

South Dakota

CLAIMANT HANDBOOK

A GUIDE TO REEMPLOYMENT ASSISTANCE BENEFITS



SOUTH DAKOTA
DEPT. OF **LABOR**
& REGULATION

English

IMPORTANT! This document(s) contains important information about your reemployment assistance compensation rights, responsibilities and/or benefits. It is critical you understand the information in this document.

Immediately: Interpreter services are available free of charge. Call 605.626.2452 for assistance with the translation of the information in the document(s) you have received in your preferred language.

Español (Spanish)

¡IMPORTANTE! Este documento contiene información importante sobre sus derechos, responsabilidades y/o beneficios de compensación de asistencia para la reincisión laboral. Es fundamental que entienda la información de este documento.

Inmediatamente: Los servicios de interpretación son gratuitos. Llame al 605.626.2452 para que le ayuden con la traducción de la información de los documentos que ha recibido al idioma de preferencia.

Soomaali (Somali)

MUHIIM! Dukumentigan waxaa ku jira maclumaad muhiim ah oo ku saabsan xuquuqdaada magdhowga gargaarka dib-u-shaqaalaynta, mas'uuliyadaha iyo/ama dheefaha. Waa muhiim inaad fahamto maclumaadka ku jira dukumintigan.

Isla markiiba: Adeegyada turjumaanku waa lacag la'aan. Wac 605.626.2452 si lagaaga caawiyo fasiraada macluumaadka ku jира dukumintiga aad ku heshay luqadda aad doorbiday.

አማርኛ (Amharic)

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ትግርኛ (Tigrinya)

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About this Handbook

Purpose of the Claimant Handbook

This handbook provides information about Reemployment Assistance (RA) Benefits. A Glossary of Terms is available on page 18. You must read and understand the information in this document. If you do not understand or you have questions, please contact our agency for help.

Contact information

There are many ways to contact us:



Go to our website

dlr.sd.gov



Call

Customer Service Center: 605.626.2452

Claims Call Center: 605.626.3179

For TTY services, call 7-1-1



Text

Customer Service Center: 605.626.2452



Email

dlrraclaims@state.sd.us



Fax

605.626.3172



You are legally responsible to know the information in this handbook. This handbook contains information on eligibility requirements, filing weekly requests, and managing your claim.

Language assistance

If another language is needed, call our Customer Service at 605.626.2452 and request an interpreter for assistance. If you are deaf, hard of hearing, or have a voice impairment, please call 7-1-1.

Reemployment Assistance Information

What is Reemployment Assistance (RA)?

RA is a program designed to provide temporary income to workers who lost their job through no fault of their own. Benefits are not available to all workers. RA requires week-to-week eligibility; it is not public assistance, Social Security, or a disability payment program.

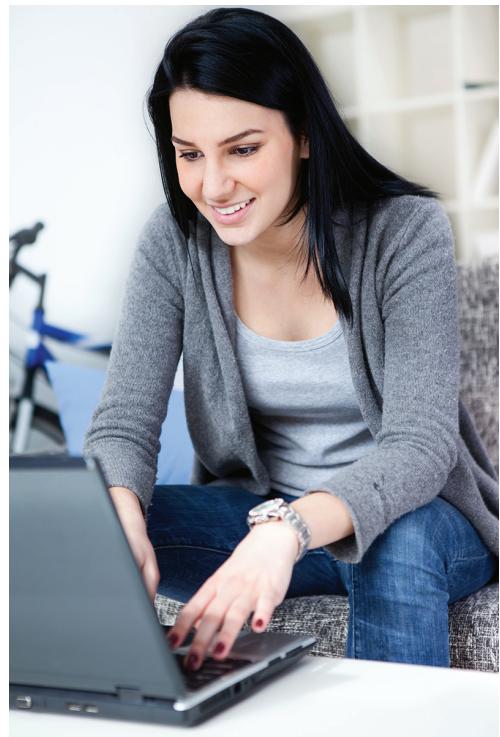
Funding for the RA Program

Our state RA program is funded through taxes paid by employers. No money is deducted from your paycheck to pay for benefits.

Help us to help you

We want to help you through your time of unemployment. To make sure you are paid benefits in a timely manner, you need to:

- Provide accurate information
- Respond to requests for information on time
- Meet all the requirements to qualify for benefits
- Keep your contact information up to date



For the fastest service, go online

File your claim, reactivate a claim, request payment, or check the status of your claim online at Reemployment Assistance Benefits Portal (RA Benefits Portal) sd.gov/rabenefits. It is safe, secure, and available 24 hours a day, seven days a week.

