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Unemployment Compensation Claims Examining Series

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PREFACE

This gives notice of the development and issuance (under the authority of Title IV of the Classification Act of 1949, as amended) of a new standard for the Unemployment compensation Claims Examining Series, GS-994-0.

This standard is applicable to positions in the District Unemployment Compensation Board. *It supersedes and is to be substituted for such parts of the standard published in June 1958 as were applicable to positions in the District Unemployment Compensation Board.*

This standard is being released in this form because it concerns positions in one agency only; it will not be included in any of the regular standards issuances. Distribution is being made to the agency concerned and to appropriate Civil Service Commission offices.

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SERIES DEFINITION

This series includes all classes of positions the duties of which are to administer, supervise, or perform quasi-legal work involved in developing, examining, adjusting, reconsidering, or authorizing the settlement of claims for unemployment insurance, including sickness benefits.

This standard is applicable to positions of the above type in the District Unemployment Compensation Board. It supersedes and is to be substituted for such parts of the standard published in June 1958 as were applicable to positions in the District Unemployment Compensation Board.

EXCLUSIONS

1. Positions the duties of which are to advise applicants of their rights and responsibilities, and to assist them in filing claims for benefits; and to interpret and explain decisions made by examiners to claimants. This work requires incumbents to possess a knowledge of the pertinent laws, regulations, precedents and practices relating to the agency's program. Such positions are classified in the [Contact Representative Series, GS-962-0](#).

2. Clerical positions involved in the preparation, verification, examination or maintenance of payment records or rolls, wage-earning records or other related records or schedules which are a necessary part of the payment of benefits through

this program. Such positions are classified in the [Benefit-Payment Roll Series, GS-547-0](#).

3. Positions the duties of which are to perform various clerical duties connected with the claims process or this program. This includes positions which determine from wage records the benefit amount and the duration of benefits for individual claims. Such positions are classified in the [Claims Clerical Series, GS-998-0](#).

TITLES

Authorized titles for positions in this series are Unemployment Compensation Claims Examiner, and, when appropriate, [Supervisory](#) Unemployment Compensation Claims Examiner.

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OCCUPATIONAL INFORMATION

This standard is the result of a study of the unemployment compensation program administered by the District of Columbia Unemployment Compensation Board. The Board -- a part of the municipal government of the District of Columbia -- administers an unemployment compensation program which covers persons employed and/or residing in the District. It is really a three-fold program under separate laws, and although the coverage and financing vary under each, the basic requirements for compensation are the same. These programs and their enabling statutes are:

1. Unemployment compensation under the District of Columbia Unemployment Compensation Act for persons who qualify as a result of employment with private employers -- including both profit and nonprofit -- in the District of Columbia.
2. Unemployment compensation under Title XV of the Social Security Act for Federal employees who qualify as a result of employment in agencies of the Federal Government.
3. Unemployment compensation under Title XV of the Social Security Act for persons who qualify as a result of service in the U.S. Armed Forces.

This program in the District of Columbia is similar to that found in each of the several States. The Board has entered into reciprocal agreements with several of the States for the purpose of combining wages earned in the District and in these States in order that claimants may be eligible for minimum benefits, or for

additional or maximum benefits. Examiners must be familiar with these agreements and apply them when a claimant presents this kind of work history. The Board also acts as agent for all States. That is, it accepts and develops claims against all other States when the State is liable for the payment of benefits, and evaluates and adjudicates claims which have been accepted and developed in a State when the District is liable. If, for example, a resident of the District applies for benefits and has not worked in the District, but has worked in one or more States recently, the Board must develop pertinent and sufficient information and evidence for the liable State to make a determination. This requires the examiners to be familiar with the unemployment compensation program requirements in the several States. On the other hand, examiners adjudicate claims which have been filed with and developed by State unemployment compensation agencies. Since their adjudicative determinations in these claims must rest in part upon evidence developed by a State agency, the examiners -- when the evidence is incomplete or insufficient -- must be extremely tactful in requesting the State agency to conduct further investigation or development.

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Manpower Development and Training Act

This statute initiated a program in 1962 to train individuals who are unemployed or under-employed because their skills have been rendered obsolete because of automation, foreign competition, relocation of industry, or similar causes.

In the District of Columbia, the U.S. Employment Service has the responsibility for approving training programs and selecting trainees. The District Unemployment Compensation Board has the responsibility for providing benefits to eligible trainees.

The public interest in this new program presents the examiners with a host of questions and inquiries, and they must have sufficient knowledge of this program to explain its broad concepts and technical provisions to unemployment compensation claimants and beneficiaries, and others. Additionally, the advent of this re-training program has increased the possibilities of attempted fraud, and intensified and multiplied the issue of "good cause" for refusing an offer of training.

