

Unemployment Tip of the Month



Understanding Protestable versus Non-Protestable Separations

When an employee leaves a job, the nature of their separation is a crucial factor in determining their eligibility for unemployment compensation. State unemployment agencies classify job separations primarily into two categories: **protestable** and **non-protestable**.

Protestable Separations

A separation is typically considered **protestable** when the employee is responsible for the job loss through their actions or inactions.

Common Examples of Protestable Separations include:

- **Voluntary Quit:** The employee leaves the job on their own accord without “good cause” attributable to the employer.
- **Discharge for Misconduct:** The employee is involuntarily terminated due to a willful disregard of the employer’s best interests, gross negligence, or violation of a known company policy/rule.

Non-Protestable Separations

A separation is generally considered **non-protestable** when the job loss is due to factors outside the employee's control. In these scenarios, the employee is usually eligible for benefits, provided they meet all other state requirements.

Common Examples of Non-Protestable Separations include:

- **Lack of Work:** The employee is terminated due to economic reasons, downsizing, position elimination, or a temporary shutdown.
- **Discharge without Cause:** The employee is terminated due to performance issues that do not rise to the level of willful misconduct, such as inability to perform.

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