You must create or login into mySD and complete a profile registration. Once you have created a mySD profile, you will return to the [RA Benefits Portal](#) to complete your RA profile to link your RA and mySD accounts.

You can also file by telephone by calling the Claims Call Center at 605.626.3179, Monday through Friday, 8 a.m. to 4:20 p.m. Central time with the exception of state holidays.

A [guide](#) for logging in or setting up a profile in the RA Benefits Portal is available on our website: <https://dlr.sd.gov/ra/publications/RA-Profile-Setup-Guide.pdf>.

Electronic correspondence

Signing up for electronic correspondence allows you to receive most, but not all of your RA correspondence electronically. You can opt-in through the RA Benefits Portal. When you opt-in to receive electronic correspondence RA mail will be sent to a secure electronic "mailbox" set up for you on our website.

Change of address or phone number

If you move or change your phone number, let us know as soon as possible. Failure to notify our agency of your current contact information may delay the payment of benefits. The easiest way to update your address or phone number is through the RA Benefits Portal at: sd.gov/rabenefits and select the appropriate option. You may receive mail or a request for information after your claim expires.

What You Need to Know When Filing for Benefits

Your benefit eligibility is based on the laws and rules governing the RA program.

Accurately report the reason you are unemployed when you file your claim

To determine your eligibility and process your claim, you must provide dates of employment and reasons you are no longer employed for ANY employment you have had in the last 18 months, no matter how short the duration.

Reasons you are no longer working for an employer can be:

- **Laid off** means the job is not continuing because the employer has no more work available
- **Discharged (Fired)** means the job is continuing, but your employer does not want you to do the job anymore
- **Quit** means the job is continuing, but either you do not want, or are unable to keep doing the job
- **Still working** means you are working less than the hours you typically work

Read this Claimant Handbook and all correspondence from RA

You are responsible for knowing and understanding your rights and obligations as outlined in this handbook. Knowing the requirements will help you meet your obligations under the law, better understand requests for information or notices you receive from RA, and avoid overpayments, penalties, and fraud. If after reading this handbook you have any questions or concerns, please contact Customer Service.

Workforce registration required

If you live outside of South Dakota, you must register for services with the State Workforce Agency and submit proof of registration to our office within 14 days of filing your claim.

If you move to a different state, you must reopen your claim and register for work with the State Workforce agency where you now reside.

In-state claimants are automatically registered with SDWORKS when their claim is filed.

Filing your claim is not the same as requesting payment

Once your claim is filed, you must request payments to receive benefits. Requests can be made Sunday through Saturday for the prior week.

Report all hours you worked and any wages you earned when filing your payment requests

- ❖ Incorrect reporting of hours and earnings may result in an overpayment or underpayment. See *pages 7 and 8* for information about working part time and receiving partial benefits.
- ❖ If you are a corporate officer or self-employed and filing for benefits, you have the same reporting requirements as any other employee. You must report any hours you work, even if you will not be paid for that work.
- ❖ You must report all earnings regardless of your employer's work week or pay period, including self-employment (before expenses), even if you have not been paid.

If you have a pending eligibility issue, keep filing your payment requests while you wait

Once the outstanding eligibility issue is resolved and if you are found eligible for benefits, you will receive back pay for any week(s) for which payment was requested (excluding the waiting week) and you met the weekly eligibility criteria.

For up-to-date information about your eligibility or payment status, log in to
sd.gov/rabenefits

Amount of RA Benefits

After you file a claim for benefits, you will receive a [Monetary Determination](#) in the mail. Review your monetary determination. If there are wages missing call Customer Service. The Monetary Determination explains:

- The amount of benefits you are eligible to receive if approved
- Total maximum benefit dollar amount
- Information about how to appeal or request a monetary reconsideration if you disagree with the determination

Even if your Monetary Determination shows you qualify for a Weekly Benefit Amount (WBA), all other eligibility requirements must be met each week you request payment.

Options for receiving payment

If you are eligible for benefits, you will receive your benefit payment through direct deposit or a prepaid debit card.

