



# UNEMPLOYMENT INSURANCE

## A Bridge to Your Next Career

WE ARE YOUR DOL



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## IMPORTANT NOTICE

You are required to read this handbook. It explains how Unemployment Insurance works and tells you your rights and responsibilities. Many of the questions you may have are answered in this handbook. If your question is not answered here, please check our website at [labor.ny.gov](http://labor.ny.gov), especially the Frequently Asked Questions. From our homepage, choose “Get Unemployment Assistance” and then “Frequently Asked Questions.”

**This handbook is also available in the following languages:**

Albanian	Chinese	Italian	Russian
Arabic	French	Korean	Spanish
Bengali	Haitian Creole	Polish	Yiddish

You may view the handbook online at [labor.ny.gov](http://labor.ny.gov) or you may request a copy by calling 888-209-8124.

If you have a specific question and your language is not listed above, call 888-209-8124. Press “9” and we will arrange for an interpreter.

## ABOUT NY.GOV ID:

In order to file a claim online, send us a secure message, sign up for direct deposit and more, you must set up an NY.gov account at [labor.ny.gov/signin](http://labor.ny.gov/signin). For more information about NY.gov, please **see Chapter 3: “Setting up your NY.gov ID.”**

## PERSONAL PRIVACY PROTECTION LAW NOTICE

New York State law (Section 94(1) (d) of the New York Public Officers Law) requires us to tell you that we must collect personal information from you in order for you to participate in the Unemployment Insurance program. If you do not give us the information we ask for, we may have to deny you Unemployment Insurance benefits.

Under certain conditions and if authorized by law, the information we collect may be sent to your employer(s) and various state and federal agencies to verify your employment and eligibility for benefits. This may include the use of computer systems that match the information we obtain with that in other databases; for example, lists of people recently hired that are maintained by the New York State Department of Taxation and Finance.

You have the right to review information about you which is maintained by the Unemployment Insurance Division, unless exempted by law. The Unemployment Insurance Division routinely verifies alien registration numbers with United States Citizenship and Immigration Services of the United States Department of Homeland Security in order to determine if a person is eligible for Unemployment Insurance benefits. This is required by the Federal Immigration Reform and Control Act of 1986.

Our authority to request personal information when you file a claim is found in Article 18 of the New York State Labor Law for Regular State and Extended Unemployment Benefits, Chapter 85 of Title 5 of the United States Code for Federal Civilian and Military Unemployment Compensation and Chapter 68 of Title 42 of the United States Code for Disaster Unemployment Assistance.

# Contact Us

## SECURE MESSAGING AND OTHER MESSAGES

You may send and receive secure messages, correspondence and questionnaires through your Labor Online account and by mail. A failure to complete questionnaires and respond by the deadline provided may delay your claim or result in the denial and/or suspension of benefits.

### To claim weekly Unemployment Insurance benefits (certify for benefits) or check the status of benefit payments:

- **Online:** Go to [labor.ny.gov/signin](https://labor.ny.gov/signin), click "Sign In," enter your **NY.gov** username and password. On the My Online Services page, in the Unemployment Insurance section, click "Unemployment Services," and then choose "Claim weekly benefits."
- **Telephone:** Call **888-581-5812**, our Tel-Service automated phone system, 24 hours a day, 7 days a week.
- **TTY/TDD users (deaf or hard or hearing):** Call a relay operator at **800-662-1220** and ask the relay operator to call **888-783-1370**.
- **Video Relay Users:** If you use a Video Relay System or another type of relay service, contact your relay operator and ask the relay operator to call **888-783-1370**.

### To apply for benefits (file a claim) or ask specific questions about your claim:

- **To file a claim online:** Go to [labor.ny.gov/signin](https://labor.ny.gov/signin). Click "Sign In." Enter your ny.gov username and password. On the My Online Services page, in the Unemployment Insurance section, click "Unemployment Services." Click "File a claim"
- **Telephone:** Call our Telephone Claims Center Monday through Friday, 8 a.m. to 5 p.m. at **888-209-8124**. Interpreters are available for most languages; press 9 for an interpreter.
- **TTY/TDD users:** Call a relay operator at **800-662-1220** and ask the operator to call **888-783-1370**.
- **Video Relay Service users:** If you use a Video Relay System or another type of relay service, contact your relay operator and ask the relay operator to call **888-783-1370**.
- **To ask questions by secure message:** Sign in at [labor.ny.gov/signin](https://labor.ny.gov/signin). Click "Sign In." Enter your ny.gov username and Password. On the My Online Services page, in the Messages section, click "Go to My Inbox." Select "Compose New" and then select the subject of your question.

### To create or use an NY.gov ID:

- Go to [labor.ny.gov/signin](https://labor.ny.gov/signin). Click "Create NY.gov Account" to create a new NY.gov account.
- **Need help?** Call the Department of Labor Contact Center at **800-833-3000** between 8:30 a.m. to 4:30 p.m. Monday through Friday. Press option 2 to speak to a representative at the Department of Labor Contact Center.

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.

### To change your address or phone number

- You may change your address or phone number when you claim weekly benefits online by clicking the “Update Your Personal Information” button and then the “Change Address/Telephone Number” button.
- **Online:** Go to [labor.ny.gov/signin](https://labor.ny.gov/signin). Click "Sign In." Enter your NY.gov username and password. On the My Online Services page, in the Unemployment Insurance section, click "Unemployment Services." Click "Update My Personal Information" and then click "Change Address and/or Your Phone Number."
- **Telephone:** Call our Telephone Claims Center Monday through Friday, 8 a.m. to 5 p.m. at **888-209-8124**. Interpreters are available for most languages; press 9 for an interpreter.

### Debit card assistance – Go Program Customer Service:

- Call **844-649-9845**

### To register for direct deposit

- Sign in to your account at [labor.ny.gov/signin](https://labor.ny.gov/signin). Enter your NY.gov username and password. Click the “Unemployment Services” button on the My Online Services page. Click on “Update Your Personal Information.” Click on Update/Register for Direct Deposit.” (You may also register when you file a claim or claim weekly benefits.)

### To change your tax withholding

- **Online:** Sign in to your account at [labor.ny.gov/signin](https://labor.ny.gov/signin). Enter your NY.gov username and password. Click the “Unemployment Services” button on the My Online Services page. Click on “Update Your Personal Information.” Click “Update Tax Withholding.” (You may also change tax withholding when you file a claim or claim weekly benefits.)
- **Telephone:** Call our Telephone Claims Center,\* select the option to speak to a representative about a claim you have already filed, enter your Social Security Number and PIN, and then press 3 to change your federal tax withholding, or press 4 to change your state tax withholding.

### To obtain your 1099-G form:

- **Online:** Sign in to your account at [labor.ny.gov/signin](https://labor.ny.gov/signin). Enter your NY.gov username and password. Click the “Unemployment Services” button on the My Online Services page. Click on “Get Your NYS 1099-G.” (You may also request your form 1099-G when you file a claim or claim weekly benefits.)
- **Telephone:** Call our Telephone Claims Center\* and select the option to obtain your 1099-G form.

### To find a Career Center

- **Online:** Go to [labor.ny.gov/career-center-locator](https://labor.ny.gov/career-center-locator).
- **Telephone:** Call our Contact Center at **888-469-7365** between 8:30 a.m. and 4:30 p.m. Monday-Friday.

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## To report unemployment insurance fraud

- **Online:** Go to [labor.ny.gov](http://labor.ny.gov). Click on "Report Fraud" near the bottom of the screen.
- **Call:** 888-598-2077 (Claimant Fraud) OR 866-435-1499 (Employer Fraud)

## To report a mistake you made when claiming weekly benefits

- **Online:** Go to [labor.ny.gov/signin](http://labor.ny.gov/signin). Enter your NY.gov username and password. On the My Online Services page, in the Messages section, click "Go to My Inbox." Select "Compose New." Select Subject: "Claims Questions." Select Second Subject: "Certification Questions." In the body of the message, explain the mistake and call 888-209-8124 as soon as you can.
- **Telephone:** Call our Telephone Claims Center Monday through Friday, 8 a.m. to 5 p.m. at **888-209-8124**. Interpreters are available for most languages; press 9 for an interpreter.

## To correct employer or wage information on your Monetary Benefit Determination

- Complete and return the Request for Reconsideration form. (Use the form sent with the Monetary Benefit Determination or the form in the back of this handbook.)
- **Online:** Go to [labor.ny.gov/signin](http://labor.ny.gov/signin). Enter your NY.gov username and password. On the My Online Services page, in the Messages section, click "Go to My Inbox." Select "Compose New." Select Subject: "Benefit Rate and Monetary Determination." Select Second Subject: Request for Reconsideration of Benefit Rate, Alternate Base Period Request, or Rate Based on Weeks of Employment Request." In the body of the message, explain which wages or employer are missing or incorrect. Upload supporting documents.

## To request an extended base period (because you do not qualify for benefits using the Basic or Alternate Base Periods, but you received workers' compensation or volunteer firefighters' benefits during the basic base period)

- Complete and return the Request for Reconsideration form. (Use the form sent with the Monetary Benefit Determination or the form in the back of this handbook.)

## To request back credit for a missed week

There are three ways to request a credit for a missed week of benefits. When using any one of the three methods, please make sure to include the beginning and ending dates of the time period which you did not claim benefits and the reason you did not claim benefits promptly.

- **Online:** Go to [labor.ny.gov/signin](http://labor.ny.gov/signin). Enter your NY.gov username and password. On the My Online Services page, in the Messages section, click "Go to My Inbox." Select "Compose New." Select Subject: "Claims Questions." Select Second Subject: "Request Backdating of claim/Request to claim benefits for a prior week."
- **Fax:** Fax your request to **518-457-9378**.
- **Mail:** Mail your request to New York State Department of Labor, PO Box 15130, Albany, NY 12212-5130.

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.

### **To ask the Department of Labor about your availability status when you leave the country or leave your local labor market.**

- **Online:** Go to [labor.ny.gov/signin](https://labor.ny.gov/signin). Enter your NY.gov username and password. On the My Online Services page, in the Messages section, click "Go to My Inbox." Select "Compose New." Select Subject: "Claims Questions." Select Second Subject: "Traveling out of the area." In the body of the message, explain when you are leaving, where you are going, and when you expect to return.
- **Telephone:** Call our Telephone Claims Center Monday through Friday, 8 a.m. to 5 p.m. at **888-209-8124**. Interpreters are available for most languages; press 9 for an interpreter.

### **To find my Benefit Year Ending date**

- It is on your Monetary Benefit Determination and many other documents mailed to you; it is also on your Payment History (instructions below).

### **To request a record of my unemployment insurance payments (Payment History)**

- **Online:** Sign in to your account at [labor.ny.gov/signin](https://labor.ny.gov/signin). Enter your NY.gov username and password. Click the "Unemployment Services" button on the My Online Services page. Click "View Payment History." (You may also request your payment history when you file a claim or claim weekly benefits.)
- **Telephone:** Call **888-581-5812** and follow the instructions to inquire about your benefit payment status.

### **To request a hearing**

- Complete and return by fax or mail the Claimant Request for Hearing form found at the back of this handbook; or
- **Online:** Sign in to your account at [labor.ny.gov/signin](https://labor.ny.gov/signin). Enter your NY.gov username and password. On the My Online Services page, in the Online Forms section, click on the "Go to My Online Forms" button. In the left menu, select the "Claimant Request for Hearing" form. Complete the form. Upload supporting documents if you have them. Click on the "Submit" button.

### **More Resources:**

- Frequently Asked Questions about Unemployment Insurance: [dol.ny.gov/claimant-frequently-asked-questions](https://dol.ny.gov/claimant-frequently-asked-questions)
- For information about New York State's \$15 Minimum Wage: [labor.ny.gov/minimumwage](https://labor.ny.gov/minimumwage)
- For information about New York State's Paid Family Leave program: [paidfamilyleave.ny.gov](https://paidfamilyleave.ny.gov)

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# Introduction to Unemployment Insurance

This section provides an overview of the Unemployment Insurance program. However, you are required to read this entire handbook. You are responsible for knowing the information in it.

## Overview

- **See the Glossary in Chapter 12** for definitions of important terms used in this handbook
- **Unemployment Insurance** is temporary income for eligible workers who become unemployed through no fault of their own. Those who qualify can receive a weekly benefit payment for a maximum of 26 full weeks during a one-year period. In New York State, employers pay for benefits, not workers. No deductions are taken from workers' paychecks. The Department of Labor decides if you are eligible for benefits, not your employer.
- **There are certain eligibility requirements** you must meet to receive benefits. You must:
  - Have lost employment through no fault of your own
  - Have enough prior earnings from employment to establish a claim
  - Be ready, willing and able to work immediately
  - Be actively seeking work
  - Keep a written record of your work search activities for each week you claim benefits or use the work search tool located at [labor.ny.gov/careerservices/jobzone/index.shtm](http://labor.ny.gov/careerservices/jobzone/index.shtm)
  - Attend required appointments at your local Career Center

## Claiming and receiving weekly benefits

- Once you have filed a claim for benefits, **you must also claim weekly benefits** for each week you are unemployed and meet the eligibility requirements. This is also called **"certifying for benefits."** You are confirming that you were unemployed for all or part of the past week and that you met all other conditions of receiving benefits. Claim your weekly benefits each week online at [labor.ny.gov/signin](http://labor.ny.gov/signin) or by calling **888-581-5812**. **See Chapter 6: "How do I claim weekly benefits?"** for further explanation.
- The first full week of your claim is a **waiting week**. You will not be paid for this week, but you must still claim weekly benefits and fulfill all eligibility requirements. **See Chapter 5: "When will I start receiving benefits?"** for further explanation.
- If you are eligible, your **first payment will generally be made in two to three weeks** from the time you file your claim. In some cases, we must get additional information before payment can be made and your first payment may take longer. We use this time to review and process your application for benefits. You will not receive benefits during this period. Continue to claim weekly benefits as long as you are unemployed and meet the eligibility requirements. Also, check your mail and email, and respond to any questionnaires, online forms, or phone calls from the Department of Labor right away to prevent delays in your payments.
- If you are found eligible, you will receive any back weeks of benefits owed with your first payment. You will receive your benefits via **direct deposit or bank debit card**.
- If you are found ineligible, you will receive a determination explaining the reason. If you disagree, you may request a hearing within 30 days from the date of the determination.

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- The hearing is held before an independent administrative law judge. You have the right to bring legal representation, though it is not required. For a list of legal resources, including attorneys, registered representatives, legal services programs and pro bono attorneys' organizations, go to the Unemployment Insurance Appeal Board website at [uiappeals.ny.gov](http://uiappeals.ny.gov). Click on the "Helpful Information" tab and then click on "Guides and Resources." Choose the "List of Attorneys & Authorized Agents." You may also request this list by calling **833-910-4382**.
- Continue to claim weekly benefits as long as you are unemployed and meet the eligibility requirements. If you win your hearing you will receive any back weeks of benefits owed.
- Your weekly **benefit payment amount (benefit rate)** depends on how much and when you were paid before you became unemployed. There is a formula we use to calculate your rate. **See Chapter 4: "How much will I receive in benefits each week?"** for further explanation. The maximum benefit rate is \$504. For claims effective January 2, 2023 or later, the minimum benefit rate is \$124.

## Unemployment Insurance and work

- You must report any work. When you claim weekly benefits, you must tell us about any work, including part-time or temporary work, unpaid jobs or self-employment. You must report work for the week you performed the work, not when you were paid for the work. You can work up to 10 hours in a week without reduction of your unemployment benefits and you can report zero (0) days worked on your weekly certification under DOL's new rules. **See Chapter 6: "How do I claim weekly benefits?"** for further explanation.
- You can get partial benefits if you worked up to 30 hours and made the maximum benefit rate (\$504, excluding earning from self-employment) or less in a given week.
- **If you work more than 30 hours or earn more than the maximum benefit rate (\$504, excluding earnings from self-employment) in a week**, you are not eligible for benefits for that week, even if you have not yet been paid for the work performed. You do not need to claim benefits for the week.

## How to avoid fraud

- **Do not give anyone – including family members – access to your PIN, NY.gov ID and password, or debit card and do not let anyone claim benefits for you.** This is considered fraud. The only exception is if you cannot enter your own information due to a disability or language issue. In this case, you may have a helper enter that information for you. However, you must be with your helper when they enter your password or PIN. Note: Claimants are not required to use a helper for any services through the Department of Labor, including unemployment insurance. Interpretive services are available at no cost.
- **You cannot claim benefits for any period that you are outside the United States, Canada, Puerto Rico or the Virgin Islands.** Do not try to certify for benefits from outside these countries or territories. This will lead to a freeze on your claim and may delay your payments. Also, do not have someone else certify on your behalf while you are traveling outside the country. This is fraud and can lead to severe penalties. See **"What if I travel outside my area or outside the country?"** in **Chapter 6** for further explanation.
- Even after you have started receiving benefits, your benefits may be stopped if we receive information that affects your eligibility for benefits. Continue to claim weekly benefits as long as you are unemployed and meet the eligibility requirements. Also, check your mail and respond to any questionnaires or phone calls from the Department of Labor right away. When the investigation is complete, you will either receive all benefits due or receive a determination from us in the mail.

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- If you tried to claim weekly benefits, but **the phone system does not allow you to certify**, we most likely received information that shows you might have been working while you certified that you were not working. When this happens, we must investigate and confirm that you are indeed unemployed. To resolve this, you must go to [labor.ny.gov/signin](https://labor.ny.gov/signin) and follow the steps to claim weekly benefits. If you do not have access to a computer, get your work information ready and call **877-280-4541**.
- **Warning:** The Department of Labor receives information about your employment and wages from Employers and other sources. If you knowingly give false information or withhold information while applying for benefits, claiming weekly benefits, or during an investigation you are **committing fraud**. If you commit fraud, you will be required to repay the money. You will also be charged a penalty and forfeit future benefits.
- The Department of Labor can obtain a judgment against you in order to collect fraudulently obtained overpayments. Once entered, a judgment is good and can be used against you for twenty years and your money, including a portion of your paycheck and/or bank account, may be taken. Also, a judgment may hurt your credit score and may affect your ability to rent a home, find a job or take out a loan.
- Fraudulent claims can also lead to civil penalties and fines, criminal prosecution and even prison. Criminal penalties do not cancel overpayments owed to the Department of Labor.

New York State also has what is called a “right of offset.” If you do not pay back benefits that were overpaid to you, we can seize any payments New York State may owe you. These include future Unemployment Insurance benefits, contract payments, state tax and other payments. We can also seize federal (IRS) tax refunds and other federal payments to collect any debt you owe, as well as any unemployment benefits you may be due in other states.

## Protecting your right to benefits

- **Save your employment records**
  - The Department of Labor can go back an unlimited number of years to collect overpayments if we determine that when claiming weekly benefits, you knowingly failed to report all hours you worked during a current or previous claim. In such an event you will need proof of work history to dispute an allegation of fraud. To prepare yourself for such a possibility, make sure you save your schedule, time records, and pay stubs.
- **Provide true, complete, and accurate information**
  - Any messages you send or receive by secure message may be used as evidence in a future hearing.
  - Your conversations with Department of Labor employees may be recorded or summarized and a summary of your conversation may be presented as evidence at a future hearing.

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## About personal integrity and Unemployment Insurance

Most people who apply for Unemployment Insurance benefits do the right thing. They have become unemployed through no fault of their own, need temporary help while they look for a new job, are actively seeking work and are ready, willing and able to get back to work.

Integrity means exactly that: doing the right thing. As a participant in the Unemployment Insurance system, you are expected to act ethically, honestly and in good faith. Employers, state staff and the public are also expected to act with integrity. When we all act with integrity, it helps ensure that money is available to pay benefits to people who depend on Unemployment Insurance while they are without work.

The Department of Labor's Unemployment Insurance Division is working with claimants, employers, the public and other federal and state agencies to ensure the integrity of the Unemployment Insurance system. We are working to detect and eliminate improper payments (called "overpayments") and prevent fraud by using new technology, computer matching against various databases and changing policies and procedures to stop those who choose to do the wrong thing.

If you made a mistake — for example, you received benefits that you should not have — we can help. Please tell us as soon as possible. Send us a secure message at [labor.ny.gov/signin](https://labor.ny.gov/signin). Enter your NY.gov username and password. On the My Online Services page, in the Messages section, click "Go to My Inbox." Select "Compose New." Select Subject: "Claims Questions." Select Second Subject: "Certification Questions." In the body of the message, explain the mistake. Or, you can call our Telephone Claims Center\*, even if you are not sure there is a problem. Telling us now will help preserve your rights to past, present and future benefits.

### About Unemployment Insurance fraud

If you knowingly give false information or withhold information while applying for benefits or claiming weekly benefits, you are committing fraud. If you commit fraud, you will be charged a 15 percent cash penalty or \$100 (whichever is greater) on the overpayment of benefits. In addition, you will have to pay back the money and forfeit future Unemployment Insurance benefits. Also, the Department of Labor can obtain a judgment against you in order to collect fraudulently obtained overpayments. Once entered, a judgment is good and can be used against you for twenty years, and your money, including a portion of your paycheck and/or bank account, may be taken. Also a judgment may hurt your credit score and may affect your ability to rent a home, find a job, or take out a loan.

You must truthfully and completely report all businesses in which you have any ownership or position, and report all activity you do which may produce any income. Failure to do so may result in civil or criminal consequences.

If we determine that you are not eligible for benefits and you disagree, you have a right to a hearing before an Administrative Law Judge at no cost to you. If it is found at a hearing that you fraudulently collected payments, you will be required to repay the money. You will also be charged a penalty and forfeit future benefits. If you don't repay the money, we can file a judgment against you as described above.

Fraudulently applying for or claiming Unemployment Insurance benefits can also lead to civil penalties and fines, criminal prosecution and even prison. For example, if you are convicted of a misdemeanor, the penalties are a fine of up to \$500, up to a year in jail or both. A felony conviction carries a prison sentence of over a year. In addition, you would also have to repay any benefits you were overpaid. Criminal penalties do not cancel overpayments owed the Department of Labor.

You should also be aware that, under federal law, it is a felony to alter, buy, sell or counterfeit a Social Security card. This offense can result in fine or imprisonment.

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## The ten most common issues that will negatively affect your benefits

Here are the ten most common things claimants do that negatively affect their benefits:

1. **Claim benefits after returning to work.** When claiming weekly benefits after you return to work, you must report all hours you worked (up to 10 in a day) even if you have not yet been paid. If you work more than 30 hours in a week or earn more than \$504 in a week, you will not be eligible for benefits and do not need to claim that week.
2. **Work while collecting and not reporting it while certifying,** even if you were not paid.  
**Note:** Volunteer work is allowed. Please **see Chapter 6: “What if I do volunteer work?”** for more information.
3. **Work “off the books” or “under the table”** while claiming benefits.
4. **Make a false statement to or withhold information** from the Department of Labor.
5. **Try to apply for Unemployment Insurance or claim weekly benefits (also called certifying for benefits) while out of the United States, Puerto Rico, the Virgin Islands or Canada.**
6. **Give your PIN or NY.gov identification and password to someone else** so they can claim benefits for you. Do not give anyone – including family members – your PIN or NY.gov identification or password. This is considered fraud. If you think your PIN, NY.gov ID, passwords or debit card may have been compromised, contact the Telephone Claims Center\* immediately. **The only exception is if you cannot enter your own PIN, you may have a helper enter it for you. However, you must be with your helper when they enter your password or PIN. Note: Claimants are not required to use a helper for any services through the Department of Labor, including unemployment insurance. Interpretive services are available at no cost.**
7. **Don’t attend required appointments at a Career Center.** Failure to attend may result in a freeze on your claim until you physically report to the Career Center.
8. **Falsely report that you looked for work, when you did not.** Please **see Chapter 7: “What are the work search requirements?”** for specific information about how you must look for work.
9. **Falsely report that you are available for work when you cannot work,** whether due to illness, vacation, child care arrangements or any other reason. You are not eligible for benefits on any day that you are not able or available to accept work immediately.
10. **Don’t tell us the real reason you left your job.**

If you suspect that an employer or another individual may be committing Unemployment Insurance fraud, report it at **888-598-2077**. You can remain anonymous.