Eligibility for unemployment compensation

Unemployment compensation programs are designed to alleviate the hardship of loss of total wages because of unemployment. Consequently, a person's benefits -- potential duration and amount -- are determined directly by his employment and his wages during a defined period,

usually a recent 12 months.

To be eligible for these benefits, claimants must be unemployed, physically able to work, and available for work. These conditions must all be met initially, and also for the duration of eligibility. If, for example, a beneficiary makes himself unavailable for work for one or more weeks, his benefits may be withheld for those weeks.

These conditions are policed in primarily two ways. First, each beneficiary is required to register every week -- in effect, filing a new claim -- at which time he certifies that he has not received remuneration above the allowable limit for the past week, and that the above conditions have existed and continue to exist. Second, each beneficiary is periodically interviewed. The purpose of this interview is to verify that these conditions have and continue to exist. For example, at these interviews the beneficiary will be asked such questions as:

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Do you have any physical condition which prevents you from accepting full-time work?

What hours will you work and what wage do you expect?

Have you been looking for work? Where?

Why do you think you have been unable to obtain work?

What employers have you contacted?

Examiners must be constantly aware of indications of ineligibility or possible fraud by claimants and beneficiaries. Perhaps the most common occurrence is failure of claimants -- through ignorance or cognizance -- to report monies, services or goods earned while they are receiving benefits. Examiners must at all times be alert to spot these possibilities and be skillful enough to develop information to establish or disprove the suspected claim.

Failure to meet any one or more of the above conditions results in loss of benefits for the period that they are unmet, but the total and duration of benefits are not reduced. For example, a person eligible for 30 weeks at \$40.00 a week may need 32 weeks to collect his maximum benefits because he did not meet all of the conditions of eligibility for 2 weeks.

Disqualification of claimants

There are certain other provisions that claimants must meet or be disqualified and deprived of all or a portion of their benefits. Using a similar example, a claimant eligible for 30 weeks' benefits who is disqualified for 10 weeks has his total potential benefits reduced to 20 weeks. In these circumstances benefits do not begin until the period of disqualification has elapsed.

The most common and the majority of causes for disqualification are:

1. Being discharged from last employment for willful misconduct,
2. voluntarily quitting last employment without good cause,
3. involvement in a strike or labor dispute,
4. receiving unemployment compensation under any other law,
5. receiving benefits through fraud,
6. refusing without good cause a referral to suitable employment,
7. refusing without good cause an offer of suitable employment, and

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8. refusing without good cause to attend a Board approved paid training or retraining course, or one approved by the U.S. Employment Service under the Manpower Development Training Act.

CLASSIFICATION FACTORS

This standard describes two factors which together measure the difficulty and responsibility of positions in this series. They are:

1. Nature of Claims; and
2. Level of Responsibility.

Nature of claims

Claims for unemployment compensation present unique, difficult and essentially judgmental issues, but the issues are relatively few in number, and -- as to the kind -- become fairly repetitive. There are three conditions which every claimant must meet to receive benefits under this program. Each claimant must be (1) unemployed, (2) physically able to work, and (3) available for work. To establish that the claimant is unemployed is a matter of routine because each employer against whose account the claimant claims benefits is immediately notified by the agency. Any subsequent employment by the claimant is checked against the reports of wages submitted by covered employers. This leaves undetected certain part-time or miscellaneous activity which is remunerated. But, claimants are obligated to report these earnings -- for that matter, all earnings -- to the agency.

Claimants are not as a rule given or required to get a medical examination to establish that they are physically able to work; however, if there is any indication that they may not be physically sound, they can be directed to furnish a physician's report of examination. A physician's report is required in the District of Columbia in all pregnancy cases because the law prohibits the payment of benefits 6 weeks before and 6 weeks after childbirth.

To be available for work claimants must show that they are actively seeking work and have not unreasonably restricted their availability for work, e.g., as to their availability in terms of hours, shifts, distance, etc. But, these criteria vary depending on the regular occupation of the claimant. For example, if a claimant belongs to a union through which employers hire such persons, the claimant satisfies this condition by making himself available to the union hiring hall. Additionally, claimants are not expected to immediately seek or accept employment where their salary would be substantially less than they were receiving. Labor market conditions will also dictate how much a claimant is expected to seek employment. For example, a construction worker unemployed in January would not be expected to do much active seeking since it can be presumed that construction work is very scarce during the winter months. Conversely, a claimant who possesses a skill in high demand would be expected to seek employment very actively, and his unemployment for any considerable length of time would be seriously questioned. Furthermore, a consideration in determining whether this condition is met is the experience and education of the claimant, and even personal or other characteristics which can be prejudicial to the claimant.

