by force, threats or duress, or threatening to do so;
 - (4) engaging in mental abuse, which includes threats, intimidation and acts designed to induce terror;
 - (5) depriving another person of health care, housing, food or other necessities of life; or
 - (6) restraining the liberty of another.
- (b) "Domestic violence" means abuse committed against an employee or an employee's spouse or dependent child by:
- (1) A current or former spouse of the employee;
 - (2) a person with whom the employee shares parentage of a child in common;
 - (3) a person who is cohabitating with, or has cohabitated with, the employee;
 - (4) a person who is related by blood or marriage; or
 - (5) a person with whom the employee has or had a dating or engagement relationship.

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DOMESTIC VIOLENCE EXCEPTION

K.S.A. 44-706(a)(12)(B) provides that domestic violence may be proven by one of the following:

- A restraining order or documentation of similar equitable relief;
- a police record;
- documentation of abuser's related criminal;
- relevant medical documentation;
- a statement from a counselor, social worker, health care provider, clergy, shelter worker, legal advocate, domestic violence or sexual assault advocate or other helping professional; or
- a sworn statement from the individual attesting to the abuse.

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PERSONAL EMERGENCY EXCEPTION

An individual that voluntarily leaves work shall not be disqualified under K.S.A. 44-706(a), if

“after making reasonable efforts to preserve the work, the individual left work due to a personal emergency of such nature and compelling urgency that it would be contrary to good conscience to impose a disqualification” K.S.A. 44-706(a)(11)

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DISQUALIFICATION: INVOLUNTARY SEPARATION

- An individual will be disqualified for unemployment insurance benefits if the individual was discharged or suspended due to misconduct or gross misconduct connected with the work. Id.
 - Misconduct is defined as a “violation of a duty that is reasonably owed to an employer by an employee.” K.S.A. 44-706(b)(1).
 - Gross misconduct is defined as “conduct evincing extreme, willful or wanton misconduct,” which includes but is not limited to, “theft, fraud, intentional damage to property, intentional infliction of personal injury, or any conduct that constitutes a felony.” K.S.A. 44-706(b)(3)(A).

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ATTENDANCE

- Misconduct includes a violation of the employer's reasonable attendance expectations if:
 - The individual was absent or tardy without good cause;
 - the individual knew of the employer's attendance expectation; and
 - the employer gave notice to the individual that future absence or tardiness may or will result in discharge. K.S.A. 44-706(b)(2)(B).
- A no call no show or leaving work early without permission is treated as evidence of misconduct. K.S.A. 44-706(b)(2)(A).

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WORK PERFORMANCE

- An individual shall not be disqualified if the individual was making a good-faith effort to do the assigned work but was discharged due to:
 - Inefficiency
 - Unsatisfactory performance due to inability, incapacity or lack of training or experience
 - Isolated instances of ordinary negligence or inadvertence
 - Good-faith errors in judgment or discretion
 - Unsatisfactory work or conduct due to circumstances beyond the individual's control. K.S.A. 44-706(b)(4)(B).

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CHARGES

- Base period employers have the right to appeal charges on a claim. The Employment Security Law provides that benefits are not charged to the account of a contributing or rated governmental employer if it is found the claimant was separated under any of the following:
 - Discharged for misconduct
 - Discharged for gross misconduct
 - Left work voluntarily without good cause attributable to the work or the employer
 - Was and still is a part-time employee

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CHARGES

No contributing employer or rated governmental employer's account shall be charged with respect to the benefits paid to a claimant who is eligible to receive employment security benefits due to domestic violence. K.S.A. 44-763.

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MISCELLANEOUS DISQUALIFICATIONS

- The Kansas Employment Security Law also sets forth a variety of circumstances that may disqualify an individual for benefits, but that are not based on the claimant's separation from employment. K.S.A. 44-706 (c)-(v).
- Examples include:
 - Job refusal;
 - Non-U.S. citizen without lawful authorization to work;
 - Fraud;
 - Workers compensation; and
 - Pension or retirement.