- ❖ **Direct deposit** – this option puts money directly into your checking or savings account. If you previously enrolled in direct deposit your benefits will be deposited into the account previously enrolled.
- ❖ **Prepaid debit card** – this option provides you with a prepaid Way2Go debit Mastercard from Comerica Bank. You can make purchases, get cash, and pay bills everywhere Mastercard is accepted. A card will be mailed to you 7-10 days after filing your claim. For more information, contact Way2Go card Customer Service at 1.844.893.3123 or visit goprogram.com.

If you were sent a debit card in the past, you will be paid on that card. Your card is valid for three years.

To change your payment method, log in to the RA Benefits Portal and select the appropriate option.

Federal income tax

- ❖ Benefits are taxable by the federal government. You can have 10% withheld from your weekly payment for tax purposes. If you do not have taxes withheld, you will be responsible for the full taxable amount at the end of the year.
- ❖ The Department of Labor and Regulation will provide you with IRS form 1099-G. This form shows the amount of benefits you were paid during the previous year and the amount of income tax withheld if you selected that option.
- ❖ You may request changes to your claims tax deduction at any time by calling Customer Service.

Waiting week

The first week of your claim is considered a **waiting week**. You must file a payment request and meet all eligibility requirements during this week, but you will not be paid. Your payments will start the following week, assuming you are still eligible for benefits and fulfill all requirements.



Qualifying for RA Benefits

Our agency will review your [claim](#) to determine if you qualify for benefits. We look at these three criteria:



1. **How much did you work in the 12-18 months before filing a claim?**

You must have earned sufficient wages in the 12 to 18 months prior to filing a claim. If you did not earn enough wages, you will not be eligible for benefits.



2. **Why are you no longer working for your past employer?**

The reason you are no longer employed helps determine whether you can receive benefits.



3. **Are you able and available to work?**

In order to qualify for benefits you must be:

- Actively looking for work unless instructed otherwise by our agency
- Mentally and physically able to work
- Legally authorized to work in the United States
- Available to accept new work (for example, you do not have personal responsibilities that would prevent you from working)

Alien Status

Only U.S. citizens, nationals, or legally authorized workers are eligible for RA benefits. If you are not a U.S. citizen or national, your status will be verified by U.S. Citizenship and Immigration Services (USCIS).

Reason for job separation

- ❖ Both you and your employer have the right to end your working relationship. The circumstances of your separation will determine whether you are eligible for benefits.
- ❖ You must accurately report the reason for your separation. We will ask your employer to verify the reason for your separation. If your separation is due to suspension, leave of absence, quit, or discharge, we will ask you and your employer for details and then determine your eligibility under state and federal laws.

Able, available, and applying for work

❖ You Must Be

- Physically and mentally able to work
- Available to accept work immediately if a job is offered
- Actively applying for work and meeting your work search requirements
- Keeping a complete record of your weekly work applications - you will need them to request payment or if you are selected for an audit
- Registered with the Workforce Agency in your state if you live outside of South Dakota

Payment Information

How do I get paid?

To receive benefit payments, you will need to request payments weekly. The weekly request includes a series of questions that help determine if you are eligible to continue receiving benefits. For example, you will be asked if you:

- Were able and available to accept work
- Looked for work
- Refused any jobs or offers of work
- Completed any work, and if so, how many hours worked and how much money you earned for that work

Under penalty of law, you are required to truthfully answer the questions for each week you claim benefits.

How to file your Weekly Request for Payment

Online



For the fastest service, visit the RA Benefits Portal: sd.gov/rabenefits

By Phone



605.626.3212

Language Assistance



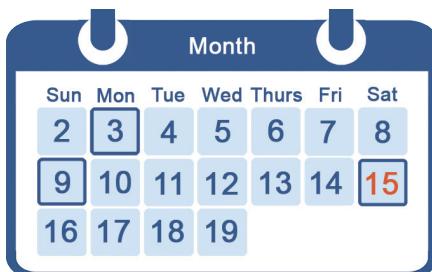
If another language is needed, call our Customer Service at 605.626.2452 and request an interpreter for assistance. If you are deaf, hard of hearing, or have a voice impairment, please call 7-1-1.

To request your payments online you must have an account with the RA Benefits Portal. Once you've logged in select the option to "Request Weekly Benefit Payments."

If you are requesting payment by phone you must establish a 4-digit PIN. You will be prompted to create a PIN when you certify by phone during the first week you are able to request a payment. You are responsible for the security of your PIN and for any payments authorized utilizing this number. It must not be released to anyone for this purpose.