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There are also a few other circumstances which create difficult issues to be resolved by examiners in this occupation. These are the disqualifying conditions already discussed, and the majority of them are listed above.

The difficulty of an examiner's job is related directly to these conditions or issues, that is, the more difficult it is to recognize, analyze, develop and decide the issues, the more difficult is the examiner's job. For example, less difficult claims contain all the information necessary for a determination or may be resolved on the basis of readily obtainable information. More difficult claims require the development of information or evidence to resolve conflicting issues and the claims examiner must analyze and verify numerous circumstances, conditions and situations. The more difficult the issues, the more judgment the examiner must exercise in selecting, interpreting and applying appropriate criteria such as regulations and precedents; determining how to develop the necessary evidence; and determining the relevancy and validity of evidence.

Level of responsibility

The responsibility of examiners in this occupation is reflected in the finality of their actions on individual claims -- in other words, the nature of any review of their actions. There are basically two kinds of review performed in this claims examining process: (1) Administrative or quality control review; and (2) review for authorization.

Administrative or quality control review is made for the following purposes: controlling the error rate; checking the work of claims examiners for use in training, for performance evaluation, and for similar administrative purposes; improving work product and finding and correcting sources of defective work; and assuring overall agency conformance to applicable laws, regulations, and other criteria. Administrative review may be carried out at any point in the process of examining claims. This kind of review is not a claims examining function, per se, i.e., the intent is not to assure the acceptability of the determination on any individual claim. For position classification purposes, administrative review does not lessen the value of the actions taken by a claims examiner. The level of this kind of review, in itself, is evaluated at the same grade level as initial adjudication work. However, the evaluation of positions involving quality control depends not only on the review work itself, but also upon any other duties performed as a result of the findings of the administrative review. Administrative review is usually performed by supervisory or staff personnel.

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Authorization is the function of exercising the agency's authority to allow or disallow the payment of money to the claimant. This function may be isolated from the adjudication function. When this is the case, authorization takes the form of a final review of the entire claim to assure that the determination is factually and legally accurate, adequate and acceptable in accordance with the applicable law, regulations, precedents and other criteria. Or, this authority may be placed in the same positions which adjudicate claims. In the first situation, the authorizing examiner has authority to reverse the initial determination in whole or in part.

The position of a claims examiner who reviews and authorizes a certain level of claim is one grade higher than the position of a claims examiner who performs initial adjudication of the same level of claim. If there is no separate initial adjudication, the grade of an authorizing claims examiner is one grade higher than the level of difficulty described in this standard for initial adjudication only.

Other aspects of supervision received by examiners in this occupation, including training and consultation on unprecedented and policy matters, are the same at all grade levels, and, therefore, are not discussed at the separate grade levels.

UNEMPLOYMENT COMPENSATION CLAIMS EXAMINER, GS-0994-05

Nature of claims

Incumbents of positions at this level serve in a developmental capacity in preparation for the work of the next level. They initially learn the basic program philosophy and requirements, and agency policies, regulations and practices. They become familiar with the role of the U.S. Employment Service, and the general labor market conditions in their jurisdiction and the sources of information on labor market conditions throughout the United States. They are trained in cases involving overpayments, underpayments, and adjustments, and they learn the practices used in detecting overpayments and how to collect them through offsetting against benefits due. The objective of the training program is to prepare incumbents for the GS-7 level where they will adjudicate the full range of unemployment compensation claims.

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Level of responsibility

Supervision of incumbents at this level is initially very close and detailed. However, once they are past orientation and basic training they are given progressively greater independence of action until at the conclusion of their training period they are ready to perform at the GS-7 level.

During the training period, incumbents are given authority to contact employers to verify facts and to secure information needed to adjudicate the simple and uncomplicated claims. Their work is reviewed by a claims examiner in a higher grade for authorization of the claims.

UNEMPLOYMENT COMPENSATION CLAIMS EXAMINER, GS-0994-07

Nature of claims

Incumbents of positions at this level initially adjudicate the full range of initial, continuing and reopened¹ claims for benefits under this program, including those presenting very difficult and complicated issues and problems. Evidence relevant to these issues is very difficult to obtain and to evaluate because documentary evidence is nonexistent and the statements, testimony and other nondocumentary evidence very often is contradictory and conflicting. There may be no guidelines or criteria which appropriately cover the problems presented by these claims, and substantial judgment is required of examiners to make proper and equitable determinations.