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# 1 WHAT IS UNEMPLOYMENT INSURANCE?

Unemployment Insurance is temporary income for eligible workers who become unemployed through no fault of their own. Unemployed workers who are receiving Unemployment Insurance benefits are sometimes referred to as “claimants.” You will see that term used throughout this handbook and on our website.

You can receive Unemployment Insurance benefits for a maximum of 26 full weeks during a one-year period called a “benefit year.”

In New York State, employers pay for benefits, not workers. No deductions are taken from workers’ paychecks for Unemployment Insurance.

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## 2 UNEMPLOYMENT INSURANCE BENEFITS ELIGIBILITY

If you are not sure if you are qualified to receive Unemployment Insurance benefits, you should still apply as soon as possible. We will determine if you are eligible.

### Requirements to receive benefits

You can apply for Unemployment Insurance benefits (file a claim for benefits) if you have worked in New York or another state. In order to receive benefits, you must:

- Have lost employment through no fault of your own
- Have enough prior earnings from employment to establish a claim
- Be ready, willing and able to work immediately
- Be actively seeking work
- Keep a written record of your work search activities for each week you claim benefits or use the work search tool located at [dol.ny.gov/jobzone](https://dol.ny.gov/jobzone)
- Attend required appointments at your local Career Center

### Reasons you could be denied benefits

You must meet the requirements set by law to receive Unemployment Insurance benefits. You cannot get benefits if you have less than the required work history and wages to establish a claim as discussed in **Chapter 4: “How much will I receive in benefits each week?”** Other reasons your claim could be denied include:

#### **1. Availability, capability and work search. You will be denied benefits if you are:**

- Not ready, willing and able to work
- Not prepared to take a job immediately
- Not physically or mentally capable of employment
- Not actively seeking work and keeping a record of your work search activities (online or written) for each week that you claim benefits

If you are not eligible for benefits because you are not available for or capable of work, you can become eligible when you show the Department of Labor that you are again available for employment, capable of working and actively seeking work, and keeping a record of your work search activities.

You must attend required appointments at your local Career Center. If you do not go to your required appointment, your benefits will be stopped immediately. The first thing you need to do is immediately go, in person, to the New York State Career Center listed on your appointment notice during that center's routine business hours. You may also report by calling that Career Center and speaking with a Department of Labor staff person.

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**2. Voluntary quit and discharge:** You may be disqualified from receiving Unemployment Insurance benefits if we determine that:

- You quit a job without good cause, or
- You were discharged (fired) for misconduct

A disqualification for these reasons lasts until you work again and earn at least ten times the benefit rate we calculated when you filed your claim. Earnings from self-employment will not count. Once you have earned enough from employment to end the disqualification, you must also be out of work again through no fault of your own.

If you left your job for good cause, you will not be disqualified from receiving Unemployment Insurance benefits. Examples of good cause include:

- A domestic violence situation where your safety, or the safety of your immediate family, would be at risk if you stayed in the job
- If a member of your immediate family has an illness or disability that requires you to take care of them for longer than your employer is willing to grant time off (paid or unpaid)
  - “Disability” includes: mental and physical disabilities, permanent and temporary disabilities, and partial and total disabilities
- If your spouse’s employment location changes and you must move with them to a place where you cannot easily commute to your job
- The Department of Labor determines that your pay and/or hours of work were reduced substantially
- The Department of Labor determined that your former employer did not address a safety hazard

If you lost any job in the last 18 months due to misconduct, the wages you earned in that job cannot be used to establish a claim or to calculate your benefit rate. This may negatively impact your eligibility for benefits or lead to a reduced benefit rate.

If you lost any job in the last 18 months because you quit without cause, the wages you earned in that job can still be used to establish a claim or to calculate your benefit rate, as long as you have earned at least ten times your benefit rate after that job ended and you are out of work again through no fault of your own.

- **Example A:** You are unemployed because you quit your last job for personal reasons. You file a claim for unemployment benefits and your benefit rate is \$400. However, because you quit your last job without cause, you are disqualified from receiving benefits. You will not be able to establish a claim until you work and earn at least \$4,000 (\$400 times ten) from new employment and you are out of work again through no fault of your own.
- **Example B:** You file a claim for benefits and your benefit rate is \$400. You are unemployed because you were laid off from your last job, Job A, where you worked for three months. Prior to Job A you worked for another employer, Job B, for six months. You only worked at Job A and Job B in the last 18 months. Job B ended because you were fired for misconduct. Therefore, the wages you earned at Job B cannot be used to establish a claim or to calculate your benefit rate. We will only consider your wages from Job A to determine your eligibility and calculate your benefit rate.
- **Example C:** You file a claim for benefits and your benefit rate is \$400. You are unemployed because you were laid off from your last job, Job A. You worked at Job A for three months and earned \$6,000. Prior to Job A you worked for another employer, Job B, for six months. Job B ended because you quit for personal reasons. Because you earned more than ten times your benefit rate ( $\$400 \times 10 = \$4,000$ ) at Job A, you will be eligible for benefits. The wages you earned at Job B can be used to establish a claim or to calculate your benefit rate despite the fact that you quit without cause from Job B.

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**3. Job refusal:** You can also be disqualified from receiving Unemployment Insurance benefits if, after applying, you refuse to take a job that meets the qualifications described in **Chapter 7: “What kind of work do I have to look for? Can I refuse a job because the wages are too low?”**

You may not refuse employment that you are qualified for without good cause. Examples of good cause include:

- The job would interfere with your right to join or retain membership in a labor organization, or interfere with or violate a collective bargaining agreement
- There is a strike, lockout, or other industrial controversy in the establishment where the employment is offered
- The employment is an unreasonable distance from your residence, or travel to and from the employment is substantially more expensive than that required in your former employment
- The wages, compensation, hours, or conditions are substantially less favorable than those prevailing for similar work in the locality or are such that they depress wages or working conditions
- You customarily worked part time in the 18 months before you filed your claim, and the offer of employment is not comparable to your part-time work.

**4. Strike and other industrial controversy, except lockouts:** If you lose your job due to a labor dispute, such as a strike, you may be eligible for Unemployment Insurance benefits. Normally, the strike must last for 14 days before you are eligible to receive benefits. This is called a suspension period. The suspension period does not apply if you are locked out of your workplace due to a labor dispute. You may be eligible sooner if:

- The labor dispute ends and you are still unemployed, or
- Your employer hires permanent replacement workers

**5. Criminal acts:** You will be disqualified from receiving benefits for 12 months after you lose employment, whether you quit or are fired, if you:

- Lost your job for committing a felony in connection with your employment, AND
- You admitted guilt in a signed statement or were convicted of the felony

In addition, wages paid to you for employment that ended in criminal acts cannot be used to establish a claim.

**6. Incarceration:** If you are in jail or prison, you are not available to accept work immediately. Therefore, you are not eligible for Unemployment Insurance benefits.

Also, it is against the law for you to allow or direct anyone else to claim weekly benefits for you while you are incarcerated.

There may be other, less common circumstances that can prevent you from being eligible for Unemployment Insurance benefits. These are discussed in **Chapter 11: “Special Situations.”**

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# 3 RECEIVING YOUR BENEFITS: YOUR PIN, NY.GOV ID, DIRECT DEPOSIT AND THE DEBIT CARD

## Setting up your Personal Identification Number (PIN)

If you filed your claim over the phone, you were prompted to create a Personal Identification Number, or PIN. It is important to remember your PIN. You will use it when you:

- Call the Telephone Claims Center\* to ask a question about your weekly benefits, or
- Claim weekly benefits (certify for benefits) by telephone using Tel-Service

If you forget your PIN or if you think someone else might know your PIN, you can reset it by calling the Telephone Claims Center.\* Select the menu option “For PIN or address changes.”

## Setting up your NY.gov ID

If you choose to claim weekly benefits (certify for benefits) on our website, you will need to set up and use an NY.gov ID. This is different from the PIN you set up when you file a claim. With an NY.gov ID, you can claim weekly benefits and get other information about your benefits on our website. You can also ask a specific question about your claim via secure message. Your NY.gov ID can also be used to access services offered by other New York State agencies. Directions for creating an NY.gov ID are on our website at [labor.ny.gov/signin](https://labor.ny.gov/signin). If you have difficulty creating an NY.gov ID, see the illustrated instructions listed on the sign in page, check the NY.gov Frequently Asked Questions, or call **800-833-3000** Monday - Friday, 8:30 a.m. to 4:30 p.m. Please do not call the Telephone Claims Center\* with NY.gov ID issues, they cannot resolve technology issues.

**Important: Allowing someone to get benefits or access your claim using your PIN, your NY.gov ID or your NY.gov password is a serious offense.** It can lead to severe penalties, including criminal prosecution and imprisonment. You can also lose up to 20 weeks of benefits. **Do not tell anyone your PIN, your NY.gov ID or your NY.gov password.** Do not write them down where they may be seen by others. Your PIN, your NY.gov ID and your NY.gov password are your electronic signatures. They are security measures that ensure that no one besides you can claim and receive your Unemployment Insurance benefits or look at your private claim information. You are responsible for safeguarding and using your PIN, NY.gov ID and NY.gov ID passwords.

The only exception is if you need a helper to file for or certify for benefits; for example, if you have a disability or language issue. **If you cannot enter your own PIN or NY.gov credentials, you may have a helper enter that information for you. However, you must be with your helper when they enter your password or PIN. Note: Claimants are not required to use a helper for any services through the Department of Labor, including unemployment insurance. Interpretive services are available at no cost.**

If you forget your NY.gov ID username or password or if you think someone else might know them, you can reset them at any time. Follow the directions to reset your NY.gov ID username and password at [labor.ny.gov/signin](https://labor.ny.gov/signin) or call **800-833-3000** between 8:30 a.m. and 4:30 p.m. Monday - Friday for help.

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If you filed your claim online but later wish to call the Telephone Claim Center\* about your claim or claim weekly benefits by telephone using Tel-Service, you will be prompted to create a PIN. You will be asked to enter a four-number PIN and then you will be asked to confirm the PIN by entering the same four numbers again.

**Important: When you set up your NY.gov ID, please be sure the email address you choose is not used by another person with an NY.gov account.** An NY.gov ID can be linked to only one email address. For example, if you and your spouse share an email address and your spouse already has an NY.gov ID linked to your shared email address, you will need to use a different email address for your NY.gov ID. Be sure to use an email address that you check regularly. By signing up for online services, you agree to receive messages from us through the secure message system within your NY.gov account. When we send you a secure message, we will also send a notification to your personal email address. You must then sign into your NY.gov account to view the message.

You must check and respond to secure messages and questionnaires we may send to you through the NY.gov secure message system. You must respond to all messages, forms and letters within the timeframes noted in those messages. It is your responsibility to check your personal email and your NY.gov account to make sure you do not miss our messages. Add [noreply@labor.ny.gov](mailto:noreply@labor.ny.gov) to your contacts to ensure our emails do not go to your junk folder.

***Please Note:** paper copies of secure online messages will not be mailed to you.*

## Setting up your payment method

If you applied for Unemployment Insurance online, you were asked whether you wanted to receive your benefits by direct deposit or debit card. If you applied over the phone, you will automatically receive your benefits via debit card unless you had a previous claim and you received them by direct deposit. If benefits from your previous claim were paid by direct deposit, we will continue to deposit your benefits in the bank account we have on file. If your bank account has changed, please update your information immediately by using our website. We do not issue benefits by check. Here is what you need to know about direct deposit and debit cards.

## Direct deposit

Direct deposit means directly depositing your benefits into your checking account. Generally, once direct deposit is established, benefits are deposited into your checking account within three business days after payments are released by the Department of Labor. You can register for direct deposit when you file a claim on our website at [labor.ny.gov/signin](https://labor.ny.gov/signin) or you can change to direct deposit when you claim weekly benefits (certify for benefits) online. Sign in to your account at [labor.ny.gov/signin](https://labor.ny.gov/signin). Enter your NY.gov username and password. Click the “Unemployment Services” button on the My Online Services page. Click on “Update Your Personal Information.” Click on Update/Register for Direct Deposit.” **Important: You cannot register for or change to direct deposit by calling the Telephone Claims Center\* or when claiming weekly benefits via phone using our Tel-Service system.**

Once you have registered for direct deposit, it will remain in effect until the end of your claim, unless you change or cancel it. For your protection, if you file another Unemployment Insurance claim in the future, you will have to register for direct deposit again.

If you claim weekly benefits online, you will always see information about direct deposit on your confirmation page, even if you chose to receive your payments by debit card when you filed your claim. This is so you will always have the option to start or cancel direct deposit. It also allows you to update your direct deposit information if you change banking institutions or if your banking information otherwise changes.

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To register for or change to direct deposit, you will need to have a check handy. Enter the **bank routing number** and **checking account number** as shown on your check. The diagram below shows where on the check to find these numbers. **Important: Do not use a checking account deposit slip for your bank's routing number or your account number.** Those slips may include numbers that do not apply to direct deposit. If your banking institution has recently merged, your bank routing number and checking account number may have changed. Contact your bank to get the new routing and account numbers before you register for direct deposit.

The diagram shows a sample check with the following details:

- Payee:** JEFFREY MAPLE, SUZANNE MAPLE, 123 Pear Lane, Anyplace, NY 20000
- Payable To:** PAY TO THE ORDER OF
- Amount:** \$ 1234 (with a note "15-0000/0000" above it)
- Bank:** ANYPLACE BANK, Anyplace, NY 20000
- Routing Number:** 250250025 (indicated by a box and arrow)
- Account Number:** 202020786 (indicated by a box and arrow)
- Check Number:** 1234 (indicated by a box and arrow)
- Warning:** A box labeled "Do not include the check number." points to the check number field.

**Note:** The routing and account numbers may be in different places on your check

**Important: Please be sure to enter your checking account information accurately.** If you don't enter accurate information, your benefit payments may be delayed for 14 to 21 days. Also, please print a copy of the Direct Deposit Information Review page before clicking the "Submit" link. This is your only proof of the account information that you entered. You will need this proof if there are any problems with your checking account information.

After we receive your new or updated account numbers, it takes about five business days to set up direct deposit and send Unemployment Insurance benefits electronically to your checking account. This applies whether you are registering for a new account or changing existing account information. If you have a debit card, we transfer your weekly benefits to your card during this time. Once you establish direct deposit, you should verify that your benefits are in your account before you write checks against those funds.

You cannot use direct deposit if you are participating in the following programs:

- Alternate or Reemployment Trade Adjustment Allowances (ATAA/RTAA)
- Trade Readjustment Allowances (TRA), or
- Disaster Unemployment Assistance (DUA)

However, if you registered for direct deposit while you were receiving regular Unemployment Insurance benefits, it will continue while you collect under one of these programs.

You can register for or change your direct deposit information online:

- Monday through Friday, 7:30 am until midnight, and
- Saturday and Sunday, all day

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## Canceling direct deposit

You can cancel direct deposit from your online account at [labor.ny.gov/signin](https://labor.ny.gov/signin). Click on “Unemployment Services” on the My Online Services page. This brings you to the Unemployment Insurance Benefits Online page. Click on “Update Your Personal Information.” Click on “Update/Register for Direct Deposit.” Check the “Cancel Direct Deposit” box near the bottom of the Direct Deposit Information page. We will update our records and stop the electronic transfer of your weekly benefits to your checking account.

Your weekly benefits will then be deposited to your Way2Go debit card.

- If you have never had a debit card, one will be mailed to you automatically in a plain white envelope about seven to ten days after you claim your next week’s benefits.
- If you previously had a Way2Go debit card and it has expired or was lost, you must contact Go Program Customer Service at **844-649-9845**.

## Debit card

A Way2Go debit card is a debit MasterCard. It allows you to withdraw your benefits from an ATM (Automated Teller Machine) and make purchases wherever MasterCard is accepted. Only the Department of Labor can deposit money into the debit card account. This card will be sent to you automatically unless you sign up for direct deposit.

The debit card will be mailed to you about seven to ten days after you are approved to receive benefits. For security reasons, your debit card will arrive in a plain white envelope. Please watch for it in the mail and **do not throw it away**, even if you signed up for direct deposit in the meantime. When you receive your card, call Go Program Customer Service at 844-649-9845 promptly to activate it.

As part of the activation process, you will be asked to create a PIN for your card. This PIN is a four-digit number that you enter on the keypad at ATMs and retail locations. Your debit card PIN is for a different purpose than the PIN you created when you filed your Unemployment Insurance claim, which is also a four-digit number. For security reasons, use different four-digit numbers for your debit card PIN and your Unemployment Insurance PIN.

Your debit card account balance information is not available to the Department of Labor. You can check your account balance free of charge at all Allpoint and MoneyPass ATMs, by calling Go Program Customer Service at 844-649-9845, or by going to the Go Program website at [GoProgram.com](https://GoProgram.com). You can also view your monthly statement on the Go Program website. You can opt-in to receiving paper statements in the mail, but the Way2Go program will charge a fee for this service.

Your debit card is valid for three years and will be used for current and potential future claims. Even if you are not currently receiving benefits, keep the card in a safe place. If you receive Unemployment Insurance benefits at a later date, the same debit card PIN you originally created will re-activate your card. If you have not used your card for five years or if you file a new claim after five years, call Go Program Customer Service at 844-649-9845 to request a new card. Department of Labor staff cannot replace or request a new card for you.

## Lost or stolen debit cards

If you lose your debit card or it is stolen, call Go Program Customer Service immediately at **844-649-9845** to report it and to request a new card.

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.

## 4 HOW MUCH WILL I RECEIVE IN BENEFITS EACH WEEK?

Use our online benefit rate calculator at [labor.ny.gov/benefit-rate-calculator](https://labor.ny.gov/benefit-rate-calculator) to provide an estimate of your weekly benefits. **Note:** The calculator gives an estimate **only**. It does not guarantee that you will be eligible for benefits or any specific amount. You must file an Unemployment Insurance claim to find out if you are eligible and learn your actual benefit amount.

### Understanding your “base period”

Your weekly Unemployment Insurance benefit payment amount depends on how much you were paid during a “base period.” A base period represents one year of your work and wages (four calendar quarters). Calendar quarters are the three-month blocks of time shown in the chart below. Wages paid in your base period are used to calculate your benefit rate. Wages are calculated based on the quarter of the pay date, not the pay period. Your benefit rate is the amount of money you may receive if you are eligible for a full week of Unemployment Insurance benefits.

There are two types of base periods shown in the chart below. The **Basic Base Period** is the **first four** of the **last five** completed calendar quarters before the quarter in which you file for benefits. If you have enough wages in your Basic Base Period, we use it when we calculate your benefit payment.

#### How Base Periods Work

*Example only. Your actual quarters may differ from those shown.*

Previous Year				Current Year	
<b>1st Quarter</b> January 1 - March 31	<b>2nd Quarter</b> April 1 - June 30	<b>3rd Quarter</b> July 1 - September 30	<b>4th Quarter</b> October 1 - December 31	<b>5th Quarter</b> January 1 - March 31	<b>Quarter you filed for benefits</b> April 1 - June 30
<b>Basic Base Period</b> Wages paid to you during these four quarters make up your Basic Base Period.					
<b>Alternate Base Period</b> Wages paid to you during these four quarters make up your Alternate Base Period.					

If you do not have enough wages in your Basic Base Period, we use your **Alternate Base Period** to calculate your benefit payment. The Alternate Base Period is the last four completed calendar quarters before the quarter in which you file for benefits. **Important: If you have enough wages in your Basic Base Period, we do not automatically check to see if your benefit rate would be higher if your Alternate Base Period is used instead.** If you think your benefit payment would be higher using your Alternate Base Period, you can ask us to use your Alternate Base Period to calculate your benefit amount.

However, if you choose to use the alternate quarter wages for your current claim, you cannot use these wages again in the future. This may affect your ability to qualify for a future claim. For more information, please see **“Requesting a benefit rate recalculation based on Alternate Base Period” in Chapter 4.**

**For all base periods, the quarter in which you file for benefits does not count as part of your base period.** This means that wages paid during the quarter you filed will not be used to calculate your benefit rate.

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## Earnings required to qualify for benefits

To qualify for benefits, you must meet **all three** of the following earnings requirements during your base period (basic or alternate):

- You must have worked and been paid wages in jobs covered by Unemployment Insurance in at least two calendar quarters
- For claims filed in 2023, you must have been paid at least \$3,100 in one calendar quarter, and
- The total wages paid to you must be at least 1.5 times the amount paid to you in your high quarter
  - Your high quarter is the quarter of your base period in which you were paid the most money. Exception: If your high quarter wages were \$11,088 or more, you must have been paid at least \$5,544 (half of \$11,088) total in the other three quarters of your base period.  
Example: Your high quarter wages were \$4,000. You must have been paid at least \$6,000 ( $\$4,000 \times 1.5 = \$6,000$ ) total for all four quarters of your base period.

**Please Note:** To be eligible for benefits, you must also have lost work through no fault of your own, be ready, willing and able to work, and be actively looking for work.

## How we calculate your weekly benefit rate

If you were paid wages in all **four quarters** of your base period and your high quarter wages are:

- **More than \$3,575:** Your benefit rate is your high quarter wages divided by 26. If this calculation is less than \$143, your benefit rate is \$143.
  - **Example 1:** Your high quarter wages are \$4,030. Your weekly benefit rate is \$155 ( $\$4,030 \div 26 = \$155$ ).
  - **Example 2:** Your high quarter wages are \$3,640. This results in a benefit rate of \$140 ( $\$3,640 \div 26 = \$140$ ). Since this is less than \$143, your benefit rate is \$143.
- **\$3,575 or less:** Your benefit rate is your high quarter wages divided by 25 or \$100, whichever is higher.
  - **Example:** Your high quarter wages are \$3,350. Your weekly benefit rate is \$134 ( $\$3,350 \div 25 = \$134$ ).

If you were paid wages in only **two or three quarters** of your base period and your high quarter wages are:

- **More than \$4,000:** Your benefit rate is the average wages of your two highest quarter wages, divided by 26. If this calculation is less than \$143, your benefit rate is \$143.
  - **Example:** Your high quarter wages are \$4,500 and your next highest quarter wages are \$4,288, an average of \$4,394 ( $\$4,500 + \$4,288 = \$8,788$ ,  $\$8,788 \div 2 = \$4,394$ ). Your benefit rate is \$169 ( $\$4,394 \div 26 = \$169$ ).
- **\$3,576 to \$4,000:** Your benefit amount is your high quarter wages divided by 26. If this calculation results in less than \$143, your benefit rate is \$143.
  - **Example:** Your high quarter wages are \$3,640. This results in a benefit rate of \$140 ( $\$3,640 \div 26 = \$140$ ). Since this is less than \$143, your benefit rate is \$143.
- **\$3,575 or less:** Your benefit amount is your high quarter wages divided by 25 or \$100, whichever is higher.
  - **Example:** Your high quarter wages are \$3,350. Your weekly benefit rate is \$134 ( $\$3,350 \div 25 = \$134$ ).

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.

**Please Note:** Effective the first Monday of October 2019, the maximum benefit rate increased to \$504. For claims effective January 2, 2023 or later, the minimum benefit rate is \$124. **For claims filed in 2023, the minimum high quarter is \$3,100.**

Once your weekly benefit payment is calculated, you will receive a Monetary Benefit Determination notice in the mail. It will tell you if you have enough wages to qualify for benefits, and if so, what your weekly benefit rate will be if we decide you are eligible. The notice will list all the employers you worked for during your base period, not just your most recent employer. It will also show the wages you were paid as reported by those employers.