When to file your Weekly Request for Payment

RA weeks start on Sunday and end on Saturday. The Sunday after you initially apply for benefits is the first day that you can submit a weekly request. Requests must be completed by 11:59 p.m. central time on the following Saturday.



For example, if you lost your job on Monday the 3rd:

- File an **initial claim** for RA benefits on the same day or on any other day that week.
- Submit a **weekly request** for your first week of benefits starting on Sunday the 9th.
- Submit the weekly request no later than 11:59 p.m. central time on Saturday the 15th.

Requests must be completed by 11:59 p.m. central time on the Saturday of each week you are claiming benefits. A late submission may cause a delay in your benefit payment or lead to a denial of benefits for that week.

When do I get my payments?

Your first payment will be made three to four weeks after you apply for benefits. Weekly payments are made two business days after filing your request if no issues are raised. Holidays may delay payments.

What could stop or deny my benefits?

An issue on your RA claim can stop your payments. Your payments will be delayed while it is being reviewed.

- Quitting a job
- Being fired
- Being unable to work
- Being on vacation or out of the country
- Attending school
- Going to jail
- Failing to actively seek work
- Failing to participate in Reemployment Services
- Failing to give needed information
- Making a false statement or not reporting information to obtain benefits
- Becoming self-employed full time

Deductions

Your benefits may be reduced under the following circumstances:

Other income

- A severance package, vacation, sick, holiday, or a continuation of pay from an employer may affect your benefits.
- If you receive or begin to receive any other income you must report it. You may be contacted by the agency for additional details to help determine if it is deductible.

Retirement and disability payments

- Retirement payments, such as pensions and annuities, disability pension payments, temporary partial disability payments (workers' compensation) may affect your weekly benefit amount (WBA).
- You must tell us if you receive or apply to receive any of these payments.

Money owed

- Owe court-ordered child support
- Previously received Reemployment Assistance benefits you were not entitled to, and did not repay the overpayment

Reporting work and earnings

- If you are working, you may still be eligible for partial RA benefits.
- If you are working while claiming RA benefits, you must report how many hours you worked and how much money you earned. You must report your gross earnings, the amount earned before deductions.

In some instances, you will be notified by mail if your benefits will be reduced for these reasons.

Reporting Earnings: When, What, and How

It is your responsibility to accurately report your hours and earnings. Do not rely on friends, coworkers, or your employer to explain how to report hours and earnings.



When to Report Earnings

Earnings must be reported each week when requesting benefits for the previous Sunday through Saturday period, **even if you have not yet been paid.**



What Earnings to Report

You must report all earnings from all employers in the week worked, not when you are paid. Earnings are wages, tips, payments you get in exchange for services or products, or cash and non-cash payments such as room and board.

Earnings from use of personal paid time off, vacation, sick leave, and payments for attending training.

Holiday pay for the week the holiday occurs.

Reporting less than you earned is fraud or willful misrepresentation.



How to Calculate Gross Earnings

Number of Hours Worked during Week x Rate of Pay = Gross Earnings

For instance, if you worked 30 hours in a week at \$20 per hour, you would report \$600 in gross earnings for the week.

You must respond to all requests for information from RA, even if your claim is inactive. Not responding could result in a benefit overpayment and/or denial or delay of future payments.

Ongoing Eligibility & Requirements

Requirements for continued eligibility for benefits

For every week payments are requested, you must be:

Able to work – If you were physically or mentally unable to work during a week you file for benefits, you must report this when you make your payment request.

Available for work – If you are unavailable to work for any reason, you must report this when requesting payment. For example, you might report:

- You could not work because you didn't have childcare or transportation.
- You took time off from work or did not work all your normally scheduled hours for personal reasons, not because your employer reduced your hours.

Applying for work – You must apply for jobs you are qualified to perform and willing to accept. You will be asked to provide your work search contacts for each week payments are requested.

- You must report your job contact information on your payment requests. If this information is not entered or is incomplete, you may be denied benefits for that week.

Tips to help you meet work search requirements:

Know what kind of work you are qualified for and where to find it.

- Make a list of potential employers and current job openings by checking with your local Job Service office, help wanted ads, online job portals, etc.
- Apply for work in person, online, or by mail. Checking online job listings, Job Service boards, help wanted ads, or calling a business to ask if they are hiring is not a valid work search.
- Seeking self-employment does not meet your work search requirements.