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Typical of the issues and problems encountered at this level include:

(a) Determining if a claimant has refused an offer of suitable employment. The kernel of this issue is what is suitable. This determination must be made in light of the particular circumstances present in each case. The examiner must develop information about the specific job, such as the hours of work, the duties to be performed, the location of the job, the salary, and other physical conditions of the job. The examiner must also delve into the situation to see if the job was actually offered and refused, and for what reasons. In determining whether this was suitable employment the examiner must consider the physical fitness and prior training, experience and earnings of the claimant; the distance of the place of work from the claimant's place of residence, and the cost and availability of transportation; the risk involved as to the claimant's health, safety, morals, and other pertinent considerations. The examiner must always develop sufficient information about the position to determine whether it is vacant due directly to a

¹Claims are reopened for several reasons, but they are not necessarily more difficult than other claims, and they are not reconsiderations of prior decisions. For example, when a claimant's benefits are stopped when he becomes re-employed, his claim may be reopened if he later again becomes unemployed in the same benefit year. A claim may also be reopened when a claimant, after receiving an adverse decision on his claim, asks for another determination because the situation that caused the original determination no longer prevails. For example, if a claimant is declared ineligible because he is not available for work, and is now alleging and attempting to prove that he is now available for work, the claim is reopened for another determination.

strike, lockout, or other labor dispute; whether the wages, earnings, hours, or other conditions of work are less favorable than those prevailing for similar work in the locality; and whether the claimant would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(b) Determining whether the claimant is unemployed because of a labor dispute in which he is participating, or in which he has a direct interest. The examiner must develop sufficient information to show whether there was in fact a work stoppage, and, if so, on what days the claimant's unemployment was due to the work stoppage; whether the work stoppage constituted a strike; whether the claimant's place of work was in the establishment, premises, or enterprise in which the strike occurred; whether and to what extent the claimant was participating in or directly interested in the strike; and whether any of the members of the claimant's grade or class of workers were participating in or directly interested in the strike.

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(c) Determining if an employee was discharged for willful misconduct. Incumbents must develop the facts surrounding the termination of the employment. Quite often the employer will state that the claimant was fired for some misconduct such as intoxication on the job, and the claimant will contend that he was laid-off because of lack of work. The examiner must develop and consider all the facts, contentions, conditions and circumstances of the case and decide if, in fact, the claimant was discharged, and, if so, whether the reasons for the discharge constitute willful misconduct. The fact of discharge for misconduct does not necessarily mean that the examiner must disqualify the claimant. The examiner must recognize and consider any extenuating facts or circumstances which would make disqualification improper.

(d) Determining whether the claimant has good cause for quitting his employment. Again the examiner is often confronted with conflicting statements from the employer and employee. The examiner must consider that the employer may be attempting to protect himself from an increase in his unemployment tax (not as a result of one claim, but as a factor in the cumulative effect on the tax), and the employee may be attempting to protect himself from losing some of his compensation. The examiner must use skill and ingenuity to develop all possible evidence and --under the general policy that the claimant must show good cause-- make his determination. In essence, the examiner is basing his determination on the nebulous criteria of: What would the reasonable and prudent individual in the labor market do in like circumstances? The examiner must also consider the effect of the job on the claimant's physical and mental health, whether the claimant was about to be laid-off, the claimant's past record of employment, the duration of his most recent employment, and other pertinent considerations.

(e) Determining whether earnings were not reported by the claimant because of willful misrepresentation or because of ignorance. Through personal interviews, correspondence, field investigations, or other means, the examiner must develop and evaluate the facts and circumstances of the case and establish, insofar as practicable, the reasons why the claimant did not report his earnings. He must consider such things as whether the claimant has ever previously received a specific warning regarding reporting of earnings, whether the circumstances indicate that some of the fault rests with the employer, and whether the education and intelligence of the claimant possibly affects his intent. Considering all of the facts the examiner must decide the intent of the claimant, and further, whether to disqualify him as provided by law and regulation, whether to initiate collection action, or whether to recommend that the debt be waived, or whether to recommend that legal action be taken against the claimant. The examiner must always consider whether his actions or recommendations would defeat the purpose of the program or would be against "equity and good conscience." Recommendations for waiver of debt and legal action are reviewed by the agency's legal staff.

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Level of responsibility

Incumbents of positions at this level are expected to independently analyze the case or claim, determine the method of approach, develop the necessary information and evidence, and personally inform claimants of the decision and their appeal rights if the decision is adverse to them. When it is necessary, examiners advise the claimants of the nature and reasons for an adverse decision and their appeal rights through correspondence.

The Unemployment Compensation Claims Examiner GS-7 performs initial adjudication of claims described above as characteristic of the GS-7 level.

ADDITIONAL NOTES

Positions of incumbents responsible for the final authorization of claims initially adjudicated by GS-7 examiners, or responsible for initially adjudicating and authorizing claims that are described above as characteristic of GS-7, are classified at GS-8.