**You should review the Monetary Benefit Determination notice promptly to make sure it is correct.** If you agree with the information shown, do not take any action. Keep the notice for your records. If any information shown on the notice is incorrect, please see the next topic ***“If wages and/or employers are missing from your Monetary Benefit Determination notice.”***

**Important: The Monetary Benefit Determination does not say that you will definitely receive benefits.** It simply shows whether or not you have enough earnings to qualify. There may be other reasons you don't qualify. **See Chapter 2 “Unemployment Insurance benefits eligibility”.** After you receive the Monetary Benefit Determination, if we find you are eligible your benefits will start. If we find you are not eligible, you will receive another Notice of Determination in the mail that tells you why you are not eligible.

**Important note for claimants with limited understanding of English or Spanish: At the present time, the Department of Labor is able to print Monetary Benefit Determinations in English or Spanish only.** To help you understand this important notice, we have included a translation of your Monetary Benefit Determination in the back of this handbook. This document translates the information included in the Monetary Benefit Determination into the language you requested for your handbook.

Also, if you told us when you applied for benefits that you speak a language besides English or Spanish, you will receive a notice with your Monetary Benefit Determination that tells you to call the Telephone Claims Center\* for help understanding the notice. A translator will be provided for free.

## **If wages and/or employers are missing from your Monetary Benefit Determination notice**

If you see that wages or employers are missing from your Monetary Benefit Determination notice, complete and return the Request for Reconsideration form sent with the notice (the Request for Reconsideration form is also found at the back of this handbook). **Important: This form must be received by us within 30 calendar days of the Date Mailed as stated on your most recent Monetary Benefit Determination notice.**

Please tell us how much in wages you received during all four Basic Base Period quarters plus the Alternate Base Period quarter. Include proof of employment and wages, such as copies of pay stubs, for all the wages you listed on the form and for the entire time period in question. Wages include the monetary value of tips, bonuses, meals and lodging, as well as commissions and vacation pay. If you have no proof of your wages, include them on the form anyway and tell us why you have no proof. If you were paid in cash, you should include those wages on the Request for Reconsideration form, even if you do not have pay stubs or other proof you were paid. We can investigate why your employer(s) did not report your wages to us.

We will review the new wage information you send us on the Request for Reconsideration. When this review is complete, we will send you a revised Monetary Benefit Determination notice.

If you worked for an agency of the federal government, a branch of military service or outside of New York State, or if you were paid as an independent contractor, your wages may not be listed on the Monetary Benefit Determination notice. If you received any of these types of wages, complete and return the Request for Reconsideration form. **Important: This form must be received by us within 30 calendar days of the Date Mailed as stated on your most recent Monetary Benefit Determination notice.** This will tell us to consider these wages when calculating your benefit rate.

If you were paid as an independent contractor, please see ***“My employer paid me as an independent contractor, and/or paid me off the books. What do I do?”*** in Chapter 11.

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.

**Important: If your Monetary Benefit Determination shows employers you have not worked for or shows wages you were not paid, you must tell us as soon as possible by secure message.** Go to [labor.ny.gov/signin](https://labor.ny.gov/signin). Click "Sign In." Enter your ny.gov username and password. On the My Online Services page, in the Messages section, click "Go to My Inbox." Select "Compose New." Select Subject: "Benefit Rate and Monetary Determination." Select Second Subject: "Benefit Rate/Monetary Determination-Other." In the body of the message, explain the incorrect information. Or, call the Telephone Claims Center.\*

## Requesting a benefit rate recalculation based on Alternate Base Period

If your high quarter wages are in your alternate quarter, your benefit rate may be higher using your Alternate Base Period. You can ask us to recalculate your benefit rate using your Alternate Base Period wages.

To do this, complete the Request for Alternate Base Period form TC403HA, found at [dol.ny.gov/forms-and-publications](https://dol.ny.gov/forms-and-publications), which is also included at the end of this handbook.

**Important: This form must be received by us within 10 calendar days of the Date Mailed as stated on your most recent Monetary Benefit Determination notice.** Your Monetary Benefit Determination notice will show specific dates and wage amounts. If your wages for the alternate quarter are not shown on the Monetary Benefit Determination, enter the amount you earned in the alternate quarter on the Request for Alternate Base Period form. Include proof of your employment and wages, such as copies of pay stubs, for all the earnings you listed on the form and for the whole period in question. Wages include the monetary value of tips, bonuses, meals and lodging as well as commissions and vacation pay. Include amounts you were paid in cash.

If the wages shown on your Monetary Benefit Determination for the alternate quarter are not your high quarter wages or if your benefit rate is the maximum, do not request a recalculation. **Important: If you choose to use the alternate quarter wages for your current claim, you cannot use these wages again in the future.** This may affect your ability to qualify for a future claim.

## Workers' compensation or volunteer firefighters' benefits and the base period

If you do not qualify for benefits using the Basic or Alternate Base Period, but you received workers' compensation or volunteer firefighters' benefits during the Basic Base Period, you may still qualify. The Basic Base Period may be extended backward up to two calendar quarters, depending on the number of base period quarters in which you received these benefits.

To apply for this Extended Base Period, you must complete the forms listed below. **Important: This form must be received by us within 30 calendar days of the Date Mailed as stated on your most recent Monetary Benefit Determination notice.**

- Workers' compensation: Complete the Request for Reconsideration form (available at the back of this handbook) and submit it along with a copy of your most recent SROI (Subsequent Report of Injury) form from Workers' Compensation
- Volunteer firefighters' benefits: Complete and submit the Request for Reconsideration form (available at the back of this handbook)

## Using wages from the current calendar quarter to establish a claim

If you do not qualify using any of the above base periods, but you were employed in the calendar quarter in which you filed your claim and you are still unemployed after that quarter ends, you may qualify using this most recent employment. You should apply for benefits again **on or after the first Monday** of the next calendar quarter. Calendar quarters begin January 1, April 1, July 1 and October 1.

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.



## Requesting a benefit rate recalculation based on average weekly wage

If you did not work all the weeks in the base period quarter that has your high quarter wages, using your average weekly wage may increase your benefit rate. Before you can request this recalculation, the following conditions must be met:

- You must have been found eligible for benefits using wages in your Basic, Alternate or Extended Base Period.
- Your base period and benefit rate must be established and finalized. This information can be found on your most recent Monetary Benefit Determination notice.
- You must have at least 20 weeks of work in your base period.
- All of your Request for Reconsideration forms must have been received and reviewed.

Your benefit rate will be calculated as one-half of your average weekly wage (one-half of total base period wages divided by total weeks worked) **only** if the benefit rate increase is at least five dollars more than your current benefit rate.

To request this recalculation, fill out and submit the Request for Rate Based on Weeks of Employment form at the back of this handbook. **Important: This form must be received by us within 10 calendar days of the Date Mailed as stated on your most recent Monetary Benefit Determination notice.** You must provide proof of your employment and wages, such as pay stubs, for each week of employment. Wages include the monetary value of tips, bonuses, meals and lodging as well as commissions, vacation pay, and amounts you were paid in cash.

## Wages from jobs lost due to misconduct or a criminal act cannot be used

If you lose your job because of misconduct or a criminal act, any wages paid to you for that job cannot be used to establish a claim or to calculate your benefit rate. Misconduct is any act or omission which you knew was not permitted on the job and which caused or could have caused harm to the employer.

## Maximum and minimum weekly benefit rate

Effective the first Monday of October 2019, the maximum weekly benefit rate increased to \$504. Please visit our website at [labor.ny.gov](http://labor.ny.gov) for the current maximum weekly benefit rate. ***For claims effective January 2, 2023 or later, the minimum weekly benefit rate is \$124.***

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.

## 5 WHEN WILL I START RECEIVING BENEFITS?

### When will I receive my first payment?

**After you have filed your claim, you must certify weekly while your eligibility is under review.** If you are eligible, your first payment will generally be made in two to three weeks from the time you file your claim. In some cases, additional information must be obtained before payment can be made so your first payment may take longer. During this time, we review and process your application, determine your weekly benefit rate and verify your employment information with your former employer(s). **You will not receive benefits during this review period.**

If we find you are eligible for benefits, you will receive any back weeks of benefits owed you with your first payment.

During this time, there are two things you should do:

- Complete and return any questionnaires and return any phone calls you receive from the Department of Labor right away, and
- Continue to claim weekly benefits as long as you are unemployed and meet the eligibility requirements, beginning the week immediately after you file your claim. Please see ***“How do I claim weekly benefits?” in Chapter 2.*** In addition, you must fulfill all work search and related record-keeping requirements. Please see ***“What are the work search requirements?” in Chapter 7.***

### Return all questionnaires promptly

If you filed your claim online, you agree to check and respond to messages and questionnaires we may send through the NY.gov secure message system and all messages, forms and letters we send you by mail. You must respond within the timeframes listed in those documents.

#### **If you do not:**

- Keep your contact information up-to-date
- Check your NY.gov secure message inbox, and/or
- Respond to our communications within the time frames listed in those documents

#### ***your benefits may be delayed, suspended or denied.***

If you receive a questionnaire that doesn't seem to pertain to you, please return the questionnaire anyway. Write on the top or end of the questionnaire that you think a mistake was made and provide appropriate details. Then return it by secure message. Sign in to your account at [labor.ny.gov/signin](https://labor.ny.gov/signin). Enter your ny.gov username and password. On the My Online Services page, in the Messages section, click "Go to My Inbox." Select "Compose New." Select Subject: "Claims Questions." Select Second Subject: "Claims Questions-Other." In the body of the message, explain why you think a mistake was made. Or, fax to the fax number or mail to the address shown on the questionnaire. We will review and correct the mistake if appropriate. If we need more information, we will contact you by phone or secure message through your online account with us. You do not need to call the Telephone Claims Center. \*

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.

## What to do if you misplace a questionnaire

You can request another copy of the questionnaire/form/letter via secure message through your online account. See ***“Appendix II: Sending a secure message” in Chapter 14*** for instructions. Or, you can call the Telephone Claims Center. **\* Important: Please request a replacement promptly.** Questionnaires must be completed and returned within seven days of the date on the original questionnaire. These due dates are not adjusted, even if a replacement is issued.

## Waiting week for benefits

The first full week you are unemployed, called a waiting week, is unpaid. You will not receive Unemployment Insurance benefits for this week, but you must be ready, willing and able to work and meet all of the eligibility requirements. You must also claim weekly benefits for this week. In addition, you must fulfill all work search and related record-keeping requirements. Please see ***“What are the work search requirements?” in Chapter 7.***

If you work or are not eligible for another reason during the first week of your claim, the unpaid waiting period will extend into the next week(s). After this waiting period, you will receive Unemployment Insurance benefits for each week that you remain unemployed, up to 26 weeks. For more information, see the definition of “Effective Day” ***in Chapter 12: “Glossary of important terms.”*** You must claim benefits each week, be ready, willing and able to work, and fulfill the work search requirements as discussed ***in Chapter 7: “What are the work search requirements?”***

## How do I know when I will start receiving benefits?

After we review your claim information we will decide if you are eligible to receive benefits. This review process usually takes two to three weeks unless additional information must be obtained before payment can be made, then it may take longer. If you are eligible, you will simply begin receiving benefits via direct deposit or debit card. You will not receive a letter stating that you are eligible before your benefits begin. To check the status of your benefit payments (payment history), go to [labor.ny.gov/signin](https://labor.ny.gov/signin). **Enter your NY.gov username and password. Click the “Unemployment Services” button on the My Online Services page and then click “View Payment History.”** Or, call **888-581-5812** and follow the instructions to inquire about your benefit payment status.

If we find that you are not eligible for benefits, you will be mailed a Notice of Determination that tells you the reason(s) why. This notice will also tell you for what period of time benefits are being denied, how to re-qualify in the future and how to ask for a hearing if you disagree with the decision.

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.

## 6 HOW DO I CLAIM WEEKLY BENEFITS?

### How do I get my benefits (claim weekly benefits/certify for benefits)?

For each week you are unemployed and looking for work, you must claim weekly benefits by requesting payment using our website or Tel-Service automated phone system. This is also called certifying for benefits, because you are certifying that you were unemployed for all or part of the past week and that you met all other conditions of receiving Unemployment Insurance benefits.

Whether you choose our website or Tel-Service, the system will ask you a series of questions. Your eligibility for weekly benefits is based on your answers to the questions. Read or listen carefully to the questions and the instructions before responding.

If you do not understand a question, call the Telephone Claims Center\* for clarification.

**Important: It is against the law to make false statements during the weekly certification process in order to receive benefits.** You may be subject to interest and penalties, including the loss of benefits or even criminal prosecution.

### You must claim weekly benefits yourself

**Important: Do not give out your PIN or your NY.gov username and password.** If you allow someone else to claim weekly benefits (certify for benefits) for you or access your claim online or over the Tel-Service phone system, you can be subject to severe penalties. These may include criminal prosecution and imprisonment. You may also lose up to 20 weeks of benefits. If you need help claiming weekly benefits, please see *“What if I need help claiming weekly benefits?”* in Chapter 6.

### Claiming weekly benefits online

You can claim weekly benefits (certify for benefits) on our website. Go to [labor.ny.gov/signin](https://labor.ny.gov/signin). Enter your NY.gov username and password. Click the “Unemployment Services” button on the My Online Services page, and then click “Claim Weekly Benefits” and follow the instructions.

**Note:** If you have a service that makes your internet address anonymous, please turn it off when claiming weekly benefits. Otherwise, your certification may be blocked.

You will need an NY.gov ID to sign up for an online account. If you already have an NY.gov ID username and password, you can use it for our system. If you do not have an NY.gov ID, follow the instructions on our website at [labor.ny.gov/signin](https://labor.ny.gov/signin) to create one. With an online account, you can claim weekly benefits, check the status of your benefit payments, print out your payment history and 1099 form, access our JobZone resource site and more. You can also use your NY.gov ID to access online services from other New York State government agencies. **Important: Do not give anyone your NY.gov ID username or password or write them down where others may see them.**

For help creating or using a NY.gov ID, please see the lists of illustrated directions and Frequently Asked Questions at [labor.ny.gov/signin](https://labor.ny.gov/signin). If you have difficulties with NY.gov ID, call the Contact Center at **800-833-3000** from 8:30 a.m. to 4:30 p.m. Monday - Friday.

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.

## Claiming weekly benefits by phone

You can also claim weekly benefits by calling our Tel-Service toll-free, automated phone system at **888-581-5812**. TTY/TDD users call **877-205-3119**. Video Relay Service users: contact your relay operator and ask them to call **888-783-1370**. You will be asked to answer a series of questions, and then you will be asked to confirm that all of your answers are true and correct. When you say yes or press 1 to answer this question, it is the same as signing a document. This is because only you know the PIN you created when filing your claim. **Important: Do not give anyone your PIN, not even a family member.** Only you can claim weekly benefits.

**The only exception is if you cannot enter your own PIN (for example, if you have a disability or language issue), you may have a helper enter it for you. However, you must be with your helper when they enter your password or PIN. Note: Claimants are not required to use a helper for any services through the Department of Labor, including unemployment insurance. Interpretive services are available at no cost.**

**Important:** If your call is disconnected or if you hang up the telephone before you hear “Your claim has been entered for processing,” you have not completed the process of claiming weekly benefits. You will have to call again.

**Important:** If you make a mistake when certifying for benefits, report it right away. Send us a secure message via your online account at [labor.ny.gov/signin](https://labor.ny.gov/signin). Enter your NY.gov username and password. On the My Online Services page, in the Messages section, click, “Go to My Inbox.” Select “Compose New.” Select Subject: “Claims Questions.” Select Second Subject: “Certification Questions.” In the body of the message, explain the mistake. See **“Appendix II: Sending a secure message” in Chapter 14** for instructions. Or call the Telephone Claims Center.\*

## When to claim weekly benefits

For the purposes of Unemployment Insurance, a week runs from Monday to Sunday. You must file your claim for the previous week on the last day of that week (Sunday) through the following Saturday. This is called the **claim window**. Any certification made on a Sunday is for the week ending that day. See the example below using an unemployment week that begins on Monday, 10/19 and ends on Sunday, 10/25. The claim window for that week is Sunday, 10/25 to Saturday, 10/31.

### UNEMPLOYMENT WEEK (MONDAY - SUNDAY)

Monday 10/19	Tuesday 10/20	Wednesday 10/21	Thursday 10/22	Friday 10/23	Saturday 10/24	Sunday 10/25							
							Sunday 10/25	Monday 10/26	Tuesday 10/27	Wednesday 10/28	Thursday 10/29	Friday 10/30	Saturday 10/31

**WHEN YOU MAY CLAIM WEEKLY BENEFITS ONLINE OR BY PHONE FOR THE UNEMPLOYMENT WEEK ENDING ON 10/25**

## How to request back credit for a missed week

You cannot file a claim for a given week outside the claim window for that week using the online or Tel-Service system. In the above example, you cannot file a claim for the week ending 10/25 after 10/31. If you miss claiming benefits for a week during which you were unemployed, you can request credit for this week by secure message, fax or regular mail. Do not call the Telephone Claims Center\* to request back credit for a week.

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.



You may submit a request by secure message at [labor.ny.gov/signin](https://labor.ny.gov/signin). Enter your NY.gov username and password. On the My Online Services page, in the Messages section, click "Go to My Inbox." Select "Compose New." Select Subject: "Claims Questions." Select Second Subject: "Request Backdating of claim/Request to claim benefits for a prior week." In the body of the message, list the weeks for which you want to request credit.

**You can also fax your request to 518-457-9378 or mail it to:**

New York State Department of Labor  
PO Box 15130  
Albany, NY 12212-5130

Be sure to include the beginning and ending dates of the time period for which you did not claim benefits and the reason you did not claim benefits promptly in your request. Also, include the last four digits of your Social Security number on the upper right corner.

We will review your request and decide if you are eligible to receive benefits for that time period.

This review can take two to three weeks unless more information is needed, in which case may take longer. During this time, be sure to continue claiming benefits for all weeks you are unemployed and eligible for benefits. If we write or call you to request more information, please respond promptly so the review is not delayed.

## Weekly Certification Questions

When you claim weekly benefits, you will be asked questions about a week that began on a Monday and ended on a Sunday. Pay careful attention to the dates.

**Important:** Please read or listen to certification questions carefully. When you submit your answers, you are legally certifying that your answers are true, complete, and correct. Your answers are checked against information provided by employers and other government agencies. If you do not answer all questions truthfully, you could lose your benefits and be charged monetary penalties.

- If you stopped claiming benefits for a week or more and then started again, you will be asked questions about why you stopped claiming.
- During the week ending (date), did you refuse any job offer or referral?
  - If you refuse a job offer or referral, we will review your claim to determine if you are still eligible to receive benefits.
- How many days did you work, including self-employment, during the week ending (date)? As of January 2021, the certification system will require you to convert the hours you worked in a week to days. **See "What if I work part-time?" on Page 20.**
  - "Work" means any service you performed for a business or person. This includes work you did in self-employment or on a freelance basis, even if you were not paid.
- If you worked on any days, you will be asked: "Excluding earnings from self-employment, did you earn more than \$504?"
  - If you worked at all during the week, you must indicate if you earned more than \$504 gross before taxes. This does not include any money earned in self-employment.
- How many days were you NOT ready, willing, and able to work?
  - To be ready, willing, and able to work, you must be prepared to start work immediately. You must also be capable of working.
  - If you were ready, willing and able to work every day in the week you are claiming, you would answer "0" days.
  - If you were not ready, willing, and able to work on one day, you would answer "1" day.
  - If you were not ready, willing, and able to work on two days, you would answer "2" days.
  - If you were not ready, willing, and able to work on three days, you would answer "3" days.
  - If you were not ready, willing, and able to work on four or more days, you would answer "4 or more" days.

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.

- How many days were you owed vacation pay, or did you receive vacation pay?
  - “Vacation pay” does not include pay you received or are owed for unused vacation days simply because your employment ended. It does include pay you received or were owed for vacation days that were scheduled before you lost your job and that fell within the week you are claiming. **Note:** If you received or were owed vacation pay for any day during a planned workplace shutdown, it is considered to be “vacation pay.”
- How many days were you owed holiday pay, or did you receive holiday pay?
  - “Holiday pay” does not include pay you received or were owed for unused holiday credits. It does include pay you received or were owed for holidays that fell within the week you are claiming.
- Have you returned to work?
  - If you are newly back to full-time or part-time work, you must report all hours worked, even if you have not yet received your first paycheck.

### What if I need help claiming weekly benefits?

If you have a disability or have difficulty speaking or understanding English, you may have someone help you with our online services or Tel-Service. If you do not have or do not know how to use a computer, it is not considered a disability since you can still use the telephone to claim weekly benefits.

**If you cannot enter your own PIN, you may have a helper enter it for you. However, you must be with your helper when they enter your password or PIN. Note: Claimants are not required to use a helper for any services through the Department of Labor, including unemployment insurance. Interpretive services are available at no cost.** You are responsible for the actions of your helper. If you are not present when your helper uses our services, it is considered fraud and you may be subject to penalties. These penalties can include forfeit days. Forfeit days are benefits that you claim in the future that you forfeit or lose as a penalty. Even if you are otherwise eligible, any claims that you file will first go toward this penalty before you can be paid. You also may have to pay back any benefits you should not have received, and you may be subject to monetary penalties.

### What if I travel outside my area or outside the United States, Canada, Puerto Rico or the Virgin Islands?

For any period that you are outside of the United States, Canada, Puerto Rico or the Virgin Islands:

- You are **NOT** eligible to receive benefits because you are not considered available to work (even if you are looking for work). Do not certify that you are ready, willing, and able to work.
- Do **NOT** attempt to certify for benefits using the online system or Tel-Service. Your certification will be blocked and your benefits will be held for review until it is established that you are back in the country. You will be asked to provide a copy of your itinerary and every page of your passport.
- Do **NOT** give your username, password, social security number, and/or PIN number to someone else to certify on your behalf.
- Do **NOT** state that you were ready, willing, and able to work for any day that you were outside the United States, Canada, Puerto Rico or the Virgin Islands.

*Any of the above actions can lead to severe penalties, including overpayment, a loss of up to 20 weeks of future benefits, monetary penalties, criminal prosecution and prison.*

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## How do I file a claim for a week that I was partially in the country and ready, willing, and able to work?

If you will be back in the United States, Canada, Puerto Rico or the Virgin Islands during the claim window for the week you were partially in the country, file your claim when you return. See ***“When to claim weekly benefits” in Chapter 6.***

Upon returning to your regular area in the United States, Canada, Puerto Rico, or the Virgin Islands, you must reestablish that you are ready, willing, and able to work by certifying for benefits. If you are seeking back credit for a week you could not claim while you were out of the country, you can request back credit. See ***“How to Request Back Credit for a Missed Week” in Chapter 6.*** For example, if you were ready, willing, and able to work in your local labor market from Monday to Friday, but were out of the country from Saturday to the next Sunday (more than one week), you cannot file a weekly claim as you normally would for the week you were in the country Monday to Friday. You must file a back-credit request for that week when you return to the country.

Once you return to your local labor market in the United States, Canada, Puerto Rico or the Virgin Islands, you may start certifying again using the online or phone system.

## What if I work part time?

You must report all work, including part-time or temporary work. If you do not report all work when you claim weekly benefits, you may be subject to severe penalties including the loss of benefits, civil and criminal penalties and fines.

As of January 18, 2021, New York State has implemented a new rule that redefines how part-time work impacts unemployment benefits. The partial unemployment system uses an “hours-based” approach. If you lost work and you are working part-time 30 hours or fewer a week and making \$504 or less per week, the following guidelines apply when reporting your part-time work.

