



Keith Purtell <keithpurtell@gmail.com>

OESC Statistical Information

3 messages

Polly, Jim <Jim.Polly@oesc.state.ok.us>

Fri, Feb 16, 2018 at 9:54 AM

To: "keithpurtell@gmail.com" <keithpurtell@gmail.com>

Cc: "Sanders, Shalonda" <Shalonda.Sanders@oesc.state.ok.us>

Mr. Purtell,

I have been asked to contact you regarding your request for statistical information regarding individuals who refuse a job offer and how it affects benefits.

Before covering the statistics I would like to give a little information regarding Sections 2-408, 2-409 and 2-418 of the Oklahoma Employment Security Act. All of these sections cover our requirements to seek and accept work.

When we address an issue concerning seeking and accepting work, Sections 2-408 and 2-409 are initially used to determine if the offer of work was suitable. Section 2-408 defines suitable work as “employment in an occupation in keeping with the individual’s prior work experience, special education or training, or having no prior work experience, special education or training for occupations available in the general area then, employment for which the individual would have the physical and mental ability to perform.” It also includes other factors, such as requiring the individual to expand his work search to areas outside his customary occupation once he hits the 50% point of the claim.

Section 2-409 provides instructions on what exempts otherwise suitable work from being considered suitable at this time. This includes such things as whether the job was offered as a result of a strike (we do not require individuals to cross a picket line to begin work), if the wages or hours are substantially less favorable than the prevailing wage for that locality, if they are required to join or resign from a union, or if there was a substantial degree of risk.

Section 2-418 is the section of law used when issuing non-monetary determinations on failure to accept an offer of work or apply for work when directed by the commission. Section 2-417 has a similar title as Section 2-418 but it deals with weekly failure to search for work rather than failure to accept an offer of work or a referral by the Commission.

When an individual files a weekly continued claim (the request for weekly payment while unemployed) he is asked whether he refused work. If that is answered yes, it will trigger an investigation. That being said, most individuals will not tell us if they refused an offer of work. Most of these issues are raised by former employers or received as anonymous tips.

The first action we take is to determine whether the offer of work was legitimate. We will gather specifics such as the employer, the name of the individual who offered the job, the specifics of the job (pay rate, hours of work, benefits, etc.), the date of the refusal, and the reason given for refusing the job. We cannot address job refusals that occurred prior to the unemployment claim being filed. If the job is not deemed suitable we do not contact the claimant, we release the claim. If it is deemed suitable we will conduct additional fact-finding with the claimant and employer and a determination is issued. Denials are issued of 2 different lengths of time. These are generally considered 10X disqualifications. That means that the individual must return to work in covered (for UI tax purposes) employment, earn 10 times their weekly benefit amount, and then lose that job through no fault of their own in order to be allowed to file for unemployment again.

In rare cases, if the individual can show that the refusal was due to extenuating circumstances, the denial may be only one week in duration.

After fact-finding is completed, we will issue a determination allowing or denying benefits. These are usually claimant only determinations, meaning that the employer is not notified of the results of the determination. For the employer to be notified, they would have to submit the refusal in writing to the Commission. Most do not do that.

I pulled the reports for 2017 that were sent US Dept. of Labor. These reports are generated on a quarterly basis. There were 160 determinations completed under Section 2-418. Of these 55 were denied meaning we had a denial rate of around 34%.

I hope this answers your questions regarding refusal of suitable work. If you have any others, please do not hesitate to contact me. Thanks.



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Keith Purtell <keithpurtell@gmail.com>

Fri, Feb 16, 2018 at 6:02 PM

To: "Polly, Jim" <Jim.Polly@oesc.state.ok.us>

Cc: "Sanders, Shalonda" <Shalonda.Sanders@oesc.state.ok.us>

Mr. Polly:

Thank you for this detailed reply, and the time it took to pull together the supporting information!

- Keith Purtell
front-end web dev + more

[Quoted text hidden]

Polly, Jim <Jim.Polly@oesc.state.ok.us>
To: Keith Purtell <keithpurtell@gmail.com>

Sun, Feb 18, 2018 at 7:27 AM

No problem, let me know if you need anything else.



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