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JOB REFUSAL & DOMESTIC VIOLENCE

- An individual will be disqualified for failing without good cause to apply for or accept suitable work. K.S.A. 44-706.
- However, no one will be denied for refusing an offer when the individual left work due to domestic violence and the position offered does not accommodate physical, psychological, safety or legal needs. K.S.A. 44-706(c)(4).

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CONFIDENTIALITY

- State law: Information thus obtained or obtained from any individual pursuant to the administration of this act shall be held confidential, except to the extent necessary for the proper presentation of a claim by an employer or employee under the employment security law, and shall not be published or be open to public inspection. K.S.A. 44-714(f)
- Exceptions:
 - a) Public employee in the performance of their official duties
 - b) Informed Consent
 - c) Court Order/Subpoena
 - d) Criminal prosecution for perjury or any violation of employment security law

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PROCESS

- The basic process is as follows:
 - Initial claim for benefits
 - Notice to last and base period employers
 - Employer has 10 days to return separation/eligibility information
 - Adjudication of claim by examiner
 - Notice of Determination sent to claimant and employer
 - Claimant or employer has 16 days to file an appeal of the determination
 - If an appeal is filed, Appeals Referee holds hearing
 - Appeals Referee issues decision
 - Claimant or employer has 16 days to file an appeal to the Kansas Employment Security Board of Review
 - If an appeal is filed, the Board of Review issues final agency determination
 - Claimant or employer has 16 days to file an appeal to District Court

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APPLICATION PROCESS



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APPLICATION PROCESS

WHAT WOULD YOU LIKE TO DO?

Create Your User Name, Password and PIN

You need a user name, password and PIN to file your application. This allows you to save your information, check on the status of your claim, file your weekly claim and make changes to your personal information.

Create a user name, password and PIN

CREATE

Already have a user name, password and PIN?

LOGIN

Forgot your user name, password or PIN?

HELP

WHAT WOULD YOU LIKE TO DO?

APPLY FOR BENEFITS

FILE A WEEKLY CLAIM

CHECK YOUR CLAIM STATUS

CHANGE YOUR INFORMATION

PAYMENT OPTIONS

1099-G ADDRESS CHANGE

REQUEST 1099-G REPRINT

VIEW FAQs

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COMPUTER SAFETY

- Change passwords and PINS
 - Use a combination of letters, numbers, and symbols
 - Don't use birthdays, SSN, phone numbers, your name, etc.
- Make sure you have anti-virus and anti-spyware software
- Use a software or hardware firewall to protect your personal information
- Keep your firewall settings at a high or moderate level
- Do not open email attachments from people you do not know

- <https://nnedv.org/content/economic-justice-curriculum/>

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KDOL LANGUAGE SERVICES

- KDOL employs 6 intake representatives and 5 adjudicators who speak Spanish.
- We can also provide service in Somali, Swahili, Oromo, Greek, German, and French.
- We utilize a language line to provide interpreters for other languages.
- Many of our forms are available in Spanish at <https://www.getkansasbenefits.gov/Forms.aspx>

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APPEALS

- An appeal must be filed in writing.
 - Typically, submitted by mail or fax.

- After the appeal is processed, KDOL will mail out a Notice of Hearing.

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C KANSAS DEPARTMENT OF LABOR OFFICE OF APPEALS
 401 SW TOPEKA BLVD TOPEKA, KANSAS 66605 (785) 296-1800
 TOLL FREE: (800) 227-0867 FAX: (785) 296-0865

NOTICE OF TELEPHONE HEARING BY: 12-18-16

NOTE: TO PARTICIPATE IN THIS HEARING, YOU MUST CALL IN
 YOUR PHONE NUMBER UPON RECEIPT OF THIS NOTICE AS DIRECTED BELOW.
 (SN)

BEFORE REFEREE -- LAUREL KLEIN SEARLES 31 DOCKET NO:
 DATE MAILED: 10-01-18
 NONMON ISSUE NUM: 15
 NONMON ISSUE CODE: 23705

JOHN DOE
 401 SW TOPEKA BLVD
 TOPEKA KS 66605

The Appeals Referee will conduct a Telephone hearing (See "IMPORTANT NOTICE"
 below) on an appeal filed by the Claimant who disputes an Examiner's
 Determination mailed 09-13-18 concerning Claimant's unemployment
 compensation benefits.