Effective August 16, 2021 and forward, claimants should refer to the following guidelines when reporting part-time work (round up to the nearest hour):

<b>0 - 10 hours of work = 0 days worked:</b>	No reduction in weekly benefit rate
<b>11 - 16 hours of work = 1 day worked:</b>	75% of weekly benefit rate
<b>17 - 21 hours of work = 2 days worked:</b>	50% of weekly benefit rate
<b>22 - 30 hours of work = 3 days worked:</b>	25% of weekly benefit rate
<b>31+ hours of work = 4 days worked:</b>	0% of weekly benefit rate

For more information, visit [on.ny.gov/partialui](https://on.ny.gov/partialui).

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## What is considered work?

**Any** activity that brings in or may bring in income at any time must be reported as work. This includes training, as well as full-time, part-time, seasonal, per diem, probationary, occasional, temporary or permanent work. Even if you were not paid, you must report this activity as work. Some examples include:

- All activity related to self-employment or freelance work, including but not limited to: writing checks, taking phone calls, writing or responding to business correspondence, or any other tasks associated with starting or continuing a business
- On-call or as-needed work
- On-the-job training
- Job orientation
- Working for someone else
- Performing duties or favors for a friend or relative's business
- Temporary employment
- Part-time employment
- Active duty for training with a branch of the military
- Activities involved in managing a multi-family (two or more rental apartments) rental unit
- Working as a building superintendent
- Working for tips
- An internship and/or externship
- A college work-study job
- Activities as a public/elected official
- Annual field training for the National Guard or Reserves
- Work done on a straight commission basis (considered work even if you do not get the commission until later, no sales were made, or you receive no payment)
- A working interview, where a prospective employer asks you to work - with or without pay - to demonstrate that you can do the job
- Activities connected with starting a business (unless you are approved for and participating in the Department of Labor's Self-Employment Assistance Program)
- All activity for which you receive non-monetary compensation or benefits such as lower rent, or free or discounted goods or services

You do not have to report the following types of activities as work:

- Jury duty
- Inactive duty for training with a branch of the military
- Weekly or monthly drill sessions for the National Guard or Reserves
- Any activities involved in managing a single family rental unit (for example: a two-family home where you live upstairs and rent out the downstairs apartment, or you rent out your house)

If you work a shift that continues through midnight, state that you worked on the day your shift began when you claim weekly benefits. The exception: if you work on a shift starting at 7 p.m. or later on Sunday and continue past midnight, state that you worked on Monday when you claim weekly benefits.

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**You must report any and all work.** All employers are required to report the fact that a person has been hired or rehired to the National Directory of New Hires. That information is shared with the federal government and the Department of Labor in order to ensure that child support obligations are paid and also to make sure that people are not working while collecting Unemployment Insurance benefits. Every time you try to claim weekly benefits, your name is cross-checked against the National Directory of New Hires. If your name appears on that Directory, you will be given instructions on how to resolve the issue. You must answer questions about your employment either online or by calling the Integrity Line, before you can claim weekly benefits. Your information will also be verified with the employer who reported you as being hired or rehired.

If you are not sure whether what you are doing is considered work, or if you make an incorrect certification for benefits, please call the Telephone Claims Center\* immediately and speak to a representative. You may submit your question by secure message at [labor.ny.gov/signin](https://labor.ny.gov/signin). Enter your NY.gov username and password. On the My Online Services page, in the Messages section, click "Go to My Inbox." Select "Compose New." Select Subject: "Claims Questions." Select Second Subject: "Claims Questions." In the body of the message, explain what you are doing and ask if it is considered work. If you don't contact us, you may have to repay benefits and be subject to civil penalties and the loss of future benefits.

**Important: Report all work when claiming benefits. You are not eligible for benefits for any week in which you work more than 30 hours or earn more than the maximum benefit rate.**

**I tried to claim weekly benefits, but the phone system will not allow me to certify. I get a message that I have to sign in to [labor.ny.gov](https://labor.ny.gov/signin) or call a certain phone number. What is going on?**

The Department of Labor has received information that shows you might have been working while you certified that you were not working. This information may have come from an employer or a national database that we cross-check weekly certifications against. Sometimes the database shows that you were working even if you recently became unemployed. When this happens, the Department of Labor must confirm that you are indeed unemployed.

To resolve this, you must go to [labor.ny.gov/signin](https://labor.ny.gov/signin) and follow the steps to claim weekly Unemployment Insurance benefits. Be ready to list all the dates you have worked since the beginning of your claim. You will also need to give the names, addresses and telephone numbers for all the employers you worked for since the beginning of your claim. If you do not have access to a computer, get your work information ready and call **877-280-4541**.

### **What if I want to start my own business?**

Call the Telephone Claims Center\* **before** you take any steps to start a business, join an existing business, reactivate a dormant business, or become any type of officer with any business. You are considered to be employed if you are operating or starting a business by yourself, with a partner or in a corporate arrangement. This includes time spent during the day, evenings or on weekends, even if no sales are made or no money is earned. Unless you are enrolled in the Self-Employment Assistance Program, business start-up activities may cause you to lose Unemployment Insurance benefits. For more information about the Self-Employment Assistance Program please see our web site at [labor.ny.gov/seap](https://labor.ny.gov/seap) and *"Starting a business: the Self-Employment Assistance Program (SEAP)" in Chapter 11.*

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## What if I am an elected official?

If you perform work, services or activities as an elected official, you are considered to be working the day you perform these duties. It does not matter what the work is, the amount of time you spent working each day, or whether or not you earned any money or any other payment. **All work, even an hour or less, performed in connection with your elected office must be declared as work when you claim weekly benefits.**

## What if I do volunteer work?

You may be eligible for Unemployment Insurance benefits while volunteering. However, you must report the following volunteer activities as work when claiming weekly benefits:

- Volunteer work that interferes with your ability to search for a job or that affects the number of days or hours you are available to work at a job
- Volunteer work that is a favor for a friend or relative's business
- Volunteer work you perform at a school in exchange for tuition abatement or a scholarship
- Volunteer work you perform for a not-for-profit corporation of which you are a founder, officer or board member
- Volunteer work for which you receive a stipend that is greater than the minimum wage
- Volunteer work which you perform as a precondition to being hired or rehired into a paid position
- Volunteer work which you perform as part of an internship or other on-the-job training program, and
- Volunteer work for professional licensing exams or to obtain other credentials

You do not have to report volunteer activities other than those listed above as work when claiming weekly benefits. This includes volunteer work for a charitable, religious or cultural organization. However, you must be:

- Ready, willing and able to work
- Making systematic and sustained efforts to find work
- Keeping an online or written Work Search Record for each week you claim benefits, and
- Prepared to give a copy of your Work Search Record to the Department of Labor (please see ***"What are the work search requirements" in Chapter 7***)

If you are not sure if your volunteer work allows you to meet all of these criteria, you should send us a secure message at [labor.ny.gov/signin](https://labor.ny.gov/signin). Enter your NY.gov username and password. On the My Online Services page, in the Messages section, click "Go to My Inbox." Select "Compose New." Select Subject: "Claims Questions." Select Second Subject: "Claims Questions-Other." In the body of the message, explain your volunteer work. Or, call the Telephone Claims Center\* to give all details of your volunteer work before claiming benefits for that week.

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.

## Keep your address and phone number up to date when you claim weekly benefits

Unemployment Insurance mail may not be forwarded by the Post Office. Your benefits may be delayed if you do not respond to requests for information or an appointment notice that was mailed to your address on record.

You can update your mailing address or telephone number with the Department of Labor when you claim your weekly benefits online. Sign in to your online account at **labor.ny.gov/signin**. Click the "Unemployment Services" button on the My Online Services page. Click on "Update Your Personal Information." Click the "Change Your Address and/or Your Phone Number" button to change your address and/or phone number.

You can also update your mailing address by sending us a secure message. Go to **labor.ny.gov/signin**. Enter your NY.gov username and password. On the My Online Services page, in the Messages section, click "Go to My Inbox." Select "Compose New." Select Subject: "Personal Information." Select Second Subject: "Address/phone number change." In the body of the message, enter your mailing address and then click "Send."

To update your mailing address or telephone number by telephone, call the Telephone Claims Center\* and select the menu option "For PIN or address changes" to change your address or phone number.

If you move out of New York State, you may be required to report to employment services appointments in the state where you live.

You must also update your address and phone number for your Unemployment Insurance benefits payment method. For direct deposit users, contact your bank. For debit card users, contact Go Program Customer Service at **844-649-9845**.

## What should I do if my name changes?

You must send us a letter with legal documentation (such as a copy of a marriage certificate, certified record of divorce, certified court order, or a valid, unexpired United States passport issued in your current name) that verifies the name change and mail it to:

New York State Department of Labor  
PO Box 15130  
Albany, NY 12212-5130

You can also send a name change request via secure message through your online account at **labor.ny.gov/signin**. Enter your NY.gov username and password. On the My Online Services page, in the Messages section, click "Go to My Inbox." Select "Compose New." Select Subject: "Personal Information." Select Second Subject: "Address/phone number change." In the body of the message, enter your new name and explain what legal documentation you are sending. Attach a PDF of your legal documentation to your request (we prefer PDF format).

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## 7 WHAT ARE THE WORK SEARCH REQUIREMENTS?

### Do I have to look for work?

Yes, you must actively look for work while you are claiming benefits. According to New York State Labor Law, you must make “systematic and sustained efforts to find work” as explained below. You must also provide proof of your work search efforts to the Department of Labor upon request. Important: You may be denied benefits if you do not make systematic and sustained efforts to find work.

### What is considered systematic and sustained efforts to find work?

Systematic and sustained efforts to find work is defined as doing at least three work search activities each week that you claim benefits. You can only be excused from this requirement if you have a Work Search Plan approved by the Department of Labor or you have been designated as exempt from this work search requirement by the Department of Labor. Please see “What is a Work Search Plan?” and “Who is exempt from work search?” in Chapter 7.

• Work search activities may include, but are not limited to:

1. Using employment resources available at the local New York State Career Center, such as
  - Meeting with Career Center advisors,
  - Getting information from Career Center staff about jobs that may be available in a particular industry or region (obtaining job market information),
  - Working with Career Center staff to assess your skills and match them to possible occupations and jobs (skills assessments for occupation matching),
  - Participating in instructional workshops, and
  - Getting job referrals and job matches from the Career Center and following up with employers.
2. Submitting a job application and/or resume to employers or former employers who may reasonably be expected to have openings
3. Attending job search seminars, scheduled career networking meetings, job fairs or workshops that offer instruction in improving skills for obtaining employment
4. Interviewing with possible employers
5. Registering with and checking in with private employment agencies, placement services, unions and placement offices of schools, colleges or universities and/or professional organizations
6. Using the telephone, business directories, internet or online job-matching systems to search for jobs, get leads, request referrals or make appointments for job interviews
7. Registering, applying, or taking job-related or pre-hire tests for a public or private employer, including civil service examinations.
8. Any other reasonable activity that may help you obtain employment

### What is considered acceptable proof of my work search activities?

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You must keep an online or written Work Search Record for each week you claim benefits and be prepared to give a copy of that record to the Department of Labor if we ask for it. The record must include dates, names, addresses (mail, email, or web address) and telephone numbers of employers contacted, names and/or job titles of specific people contacted, contact methods used, position or job title applied for or a description of other work search efforts (attending job fairs or workshops, etc.). We will check the information on the form with the contacts listed. If you knowingly give us false statements about your work search activities it is considered fraud, and we can deny your Unemployment Insurance benefits.

If you choose to keep your record online, we recommend you use our JobZone website at [dol.ny.gov/jobzone](https://dol.ny.gov/jobzone). It provides one place where you can safely update and store all of your work search records in a secure electronic file: safe from fire, theft or accidental loss. To access your JobZone account, simply click on the JobZone work search record link provided when you claim weekly benefits online, or go to [labor.ny.gov/signin](https://labor.ny.gov/signin). If you already have an online Unemployment Insurance account, you have a JobZone account. If you have questions about establishing your account, please contact a New York State Career Center.

If you do not use the online Work Search Record in JobZone, we recommend you keep a record of your work search activities each week using the Work Search Record form included in this handbook. You can also keep a similar written record instead of the Work Search Record form if it includes the required information. Whatever written format you choose, include supporting documentation. For example, if you apply for a job online, print a copy of the application or the employer's acknowledgement of the application. If you send a resume or application by email, save a printed copy of all correspondence. You should also keep a copy of your sent mail log or the employer's acknowledgement of the resume or application. Other examples of documentation include printouts from online search efforts, a job fair employer list, a prospective employer's business card, etc. You can get more Work Search Record forms at a New York State Career Center, online at [labor.ny.gov](https://labor.ny.gov) or in the back of this handbook.

## How long must I keep my work search records?

If you did not keep your Work Search Record in JobZone, keep copies of your written Work Search Records for one year. If we ask to see your records, you must give us copies. Do not send your Work Search Record to the Department of Labor unless we ask you to. **We do conduct random reviews of work search records.** If our review finds you are not meeting the work search requirement, benefits will be denied and repayment may be required.

## What is a Work Search Plan?

A Work Search Plan is a formal agreement that is developed and signed by you and your WorkforceAdvisor at a New York State Career Center. Not everyone will be required to develop a formal worksearch agreement. This agreement spells out in writing exactly what type(s) of work you are looking for, what work search activities you will do and how often you will do them, and the wages you must seek and accept if offered a job. The plan will also address any limitations or restrictions that may affect your job search. You may be required to develop a formal Work Search Plan if we find that your current work search activities are not adequate, if federal programs require you to have one or if you request one. (See Mandatory Career Center Meetings below.)

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## Who is exempt from work search?

The Department of Labor will tell you if you are exempt from the work search requirements as you file your claim. A Career Center staff member may also tell you if you are exempt. You may be exempt if you are:

- Temporarily laid off or seasonally employed and your employer has given you a written definite return-to-work date of up to eight consecutive weeks. Your employer may provide a new return-to-work date and a written request that the Department of Labor authorize up to an additional four weeks
- A union member who must obtain work through the union. You must be in compliance with your union's membership and work search requirements
- Participating in a training program approved by the Department of Labor, such as those approved under New York State Labor Law §599
- Serving on a jury
- Participating in a Department of Labor-approved Shared Work Program
- Participating in a Department of Labor-approved Self-Employment Assistance Program (SEAP)
- Covered by any exemption required by state or federal law or granted or extended by the Department of Labor and consistent with state or federal laws, rules, regulations, or guidance.
- Accepting a bona-fide offer of employment starting within a reasonable time as determined by the Department of Labor.

## What kind of work do I have to look for? Can I refuse a job because the wages are too low?

You must look for and be ready to accept “suitable work” while you collect Unemployment Insurance benefits. Suitable work is work that you can reasonably do through past training and experience.

**For the first 10 full weeks you claim Unemployment Insurance benefits**, suitable work means that you must look for work in all of your most recent occupations.

It is important to understand the concept of what is called the Unemployment Insurance cutoff wage. The Unemployment Insurance cutoff wage is a wage that is 10% below the Unemployment Insurance prevailing wage for a given occupation. You can find out what the Unemployment Insurance prevailing wage and cutoff wage is for a given occupation on our website at [statistics.labor.ny.gov/uiwages.shtml](https://statistics.labor.ny.gov/uiwages.shtml) or by checking with staff at a New York State Career Center.

If you are offered a job that pays at least the Unemployment Insurance cutoff wage for jobs in your most recent occupation, you must accept it or risk losing your benefits. If you are offered a job that does not pay at least the Unemployment Insurance cutoff wage, you can refuse it for prevailing wage reasons. However, if you refuse a job, even if it does not meet the prevailing wage requirements or you think it is not suitable, **you must still tell the Department of Labor** in your weekly certification. This should be reported in the week you actually make the decision to refuse work, not the week the work would have started in.

**After you have claimed 10 full weeks of Unemployment Insurance benefits**, the definition of what is considered suitable work expands to include any work that you are **capable** of doing, even if you have no experience or training in that type of work. If you are offered a job after claiming benefits for 10 weeks, you must accept it if:

- You are capable of doing the job
- It pays at least 80% of your high-quarter base-period wages, and
- It pays at least the Unemployment Insurance cutoff wage for such work

**You could be disqualified from receiving Unemployment Insurance benefits if:**

- You refuse a job that meets the three conditions above after you receive 10 weeks of benefits
- You do not respond to a job offer (this is the same as refusing a job)

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### **What if I refuse a job that meets the wage requirements as explained in the question above, but offers fringe benefits inferior to those offered for similar jobs?**

Any time you refuse a job offer, the Department of Labor must review the circumstances. In some cases, you may continue to receive Unemployment Insurance benefits, unless the job offers higher wages to compensate for the lack of or lower value of fringe benefits. If you refuse a job because of no or inferior fringe benefits, be prepared to provide additional information.

### **What is my local labor market area?**

Generally, your local labor market area is defined as the area you can reach within one hour by private transportation or one-and-one-half hours by public transportation. You should feel free to expand your job search beyond those areas. Where used in this handbook, your local labor market area is any part of New York State and within fifty (50) miles of its borders.

### **How far away do I have to look for work?**

You must be willing to travel a reasonable distance to get to work. Generally, reasonable distance is travel of one hour by private transportation or one-and-one-half hours by public transportation.

### **New York State Career Centers**

Our New York State Career Centers offer services that will help you find a job more quickly. To find your closest New York State Career Center, go to [dol.ny.gov/career-centers](https://dol.ny.gov/career-centers) or call our Contact Center at **888-469-7365** between 8:30 a.m. and 4:30 p.m. Monday - Friday. Services offered include:

- Resume writing and interviewing skills
- Career advice and guidance
- Skills assessments to help determine jobs you might be suited for
- Job-hunting workshops
- Information about jobs available in a particular area or industry (labor market information)
- Job referrals
- Information about training opportunities and referrals to training when appropriate

### **Mandatory Career Center meetings**

You may be required to report to a New York State Career Center. If so, you will be sent a letter with the appointment date, time and location. If you cannot attend the appointment because you are working or for another reason, call the New York State Career Center as soon as possible to reschedule. If you cannot reach a person when you call and must leave a message requesting a call back, someone should call you back within 24 hours. If you do not receive a call back within 24 hours of leaving a message, please send us a secure message through your online account. See ***“Appendix II: Sending a secure message”*** in **Chapter 14** for instructions or call again. Go to [labor.ny.gov/career-center-locator](https://labor.ny.gov/career-center-locator) to find the Career Center nearest you.

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Career Center appointments are intended to help you find a job more quickly. For example, we may help you develop a written work search plan that addresses your specific needs. If you are likely to exhaust your benefits, you may be required to participate in other programs. We will tell you where and when these meetings or programs will be held.

You may be sent a reminder of your upcoming meeting through the **NY.gov** secure message system or by phone call through the NYS Higher Education phone lines, in addition to receiving a physically mailed letter.

## What happens if I miss my Career Center meeting?

**If you do not go to your Career Center appointment or respond to the letter, your benefits will be stopped immediately.** The first thing you need to do is immediately go, in person, to the New York State Career Center listed on your appointment notice during that center's routine business hours. You do not need an appointment. You may also report by calling that Career Center and speaking with a Department of Labor staff person. Do not call the Telephone Claims Center,\* as they cannot help until after you have reported to the Career Center.

If we determine that you do not have a valid reason for your missed appointment and you did not contact the Career Center by your appointment date, you will not be eligible to receive benefits for the week (the week you did not report to your appointment) and each week after until you report to the Career Center in person.

After you have visited the Career Center, you will be instructed to complete an online questionnaire which must be submitted within 48 hours. Complete this questionnaire at the Career Center for faster submission and review. We will review the questionnaire to determine your eligibility for benefits for the period you did not report.

Your benefits will be held from the week of your missed appointment until the week you reported to the Career Center. If we find that you do not have a valid reason for missing your appointment, you will not be eligible to receive payment for the held weeks. Continue to certify weekly while your benefits are on hold for each week you are unemployed and meet the eligibility requirements.

**Note:** If you have accepted a job offer with a future start date, contact your Career Center as you will need to show them proof of the offer and the start date. The Career Center will advise you if you can be excused from the appointment.

## What if I am physically unable to seek or accept work?

You must be physically able to work to be eligible for Unemployment Insurance benefits.

If you become ill or disabled while receiving Unemployment Insurance benefits or are temporarily unable to search for or accept work for other reasons, and you have questions about your eligibility for benefits, contact us at [labor.ny.gov/signin](https://labor.ny.gov/signin) or call the Telephone Claims Center\* right away. You may be eligible to continue to collect benefits once you are able to work again. If you claim weekly benefits, you must report all days that you were not able to work. If you were scheduled to work but called in sick due to illness, you must report that you were not ready, willing and able to work on that day when you certify for benefits. If you were unable to work for four or more days in a week you will not be eligible for benefits and do not need to claim that week. Please see *“What if I work part time?”* in Chapter 6.

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.

## What if I am unable to seek or accept work because I was called for jury duty?

If you are called to jury duty, you will not be denied benefits. This is true if you are called to a grand or trial jury of any state of the United States. You will be considered ready, willing and able to work while serving on jury duty. In addition, you may not have to meet the work search requirements for any week that you have jury duty. Contact the Telephone Claims Center\* for more information.

## Does pregnancy affect my benefits?

Under federal and state law, you cannot be denied Unemployment Insurance benefits simply because you are pregnant. The Department of Labor cannot discriminate based on pregnancy. However, the same eligibility rules that apply to all other claimants also apply to pregnant claimants: they must be available for work, they must be physically able to work and they must be looking for work.

You do not have to tell us about your pregnancy **unless it affects your ability to work**. If you are unable to work because of health reasons related to pregnancy or childbirth, you are not eligible to claim Unemployment Insurance benefits for those days or weeks. For example, being hospitalized to give birth affects your ability to work. You cannot claim benefits for the period of time you are in the hospital and are unable to work. Before you can resume receiving benefits, we may request medical clearance that states you are able to work after being hospitalized (this would also be the case if you were hospitalized for any other reason).

Sometimes an employer tells the Telephone Claims Center\* that a claimant quit, took a leave of absence or was fired because of pregnancy. We must verify that information with you. However, if you left your last job voluntarily, even though you were physically able to continue working, you may not be eligible for benefits.

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## 8 OVERPAYMENTS AND FRAUD

### What is an overpayment?

An overpayment occurs when you receive Unemployment Insurance benefits that you were not entitled to. This could occur for a number of reasons, for example: you made a mistake when claiming weekly benefits, you were not ready, willing and able to work, you did not complete the required work search activities for a week or weeks, or you knowingly gave us false or misleading information when filing a claim or claiming weekly benefits.

### What is willful misrepresentation?

Willful misrepresentation occurs when you **knowingly** and **purposely** make a false statement in order to get Unemployment Insurance benefits. This includes knowingly and purposely withholding information. **Important: Willful misrepresentation is fraud.** If you willfully make a false statement or representation to get benefits, you may:

- Be required to pay back the overpayment
- Be assessed **“forfeit days,”** which are benefits that you claim in the future that you forfeit or lose as a penalty (see Glossary), and
- Be charged \$100 or a 15 percent (whichever is higher) **monetary penalty** on the full amount of the overpaid benefits. This is charged in addition to any benefits that must be repaid (see Glossary).

### What happens if I do not pay back an overpayment or monetary penalty?

If you do not pay back an overpayment of benefits that you received fraudulently, the Department of Labor may obtain a judgment against you to collect the overpayment(s).

Failure to repay any benefits that you received because you withheld information or gave false information to the Department of Labor may result in the Department of Labor taking legal action to file a judgment against you. Once entered, a judgment is good and can be used against you for 20 years and your money, including a portion of your paycheck and/or bank account, may be taken. Also, a judgment will hurt your credit score and can affect your ability to rent a home, find a job or take out a loan.

