

# Membership Matters

Quarterly News from The 501 Alliance

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*March 2017*

## **CaseBuilder is Coming**

CaseBuilder, our new on-line tool to process and respond to claims for unemployment benefits is scheduled to be rolled out in April, along with our new web based reporting software Insight. Members will first receive an e-mail to register for training on CaseBuilder and that will be followed by another e-mail to register for training on Insight. Recorded versions of the training will also be available if you are not able to attend either of the live training events.

In addition, if you have not returned your claims contact sheet that was mailed in February, please do so as soon as possible. If you have any questions about this new software or training, contact the Administrator at 800-968-9675.

## **Web Site Changes**

Based on feedback from members, we have made a couple of changes to our web site. Members will now see a confirmation after submitting their quarterly contribution report and instructions have been added for allowing “pop-ups” on Google and Internet Explorer for those members who may have had difficulty with printing their report. The instructions are located under the FAQ section of our web site.

We also wanted to remind members to include their UIA employer number on the face of their checks when submitting a payment. UIA employer numbers can be found on the top, left-hand side of your contribution report.

## **Mark Your Calendar for the Next Annual Meeting**

All member agencies are invited to attend the annual meeting of The 501 Alliance on Friday, May 12, 2017. This meeting will be held from 11:00 a.m. to 11:45 a.m. at the University Club of Michigan State University in Lansing. A complimentary lunch will also be provided immediately following the meeting. Directions to the venue and an invitation to attend will be included in the annual report that will be mailed in late April.

Topics of discussion include financial and claim reports for 2016, results from the annual audit and we will be asking the members in attendance to ratify an amendment to the By-Laws, which will allow the group to send the invitation to the annual meeting electronically instead of through the mail. This is also your chance to meet the Board of Directors and to network with your peers from across the state. If you have any questions about attending the meeting, contact the Administrator at 800-968-9675.

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### How Would You Rule?

#### **Background:**

The claimant was discharged for excessive breaks and time clock fraud. She was allowed benefits upon a finding she was discharged from her job but not for misconduct. The employer appealed and a hearing was scheduled before an Administrative Law Judge (ALJ).

#### **At the Hearing:**

*Employer's Evidence:* The employer testified that the claimant, who worked as a night shift manufacturing operator, was discharged for taking excessive breaks and not clocking out while she was away from work. The employer had discovered that a significant number of employees were following a pattern of taking excessive breaks. In response, the employer met with all of the workers, informing them their actions would no longer be tolerated and they must adhere to a strict number of minutes per shift. The employer discovered that despite the meeting, the claimant continued to take excessive breaks ranging from 15 to 30 minutes past her allotted time. The employer presented time punch documentation and Human Resources testimony regarding seeing the claimant on security cameras as evidence.

*Claimant's Evidence:* The claimant testified she attended the meeting and was aware of the company's stated policy regarding excessive break time. She testified she approached her supervisor and asked if the night shift would also be required to follow the strict break times. The claimant testified her supervisor responded that as long as the work was completed, the night shift would not be expected to adhere to the policy. The claimant added the shift was meeting goal and she had seen other employees taking the same amount of time for break and believed it meant the supervisor's statement was correct.

#### **The Hearing Decision:**

The ALJ found the claimant was discharged but not for misconduct connected with work and she was allowed benefits. The ALJ found the claimant reasonably believed her actions were allowed and the employer's evidence showed that she was only taking 5 to 10 extra minutes rather than the 15 to 30 minutes as testified by the employer. The employer disagreed and appealed, arguing that the claimant stole company time by taking excessive breaks without clocking out for the time and that her actions were a deliberate disregard of the employer's best interests.

#### **The Board of Review Decision:**

The Board of Review agreed with the ALJ's decision and the decision remained in effect. The employer was able to prove the claimant took extra time on her breaks but the employer was unable to prove the claimant did so willfully because the claimant reasonably believed her supervisor condoned her actions.

#### **Takeaway:**

In this case, the element of "deliberate" was not proved because the claimant was able to convince the ALJ that she was unaware that she was required to follow the policy. As she was unaware that her adherence to strict break times was in her employer's best interests, she was not able to deliberately disregard those interests.