

Membership Matters

Quarterly News from The 501 Alliance

December 2018

New Members Join The 501 Alliance

The board approved six new organizations for membership in the group at their November meeting, including one new member in the Upper Peninsula. We now have approximately 345 members located across the state of Michigan.

The board would also like to thank those members who took advantage of our Member Referral Program and helped us to recruit new members. As a reminder, this program provides your organization with a \$50 charitable donation for every prospective member who completes and submits an application for membership. An additional \$150 charitable donation is provided to your organization for every prospective member who also qualifies and is approved for membership. In total, up to \$200 can be received for each prospective member referred to The 501 Alliance.

To receive your referral check, the applicant simply needs to include the name of your organization on their application. In addition, there is no limit to the number of prospective members you can refer. For example, refer just five prospective members and your agency will receive at least \$250 and up to \$1,000. You can also contact us at any time to inquire about the status of any nonprofit referred for membership.

If you have any questions, please contact us at 800-968-9675. You can also visit our website at 501alliance.org for more information.

New Directors Elected to the Board

Two new directors were recently elected to the Board. Please join us in welcoming Mike Larson, President and CEO, Michigan Association of United Ways in Lansing. Mr. Larson also previously served as a director on the board five years ago. The other new director is Kim Westmoreland, Senior Payroll and Benefits Manager, Michigan Public Health Institute in Okemos.

Mr. Larson and Ms. Westmoreland both work at member agencies and their employers have been members of the group for almost 15 years. Everyone at The 501 Alliance is looking forward to working with these two new directors.

For a listing of all of the directors on the board, please visit our website at 501alliance.org. If you're interested in becoming a director, please contact the Administrator at 800-968-9675.

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How Would You Rule?

Background:

The claimant, a pharmacy tech, was discharged for violating the employer's policy regarding confidentiality of patient information. She was disqualified from benefits upon a finding she was discharged for misconduct connected with work. She appealed and a hearing was scheduled before an Administrative Law Judge (ALJ).

At the Hearing:

Employer's Evidence: The employer's witnesses testified the claimant was given the employer's policies at hire. One policy provided was to "maintain the privacy and confidentiality of patient information and pharmacy records" and to not disclose confidential information to anyone. The policy provided for immediate discharge if the policy was violated. On the date of the final incident, the claimant was approached by a coworker who showed her a prescription, which had been filled for a former coworker. The prescription gave the claimant and her coworker information about the former coworker's medical condition. The claimant later joined a conversation about the former coworker's medical condition. As a result of these conversations, the claimant was discharged.

Claimant's Evidence: The claimant testified she did not violate the policy. She stated she was approached by her coworker with the prescription and she did not inform anyone that the medication had been prescribed. When she joined the conversation already taking place, she was certain others had already been informed of the former coworker's prescription by the current coworker.

The Hearing Decision:

The ALJ found the claimant was discharged for misconduct connected with the work and she was disqualified from benefits. The claimant violated the employer's confidentiality policy because by joining in on the breakroom conversation, the claimant did not maintain the confidentiality of the former coworker's medical information. The claimant appealed and claimed she did not violate the policy as written because she did not disclose confidential information to anyone; she had just participated in conversations about it.

The Board of Review Decision:

The Board of Review (BOR) disagreed with the ALJ's decision and reversed it. The BOR found the employer's policy provided that the claimant should "maintain" the privacy of the prescription information. Since the claimant did not disclose any confidential information herself, she did not deliberately violate the policy. She was not discharged for misconduct connected with work and in-turn was allowed unemployment benefits.

Takeaway:

For a finding of misconduct, it may be necessary to prove the claimant deliberately violated a policy. In this case, the claimant was able to convince the ALJ that she did not disclose any confidential information. In a similar case, be prepared to provide evidence and testimony showing the claimant's actions violated your policy as written. If your policy does not specifically prohibit the claimant's actions, you might be able to argue "deliberate disregard of the employer's interests," which could result in a finding of misconduct.