New York State also has what is called a “right of offset.” If you do not pay back benefits that were overpaid to you, we can seize any payments New York State may owe you. These include future Unemployment Insurance benefits, contract payments, state tax refunds and other payments. We can also seize federal (IRS) tax refunds and other federal payments to collect any debt you owe, as well as any unemployment benefits you may be due in other states.

If you owe a monetary penalty, you can only pay it by check or money order. We cannot withhold future benefits to pay monetary penalties.

If you cannot repay the entire overpayment, you can request a payment plan by calling **800-533-6600**.

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.

## What should I do if I receive an overpayment determination?

If you have been overpaid, you will receive a written Notice of Determination in the mail. This Notice will:

- Show the amount of the overpayment and tell you how to pay it back
- Show any monetary and forfeit penalties
- Explain how the overpayment happened and why it has to be repaid

If you receive an overpayment determination, you should follow the repayment instructions on the notice. If you disagree with the overpayment determination, you have the right to request a hearing. Please see ***“Hearing and Appeal Process”*** in **Chapter 10** for more information. If you request a hearing, collection activity on the overpayment will be suspended until the hearing is complete and a decision is issued.

## Overpayments made by other state or federal programs

If you received benefits that you should not have received from another state or federal program, the Department of Labor must deduct repayment from your Unemployment Insurance benefits.

**DISCLAIMER:** The Department of Labor can go back an unlimited number of years to collect overpayments if we determine that you worked and collected benefits at the same time during a current or previous claim. In such an event you will need proof of work history to dispute an allegation of fraud. To prepare yourself for such a possibility, make sure you save your schedule, time records and paystubs.

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.

## 9 WHAT SHOULD I DO WHEN I RETURN TO WORK?

### What should I do when I return to work full time?

When you get a job, you must report all days worked when claiming weekly benefits, even if you have not yet been paid. If you work more than 30 hours in a week or earn more than \$504 in a week, you will not be eligible for benefits and do not need to claim that week.

### What if I return to work and then become unemployed again?

If all three of the following conditions apply to you:

- Your benefit year has not ended,
- You have not received 104 days of benefits (this equals 26 full weeks of benefits), and
- It has been at least one week since the last week you claimed benefits

Then you may simply start claiming benefits again. If you need help claiming benefits, please see *“How do I claim weekly benefits?”* in Chapter 6.

If you do not know when your benefit year ends, you can find this date on your Monetary Benefit Determination or in your online account at [labor.ny.gov/signin](https://labor.ny.gov/signin). Enter your NY.gov username and password. Click the “Unemployment Services” button on the My Online Services page. Click the “View Payment History” button on the Unemployment Insurance Benefits Online page.

**Important: If you begin claiming benefits again, after not claiming benefits for one or more weeks, you may receive a form online or in the mail requesting information about the period of time you were not claiming benefits.** The Department of Labor will hold your benefits until you return the form. If the Department needs more information to decide whether you are eligible for benefits, your benefits may be held for two to three weeks or longer.

Complete this form in its entirety and send it back as soon as possible. If you don’t fill out the form completely or if you don’t send it back promptly, your benefits may be delayed, suspended or denied.

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.

# 10 HEARING AND APPEAL PROCESS

## Can I appeal a determination about my claim?

For the purposes of the Unemployment Insurance program, a determination is the formal name for a decision the Department of Labor makes concerning your claim. It is important to read, understand and keep any notice you receive from us that has “determination” in its title, including the back page.

If you disagree with any determination that denies you benefits or affects the amount of benefits you can receive, you have the right to request a hearing. The hearing will be held before an impartial Administrative Law Judge of the Unemployment Insurance Appeal Board.

## How do I request a hearing?

To request a hearing online, go to [labor.ny.gov/signin](https://labor.ny.gov/signin) and sign in to your NY.gov account. Choose “Go to My Online Forms.” Under the “Forms Available for Filing” menu on the left, choose the “Claimant Request for Hearing” form. Please fill out the form completely and submit it.

If you do not have an online account with us, please see “*Receiving your benefits: Your PIN, NY.gov ID, direct deposit and the debit card*” in **Chapter 3** for instructions on how to set one up.

You may also make your request by filling out the Claimant Request for Hearing form in the back of this handbook, or by writing a letter. Fax your request to **518-457-9378**, or mail it to:

New York State Department of Labor  
PO Box 15131  
Albany, NY 12212-5131

**Important: Your online, fax, or mail request must be postmarked or otherwise proven to have been filed within 30 days after the mailing or personal delivery of the determination. Without proof to the contrary, a determination shall be deemed to have been mailed on the date recited on it and received by the party to whom it is addressed no later than five business days after the date on which it is mailed.** If your hearing request is late, you may lose your right to be heard on the merits of the case. Keep notes and any records that show the date and time you submitted your request.

In your request, include:

- Your full name
- The last four digits of your Social Security number
- Your current mailing address and telephone number
- The mail date of the determination
- A detailed explanation of why you believe the determination is incorrect
- Any dates that you are not available to appear at a hearing, including for religious observance
- Any special needs or accommodations you may require at the hearing
  - If you or your witnesses have a disability or need of any kind, arrangements will be made to make sure all parties can participate in the hearing

If you have any documents that support your statements, attach and send them with your hearing request.

If you request a hearing after the 30-day deadline, you should explain the reason your request is late. It will be discussed at your hearing.

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## What should I expect after I request a hearing?

The Department of Labor will review your hearing request. We may contact you for more information and make a new determination. Respond immediately to any calls or messages from the Department. Failure to respond may lead to a new determination based only on the available information.

If a new determination is made in your favor, you may not have to appear at a hearing. If a new determination is not in your favor, you may have to request a hearing again.

If there is no change to the original determination, a hearing will be scheduled before an impartial Administrative Law Judge. Hearings are generally held between 15 to 30 days after you made your request. A Notice of Hearing will be mailed to you 14 days before the scheduled hearing.

**Important:** While we review your hearing request, you must continue to claim weekly unemployment benefits for any period you are unemployed and seeking benefits. If you are found eligible, you will receive any benefits that you claimed.

## What happens to my benefits while my hearing is being scheduled?

Benefits may be withheld while you wait for the hearing. If the Administrative Law Judge decides in your favor, any benefits due to you will be paid retroactively (after the fact), as long as you have continued to claim weekly benefits (certify for benefits) each week that you are still unemployed or are working 30 hours or less and making the maximum benefit rate or less.

**IMPORTANT:** If you ask for a hearing or are waiting for a hearing or a decision, **you must claim benefits each week.** This will allow you to receive retroactive benefits if the hearing decision is in your favor. When claiming weekly benefits, you must report all hours you worked even if you have not yet been paid. If you work more than 30 hours in a week or earn more than \$504 in a week, you will not be eligible for benefits and do not need to claim that week. If you do not claim weekly benefits during this time, you may lose your right to receive benefits for these weeks.

## How will I know when my hearing is scheduled?

The Administrative Law Judge Section of the Unemployment Insurance Appeal Board will notify you of the time and place of your hearing by sending you a Notice of Hearing. **Please note that hearings may be conducted in person or by telephone.** If your hearing is scheduled to be done over the telephone, you must ensure that the phone number listed on your hearing notice is correct. If you find an error, you should contact the hearing office listed on your notice immediately to make the necessary corrections or your hearing may not go forward. If you need to reschedule your hearing, contact the office shown on the hearing notice.

**Important:** Read the entire Notice of Hearing carefully, front and back, including special instructions for what documents or witnesses to produce at the hearing. You may also fax additional documents that support your case to the hearing office listed on your Hearing Notice prior to the hearing. Watch the video “How Can I Prepare for a Hearing?” on the Appeal Board’s website at [uiappeals.ny.gov](http://uiappeals.ny.gov).

## What if my employer requests a hearing?

Any of the employers listed on your claim may request a hearing if they believe your job ended due to a disqualifying reason, such as:

- You quit your job without good cause
- You were fired due to misconduct

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When this happens, the Department of Labor must review the employer's hearing request, and if necessary, conduct further investigation.

We may contact you for more information and make a new determination. Respond immediately to any calls or messages from the Department. Failure to respond may lead to a new determination based only on the available information.

If a new determination is not in your favor, your eligibility may be stopped, or your benefit rate may be reduced. You may also have to repay benefits that you received if we determine that you made false statements or withheld information to obtain benefits.

If there is no change to the original determination, a hearing will be scheduled before an impartial Administrative Law Judge. Hearings are generally held between 15 to 30 days after the employer makes the request. A Notice of Hearing will be mailed to you 14 days before the scheduled hearing.

You will continue to receive benefits during the hearing process as long as you continue to meet the eligibility requirements. It is very important that you attend any scheduled hearings to protect your benefit rights and continued eligibility. If you do not appear, the hearing may continue without you. The Administrative Law Judge may decide the case without considering your side of the story. If the decision is not in your favor, your eligibility may be stopped, or your benefit rate may be reduced. You may also have to repay benefits that you received if we determine that you made false statements or withheld information to obtain benefits.

**IMPORTANT:** While we review the employer's hearing request, you must continue to claim weekly benefits for any period you are unemployed and seeking benefits.

If you missed the hearing requested by your employer and received a decision stopping your eligibility, you may write a letter requesting to reopen the hearing so that you can present your side of the story. See *"What happens if I miss the hearing?"* in **Chapter 10** for further instruction. Before the next hearing, get a copy of the case file as soon as possible and listen to the recording of the hearing(s) that you missed. See *"Review and obtain a copy of your case file"* in **Chapter 10** for further instruction.

## May I have representation at hearings?

You have the right to bring an attorney or other representative of your choice with you to the hearing, though it is not required. Under the law, any attorney or a representative registered with the Unemployment Insurance Appeal Board may charge a fee for representing you. **Important: This fee can only be charged if you win your case, including any appeal.** You cannot be charged a fee for services until the amount of the fee has been approved by the Unemployment Insurance Appeal Board. Both you and your attorney or registered representative will receive a letter from the Appeal Board notifying you of any fee approval. If you have won your hearing and receive a bill for services that has not been approved by the Appeal Board, you should contact the Appeal Board at **833-910-4382**.

If you cannot afford to pay an attorney or a registered representative, you may be able to get free representation from an attorney who does not charge a fee or from a free legal services program.

For a list of legal resources, including attorneys, registered representatives, legal services programs and pro bono attorneys' organizations, go to the Unemployment Insurance Appeal Board website at [uiappeals.ny.gov](http://uiappeals.ny.gov). Click on the "Helpful Information" tab and then click on "Guides and Resources." Choose the "List of Attorneys & Authorized Agents." You may also request this list by calling **833-910-4382**.

Most representatives will want to see the case file before offering services, so make sure you obtain a copy to consult with legal service providers. See *"Review and obtain a copy of your case file"* in **Chapter 10**.

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.

## How can I prepare for a hearing?

Go to the Unemployment Insurance Appeal Board website at [uiappeals.ny.gov](http://uiappeals.ny.gov) and watch the video “Preparing for your Unemployment Insurance Hearing.”

At the hearing, you may testify and present witnesses and documents. Witnesses may appear by phone, so if your witnesses cannot appear in person advise them to be available by phone at the time of the hearing and provide their phone numbers to the judge. If you cannot get necessary evidence, you may ask the Administrative Law Judge to issue a subpoena to direct the person or company who has the evidence to bring it in. You will be allowed to question opposing parties and witnesses at the hearing.

Before the hearing, you will get a detailed informational pamphlet that more fully describes the hearing procedure and your rights. If you have any questions that are not covered in the notice, contact the Appeal Board hearing office listed on the Notice of Hearing or contact the Claimant Advocate Office.

The Claimant Advocate Office can be reached by phone at **855-528-5618** from Monday to Friday, 9 AM to 4 PM. You may also send a secure message (English only): Log in at [labor.ny.gov/signin](http://labor.ny.gov/signin). On the My Online Services page, in the Messages section, click "Go to My Inbox." and choose “Compose New.” Select "UI Claimant Advocate Office" for the subject line. **See “Claimant Advocate Office” in Chapter 13, Appendix I.**

## Review and obtain a copy of your case file

The case file includes documents that the Administrative Law Judge will use during the hearing. It also includes important documents that were used in reaching the determination, and may include a recording of any previous hearings. If you have a phone hearing, the case file will be mailed to you along with the hearing notice. If you have an in-person hearing, you have the right to view and copy your case file and listen to any recordings at the hearing site before the hearing. Bring your hearing notice to the hearing site well in advance of the hearing and request to view and/or copy the case file. If you have financial difficulty, you may fill out a waiver and request a free copy. If you are looking for legal representation, it is important to have your case file ready so that an attorney can review your case.

## What happens if I miss the hearing?

It is very important that you appear at all scheduled hearings whether you or the employer asked for the hearing. If you fail to appear, you may ask to reopen the case. Fax or mail your written request to the Administrative Law Judge office address on the top of the first page of the decision notice as soon as possible. Make sure to include the case number, your current mailing address and telephone number, and the reason you did not appear in your request. You can find your case number on your hearing notice, at the top center of the page, or on your hearing decision notice, at the top left. Attach any documentation that explains why you did not attend the hearing. Please list any dates in the next 45 days on which you are not available for a hearing. The Appeal Board will do its best to accommodate your schedule. Do not request a reopening of your case if you are not ready to proceed with a new hearing.

At the next scheduled hearing, the Judge will first take testimony on whether you had good cause for not appearing or proceeding at the prior hearing. The Judge will decide the other issues in the decision only if you had good cause for missing the prior hearing.

If you fail to appear at the hearing to reopen, and make another request for a hearing, the case will not be automatically rescheduled. Instead, your request to reopen will be referred to the Appeal Board. The Board will review the application based on documents in the file and grant another hearing only if it determines that your failure to appear at both prior hearings was for good cause or if, in its discretion, the Board orders another hearing to consider the question of good cause.

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.

## How and when will I receive the judge's decision?

You should receive the Administrative Law Judge's decision by mail soon after the hearing date. If you do not, you should call the hearing office where you had your hearing (the phone number is on the Notice of Hearing). The decision will show the facts found by the Administrative Law Judge based on the evidence, the reasons for the findings, the reasons why those findings lead to the result and the decision itself. If you cannot understand the decision, call the Telephone Claims Center\* or the Claimant Advocate Office at **855-528-5618** to have it explained to you.

## How do I further appeal if I disagree with the judge's decision?

You, the employer and the Commissioner of Labor have the right to appeal an Administrative Law Judge's decision to the Unemployment Insurance Appeal Board. The notice telling you the Administrative Law Judge's decision will also explain how to file an appeal with the Unemployment Insurance Appeal Board. Hearing Office Phone Number: **833-910-4382**.

In order to appeal, you must have appeared before the Administrative Law Judge. Only the Commissioner of Labor may appeal without appearing at the hearing.

You may send your appeal to the Unemployment Insurance Appeal Board at

Unemployment Insurance Appeal Board  
PO Box 15126  
Albany, NY 12212-5126

or by fax to **518-402-6208**. Your letter or fax must include the Administrative Law Judge Case Number (listed on the decision above your name).

**Important: Appeals must be filed with the Appeal Board within 20 days after the Administrative Law Judge's decision is mailed to you.** After you appeal, you will receive a Notice of Receipt of Appeal. It will explain your rights and the time limits for you to request the transcript of your hearing, submit a written statement and reply to statements submitted by other parties. These time limits will be strictly enforced. Therefore, you should read the Notice of Receipt of Appeal promptly and very carefully.

If you appeal more than 20 days after the date the Administrative Law Judge decision was mailed, you must explain why your appeal is late. You will receive a letter confirming receipt of your appeal; however, all late appeals must be reviewed by the Appeal Board. If the reason for your late appeal is accepted, you will receive a Notice of Receipt of Appeal with the instructions listed above. If the reason for your late appeal is not accepted, you will receive a letter telling you that.

If you plan to appeal or are waiting for an appeal decision, protect your right to benefits. Continue to follow any instructions received from the Telephone Claims Center.\* **Important: You must still claim weekly benefits (certify for benefits) for each week that you are unemployed or working 30 hours or less and making the maximum benefit rate or less, even if you are not receiving benefits.** This will allow you to receive retroactive benefits if the appeal decision is in your favor.

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.



## How do I further appeal if I disagree with the Appeal Board's decision?

If you disagree with the Unemployment Insurance Appeal Board's decision, you may file a Request for Reconsideration of the decision and/or you may further appeal to the Appellate Division of the New York State Supreme Court, Third Department. The employer or the Commissioner of Labor may do the same.

Requests for Reconsideration and Appeals to the Supreme Court must be filed with the Appeal Board in writing within 30 days after the Appeal Board's decision is mailed to you. Mail your appeal to:

Unemployment Insurance Appeal Board  
PO Box 15126  
Albany, NY 12212-5126

The Appeal Board will then send you a notice with instructions on how to proceed with your Request for Reconsideration and/or appeal to the State Supreme Court.

If you plan to appeal to the State Supreme Court or are waiting for a decision from the Court, protect your right to benefits. Continue to follow any instructions received from the Telephone Claims Center.\* **Important: You must still claim weekly benefits (certify for benefits) for each week that you are unemployed or working 30 hours or less and making the maximum benefit rate or less, even if you are not receiving benefits.** This will allow you to receive retroactive benefits if the appeal decision is in your favor.

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.

# 11 SPECIAL SITUATIONS

## What if I have a question about my benefits?

First, check this claimant handbook. You can also check the FAQs (Frequently Asked Questions) on our website at [dol.ny.gov/claimant-frequently-asked-questions](https://dol.ny.gov/claimant-frequently-asked-questions).

Next, you can also send us a secure message from your online account. Sign in to your account at [labor.ny.gov/signin](https://labor.ny.gov/signin). On the My Online Services page, in the Messages section, click "Go to My Inbox." Select "Compose New." Select Subject: "Claims Questions." Select Second Subject: "Claims Questions-Other." In the body of the message, explain your question.

You may also call the Telephone Claims Center,\* but please be aware that Monday and the day after a public holiday are the busiest days for phone calls so wait times may be longer. The rest of the week is less busy.

## What if I think my benefits are late? Also, how do I check my payment history and/or payment status?

To check the status of your benefits and for a complete record of your Unemployment Insurance benefit payments, sign in to your online account at [labor.ny.gov/signin](https://labor.ny.gov/signin). On the My Online Services page, click on "Unemployment Services," then "View Payment History."

You can also call our Tel-Service automated telephone service at **888-581-5812**. Follow the prompts to check your payment history and payment status. TTY/TDD users call **877-205-3119**. Video Relay Service users, contact your relay operator and ask the relay operator to call **888-783-1370**.

**Important: After we determine that you are eligible, it generally takes three business days for benefit payments to appear on your debit card or in your bank account via direct deposit after they are released.** If three days have passed since a payment was released and the funds are not in your account, you should contact Go Program Customer Service at 844-649-9845 if you have a debit card. If you have direct deposit, contact your bank. If there is a holiday in a given week, payments may be delayed by one day that week.

If you have a question about your claim or payments, call the Telephone Claims Center.\*

## I was unable to file my claim during the first week I became unemployed. Can I backdate my claim?

If you would like to request backdating of your claim to the first week you became unemployed, you must call the Telephone Claims Center\* and speak with an agent. You must be prepared to explain why you were unable to file your claim during the first week you became unemployed. We will review your reasons and let you know if we can backdate the claim. Depending on your reasons, we may be able to backdate your claim for one week

## My benefits have stopped. What is going on?

Most likely, either you missed a work search appointment (please see *"What happens if I miss my work search meeting?"* in Chapter 7) or the Department of Labor received information that may affect your eligibility for benefits. That information may have come from a former employer, a questionnaire you returned, or you may have tried to certify for benefits from outside the United States (please see *"What if I travel outside my area or outside the country?"* in Chapter 6). When this happens, we are required to investigate and your benefits may be held for up to ten (10) days.

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.

The Department may continue to withhold benefits if a determination stopping benefits has been issued. If you have had benefits stopped for more than ten (10) days and have not received a determination, please contact us at [labor.ny.gov/signin](https://labor.ny.gov/signin). Enter your **NY.gov** username and password. On the My Online Services page, in the Messages section, click "Go to My Inbox." Select "Compose New." Select Subject: "Claims Questions." Select Second Subject: "Certification Questions." In the body of the message, explain that you have had benefits stopped for more than 10 days and you have not received a determination. Or, call the Telephone Claims Center.\*

**Important: While the investigation continues, please continue to claim weekly benefits as long as you are unemployed and meet the eligibility requirements.**

### **If I receive dismissal or severance pay, will it affect my benefits?**

Dismissal or severance pay may affect your eligibility to receive benefits. You may be eligible for Unemployment Insurance if the weekly payments of dismissal or severance are less than the maximum benefit rate. You must notify the Telephone Claims Center\* if you receive or will receive dismissal or severance pay. If you do not, you may receive an overpayment, which you will need to pay back. You also may be subject to other penalties.

You will **not** be eligible for benefits if:

- You receive weekly dismissal or severance payments that are greater than the maximum weekly benefit rate, **or**
- Your employer gave you a lump sum payment **and** the weekly pro-rated amount of the payment is greater than the maximum weekly benefit rate

You **may** be eligible to collect benefits if:

- The weekly amount of dismissal or severance pay is less than or equal to the maximum weekly benefit rate, **or**
- You receive your first dismissal or severance payment more than 30 days after the last day you worked

If you are found ineligible because you received dismissal or severance pay and you are still unemployed when your dismissal or severance pay ends, you should file a new claim for benefits. You should do this even if you are not sure if you have enough earnings, or if you filed a claim when you started receiving dismissal or severance pay. We will determine if you are eligible for benefits.

### **If I lose my full-time work and have a part-time job on the side, do I have to keep the part-time job?**

This question can arise for people who work two jobs, such as a full-time job and a part-time side job that pays less than the main job. If they lose their main job, their earnings from the part-time job can be less than they would receive in Unemployment Insurance benefits for the days they work at the side job. Their income is actually reduced for continuing to work the side job while they receive Unemployment Insurance benefits.

Under New York's Unemployment Insurance law, you may be found eligible to receive benefits if you quit the side job due to financial hardship. However, the Department of Labor must investigate whether you had good cause to quit your side/part-time job. This may temporarily stop your benefits and possibly lead to a determination that is not in your favor. You must be prepared to show the Department of Labor your income and expenses.

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## Can I use military service to establish a claim?

You may be able to use recent military service to establish a claim if you meet certain conditions. If your service was within the past 18 months, call the Telephone Claims Center\* for more information.

If you have not done so already, mail a copy of your most recent separation Form DD214, Member 4 to:

New York State Department of Labor  
PO Box 15130  
Albany, NY 12212-5130

Wages earned while in the reserves can be used to establish a claim if a reservist has 180 consecutive days of active duty service.

## How does military reserve training affect my existing claim?

Members of the state Army National Guard or reserves of the Army, Navy, Air Force, Marine Corps or Coast Guard are not eligible to receive Unemployment Insurance benefits while in annual field training. You are considered both unavailable for work and not totally unemployed. However, your monthly drill sessions do not affect eligibility for your full weekly benefit amount. Be sure you have mailed in Form DD214, Member 4 to the address shown above.

## What if I work for an educational institution?

If you are an employee of an educational institution, you are not eligible for benefits when school is not in session **if** your employer has given you reasonable assurance that you will be employed and paid in a similar manner once school is back in session. You have reasonable assurance if:

- You have a contract to continue working after a school vacation, holiday recess or break between terms.
- Your employer has informed you in good faith that you are likely to continue working and being paid in a similar manner after the vacation, recess or break.

You could be eligible for benefits if you have wages from other, non-educational employment during the same period of time.

If you were not offered similar work by the educational institution for the new term or year, you may be eligible to get benefits. While we review your claim, you must continue to claim weekly benefits (certify for benefits) each week during the period of your unemployment, even if you are not getting benefit payments. See ***“How Do I Claim Weekly Benefits?” in Chapter 6.***

**Note:** Reasonable assurance does not apply to you if you work in an educational institution but your employer is a contractor that provides services to the educational institution.