- Applications may be verified with the employer. Keep copies of the applications, submission confirmations, or emails as proof of your work search.

You may be excused from the weekly work search.

Reemployment Assistance notifies you if your work search requirements have been waived. Common reasons for a work search exemption are job or union attachment and department-approved training.

- **Job Attached:** This means you have a definite date to return to full-time employment with an employer who paid 50 percent or more of your base period wages and due to weather-related seasonal factors, work is not available in your primary base-period occupation and other suitable work is not available OR you will be recalled to full-time work within 10 consecutive weeks by an employer. You must still be able and available for work each week and report separations from any employment.
- **Union Attached:** This means you are a member of a union with a hiring hall.

If you are approved by RA to be job or union attached:

- You are not required to apply for work unless your job or union-attached status ends or cannot be verified
- You must remain in contact with your employer or union hiring hall
- If union-attached, you must be on the out-of-work list

You are required to notify us immediately of any change in your job attachment or union status. If you will not be returning to work for your employer you will be required to make two job contacts.

Job or union attachment will be verified with your employer or union. If you accept an offer of employment but will not start right away, call Customer Service immediately.

Reporting you applied for work when you did not is **fraud**.

Work Search Requirement

You are required to make an active, good-faith effort to secure employment each week for which benefits are claimed.

- A minimum of two job contacts must be made each week
- Job contacts must be made within the week for which benefits are being claimed
- Job contacts must be made using the employer's customary method of application, all reasonable attempts should be made to submit an application or resume
- In person job contacts must be made with a person (or entity) who has hiring authority
- Repeat job contacts with the same employer are not acceptable unless you are applying for different positions or 30 days have elapsed
- Job contacts must be for work you are willing and qualified to do and in a location where you are willing to work
- If you are working part time, you must continue to apply for work
- Include the business name, the person contacted, the date of contact, the position you applied for, the telephone number of the business, the URL if submitting an internet application
- Keep copies of confirmations of applications/resumes submitted electronically to employers
- Keep a detailed record of your work applications in case your claim is selected for an audit
- Be able to produce your work search records when requested by the State of South Dakota

What details do I need to record for my job contacts?

- Business name
- Person contacted
- Date of Application
- Position you applied for
- Telephone number of the business
- URL if it is an online application

Reemployment Assistance will conduct verification of work search contacts. You may be asked to produce documentation of your work search contacts. Failure to produce documentation of your work search contacts may result in your ineligibility for benefits.

The following are not considered a weekly job contact:

- Registering or contact made with a temporary staffing agency
- Checking for job openings online without applying
- Using your current part-time employer or on-call employer as a job contact
- Calling an employer and asking if they are hiring
- Seeking or working in self-employment or independent contract work
- Contacts made with relatives or spouses who work for the company to which you are applying



Working part-time does not exempt you from Reemployment Services and continuing to seek full-time employment or additional part-time employment adding up to full time (40 hours or more per week).

School Employment, Training, or School Attendance

School employment

If you have worked for a school, your wages and eligibility have to be reviewed based on this type of employment. RA needs to determine if you have reasonable assurance of returning to work for a school.

Reasonable assurance means there is a written, oral, or implied agreement you will perform services in the same capacity after scheduled breaks or in the next academic term. This applies regardless of the position you held with the school.

School wages may be excluded when determining your Weekly Benefit Amount (WBA) during a scheduled school break.

Training or school attendance

You might be eligible for RA benefits while attending school or training. All coursework must be reported. This includes classroom attendance and taking online courses. The information will be reviewed to determine if you are eligible for benefits.

Employer-required training for which you are paid regular wages is considered work. You must report these hours and earnings when filing your payment request, but you can answer "No" to the question "Did you attend school or training?"



Scheduled school breaks are breaks shown on a school's official calendar (for example, winter break, spring break, and summer recess.)



Getting You Back to Work

The Department of Labor and Regulation offers a variety of no-cost programs and services – including job leads and career resources – to help you get back to work faster.

Register for Reemployment Services

In-state claimants are automatically registered with SDWORKS when their claim is filed. Out-of-state claimants are required to register with their designated state workforce agency, job service, workforce development, etc. and to submit proof of registration within 14 days of claim filing. Proof of registration can be emailed, mailed or faxed to our office.

