

Membership Matters

Quarterly News from The 501 Alliance

December 2015

Reminder...Taxable Wage Base Reduced to \$9,000

We wanted to remind all of our members that the Taxable Wage Base (TWB) was reduced from \$9,500 to \$9,000 effective July 1, 2015. The TWB was reduced after the state announced they were reducing their Taxable Wage Base for employers to \$9,000 as well. This reduction also applies to calendar year 2016 and is reflected on the contribution rate notices that were recently mailed to members.

In addition, please ensure that your payroll company is using the correct Taxable Wage Base when calculating your contribution payments. If an error was made on a previously submitted report, you can visit our web site at 501alliance.org and complete an amended report if your organization is registered on our site. If not, you can contact us at 800-968-9675 and we can send one to you. If you have any questions, please contact the Administrator.

New Members Join The 501 Alliance

At the November meeting, the board approved nine new organizations for membership in the group starting in January of 2016. This will increase our total membership to almost 350 nonprofit agencies across the state.

We 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 you refer who completes and submits an application. An additional \$150 charitable donation is provided to your organization for every prospective member who also qualifies and is approved for membership. That's up to \$200 you can receive for each prospective member referred to The 501 Alliance.

The applicant simply needs to include your name and telephone number on the application and we will send you a check. 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 you have referred. If you have any questions, please contact us at 800-968-9675. You can also visit our web site at 501alliance.org for more information.

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How Would You Rule?

Background:

The claimant was discharged from her employment as a bartender due to a customer complaint. The claimant was allowed benefits upon a finding that she was discharged, but not for misconduct connected with work. The employer appealed and a hearing was scheduled before an Administrative Law Judge (ALJ).

At the Hearing:

Employer's Evidence: The employer received a complaint from a customer that the claimant had been inattentive and rude and the customer had been refused service. When questioned about the complaint, the claimant admitted that she had refused to serve the customer's party a round of drinks because it was close to closing time and she believed the customers may have been intoxicated. The employer's policy, which the claimant had received at hire, provided that employees who believed that a customer was too intoxicated to be served were to report the customer to the manager. The manager would then make the decision regarding whether to continue service.

Claimant's Evidence: The claimant testified that she was not rude or inattentive as described by the customer. The claimant testified that she did refuse to serve the customers a round of drinks because it was near closing time and she was worried about their intoxication level. She indicated that her thirteen years of service as a bartender should have been taken into account because she was capable of determining the intoxication level of guests.

The Hearing Decision:

The ALJ found that the claimant's discharge was for misconduct connected with the work and she was disqualified from benefits. The claimant had been given the employer's policy at hire, which provided that only a manager may determine that a customer was too intoxicated to be served. The claimant's failure to serve the customers was a willful disregard of the employer's interests and constituted misconduct connected with the work. The claimant appealed, arguing that the employer failed to prove she was rude and her experience should have been taken into consideration regarding her evaluation of the guests' intoxication level.

The Board of Review Decision:

The Board of Review agreed with the ALJ. Though there was no first-hand testimony regarding the customer's complaint that the claimant was rude and inattentive, the claimant's admission (that she had refused to serve the guests despite the employer's policy providing that a manager was to be contacted) was sufficient proof to support the decision of the ALJ. The claimant willfully violated an employer policy of which she had been made aware. The claimant remained disqualified.

Takeaway:

It is possible to prove misconduct in a case in which a claimant was discharged due to customer complaints. In this case, the employer did not call the customer to testify in the hearing, which is very common, as most employers do not wish to inconvenience their customers. The employer was able to provide testimony from the person to whom the claimant admitted refusing to serve the customers. Remember, it is always advisable to discuss an incident with an employee prior to discharge. Any admissions made by the claimant at that time are admissible and are considered to be valuable evidence at a hearing.