## Does receiving a pension affect my benefits?

If you have retired and are not looking for work, you are not eligible for Unemployment Insurance benefits. If you retired from a job and **are** actively looking for other work, you may be eligible for Unemployment Insurance benefits. You must meet the same conditions as all other claimants.

Your benefits will be reduced by 100 percent of the amount of the pension if your base period employer contributed to it, even if you also contributed to the pension. If you were the sole contributor to the pension, your benefits will not be reduced.

The Department of Labor will determine if your benefits must be reduced. You may request a hearing if you disagree. Please see ***“Hearing and Appeal Process” in Chapter 10.***

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If you become eligible for a pension while receiving Unemployment Insurance benefits, you must notify the Telephone Claims Center.\* **Important: If you don't notify us, you may receive an overpayment which you will need to pay back.** If we find that you acted fraudulently, you may also forfeit future days of benefits and be subject to monetary penalties.

### Does receiving Social Security affect my benefits?

Collecting Social Security will not affect your Unemployment Insurance benefits. However, you must be available for and looking for work with no restrictions while collecting benefits, just like all other claimants.

### Does receiving workers' compensation affect my benefits?

If you are receiving workers' compensation but you are available and physically able to perform work, you may be eligible for Unemployment Insurance benefits. However, receiving workers' compensation benefits may cause your weekly Unemployment Insurance benefit rate to be reduced. The total weekly amount of your workers' compensation and Unemployment Insurance benefits cannot be more than the average weekly wage you earned during your base period.

If you are able to return to work, be prepared to send us a copy of your most recent Subsequent Report of Injury (SROI) filing. A paper copy should have been mailed to you. Or, you can print it out from your workers' compensation electronic case folder. Please also be prepared to send us a note signed by your doctor that says you are able to return to work.

You must notify the Telephone Claims Center\* about any workers' compensation benefits you receive during the same weeks you collect Unemployment Insurance benefits. **Important: If you do not notify us, you may receive an overpayment which you will need to pay back.** The Department of Labor will determine if your benefits must be reduced. You may request a hearing if you disagree. Please see *"Hearing and Appeal Process"* in Chapter 10.

### Can I go to school or training while receiving benefits?

You may be able to participate in an education or training program while collecting benefits if you are accepted into the 599 Program. The 599 Program is a special provision in the Unemployment Insurance (UI) Law that makes it possible for UI recipients to collect benefits while they attend training. If your training is approved under this program, you are not required to look for work. The 599 Program does not pay for tuition or other school-related expenses.

Training programs must meet certain eligibility requirements to be approved. If your training is approved under the 599 Program, you may be eligible for up to an extra 26 weeks of UI benefits – in addition to your 26 weeks of regular UI benefits. **Important: You must apply for the 599 Program within the first 13 weeks of your claim to receive maximum benefits.** A delay in notifying the Department of Labor about your training may result in a reduction of any extra benefits that may be available to you. If you fail to tell us that you are in training while you are collecting benefits, you may be subject to penalties and you could lose future benefits. Funding for additional benefits is not always available. If funds are not available, it is possible that you will not receive any extra benefits and these benefits could stop before you finish your training.

You must submit a 599 application to the Department of Labor as soon as you are accepted into a school or training facility. **Important: Notify the Department of Labor as soon as you are enrolled in training.** If you indicated that you are attending or will attend a training program when you filed your claim, you must submit a training application immediately to the Department of Labor to the address provided on the application. You may request an application or obtain general information by contacting the 599 Central Review Unit at **518-402-0189**.

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If you are interested in attending training and have not yet enrolled, you should contact your local New York State Career Center as soon as possible. Trained counselors at the Career Center will assist you with your training needs and provide you information about training programs in your area. To find the nearest Career Center, please view the online Career Center locator at [dol.ny.gov/career-centers](http://dol.ny.gov/career-centers). If you do not have a high school diploma, you may be eligible to get a high school equivalency degree while receiving Unemployment Insurance. If you have limited English skills, you may also be approved to attend English as a Second Language class training. Contact a New York State Career Center for more information.

### What if I am in the New York State Registered Apprenticeship Program?

If you are in a New York State Registered Apprenticeship Program and are attending Apprenticeship training while claiming Unemployment Insurance benefits, you must tell the Telephone Claims Center\* that your training is a requirement of your Apprenticeship Agreement (Form AT401) for the Registered Apprenticeship Program.

If you are interested in participating in a Registered Apprenticeship Program, contact your local Apprenticeship office for more information. For a listing of Apprenticeship offices, go to [labor.ny.gov/apprenticeship/contactus.shtm](http://labor.ny.gov/apprenticeship/contactus.shtm).

### Starting a business: The Self-Employment Assistance Program (SEAP)

The Self-Employment Assistance Program, or SEAP, allows you to start and operate your own business while collecting up to 26 weeks of Unemployment Insurance benefits. You do not have to look for other work while participating in the SEAP program, but you must work full time on your business. **Important: To be eligible for this program, you must be identified by us as likely to exhaust your Unemployment Insurance benefits before finding work.** In addition, you must have 13 or more weeks of benefits left on your claim when you apply for the SEAP. You must meet program eligibility requirements and receive **written acceptance from the Department of Labor** into the SEAP before you can start or operate your own business while collecting benefits.

For more information about the SEAP, go to [labor.ny.gov/seap](http://labor.ny.gov/seap) or contact a New York State Career Center. To find your closest New York State Career Center, go to [labor.ny.gov/career-center-locator](http://labor.ny.gov/career-center-locator), or call the Department of Labor Contact Center at **888-469-7365** between 8:30 a.m. and 4:30 p.m. Monday - Friday.

### I lost my job due to international trade. What is Trade Adjustment Assistance (TAA)?

If you were laid off due to a lack of work either directly or indirectly because of international trade, you may be eligible for the federal Trade Adjustment Assistance program, or TAA for short. TAA assistance may include:

- **Paid training:** The TAA program pays for training in order to upgrade skills so that you may gain suitable employment. Allowable types of training include: classroom, distance/online, post-secondary, apprenticeship, GED preparation, remedial, prerequisite and on-the-job training.
- **Help finding and training for a new job:** This can include assessing your skills, career counseling, help with resume writing and interview skills, job referrals and more.
- **Transportation and subsistence payments** can help you pay for transportation and living costs when attending training outside your commuting area.
- **Job search allowances** can reimburse 90% of travel expenses to job interviews outside your commuting area.

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- **Relocation allowances** can help pay 90% of moving expenses for you and your family if you move outside your commuting area for a new job.
- **Trade Readjustment Allowances (TRA)** This weekly allowance is payable after you have exhausted your Unemployment Insurance, while in full-time, TAA-approved training.
- **Reemployment Trade Adjustment Allowances (RTAA)** provides a wage supplement for up to two years, for those who are aged 50 and over and are re-employed at annual wages of \$50,000 or less. This benefit helps bridge any salary gap between your old and your new job.

**Important: You must meet certain deadlines to qualify for some of these benefits.**

To be eligible for these benefits, the United States Department of Labor must certify that foreign trade was an important reason that you lost your job. A petition must be filed to receive this certification. The petition can be filed by:

- A group of three co workers from the same firm at the same job location
- A union official
- A company official
- A representative of a state or local agency at a New York State Career Center

You can get a petition form and filing instructions online at [dol.gov/agencies/eta/tradeact/petitioners](https://dol.gov/agencies/eta/tradeact/petitioners). The petition must be filed with the United States Department of Labor within one year of the date you lost your job. Once a valid petition is received by the United States Department of Labor, a decision should be made within 40 days.

For more detailed information about assistance and services you may be eligible for under this program, contact a New York State Career Center. To find the closest Career Center, go to [dol.ny.gov/career-centers](https://dol.ny.gov/career-centers) or call the New York State Department of Labor Contact Center at **888-469-7365** between 8:30 a.m. and 4:30 p.m. Monday - Friday.

**It's unlikely I'll be able to find another job in my old industry or occupation. What are "dislocated worker" services?**

A "dislocated worker" is someone who lost their job due to one of the following situations:

- You were terminated or laid off from your job, are eligible for Unemployment Insurance benefits and are identified by us as unlikely to return to your previous industry or occupation
- You lost your job as a result of a plant closing or substantial layoff
- You have been unemployed for a long time and are unlikely to get another job in the same or similar occupation
- You were self-employed and are unemployed due to general economic conditions or a natural disaster, or
- You are a spouse of a member of the Armed Forces on active duty who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member

You may also be considered a dislocated worker if you have been away from the labor force for many years. For example: you were a full-time homemaker and you must now return to the labor force because you have lost your source of income.

As a dislocated worker, you may be eligible for retraining and other services. Contact a New York State Career Center for information about services available under this program. To find your closest New York State Career Center, go to [dol.ny.gov/career-centers](https://dol.ny.gov/career-centers) or call the New York State Department of Labor Contact Center at **888-469-7365** between 8:30 a.m. and 4:30 p.m. Monday - Friday.

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## What if I did not work in New York State in the last 18 months?

If you have not worked in New York State in the last 18 months, you must file your claim with one of the states where you worked. Check the other state's website to find out how to file in that state.

## What if I worked in New York State and one or more other states in the last 18 months?

If you worked in New York State and one or more other states in the last 18 months, notify the Department of Labor as soon as possible. By using wages from other states, you may have enough wages to qualify monetarily for benefits or receive a higher benefit amount. If wages from other states are missing from your Monetary Benefit Determination, complete and submit the Request for Reconsideration form at the back of this handbook.

## Unemployment Insurance benefits are taxable

Unemployment Insurance benefits are subject to federal, New York State and local taxes. You can have federal and/or state tax withheld from your Unemployment Insurance benefits. If you do not, you may end up owing taxes at the end of the year. If you decide to have federal tax withheld, ten percent of your weekly benefit amount will be withheld. If you decide to have state tax withheld, 2.5 percent of your weekly benefit amount will be withheld. Federal and/or state tax will be withheld only after any mandatory deductions, such as child support payments, are made. Tax withholding is voluntary. You can stop or start the withholding at any time through your account at [labor.ny.gov/signin](https://labor.ny.gov/signin). Enter your NY.gov username and password. Click the 'Unemployment Services' button on the My Online Services page. Click the 'Update Your Personal Information' button on the Unemployment Insurance Benefits Online page. Click the 'Update Tax Withholding' page. Or, you can call the Telephone Claims Center.\* The Department of Labor cannot return any money withheld for taxes to you.

## Year-end tax statement (Form 1099-G)

In early January, your tax statement (Form 1099-G) will be available. It will show the total Unemployment Insurance benefits paid to you during the calendar year and any taxes withheld. You can either print it out from your online account at [labor.ny.gov/signin](https://labor.ny.gov/signin), enter your NY.gov username and password. Click the 'Unemployment Services' button on the My Online Services page. Click the 'Get Your NYS 1099-G' button on the Unemployment Insurance Benefits Online page. Or, you can call the Telephone Claims Center\* (after you select your language, follow the prompts to obtain your 1099 form) to have a copy mailed to you. You will need the PIN you established when you filed your claim. Form 1099-G information is also sent to the federal Internal Revenue Service and to the New York State Department of Taxation and Finance. If you need a copy of 1099-G forms from previous claim years, call **518-485-7071**.

If you have questions about federal taxes, call the **Internal Revenue Service (IRS)** at **800-829-1040** or visit [irs.gov](https://irs.gov). If you have questions about state taxes, call the **New York State Department of Taxation and Finance** at **518-457-5181** or visit [tax.ny.gov](https://tax.ny.gov).

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## **My employer paid me as an independent contractor and/or paid me off the books. What do I do?**

It is against the law for any employer to force you to give up your rights to file for Unemployment Insurance benefits. No employer should tell you that you cannot claim benefits. Everyone has a right to file a claim. The Department of Labor will decide if you are eligible for benefits. It does not matter whether your employer considered you an independent contractor or an off-the-books worker. It does not matter whether you were paid in cash, check, part cash/part check or otherwise. If you think you may be eligible for benefits, you should apply and let the Department review your case.

If you have been misclassified as an independent contractor or paid off the books, your wages may not appear on your Monetary Benefit Determination form. Please see ***“If wages and/or employers are missing from your Monetary Benefit Determination notice” in Chapter 4.*** Complete and return the Request for Reconsideration form found at the back of this handbook.

You may receive a questionnaire to fill out or you may be contacted by the Telephone Claims Center\* about your employee classification status. Complete and return any questionnaires you receive as soon as possible. **Please Note:** Independent contractor/off-the-books payment issues can take more than six weeks to resolve.

If you know of other workers who have been misclassified, call the Employer Fraud Hotline at **866-435-1499** (24 hours) or the Unemployment Insurance Fraud Unit at **518-485-2144** from 8 a.m. to 4 p.m. Monday - Friday. We will keep your information private and you can remain anonymous.

## **I exhausted my 26 weeks of benefits. Can I extend my benefits?**

Currently, Unemployment Insurance offers a maximum of 26 weeks of benefits. There are no exceptions. Congress has not extended the program. If you are still unemployed and want to know what other benefits may be available to you, visit the [mybenefits.ny.gov](https://mybenefits.ny.gov) website. After your benefit year ends, if you are still unemployed, you may file another claim to see if you are eligible.

## **How do I get proof that I am receiving or have received Unemployment benefits?**

If you are applying for other types of government benefits, you may be required to show proof that you are receiving or have received Unemployment Insurance benefits. To obtain these records, sign in to your online account at [labor.ny.gov/signin](https://labor.ny.gov/signin). On the My Online Services page, click on “Unemployment Services,” then “View Payment History.” If you do not have online access, call **888-581-5812** and then follow the prompts to check your payment history

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## 12 GLOSSARY OF IMPORTANT TERMS

**Base Period:** A base period represents one year of your work and wages (four calendar quarters). You must have been paid a minimum amount of wages in these four quarters in order to qualify for Unemployment Insurance benefits.

**Basic Base Period:** The **first four** of the **last five** completed calendar quarters before you file for benefits. The quarter in which you file for benefits does not count as part of your base period.

**Alternate Base Period:** The **last four** completed calendar quarters immediately before you file for benefits. The quarter in which you file for benefits does not count as part of the Alternate Base Period.

**Extended Base Period:** Your Basic Base Period, plus the one or two quarters preceding it, make up your Extended Base Period. Available only to claimants who received workers compensation or volunteer firefighters' benefits and who do not qualify on the basis of earnings in their Basic or Alternate Base Periods.

**Benefit Rate:** The benefit rate is the amount of money you receive if you are eligible for a full week of Unemployment Insurance benefits. It is calculated based on your base period employment and earnings.

**Benefit Year:** The benefit year is the one-year period that begins the Monday after the week you filed your original claim. You can be paid benefits for up to 26 weeks or the equivalent during your benefit year. If you remain unemployed or become unemployed during the week immediately following the end of your benefit year, you must file a new claim immediately following the end of your benefit year.

**Benefit Year Ending Date:** The benefit year ending date is the date your Unemployment Insurance claim ends. After the benefit year ending date, you can no longer collect Unemployment Insurance benefits on that claim. Your benefit year ending date is shown on documents that we mail to you. You can also find it through your online account at [labor.ny.gov/signin](https://labor.ny.gov/signin). If you were employed for part of your benefit year, but are unemployed after the benefit year ending date, you can file a new claim on our website or by calling the Telephone Claims Center.\*

**Certifying for Benefits:** The process of claiming weekly benefits is also called certifying for benefits. This is because when you answer the questions that are part of claiming weekly benefits, you are certifying to the Department of Labor that your answers are true and correct and that you are still ready, willing and able to work.

**Civil Penalty:** The monetary penalty for willfully (knowingly) making false statements or withholding relevant facts to receive benefits. The amount is \$100 or 15% of the overpayment amount whichever is greater. See **"Monetary Penalty."**

**Claim:** Your claim is your application for Unemployment Insurance benefits. If we approve your application and you are receiving benefits, we will also refer to your open Unemployment Insurance case as your claim.

**Claimant:** Any person seeking Unemployment Insurance benefits.

**Covered Employment:** Employment that can be used to establish a claim for Unemployment Insurance benefits. The law requires most employers to provide Unemployment Insurance coverage. The employer pays contributions to New York State, which are used to pay your benefits. There are a few types of work that are not covered by Unemployment Insurance. If your work was not covered, the Department of Labor will tell you so in a letter.

**Determination:** For the purposes of the Unemployment Insurance program, a determination is the formal name for a decision the Department of Labor makes concerning your claim. For example, the Monetary Benefit Determination form tells you our decision about how much you may receive in benefits each week. An eligibility determination tells you if you are eligible for benefits. It is important to read, understand and keep any notice you receive from us that has "determination" in its title.

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**Dislocated Worker:** A dislocated worker is someone who lost their job due to one of the following situations:

- You were terminated or laid off from your job, are eligible for Unemployment Insurance benefits and are identified by us as unlikely to return to your previous industry or occupation
- You lost your job as a result of a plant closing or substantial layoff
- You have been unemployed for a long time and are unlikely to get another job in the same or similar occupation, or
- You were self-employed and are unemployed due to general economic conditions or a natural disaster

You may also be considered a dislocated worker if you have been away from the labor force for a substantial number of years.

**Effective Day:** Each day in a week (Monday through Sunday) that you qualify for benefits is called an effective day. There is a maximum of four effective days each week, and you must qualify for all four effective days in order to receive your total weekly benefit rate. For each day in the week that you are not eligible to receive benefits, you will receive one less effective day, which is equivalent to one fourth of your weekly benefit rate. For example, if you are not available to work one day in a week, or if you have worked any part of a day, or have received vacation or holiday pay for one day in a week, your benefits will be reduced by one effective day (the same as one-quarter of your benefit rate). You can receive a maximum of 104 effective days on your claim, which is equivalent to 26 full weeks (4 effective days per week x 26 weeks = 104 effective days).

**599 Program:** A program that allows you to attend school or training while receiving Unemployment Insurance benefits. **You must notify the Department of Labor as soon as you are enrolled in training.**

**File a claim:** When you make an initial application for Unemployment Insurance benefits. This is not the same as a weekly certification for benefits (see definition of “Certifying for Benefits” above). In order to file a claim online you must set up an NY.gov account at [labor.ny.gov/signin](https://labor.ny.gov/signin).

**Forfeit Days:** Forfeit days are future benefits you may claim that you forfeit or lose as a penalty. Each forfeit day equals one effective day (see above). Even if you are otherwise eligible, any claims that you file will first go toward this penalty before you can be paid. Forfeit days can only be applied to claims that are actually filed and can cross over multiple benefit years. The penalty remains in effect until you have served all of your forfeit days or until the expiration date, whichever comes first.

**Fraud:** An act of deceiving or misrepresenting. For example, certifying that you were not working when in fact you were working in order to receive Unemployment Insurance benefits.

**Local Labor Market Area:** Your local labor market area is defined as the area you can reach within one hour by private transportation or one-and-one-half hours by public transportation. You should feel free to expand your job search beyond those areas. Where used in this handbook, your local labor market area is any part of New York State and within fifty (50) miles of its borders.

**Misconduct:** Misconduct is any act or omission which you knew was not permitted on the job and which caused or could have caused harm to the employer.

**Monetary Benefit Determination:** A notice that shows whether or not you have enough wages to qualify for benefits. It shows your base period, benefit rate (if any) and employers and wages used to calculate the benefit rate. **Important: The Monetary Benefit Determination does not tell you if you are eligible for Unemployment Insurance benefits.** It simply shows if you have enough wages to qualify for a benefit rate. There may be other factors that determine whether or not you are eligible for benefits.

**Monetary Penalty:** A monetary penalty is charged if we have determined that you willfully (knowingly) made false statements or concealed relevant facts to receive benefits. The penalty is \$100 or 15% of the overpayment amount, whichever is greater, and is charged in addition to any benefits that must be repaid. See “Civil Penalty.”

**Notice of Determination:** A determination is the formal name for a decision the Department of Labor makes concerning your claim. It is an important document and provides you with a right to a hearing if you disagree.

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**Overpayment:** An overpayment occurs when you receive Unemployment Insurance benefits that you were not entitled to. In most cases, overpayments must be repaid to the Department of Labor. If you chose to have federal and/or state tax withheld from your benefits, you must repay the withheld amount as well.

**Ready, willing and able:** When filing for Unemployment Insurance benefits, you must be prepared to take a job right away, even at a moment's notice. You must also be able to work (not sick, hospitalized or unable to get child care). Every week, you must verify that you were ready, willing and able to work.

**Reasonable Assurance:** If you are an employee of an educational institution, you are not eligible for benefits when school is not in session **if** your employer has given you reasonable assurance that you will be employed and paid in a similar manner once school is back in session. You will have reasonable assurance if:

- You have a contract to continue working after a school vacation, holiday recess, or break between terms
- Your employer has informed you in good faith that you are likely to continue working in a similar manner after the vacation, recess, or break

You could be eligible for benefits if you have wages from other, non-educational employment during the same period of time. **Note:** Reasonable assurance does not apply to you if you work in an educational institution but your employer is a contractor that provides services to the educational institution.

**Self-Employment Assistance Program (SEAP):** The Self-Employment Assistance Program allows certain unemployed people to start their own businesses while collecting Unemployment Insurance benefits. To be eligible for this program, you must be identified **by the Department of Labor** as likely to exhaust benefits. You must also have 13 or more weeks of benefits left on your claim. You must request and receive **written acceptance** into the SEAP program from the Department of Labor before you can start or operate your own business while collecting benefits. If you are accepted into the SEAP, you will be able to work full time to start and run your business while collecting Unemployment Insurance benefits, even if you earn money from your business. For more information about the SEAP, go to [labor.ny.gov/seap](http://labor.ny.gov/seap) or contact a New York State Career Center. To find your closest New York State Career Center, go to [dol.ny.gov/career-centers](http://dol.ny.gov/career-centers) or call the Department of Labor Contact Center at **888-469-7365** between 8:30 a.m. and 4:30 p.m. Monday - Friday.

**TAA Program:** The Trade Adjustment Assistance (Trade Act) program is a federal program that provides special benefits and services to workers who have lost their jobs as a result of foreign trade. Contact a New York State Career Center for more information. To find your closest New York State Career Center, go to [dol.ny.gov/career-centers](http://dol.ny.gov/career-centers) or call the Department of Labor Contact Center at **888-469-7365** between 8:30 a.m. and 4:30 p.m. Monday - Friday.

**Telephone Claims Center:** The office of the Department of Labor that handles Unemployment Insurance claims. The duties of Department of Labor employees who work at the Telephone Claims Center (TCC) include receiving claims, answering questions from claimants and employers, identifying possible issues with claims, obtaining information necessary to decide a legal issue and making decisions on the legal issue.

**Unemployment Insurance Cutoff Wage (UI Cutoff Wage):** A wage that is 10 percent below the Unemployment Insurance prevailing wage for a given occupation.

**Unemployment Insurance Prevailing Wage:** The prevailing wage is the pay rate for similar jobs in a given area as determined by a survey done by the Department of Labor. **Important: The Unemployment Insurance prevailing wage is to be used for Unemployment Insurance purposes only. It is not to be used for prevailing wages for Public Work or Foreign Labor Certification purposes, for example.** To find the Unemployment Insurance prevailing wage for a given occupation, please go to [statistics.labor.ny.gov/uiwages.shtm](http://statistics.labor.ny.gov/uiwages.shtm) or check with a New York State Career Center.

**Week of Employment:** A Monday-through-Sunday time period in which you were paid wages for work in covered employment.

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.



**Waiting Period or Week:** The first full week you claim benefits is a waiting period or week. You will not receive Unemployment Insurance benefits for this week. After this waiting week, you will receive Unemployment Insurance for each week that you claim weekly benefits.