Mandatory Reemployment Services

You are required to report to all scheduled DLR services. If you fail to attend, your benefits will stop until you report to your local Job Service office. Weekly requests for payment filed after a missed scheduled service or other request may

not be paid. If you are unable to report for your scheduled service or other request, notify your Job Service office immediately.

Additional services to assist you

- ❖ **Training Programs** – You may be eligible for training or education programs to help you upgrade your skills or complete a degree program. To learn more about whether you might qualify, visit the Adult Education & Training Opportunities webpage: dlr.sd.gov/workforce_services/individuals/training_opportunities/default.aspx.
- ❖ **Veterans' Assistance** – We have employment assistance programs specifically designed for veterans. If you are a veteran, get started at Veterans' Services.

Finding a Job

Job Service offices are your full-service, no-fee employment resource.

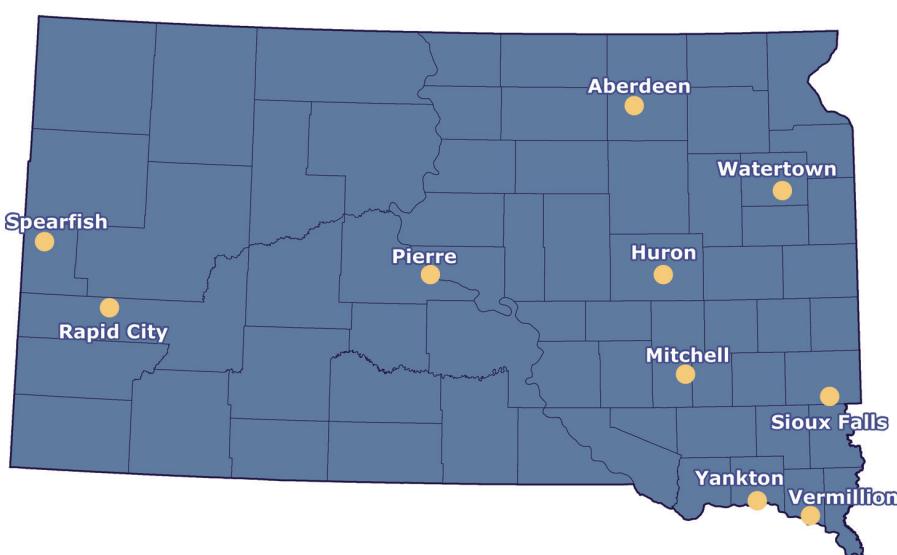
Job Service staff can assist with your job search by:

- Helping you develop a work search plan
- Showing you resources and tools you can use when submitting applications for employment
- Reviewing your application materials and providing assistance with writing resumes and cover letters
- Exploring reemployment and retraining services that may be available

Help is available if you need access to a computer, telephone, or copier for applications and resumes.

Job Service Offices	
Aberdeen	
Huron	
Mitchell	
Pierre	
Spearfish	605-773-3372
Vermillion	
Watertown	
Yankton	
Rapid City	605.394.2296
Sioux Falls	605.367.5300

Please call to make an appointment.



All office locations and their phone numbers are listed in the graphic above. You can also check dlr.sd.gov for contact information for the nearest Job Service office.

In addition to job search assistance, DLR can assist you with resume writing, interviewing skills, labor market information, and more.

SDJobs.org

AmericanJobCenter®

Five Rs to Remember When Filing for RA Benefits

REVIEW the Monetary Determination notice. This form shows you how much you may receive each week and the total amount in your claim. If there are wages missing or wages were incorrectly reported, contact Customer Service.

REQUEST payment. After you have filed your claim, you must request payment for each week you wish to receive it.

REPORT each week:

- Any quit or discharge from employment
- If you refused any offer of work or took time off work for any reason (i.e. no transportation, no childcare, traveling or vacation)
- Work hours in the week you worked them
- Wages in the week they were earned, not the week paid
- Job applications or continuing job or union attachment

RESPOND to all requests for information you receive from us, whether by mail, email, or voicemail. We may need more information from you to determine if you are eligible for benefits. If we are unable to obtain that information, payment of benefits may be stopped.

REOPEN your claim in the week you are out-of-work, or your hours are reduced.

Your claim will need to be reopened if:

- You do not request payment for four consecutive weeks
- You separate from employment
- You move to a different state

You can reopen and reactivate your claim online at sd.gov/rabenefits or call the Claims Call Center.



Starting and Stopping Your Claim

How do I cancel my claim?

