

An Overview of Unemployment Claims and Appeals

William T. (Tommy) Simmons

Legal Counsel to Commissioner Ruth R. Hughs

Commissioner Representing Employers

Texas Workforce Commission

tommy.simmons@twc.state.tx.us

Book: www.twc.state.tx.us/news/efte/tocmain2.html

Web app: texasworkforce.org/tbcapp

1-800-832-9394; 1-512-463-2967

Unemployment Insurance Basics

- System based on fault, not need
- UI benefits are for those who are unemployed through no fault of their own
- System is financed entirely by employers
- Any school employee is covered

Hurdles for Claimants

- Monetary qualification
- Out of work through no fault of their own
- Continuing eligibility requirements
- Any of these can prevent payment of UI benefits

Wage Suppression

- If a claimant has base period wages from a school district, is between academic terms, and has reasonable assurance of continuing employment in the following term, benefits may not be based upon the school wages
- The claimant might qualify for lower benefits based upon non-school wages

Substitute Teachers

- Failing to follow established policy on staying in contact with the district can merit an investigation
- Completing an assignment with no further work immediately available = layoff, but refusing an offer of suitable new work without good cause merits disqualification (prior to claim: voluntary leaving; post-claim: work refusal)

Follow Your Own Policy

- Giving prescribed number of warnings helps show that a person knew or should have known their job was on the line
- Following that and other policies helps show consistency of treatment, which is essential for defending against unemployment and discrimination claims

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: An Overview of Unemployment Claims and Appeals

Also available as part of the eCourse

[2018 School Law eConference](#)

First appeared as part of the conference materials for the
33rd Annual School Law Conference session

"An Overview of Unemployment Claims and Appeals"