

REFUSAL OF "SUITABLE WORK" - FACT FINDING FORM

If you have offered an individual, who is currently filing for unemployment benefits, work which you believe is suitable, please provide the following information and return to the above mailing address. Further information regarding "suitable work" is provided on page 2 of this document.

Claimant Name: _____ SSN: _____

Business Name: _____ Employer's UI Account #: _____

Name of person who offered work: _____ Date work was offered: _____

How was the work offered (telephone, in-person, e-mail, etc.): _____

What type of work was offered?: _____

Indicate city/town/state and division/unit of the work offered: _____

Was the work Full-Time Part-Time?

Indicate the number of hours per week and shift of the work offered: _____

Indicate rate of pay of offered work: _____ Indicate date work was to start: _____

Indicate reason(s) given by claimant for refusing the offer of work: _____

Had the claimant done this type of work before? Yes No - If Yes:

What was the previous job, rate of pay, and the last day of that work?: _____

Where was the previous work performed?: _____

Additional comments: _____

By signature below, you certify the information provided is true and accurate to the best of your ability.

Signature of Person Making Report_____
Date_____
Telephone Number_____
Print Name and Title of Signature Person

Suitable Work

Statute requires individuals who are unemployment claimants to accept an offer of "suitable work". Not all jobs are considered suitable for an individual, however. The department will only investigate a "suitable work" issue if the person is currently receiving unemployment insurance or was receiving unemployment insurance at the time of the refusal of work. The department has no legal authority to investigate a person who is not now and has not been receiving unemployment insurance.

"Suitable work" involves many factors, such as pay, working conditions, health, work skills and commuting distance. Two major questions comprise our scenario of suitable work: Was the person actually willing to work, and was the job appropriate for the person?

One must be willing to work to receive unemployment insurance. Any indication to the contrary triggers an immediate investigation. "Going through the motions" is not sufficient. A sincere desire to work must be shown through a realistic work search effort. A willingness to work implies being able to work. If one is physically unable to work due to illness or injury, he or she may be barred from receiving unemployment insurance benefits for refusing otherwise suitable work for as long as they are unable to work.

If a willingness to work is evident, then the department explores the appropriateness of the job. For example, if a person earned \$20.00 an hour as a manager at his or her most recent position, a job at \$10.00 an hour as a salesperson would not normally be considered appropriate. If the new job required a commute of 50 miles, but the person had always worked within 10 miles from home, the location of the new job might be sufficient reason to turn down the job. If a person did not have the necessary skills or background for a job, he or she could also refuse it and generally remain eligible for unemployment insurance.

If a job offer is in the person's normal occupation, working conditions and pay become key issues. A carpenter would have a fairly strong case if he or she refused a night carpentry job. Carpenters do not normally work at night, and that unusual working condition could be sufficient reason to refuse a job. Pay that is either considerably below the person's most recent salary or less than the prevailing wage for the occupation also may constitute a valid reason to refuse a job offer.

To be a valid offer of work, the job must begin within two weeks, and the worker must be told pay, hours, location of the job, and other relevant information. A simple query of "Would you like to work for me?" does not meet the department's definition of a valid offer of work.

A person who is working has the right to remain with the current employer. Refusing to work for someone else is perfectly acceptable. This right to continue work for one's current employer often leads to bitter protests from a former employer. The reason for the strenuous protests can be understood with this example.

A worker, "Joe", is laid off by Superior Products Company. "Joe" receives unemployment insurance payments for a month, and then takes a job with Quality Wares Company. When Superior Products asks "Joe" to return, he refuses. They then hire someone else. A few months later, Quality Wares lays off "Joe". He resumes collecting unemployment insurance, and Superior Products is still charged for his payments. Superior's owner is not happy, and hastens to tell the department that "Joe" refused an offer of work.

The department investigates, discovers that "Joe" was working for Quality Wares at the time of the job offer, and informs Superior Products that "Joe" has not violated any provision of the unemployment insurance law and will continue to receive payments. The worker has done nothing to cause disqualification of his unemployment, and has abided by all the regulations. Superior Products will be charged for his unemployment for the rest of the benefit year. (A "benefit year" begins when a worker files for unemployment insurance and ends 365 days later. Within that time period, charges for unemployment are not changed. They will be assessed against the same company or companies for the entire 12 months.)