AT: 8:30 AM CENTRAL TIME
 ON: MONDAY, OCT 1, 2018
 HOW: TELEPHONE (SEE "IMPORTANT NOTICE" BELOW)

 ---THE ISSUES TO BE COVERED AT THE HEARING ARE---

SHOULD THE CLAIMANT BE DISQUALIFIED FOR BENEFITS BECAUSE OF CLAIMANT'S
 SEPARATION FROM WORK? (K.S.A. 66-756)
 SHOULD THE EMPLOYER'S EXPERIENCE RATING ACCOUNT BE CHANGED BECAUSE OF CLAIMANT'S
 SEPARATION FROM WORK? (CS, STATUTES CHAP. 66-716(C))

I M P O R T A N T N O T I C E !

To participate in this telephone hearing or to request an in person
 hearing, you must call (800) 227-0867 (TOLL FREE).
 The Referee will call you at state expense. Failure to call in your
 number by 1:00 p.m. of the business day prior to the above hearing
 date without good cause shall constitute a non appearance and you
 will not be allowed to participate in the hearing. K.A.R. 68-1-6(f).

CLAIMANT--- EMPLOYER---

JOHN DOE
 401 SW TOPEKA BLVD
 TOPEKA KS 66605

APPEALS

- Conduct of Hearing
 - 99% of all hearings are held via telephone.
 - Parties can request an in-person hearing; however, only the Appeals Referee can compel anyone to attend in person.
 - Must call in telephone number by 1:00 pm the day before hearing!
 - Continuance requests must be submitted by 1:00 p.m. the business day prior to the hearing.
 - Additional evidence must be submitted by 1:00 p.m. the business day prior to the hearing.

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APPEALS

- An authorized representative or attorney may represent a party in an unemployment insurance appeals hearing
- Authorized representative includes:
 - Union representative;
 - Employee of an unemployment compensation cost-control management firm;
 - An employee of a corporate party; or
 - A legal intern authorized to represent clients pursuant to Kansas Supreme Court rule 719.
- Attorney must be licensed to practice before the Kansas Supreme Court or appear pro hac vice.

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APPEALS

- Interpreters are available upon request.
- If a party fails to provide a telephone number by 1:00 p.m. the business day prior to the hearing, fails to answer the telephone at the time of the hearing, or disconnects a cell phone during the course of the hearing, they will be considered a non-appearing party.
- A party can withdraw an appeal request in writing or under oath during a hearing.

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APPEALS HEARING

- Introduction
- Testimony
- Questioning your witness
- Cross-examination
- Closing remarks
- Written decision

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BOARD OF REVIEW

- The board consists of three appointed members. K.S.A. 44-709(f)
- Employee representative
- Employer representative
- Public representative
- The board will review the transcript of the prior hearing and evidence submitted in the prior hearing and may affirm, modify, reverse, or remand for a new hearing. K.S.A. 44-709(f)

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VIDEO RESOURCES

- Short video guides are available to provide more information on the following topics:
 - Application Guide
 - Guide on What to Do after Filing Your Claim
 - Guide on MyReemployment and RESEA
 - Guide on the Appeals Process
 - Guide on the Appeals Hearing
- Access these videos at <https://www.dol.ks.gov/tutorials>

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QUESTIONS



For more information visit the Kansas Department of Labor website:
<http://www.dol.ks.gov/>

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