You must be ready, willing and able to work during this waiting week, just like any other week for which you want to receive Unemployment Insurance benefits. In addition, you must fulfill all work search and related record-keeping requirements. For more information, please see ***“What are the work search requirements?”*** in Chapter 7.

If you work at all during the first week of your claim or do not serve a full waiting week for other reasons, the waiting period will extend into the next week(s). A full waiting week is four effective days. See ***“Effective Day.”***

**Week Ending Date:** The week ending date is the Sunday of the week for which you are claiming benefits.

**Willful Misrepresentation:** When someone makes statements to the Department of Labor that they knew were false.

**Work Search Plan:** A Work Search Plan is a formal agreement that is developed and signed by you and your Workforce Advisor at a New York State Career Center. This agreement spells out in writing exactly what type of work you are looking for, what work search activities you will do and how often you will do them, and the wages you must seek and accept if offered a job. The plan will also address any limitations or restrictions that may affect your job search. To find your closest New York State Career Center, go to [dol.ny.gov/career-centers](http://dol.ny.gov/career-centers) or call the Department of Labor Contact Center at **888-469-7365** between 8:30 a.m. and 4:30 p.m. Monday - Friday.

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.

# 13 APPENDIX I: CLAIMANT ADVOCATE OFFICE

## **Helping claimants understand their rights and responsibilities throughout the Unemployment Insurance process**

The Claimant Advocate Office operates within the Department of Labor's Unemployment Insurance Division, separate from the Telephone Claims Center (TCC). Advocates provide free, impartial and confidential services that help claimants, particularly those with limited English proficiency or other barriers, understand their rights and responsibilities under Unemployment Insurance law.

We empower claimants through knowledge. Often, a difficulty you are experiencing is something you can resolve yourself, but you may not know where to start. That's where we come in.

We take time with each person to ensure you fully understand what is happening and we strive to give you a complete understanding of how the process works.

## **What issues can the Claimant Advocate Office assist with?**

- You've received a determination or a questionnaire and don't fully understand it
- You were found ineligible for benefits and need guidance on the hearing process
- You have an upcoming hearing or appeal and need help preparing for it
- It has been more than six weeks since you filed your claim and you have not received benefits or a determination

## **The Claimant Advocate Office cannot:**

- Provide legal representation
- Expedite a claim that is within the standard review period
- Make a determination about your eligibility
- Influence the outcome of a claim
- Pay benefits

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.

## When should I contact the Telephone Claims Center (TCC) instead of the Claimant Advocate Office?

**Important:** Your first payment will generally be made in two to three weeks from the time you file your claim. However, in some cases, additional information must be obtained before payment can be made and your first payment may take longer. If this time has not lapsed, please continue to wait for the review process to be finished. Also, the Claimant Advocate Office is separate from the Telephone Claims Center.\* Advocates are not able to process claims, make determinations or expedite a claim.

- You would like an update on the status of your new or existing claim
- You have a specific question about your claim or weekly benefits
- You were instructed to contact the Telephone Claims Center

## Contact the Claimant Advocate Office

**Hours of Operation:** Monday - Friday, 9 a.m. to 4 p.m.

**Call toll-free: 855-528-5618**

Services are available in approximately 200 languages by phone.

When you call, please have:

- Your Social Security number
- A list of questions, and
- Any related documents

You may also send us a secure message (English only): Log in at [labor.ny.gov/signin](https://labor.ny.gov/signin). On the My Online Services page, in the Messages section, click "Go to My Inbox." and choose "Compose New." Select the "UI Claimant Advocate Office" for the subject line.

**Our office staff are not lawyers and cannot represent you at a hearing.** If you cannot afford to pay an attorney or a registered representative, you may be able to get free representation from a pro bono attorney or a legal services program. For a list of legal resources, including attorneys, registered representatives, legal services programs and pro bono attorneys' organizations, go to the Unemployment Insurance Appeal Board website at [uiappeals.ny.gov](https://uiappeals.ny.gov). Click on the "Helpful Information" tab and then click on "Guides and Resources." Choose the "List of Attorneys & Authorized Agents." You may also request this list by calling **833-910-4382**.

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.

## 14 APPENDIX II: SENDING A SECURE MESSAGE

Log in to our website with your NY.gov ID at [labor.ny.gov/signin](https://labor.ny.gov/signin). If you do not already have an account, directions for creating one are on our website at [labor.ny.gov/signin](https://labor.ny.gov/signin). If you have difficulty creating an NY.gov ID, see the illustrated instructions listed on the sign in page, check the NY.gov Frequently Asked Questions, or call **800-833-3000** Monday - Friday, 8:30 a.m. to 4:30 p.m.

Once you have signed in, on the My Online Services page, in the Messages section, click "Go to My Inbox." and then select "Compose New."

You will now need to choose a subject line. Click on the dropdown arrow next to the word "Subject" to see a list of subjects. Click on the subject line that best matches your question. When you do this, a second set of subject lines will appear. Again, choose the second subject line that best matches your question. This will ensure your message is sent to the correct staff member.

For more information, see our "How to Send a Secure Message" factsheet (P837), available at [dol.ny.gov/forms-and-publications](https://dol.ny.gov/forms-and-publications).

For instructions on how to send specific types of secure messages, see the "Contact Us" section at the beginning of this handbook.

**\*Disclaimer:** In addition to recorded telephone calls, messages you send or receive by secure message may be used as evidence in a future hearing.

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.



# 15 APPENDIX III: ONLINE FILING TERMS AND CONDITIONS

When you use online services to file your claim, you must agree to the following terms and conditions:

<b>Provide Complete and Accurate Information</b>	<ul style="list-style-type: none"> <li>• If you give us incomplete or incorrect information, your claim and any payments that may be due to you could be delayed.</li> <li>• <b>If you give us false information or withhold information, your future benefits will be lost or reduced and you may face other serious consequences including the possibility of prosecution.</b></li> </ul>
<b>Submit Your Claim</b>	<p>Once you begin your application, always move forward until you are finished. You will lose information if you do any of the following before you submit your claim:</p> <ul style="list-style-type: none"> <li>• Exit the application</li> <li>• Lose your Internet connection</li> <li>• Use your browser's "back" button</li> </ul> <p>You can look over, change or print your responses in the "Review of Application Responses" section.</p> <p>When you are done, select the "Submit Claim" button.</p>
<b>Keep Your Contact Information Current</b>	<p>By signing up for an online account, you agree to keep the contact information you have given us up to date. This includes your <b>mailing address</b> (required) and <b>email address</b> (required). If your contact information changes, you agree to update that information for our records.</p>
<b>Respond to All Department Requests</b>	<p>You agree to check and respond to messages and questionnaires we may send to through the NY.gov secure message system and all messages, forms and letters we send you by mail. You must respond within the time frames listed in those documents.</p> <p>You acknowledge and understand that if you fail to:</p> <ul style="list-style-type: none"> <li>• keep your contact information up-to-date</li> <li>• check your NY.gov secure message inbox, or</li> <li>• respond to our communications within the time frames listed in those documents</li> </ul> <p>Your benefits may be delayed, suspended or denied.</p>

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.

<b>Keep Important Claim Information</b>	<p>After you submit your claim, you will see a “<b>Confirmation Page</b>” that lists additional information and instructions.</p> <ul style="list-style-type: none"> <li>• Print or write down the information on that page for future reference</li> <li>• If you do not follow these instructions, your payments may be delayed or lost</li> </ul> <p>If you want to keep a copy of your entire application, you may print each page at the “Review of Application Responses” section.</p>
<b>Direct Deposit Option</b>	<ul style="list-style-type: none"> <li>• Print or write down the “Direct Deposit Information Review” page information before submitting your direct deposit information.</li> <li>• This will be your only proof of the account information you provided.</li> </ul>
<b>Call if Instructed</b>	<p>Not all applications may be completed online. If you see a confirmation page that says you must speak with a claims specialist to complete your application for Unemployment Insurance benefits, you must call the <b>Telephone Claims Center</b>. The information you provide online will be saved. <b>However, your claim will not be processed until you make that call.</b></p>
<b>Keep Your PIN Secure</b>	<p><b>***NEVER Tell Anyone Your PIN (Personal Identification Number)***</b></p> <p>When you submit a claim, you will be prompted to create a PIN. Your PIN is your electronic signature.</p> <p>You will use your PIN every time you access the claims processing system. You could <b>lose up to 20 weeks</b> of benefits if you allow another person to use your PIN.</p> <p>If you are a person with a disability who is unable to access our services without the help of another person, you may allow another person to help you. However, you must be present each time your helper uses our services, including when your helper enters your PIN. You are responsible for the actions of your helper. You may be subject to penalties, including forfeiture of benefits, if you are not present when your helper accesses our services.</p> <p>Note: Claimants are not required to use a helper for any services through the Department of Labor, including unemployment insurance. Interpretive services are available at no cost.</p>

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.

### 9 Things You Must Do When Filing for Unemployment Benefits

1. **Report all hours you work.** You must report any hours you work when you claim your weekly UI benefits. This includes part-time, temporary or unpaid jobs.
2. **Be accurate.** Carefully read all letters the Department of Labor sends to you. Follow the instructions and return all forms as soon as possible. This will help prevent delays in UI payments.
3. **Be available to work.** You must be able to take a job right away. Every week, you must verify that you were ready, willing and able to work.
4. **Look for work.** You must search for work each week and keep a written record of every employer you contact. See *“What is considered systematic and sustained efforts to find work”* in **Chapter 7** or go to [dol.ny.gov/work-search-frequently-asked-questions](https://dol.ny.gov/work-search-frequently-asked-questions) to view work search activities you are required to do weekly.
5. **Make a work search plan.** Contact a New York State Career Center to get help planning your work search. Go to [dol.ny.gov/career-centers](https://dol.ny.gov/career-centers) to find the location nearest you. You may also call **800-447-3992**. Choose your language and pick option 5.
6. **Stop claiming benefits as soon as you return to work.** Do not wait for your first paycheck. You are no longer eligible for benefits when you start working a full-time job. You may be eligible for partial benefits if you get part-time work.
7. **Read your claimant handbook.** It tells you about your rights and responsibilities while collecting Unemployment Insurance benefits. It also lists additional benefits and services for which you may be eligible. Electronic and audio versions are also available on our website.
8. **Avoid Fraud.** Do the right thing and follow the rules while you get benefits. If you do not follow the rules, you could face serious legal consequences.
9. **If you don’t know, ask for help.** Unemployment Insurance representatives are available to help you. Call **888-209-8124** or go to our website for answers.

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.

**To complete your online claim, you must also agree to the following:**

I have reviewed all tabbed sections and verified that the information is true and accurate, and I understand that the law provides penalties for false statements. I have provided accurate and complete contact information, including my mailing address (required) and email address (required). If my contact information changes, I agree to update it. I agree to check and respond to secure messages and questionnaires that are sent to me through my NY.gov account and all messages, forms and letters I may receive by mail within the time frames specified in those communications. I understand that if I am not eligible for benefits, I am entitled to a hearing before an administrative law judge at no cost or obligation. If I fail to repay benefits that I received or fail to pay any penalties assessed because I withheld information or gave false information to the Department of Labor, the Department of Labor may take legal action to file a judgment against me. Once entered, a judgment is good and can be used against me for twenty years, and my money, including a portion of my paycheck and/or bank account, may be taken. Also, a judgment will hurt my credit score and can affect my ability to rent a home, find a job or take out a loan. I also confirm that I am not filing this claim during any period while I was outside of the United States, a U.S. Territory or Canada.

**Secure messaging and other messages:** You may send and receive secure messages, correspondence and questionnaires through your Labor Online account. Complete questionnaires and respond to correspondence by the deadline provided. Failure to do so will delay your claim or result in the denial and/or suspension of benefits.

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.



# 17 FORMS

The following pages contain forms referenced throughout this document:

- A **Work Search Record** is used to record and document your work search efforts. **See Chapter 7: “What is considered acceptable proof of my work search activities?”**. The work search tool is located on our website at [dol.ny.gov/jobzone](http://dol.ny.gov/jobzone).
- A **Request for Reconsideration** form may be used to notify the Telephone Claims Center\* that you disagree with information on your Monetary Benefit Determination notice.
- A **Request for Alternate Base Period** may be used to increase your benefit rate if your high quarter wages are in the alternate quarter.
- A **Request for Rate Based on Weeks of Employment** form and instructions may be used if you think your benefit rate may be higher using your average weekly wage.
- **Voter Registration form: Do not return this form to the Department of Labor.** A completed Voter Registration form must be returned to your local Board of Elections at the address listed on the instruction page.

\*To reach the Telephone Claims Center, please call 888-209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call 888-783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call 888-783-1370.



Work Search Record

For Week Ending: / / (Use Sunday date)

Last Name: First Name NYS ID#: NY or SS No: XXX-XX- (Found at the top of appointment letters) (Last four digits only)

This form may be used to record your work search activities. Instructions are on the back. You can also use the Work Search Record on our JobZone website instead of this form. Simply click on the JobZone Work Search link when you claim weekly Unemployment Insurance benefits online. You must show at least three work search activities for each week that you claim benefits. Please make sure the below charts show at least three separate entries or that you record three separate activities per week on JobZone.

Businesses/Employers Contacted: List jobs you have applied for, interviews you have attended, and businesses/employers you have contacted during the week shown above. All columns should be filled in, to the best of your ability. Use additional sheets of paper if needed. The first row is an example.

Date of contact	Position applied for	Business/Employer name	Name and title of person contacted (if known)	Method of contact (In person, phone, fax, email, web site, etc.)	Contact information for method of contact listed (address, telephone number, email, website/URL, fax number)	Result of contact (if known) (Interview, waiting for response, not hired)
1/2/2014	Clerk	ABC Industries	John Smith, HR Director	email	<a href="mailto:j.smith@abcinc.com">j.smith@abcinc.com</a>	Set up interview

Other Work Search Activities: List things you did to find a job that were not business/employer contacts. See Instructions on the back for suggested activities. The first row is an example.

Date of activity	Activity performed
1/3/2014	Attended a resume preparation workshop at the Career Center

## Work Search Record Instructions

You must actively look for work while claiming Unemployment Insurance benefits. You must keep a Work Search Record for each week you claim benefits and be prepared to give a copy of that Record to the New York State Department of Labor when requested. We will check the information on the form with the contacts listed. If you knowingly give us false statements about your work search activities, it is considered fraud and you may be denied Unemployment Insurance benefits.

You must do at least **three** work search activities each week, unless you have a Work Search Plan approved by the Department of Labor.\*  
You are encouraged to do more.

### **Work Search Activities:** Work search activities may include, but are not limited to:

- (1) Use employment resources available at a local Career Center or through a virtual career center platform provided by the Department of Labor. Examples include:
  - (i) meet with Career Center advisors;
  - (ii) receive job market information from Career Center staff about jobs in your industry or region;
  - (iii) complete skills assessments for job matching;
  - (iv) attend instructional workshops; and
  - (v) get job referrals from the Career Center and follow up with employers.
- (2) Submit job applications or resumes to employers or former employers who may have openings.
- (3) Attend job search seminars, career networking meetings, job fairs, or employment-related workshops that offer job-search skills instruction.
- (4) Interview with employers.
- (5) Register for, apply for, or take job-related or pre-hire tests for a public or private employer. This includes civil service exams.
- (6) Register and follow up with private employment agencies, placement services, unions, and placement offices of schools, colleges, or universities, or professional organizations.
- (7) Use the telephone, business directories, internet, social media, or online job matching systems to search for jobs, get leads, request referrals, or make appointments for job interviews.
- (8) Any other reasonable activity that may help you become employed.

Keep copies of your Work Search Records for one year. Do not send your Work Search Record to the Department of Labor unless we ask you to. You can get more forms at your local New York State Career Center, online at [www.labor.ny.gov](http://www.labor.ny.gov) or in your claimant handbook. You may also keep your work search record online at [www.jobzone.ny.gov](http://www.jobzone.ny.gov).

\*If you have a Work Search Plan approved by the Department of Labor, you must do what was agreed upon in the plan and record those activities on the Work Search Record. We will check your Work Search Record to be sure you are doing what is called for in your Work Search Plan.





Department of Labor  
PO Box 15130  
Albany, NY 12212-5130

### IMPORTANT!

We sent you a Monetary Benefit Determinations showing the weekly benefits you will receive. Those benefits are based on your wages. If you believe some of your wages were missed, please complete this form. This form must be received by us within 30 calendar days of the Date Mailed as stated on your most recent Monetary Benefit Determination notice. **Please print clearly. If we cannot read your writing, we cannot process this form.**

## Unemployment Insurance Request for Reconsideration

Please print clearly

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Middle Initial: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Claim Effective/Start Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Social Security number: XXX-XX-\_\_\_\_

### Form requirements

To correct wages and/or add wages not reflected on your Monetary Benefit Determination, follow the instructions below.

- the employer and quarterly wage information below using black or blue ink.
- Include any documentation that could be considered proof of employment and wages such as pay stubs, W-2s, 1099s, vouchers, checks, tips, bonuses, meals, lodging, commissions, vacation pay and records of employment and/or payment.
- Do not send originals; photocopy all supporting documentation onto 8½ x 11 single-sided paper.
- Write your name, the last four digits of your Social Security number and your phone number on each attachment.
- If you received worker's compensation, include a copy of your most recent Subsequent Report of Injury (SROI) filing.
- This completed form and all attachments must be received within the time frame noted above in the IMPORTANT! message. **Please print clearly.**

Employer Information	Basic or Alternate Base Period Total Quarterly Gross Wages
Please print clearly. Attach an additional page if you have information for more than (3) three employers.	Write in the total quarterly gross wages for each employer / quarter indicated. Refer to your most recent Monetary Benefit Determination for assistance.
Employer: _____	Quarter ____/____/____ - ____/____/____ \$ _____.
Address: _____	Quarter ____/____/____ - ____/____/____ \$ _____.
City: _____ State: _____ Zip: _____	Quarter ____/____/____ - ____/____/____ \$ _____.
If work was performed outside New York State, indicate state: _____	Quarter ____/____/____ - ____/____/____ \$ _____.
Employer: _____	Quarter ____/____/____ - ____/____/____ \$ _____.
Address: _____	Quarter ____/____/____ - ____/____/____ \$ _____.
City: _____ State: _____ Zip: _____	Quarter ____/____/____ - ____/____/____ \$ _____.
If work was performed outside New York State, indicate state: _____	Quarter ____/____/____ - ____/____/____ \$ _____.
Employer: _____	Quarter ____/____/____ - ____/____/____ \$ _____.
Address: _____	Quarter ____/____/____ - ____/____/____ \$ _____.
City: _____ State: _____ Zip: _____	Quarter ____/____/____ - ____/____/____ \$ _____.
If work was performed outside New York State, indicate state: _____	Quarter ____/____/____ - ____/____/____ \$ _____.

### Certification

I certify that the above information is true to the best of my knowledge and I am aware that there are penalties for making false statements. I understand I will be notified of the results of my request.

Signature (Required)

Date

Area code Telephone number

### Return instructions

This notice and all attachments must be received within the time frame noted above in the IMPORTANT! message.

**Fax:** 518-457-9378. This notice is your cover page. Indicate total number of pages \_\_\_\_\_.

**OR Mail:** New York State Department of Labor, P.O. Box 15130, Albany, NY 12212-5130.

**OR Online:** [www.labor.ny.gov/signin](http://www.labor.ny.gov/signin). Submit via online account messaging system. Select "Submit Documents" and then "Submit Wage Documents". Use subject line "Wage Documentation".



Claim weekly benefits at [www.labor.ny.gov](http://www.labor.ny.gov)  
or call Tel-Service at 888-581-5812.



For more information visit:  
[www.labor.ny.gov](http://www.labor.ny.gov).



For help, see the claimant handbook at  
[www.labor.ny.gov/uihandbook](http://www.labor.ny.gov/uihandbook).



**IMPORTANT!**

We sent you a Monetary Benefit Determinations showing the weekly benefits you will receive. Those benefits are based on your wages. If you believe some of your wages were missed, please complete this form. This form must be received by us within 10 calendar days of the Date Mailed as stated on your most recent Monetary Benefit Determination notice. **Please print clearly. If we cannot read your writing, we cannot process this form.**

**Please print  
clearly**

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Middle Initial: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Claim Effective/Start Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Social Security #: XXX-XX-\_\_\_\_

**Form  
requirements**



If you wish to use the Alternate Base Period to increase your weekly benefit rate:

- Complete the steps below using black or blue ink.
- Include any documentation that could be considered proof of employment and wages such as pay stubs, W-2s, 1099s, vouchers, checks, tips, bonuses, meals, lodging, commissions, vacation pay and records of employment and/or payment.
- Photocopy all supporting documentation onto 8½ x 11 single-sided paper. Do not send originals.
- Write your name, the last four digits of your Social Security number and your phone number on each attachment.
- This completed form and all attachments must be received by the Response Due Date noted above. Please print clearly. If you do not, we cannot process this form.



If the wages in your last completed calendar quarter exceed the "High Quarter Wages" on your Monetary Benefit Determination, use of the Alternate Base Period may increase your benefit rate. If you choose the Alternate Base Period to establish a claim, you will not be able to use these wages for a future claim.

**Step 1  
Last Calendar  
Quarter  
Information**

The last completed calendar quarter prior to your claim effective/start date is: \_\_\_\_/\_\_\_\_/\_\_\_\_ through \_\_\_\_/\_\_\_\_/\_\_\_\_  
Month/Day/Year Month/Day/Year

Refer to your Monetary Benefit Determination for calendar quarter dates and compare the Alternate Base Period Quarter wages with your records, then check the appropriate box below and proceed to the "Step" indicated.

- ☐ The Alternate Base Period Quarter Wages are incorrect or missing. (Proceed to Step 2)  
☐ The Alternate Base Period Quarter Wages are correct. (Proceed to Step 3)

**Step 2  
Wage  
Information**

Complete the information below, include proof of wages and attach an additional page if you have information for more than (3) three employers.

Employer Name: \_\_\_\_\_ Quarterly Gross Wages \$ \_\_\_\_\_

Employer Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ If work was performed outside New York State, indicate state \_\_\_\_\_

Employer Name: \_\_\_\_\_ Quarterly Gross Wages \$ \_\_\_\_\_

Employer Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ If work was performed outside New York State, indicate state \_\_\_\_\_

Employer Name: \_\_\_\_\_ Quarterly Gross Wages \$ \_\_\_\_\_

Employer Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ If work was performed outside New York State, indicate state \_\_\_\_\_

**Step 3  
Acknowledgement**

I certify that the above information is true to the best of my knowledge and I am aware that there are penalties for making false statements. I understand if I use the Alternate Base Period, these wages cannot be used for a future claim.

\_\_\_\_\_  
Signature Required Date Area Code Telephone Number

**Step 4  
Return  
Instructions**



**FAX:** (518) 457-9378 OR  
This notice is your cover page.  
Indicate total # of pages \_\_\_\_\_



**MAIL:** New York State  
Department of Labor  
PO Box 15130  
Albany, New York 12212-5130

OR

**ONLINE:** [www.labor.ny.gov/signin](http://www.labor.ny.gov/signin)  
Submit via online account messaging system. Select "Submit Documents" and then "Submit Wage Documents". Use subject line "Wage Documentation".



Claim weekly benefits at [www.labor.ny.gov](http://www.labor.ny.gov)  
or call Tel-Service at (888) 581-5812.



For more information visit:  
[www.labor.ny.gov](http://www.labor.ny.gov)



For help, see the claimant handbook at  
[www.labor.ny.gov/uihandbook](http://www.labor.ny.gov/uihandbook).



## Request for Rate Based on Weeks of Employment

To request a benefit rate based on weeks of employment, you must complete this form and return it to the above Department of Labor address with a copy of your proof of employment and earnings for each week of employment for the base period indicated below. It must be received within ten calendar days of the Date Mailed as stated on your most recent Monetary Benefit Determination. Do not send the originals of your supporting payroll documents as they cannot be returned. Your Request for Rate Based on Weeks of Employment cannot be processed until all Requests for Reconsideration have been reviewed and the establishment of your base period has been finalized. You will be notified of the action taken regarding your request within three weeks of receipt.

