

Before the Senate Local Government Committee

Senate Bill 150

January 21, 2011

Testimony of Sharon Blunn

Good afternoon, Mr. Chairman and members of the Committee. My name is Sharon Blunn. I work for the Department of Labor and Industry's Unemployment Insurance Division, and I make initial determinations about whether unemployment benefit claims should be paid or denied, and whether claims are chargeable to an employer's account. My job is that of a claims and benefits charging adjudicator. I also am responsible for training 20 or so other adjudicators who work in the Helena unemployment insurance claims center, and provide other training to staff and businesses on unemployment laws and rules. I worked elsewhere in state government for about 9 years before taking a job with the Unemployment Insurance Division in 2003.

When I was a full-time adjudicator, I made about 800 to 1000 determination decisions a month. That typically meant deciding whether or not a worker gets unemployment benefits on a claim. A party that is unhappy with a decision has an opportunity to request a hearing, or ask for a redetermination based on additional evidence submitted by the party. The Department's Hearings Bureau conducted about 950 unemployment hearings last fiscal year. Adjudicators get letters on a daily basis from both claimants and employers who are upset with adjudicator decisions. Some of the

letters indicate that the party is going to sue the adjudicator personally, due to the decision made. I have received numerous letters like that, but nobody has ever carried through and sued me. I'm not aware of any of the other adjudicators having been personally sued, either. I just keep doing my job, however, despite the letters, because I know that if I someday I do get sued over a determination, the State of Montana will provide a defense for me in court.

Under this bill, if I continue to do my job, I will expose myself every day to the financial risk of being sued over any determination I make. I'm not perfect, and sometimes the determinations I make are reversed at the hearings level or up the ladder on appeal in court. Most of the time they are not. However, all somebody will have to do is allege that I infringed upon some constitutional right – that I delayed or denied them a property right in the receipt of unemployment insurance benefits – and I will have to try to figure out how to pay a lawyer to defend me in court. You know that I don't earn enough to put myself and my family in that sort of financial jeopardy.

The unemployment insurance program took in roughly 132,000 benefits claims during the last fiscal year. My co-workers and I make decisions about those claims – whether somebody qualifies for benefits under the law or does not. We make decisions about whether the terms of the separation from employment are such that if benefits are paid, does the cost of the claim figure in to the rates the employer pays. In the unemployment insurance system, in disputed claims, just about always one party or another is disappointed with

our determination. I hope that you don't intend to make it easier for somebody to take that disappointment out on me.

I ask that you give this bill a "do not pass" recommendation.

Thank you, Mr. Chairman.