Complete only the front of this form if you have worked for one employer or you have worked for two or more employers consecutively. If you worked during the same week(s) for two or more employers, complete the worksheet on the back of this form first and transfer the appropriate information to the front of the form. If you have more than seven employers during the base period, list the information on a separate sheet of paper and attach it to this form.

**Please print clearly**

Last Name: \_\_\_\_\_ First name: \_\_\_\_\_ Middle Initial: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Social Security Number: XXX – XX – \_\_\_\_\_

**Base Period: From** \_\_\_\_\_ **Through** \_\_\_\_\_

(Enter these dates from the previously issued T402, Monetary Benefit Determination)

A. Employer Name and Address	B. Length of Pay Period; i.e. weekly, bi-weekly, etc.	C. Total Weeks Paid During Base Period	D. Total Wages Paid During Base Period
1.			\$
2.			\$
3.			\$
4.			\$
5.			\$
6.			\$
7.			\$
E. Total Weeks and Wages Worked During the Base Period			\$
F. Total Weeks Worked from Part 2 (on back)			

### G. Recomputation Formula:

1. Divide the total wages by the total weeks (the lesser of **E** or **F**) to calculate the average weekly wage .....\$ \_\_\_\_\_
2. Divide the average weekly wage by 2 to arrive at your proposed rate based on weeks and wages. The rate cannot exceed \$504.....\$ \_\_\_\_\_
3. Enter your current benefit rate from your last T402 Monetary Benefit Determination form .....\$ \_\_\_\_\_
4. Subtract line 3 from line 2. The amount must be \$5 or more to receive the recomputed rate based on weeks and wages.....\$ \_\_\_\_\_

**Certification:** I certify that all information and records submitted are true and accurate. I understand that this information is subject to verification and penalties can be imposed for false statements.

Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Telephone No.: \_\_\_\_\_



SS# XXX - XX - NAME:

Base Period: From / / Thru / /

[illegible]

1. \* List all week ending dates (Sunday) for your entire base period. See **T402 – Monetary Benefit Determination** for dates of your base period.
2. Enter a check mark (✓) in the chart above for each week in which you worked for each base period employer.
3. Total the number of weeks for each employer and enter on the front of this form with the wages for each employer.
4. Using chart above, count each week for which you have entered a checkmark. Count each week only once even if you have more than one **checkmark for that week**. This will be your total weeks of employment in your base period. Enter this amount here  and on "Total Weeks Worked Part 2," line "F" on the front of this form.

Photocopy & enclose proof of employment for all weeks worked for each employer. **Do not send original documents.**

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[www.labor.ny.gov](http://www.labor.ny.gov)

## Instructions for Request for Rate Based on Weeks of Employment

Your entitlement to benefits and weekly benefit rate have been established based upon a formula using your high calendar quarter(s) earnings in your base period. Depending on your employment history, you may qualify for a higher weekly benefit based upon one-half of your average weekly wage. To request a review of your weekly benefit rate, all of the following must apply:

- Your request must be received within ten calendar days of the date of your latest Monetary Benefit Determination.
- The establishment of your base period has been finalized.
- You must have at least 20 weeks of employment in your base period. A week of work is defined as a Monday through Sunday period during which you were paid remuneration for employment for an employer covered under the New York State Unemployment Insurance Law.
- You must provide proof of **all** of your base period weeks of employment and wages. Acceptable proof includes paycheck stubs, payroll envelopes, or cancelled checks. Your proof must show name of employer, pay period/date of payment, wages and your name and/or Social Security number. In no event may the benefit rate calculated based on your acceptable proof be more than the maximum benefit rate currently in effect.
- The benefit rate based on one-half of your average weekly wage must be at least **\$5.00** more than the weekly benefit amount based on the quarterly earnings formula as reported on your latest Monetary Benefit Determination form.

The Request for Rate Based on Weeks of Employment is separate from a Request for Reconsideration. The request for Reconsideration is discussed in Section 4 of the claimant handbook: "How much will I receive in benefits each week?" A Request for Rate Based on Weeks of Employment cannot be made until you finalize the base period to utilize and a determination has been issued on any Request for Reconsideration.

On the reverse side is an example of a completed Request for Rate Based on Weeks of Employment form. The example assumes a benefit claim filed in the 4<sup>th</sup> quarter 2017 and wages employers reported to the New York State Wage Reporting system within the basic base period July 1, 2016 through June 30, 2017.

Employer	Wages				Base Period
	2/2017	1/2017	4/2016	3/2016	
Good Construction, Inc.	\$5,000	\$6,594	\$7,812	\$1,375	\$20,781
Better Construction, Inc.	\$640				\$640
Best Construction, Inc.				\$6,440	\$6,440
Total	\$5,640	\$6,594	\$7,812	\$7,815	\$27,861

The rate based on one twenty-six (1/26) of the high quarter wages is \$300. For those with \$3,575 or less wages in the high quarter, the weekly benefit rate is based on one twenty-fifth (1/25).

The rate based on weekly employment and wages data as evidenced by acceptable proof is \$309. (See calculations on page 2 of the instructions.)

**NOTE:** If you worked for more than one employer in the same week for one or more weeks, you must first complete Part 2 on the back of the Request for Rate Based on Weeks of Employment form. In the example below, the total weeks on line **F** are less than the sum of the weeks as shown on line **E** due to concurrent employment in the base period.

### Example – Request for Rate Based on Weeks of Employment

A. Employer Name and Address	B. Length of Pay Period; i.e. weekly, bi-weekly, etc.	C. Total Weeks Paid During Base Period	D. Total Wages Paid During Base Period
1. Good Construction, Inc. Anytown, NY 10101	Bi-weekly	43	\$ 20,781
2. Better Construction, Inc. Anytown, NY 10101	Bi-weekly	2	\$ 640
3. Best Construction, Inc. Anytown, NY 10101	Weekly	8	\$ 6,440
4.			
5.			
6.			
7.			
E. Total weeks and wages worked during the base period		53	\$ 27,861
F. Total weeks worked from Part 2		45	

### G. Recomputation Formula Example

- |   |           |
|---|-----------|
| 1. Divide the total wages by the total weeks (the lesser of line <b>E</b> or <b>F</b> ) to calculate the average weekly wage .....  | \$ 619.13 |
| 2. Divide the average weekly wage by 2 to arrive at your proposed rate based on weeks and wages. The rate cannot exceed \$504.....  | \$ 309.57 |
| 3. Enter your current benefit rate from your last T402 Monetary Benefit Determination form.....                                     | \$300.00  |
| 4. Subtract line 3 from line 2. The amount <b>must</b> be \$5 or more to receive the recomputed rate based on weeks and wages ..... | \$ 9.57   |

### Example

Example	1	2	3	4	5	6	7	8	9	*	40	41	42	43	44	45	46	47	48	49	50	51	52
Weeks → Employer ↓	7/03/16	7/10/16	7/17/16	7/24/16	7/31/16	8/07/16	8/14/16	8/21/16	8/28/16		4/02/17	4/09/17	4/16/17	4/23/17	4/30/17	5/07/17	5/14/17	5/21/17	5/28/17	6/04/17	6/11/17	6/18/17	6/25/17
A				✓	✓	✓	✓	✓	✓		✓	✓	✓	✓			✓	✓	✓	✓	✓	✓	✓
B																				✓	✓		
C	✓	✓		✓	✓	✓	✓	✓	✓														
Etc.																							
			X												X	X							

Key:	
X	= No work available
*	= Weeks 10-39; worded 26 weeks for "A"

Gross Weeks	53
Concurrent Weeks	8
Net Weeks	45

# WE ARE YOUR DOL



Unemployment Insurance Division  
PO Box 15131  
Albany, NY 12212-5131

## Claimant Request for Hearing

Enter the last four digits of your Social Security Number (SSN): \_\_\_\_\_

Your Name (print): \_\_\_\_\_

You can request an Unemployment Insurance (UI) hearing two ways, online or by mail.

- To request a hearing online, sign into your NY.Gov account. Click on the envelope icon at the upper right of your My Online Services page. Then create a new email message. Choose "Hearings and Appeals" from the drop-down menu as the first subject line and "I want to request a hearing" as the second subject line.
- To request a hearing by mail, complete and sign this form. Mail it to the address at the top of this form. Write **only** in the space provided on this form. **Do not** write outside the margins or on the back. If you need more space, use an 8 ½ x 11-inch piece of white paper. Be sure to write your name and the last four digits of your Social Security number on all of the papers you send. Do not staple.

**IMPORTANT:** To protect your rights to UI benefits you may be entitled to receive, please continue to certify for UI benefits every week, as long as you are unemployed.

I disagree with the **Notice of Determination(s)** dated \_\_\_\_/\_\_\_\_/\_\_\_\_ (month, day, year), and I am requesting a hearing. Reason (optional):

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If you are requesting a hearing on a determination that was made more than 30 days ago, please state the reason for the delay in notifying us:

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Last Employer's Name: \_\_\_\_\_

Physical work location (place where you regularly reported to work):

Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Work Phone Number: (\_\_\_\_) \_\_\_\_\_

Would you like your hearing conducted in a language other than English? ☐ Yes ☐ No

If yes, what language and dialect? \_\_\_\_\_

Dates you are unavailable for a hearing: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Apt/Floor: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

For information about the UI Claimant Advocate Office and to view a video on how to prepare for a hearing, visit our website at [dol.ny.gov/unemployment-insurance-claimant-advocate-office](http://dol.ny.gov/unemployment-insurance-claimant-advocate-office)





# Instructions for Voter Registration Form

1. Fill out the Voter Registration form that immediately follows this instruction sheet.
2. Carefully tear it out of this booklet and put it in an envelope. Be sure to include your return address and correct postage.
3. Mail to the County Board of Elections in the county in which you live (see list at bottom of this page). ***Do not mail this form to the Department of Labor! We cannot process it and will have to return it to you. This will delay your registration.***

**New York City**  
32 Broadway, 7th Fl.  
New York, NY 10004  
(212) 487-5300

**Albany**  
260 S. Pearl St.  
Albany, NY 12202  
(518) 487-5060

**Allegany**  
8 Willets Ave.  
Belmont, NY 14813  
(585) 268-9294

**Broome**  
Government Plaza  
60 Hawley St.  
PO Box 1766  
Binghamton, NY 13902  
(607) 778-2172

**Cattaraugus**  
207 Rock City St.  
Suite 100  
Little Valley, NY 14755  
(716) 938-2400

**Cayuga**  
157 Genesee St.  
(Basement)  
Auburn, NY 13021  
(315) 253-1285

**Chautauqua**  
7 North Erie St.  
Mayville, NY 14757  
(716) 753-4580

**Chemung**  
378 South Main St.  
PO Box 588  
Elmira, NY 14902  
(607) 737-5475

**Chenango**  
5 Court St.  
Norwich, NY 13815  
(607) 337-1760

**Clinton**  
Cnty Government Ctr.  
Ste. 104  
137 Margaret St.  
Plattsburgh, NY 12901  
(518) 565-4740

**Columbia**  
401 State St.  
Hudson, NY 12534  
(518) 828-3115

**Cortland**  
112 River St.  
Suite 1  
Cortland, NY 13045  
(607) 753-5032

**Delaware**  
3 Gallant Ave.  
Delhi, NY 13753  
(607) 832-5321

**Dutchess**  
112 Delafield Street,  
Suite 200  
Poughkeepsie, NY 12601  
(845) 486-2473

**Erie**  
134 W. Eagle St.  
Buffalo, NY 14202  
(716) 858-8891

**Essex**  
7551 Court St.  
PO Box 217  
Elizabethtown, NY 12932  
(518) 873-3474

**Franklin**  
355 West Main St.  
Ste. 161  
Malone, NY 12953  
(518) 481-1663

**Fulton**  
2714 St. Hwy 29  
Ste. 1  
Johnstown, NY 12095  
(518) 736-5526

**Genesee**  
County Building #1  
15 Main St.  
Batavia, NY 14020  
(585) 815-7804

**Greene**  
411 Main St.  
Ste. 437  
Catskill, NY 12414  
(518) 719-3550

**Hamilton**  
Rte. 8  
PO Box 175  
Lake Pleasant, NY 12108  
(518) 548-4684

**Herkimer**  
109 Mary St.  
Ste. 1306  
Herkimer, NY 13350  
(315) 867-1102

**Jefferson**  
175 Arsenal St.  
Watertown, NY 13601  
(315) 785-3027

**Lewis**  
7660 N. State St.  
Lowville, NY 13367  
(315) 376-5329

**Livingston**  
County Govt. Ctr.  
6 Court St.  
Room 104  
Geneseo, NY 14454  
(585) 243-7090

**Madison**  
County Office Bldg.  
N. Court St.  
PO Box 666  
Wampsville, NY 13163  
(315) 366-2231

**Monroe**  
39 Main St. W.  
Rochester, NY 14614  
(585) 753-1550

**Montgomery**  
Old Courthouse  
9 Park St.  
PO Box 1500  
Fonda, NY 12068  
(518) 853-8180

**Nassau**  
240 Old Country Rd.  
5th Fl.  
PO Box 9002  
Mineola, NY 11501  
(516) 571-8683

**Niagara**  
111 Main St.  
Ste. 100  
Lockport, NY 14094  
(716) 438-4040

**Oneida**  
Union Station  
321 Main St.  
3rd Fl.  
Utica, NY 13501  
(315) 798-5765

**Onondaga**  
1000 Erie Blvd West  
Syracuse, NY 13204  
(315) 435-3312

**Ontario**  
74 Ontario St.  
Canandaigua, NY 14424  
(585) 396-4005

**Orange**  
75 Webster Ave  
PO Box 30  
Goshen, NY 10924  
(845) 360-6500

**Orleans**  
14016 Route 31 West,  
Ste. 140  
Albion, NY 14411  
(585) 589-3274

**Oswego**  
185 E. Seneca St.  
Box 9  
Oswego, NY 13126  
(315) 349-8350

**Otsego**  
Ste. 2  
140 County Hwy. 33W  
Cooperstown, NY 13326  
(607) 547-4247

**Putnam**  
25 Old Route 6  
Carmel, NY 10512  
(845) 808-1300

**Rensselaer**  
Ned Pattison  
Government Ctr.  
1600 Seventh Ave.  
Troy, NY 12180  
(518) 270-2990

**Rockland**  
11 New Hempstead Rd.  
New City, NY 10956  
(845) 638-5172

**St. Lawrence**  
80 State Hwy 310  
Canton, NY 13617  
(315) 379-2202

**Saratoga**  
50 W. High St.  
Ballston Spa, NY 12020  
(518) 885-2249

**Schenectady**  
2696 Hamburg St.  
Schenectady, NY 12303  
(518) 377-2469

**Schoharie**  
County Office Bldg.  
284 Main St.  
PO Box 99  
Schoharie, NY 12157  
(518) 295-8388

**Schuyler**  
County Office Bldg.  
105 9th St., Unit 13  
Watkins Glen, NY 14891  
(607) 535-8195

**Seneca**  
One DiPronio Dr.  
Waterloo, NY 13165  
(315) 539-1760

**Steuben**  
3 E. Pulteney Sq.  
Bath, NY 14810  
(607) 664-2260

**Suffolk**  
Yaphank Ave.  
PO Box 700  
Yaphank, NY 11980  
(631) 852-4500

**Sullivan**  
Gov't. Ctr.  
100 North St.  
PO Box 5012  
Monticello, NY 12701  
(845) 807-0400

**Tioga**  
1062 State Rte. 38  
PO Box 306  
Owego, NY 13827  
(607) 687-8261

**Tompkins**  
Court House Annex  
128 E. Buffalo St.  
Ithaca, NY 14850  
(607) 274-5522

**Ulster**  
284 Wall St.  
Kingston, NY 12401  
(845) 334-5470

**Warren**  
Cnty. Municipal Ctr.  
3rd Floor  
Human Serv. Bldg  
1340 St. Rte. 9  
Lake George, NY 12845  
(518) 761-6456

**Washington**  
383 Broadway  
Fort Edward, NY 12828  
(518) 746-2180

**Wayne**  
7376 State Rte. 31  
PO Box 636  
Lyons, NY 14489  
(315) 946-7400

**Westchester**  
25 Quarropas St.  
White Plains, NY 10601  
(914) 995-5700

**Wyoming**  
4 Perry Ave.  
Warsaw, NY 14569  
(585) 786-8931

**Yates**  
Ste. 1124  
417 Liberty St.  
Penn Yan, NY 14527  
(315) 536-5135





# NYS Agency-Based Voter Registration Form

"If you are not registered to vote where you live now, would you like to apply to register here today?"

- ☐ **YES** If you checked **YES**, please complete the **VOTER REGISTRATION APPLICATION** below
- ☐ **NO** because I choose not to register **OR**
- ☐ I am already registered at my current address **OR**
- ☐ I asked for and received a mail registration form

*If you do not check any box, you will be considered to have decided not to register to vote at this time.*

Signature

Date

Please Print Name

## Important!

Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.

If you would like help filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.

Información en español: si le interesa obtener este formulario en español, llame al 1-800-367-8683

中文資料: 若您有興趣索取中文資料表格, 請電: 1-800-367-8683

한국어: 한국어 한국어 양식을 원하시면 1-800-367-8683

으로 전화 하십시오.

যদিআপনিএইফর্মটিংরেজীতেপূরণকরুনহলে 1-800-367-8683  
নম্বরে ফোন করুন

## VOTER REGISTRATION APPLICATION (instructions on back)

☐ Yes, I need an application for an Absentee Ballot

Please print or type in blue or black ink

☐ Yes, I would like to be an Election Day worker

1	Are you a U.S. citizen?		2	A) Will you be 18 years old on or before election day? <input type="checkbox"/> YES <input type="checkbox"/> NO		For Board Use Only
	<input type="checkbox"/> YES <input type="checkbox"/> NO If you answered <b>NO</b> , do not complete this form			B) Are you at least 16 years of age and understand that you must be 18 years of age on or before election day to vote, and that until you will be eighteen years of age at the time of such election your registration will be marked "pending" and you will be unable to cast a ballot in any election? <input type="checkbox"/> YES <input type="checkbox"/> NO If you answered <b>NO</b> to both of the prior questions, you cannot register to vote.		
3	Last Name		First Name	Middle Initial	Suffix	
4	Address where you live (do not give P.O. box)		Apt. No.	City/Town/Village	Zip Code	County
5	Address where you get your mail (if different than above)		P.O. Box, Star Route, etc.	Post Office	Zip Code	
6	Date of Birth	7	Gender (optional)	8	Telephone (optional)	Email (optional)
10	The last year you voted	Your address was (give house number, street and city)		9	ID Number (Check the applicable box and provide your number)	
	In county/state	Under the name (if different from your name now)			<input type="checkbox"/> New York State DMV number — — — — — <input type="checkbox"/> Last four digits of your Social Security number — — — — <input type="checkbox"/> I do not have a New York State DMV or Social Security number	
11	Political Party		12			
	I wish to enroll in a political party <input type="checkbox"/> Democratic party <input type="checkbox"/> Libertarian party <input type="checkbox"/> Republican party <input type="checkbox"/> Independence party <input type="checkbox"/> Conservative party <input type="checkbox"/> SAM party <input type="checkbox"/> Working Families party <input type="checkbox"/> Other _____ <input type="checkbox"/> Green party I do not wish to enroll in any political party and wish to be an independent voter <input type="checkbox"/> No party		Affidavit: I swear or affirm that • I am a citizen of the United States. • I will have lived in the county, city or village for at least 30 days before the election. • I will meet all requirements to register to vote in New York State. • This is my signature or mark on the line below. • The above information is true, I understand that if it is not true, I can be convicted and fined up to \$5,000 and/or jailed for up to four years. _____ / / Signature or Mark in ink Date			

## (Optional) Register to donate your organs and tissues

Last Name		
First Name	Middle Initial	Suffix
Address		
Apt Number	City/Town/Village	Zip Code
Birth Date	Gender	<input type="checkbox"/> M <input type="checkbox"/> F
Eye Color	Height	Ft. In.
Email	DMV or ID NYC Number	

By signing below, you certify that you are:

- 16 years of age or older
- Consent to donate all of your organs and tissues for transplantation, research, or both;
- Authorizing the Board of Elections to provide your name and identifying information to NYS Donate Life Registry for enrollment;
- And authorizing the Registry to allow access to this information to federally regulated organ procurement organizations and NYS-licensed tissue and eye banks and others approved by the NYS Commissioner of Health hospitals upon your death.



Signature

Date

## Qualifications for Registration

## Important!

### You Can Use This Form To:

- register to vote in New York State;
- change your name and/or address, if there is a change since you last voted;
- enroll in a political party or change your enrollment;
- pre-register to vote if you are 16 or 17 years of age.

### To Register You Must:

- be a U.S. citizen;
- be 18 years old (you may pre-register at 16 or 17 but cannot vote until you are 18);
- be a resident of the County, or of the City of New York at least 30 days before an election;
- not be in prison or on parole for a felony conviction (unless parole pardoned or restored rights of citizenship);
- not claim the right to vote elsewhere; and
- not found to be incompetent by a court.

If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with:

NYS Board of Elections

40 North Pearl St, Suite 5

Albany, NY 12207-2729

Telephone: 1-800-469-6872;

TDD/TTY users contact the New York State Relay at 711;

or visit our web site - [www.elections.ny.gov](http://www.elections.ny.gov)

Your decision to register will remain confidential and will be used only for voter registration purposes. Anyone not choosing to register to vote and/or information regarding the office to which the application was submitted will remain confidential, to be used only for voter registration purposes.

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## Verifying your identity

We will try to check your identity before Election Day, through the DMV number (driver's license number or non-driver ID number), or the last four digits of your social security number, which you will fill in Box 9.

If you do not have a DMV or Social Security number, you may use a valid photo ID, a current utility bill, bank statement, paycheck, government check or some other government document that shows your name and address. You may include a copy of one of those types of ID with this form.

If we are unable to verify your identity before Election Day, you will be asked for ID when you vote for the first time.

## To complete this form:

**It is a crime to procure a false registration or to furnish false information to the Board of Elections.**

*Box 9:* You must make one selection. For questions refer to Verifying your identity above.

*Box 10:* If you have never voted before, write "None". If you can't remember when you last voted, put a question mark (?). If you voted before under a different name, put down that name. If not, write "Same".

*Box 11:* Check one box only. Political party enrollment is optional but that, in order to vote in a primary election of a political party, a voter must enroll in that political party, unless state party rules allow otherwise.

# *EQUAL OPPORTUNITY is THE LAW*

It is against the law for all recipients of Federal financial assistance to discriminate on the following basis:

Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and against any beneficiary of programs financially assisted under Title I of the Workforce Innovation and Opportunity Act (WIOA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIOA Title I-financially assisted program or activity. The recipient must not discriminate in any of the following areas: Deciding who will be admitted, or have access, to any WIOA Title I-financially assisted program or activity; providing opportunities in, or treating any person with regard to such a program or activity; or making employment decisions in the administration of, or in connection with such a program or activity.

## **What to Do If You Believe You Have Experienced Discrimination**

If you think you have been subjected to discrimination under a WIOA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

**WE ARE YOUR DOL**



### **Director**

Division of Equal Opportunity Development  
New York State Department of Labor  
State Office Campus, Building 12, Room 540  
Albany, New York 12240

**PHONE: 518-457-1984**  
**(TDD) 1-800-662-1220**  
**(VOICE) 1-800-421-1220**

or you may file a complaint directly with:

### **Director**

Civil Rights Center (CRC)  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Room N-4123  
Washington, D.C. 20210

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above). If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the recipient to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient). If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.







**WE ARE YOUR DOL**