To cancel your claim, you must email, mail, or fax a signed written request within 15 days from the date of the monetary determination to:

Benefits Section
Reemployment Assistance Division
PO Box 4730
Aberdeen, SD 57402-4730
Fax# 605-626-3172
Email: dlrraclaims@state.sd.us

You cannot cancel your claim after a disqualifying determination has been issued.

How do I stop my benefit payments?

To stop benefit payments, just stop filing payment requests. Your claim will become inactive when four weeks pass without a payment request; it can be reactivated at any time during the benefit year.

How do I restart my benefit payments?

- Reactivate your claim during the week you want your benefit payments to resume. You must reactivate under the following circumstances:
 - Returned to work and separated, even if it's for one day or less
 - If your address changes as a result of moving to a different state
 - If you have not filed a weekly request for payment for a period of four weeks or more

If you worked, you will be asked to provide the dates and business name of your most recent employer. Your reason for job separation will need to be reviewed for eligibility. After your claim is reactivated, you can start filing payment requests again. If you do not reactivate your claim during the week you want benefits to resume, you may not be paid for that week. You should reactivate in the first week you are off work, or your hours are reduced.

You can reactivate your claim at sd.gov/rabenefits or call the Claims Call Center.

RA Fraud

Fraud is a serious crime. Reports of suspected fraud are thoroughly investigated. If you provide false information in order to receive or increase your RA benefits, you are committing fraud. If you commit RA fraud, you will have to repay any benefits received, plus a Monetary Penalty equal to 50% of those benefits, and 100% for each offense thereafter. In addition, you may be disqualified from receiving benefits for up to 52 weeks and be subject to criminal prosecution for felony theft.

RA fraud includes:

Misreporting hours worked or earnings

- You must report **all** hours, **paid or unpaid**, you work each week.
- You must report **all** hoursour earnings for the work you do each week.
- You are required to report your hours and gross earnings during the week you work and earn them, not when you get paid. Go to dlr.sd.gov/ra for more information on reporting hours and earnings.

Misreporting job contacts

You must apply for work and report your job applications each week. If you fail to apply for a job in the manner directed by an employer, you are not eligible for benefits.

For an example of the information required when reporting your work applications, see page 10.

A form to record your work search efforts can be downloaded at dlr.sd.gov/ra.

Being dishonest about why you are no longer working (or failing to report a job separation).

You must report all job separations (quits and discharges) when filing or reactivating a claim or requesting payment.

Refusing work or an interview

If you refuse an offer of work or an interview while requesting payments, you must report this on your payment request. Failing to appear for work or an interview is also considered a refusal and must be reported. Failure to report work refusals may be considered fraud.

Misrepresenting your ability and availability to work

If you are not able and/or available for work due to illness, travel, lack of transportation, or childcare, for example, you may not be eligible for benefits.

Committing “identity theft” by filing a claim under the name and Social Security number of another person or helping another person to file a fraudulent claim

You must not file for benefits using another person's Personal Identification Number (PIN), Social Security number, or ID number. You must also not allow another person to file for benefits for you using any of the above information. Doing this may subject you to prosecution.

Failing to report workers' compensation, disability, or pension

You must tell us if you receive any of these payments while you are requesting Reemployment Assistance benefits.

Making a false statement or misrepresentation to receive payment

You must be honest and accurate when filing. Do not withhold information. Withholding information is just as serious as giving false information.

If you have any questions about your reporting requirements, please contact Customer Service.

To report RA fraud:

Call 605.626.7649
or email

RAFraud@state.sd.us

IMPORTANT

RA is responsible for ensuring benefits are only paid when due. It is your responsibility to be honest and forthcoming in providing the below information for your claim:

Separations from work • Job applications • Hours and earnings • Incarcerations

Job or Union Attached • Receipt of disability payments • Refusal of work

Back pay awards • Starting a new job or going back to work

RA Overpayments

What happens if I get payments to which I am not entitled?

That is considered an overpayment debt, and it must be repaid in full. You will receive an overpayment determination and monthly bill.

- ❖ If you are eligible to receive benefits, your payments will be applied towards the overpayment.
- ❖ If you are not receiving RA benefits, you must arrange for regular payments.
- ❖ If you are at fault for the overpayment interest of 12% per year will accrue beginning with the date of the overpayment determination.

If the Overpayment debt is not repaid promptly, RA may take one or more of the following actions:

- Your federal income tax refund may be subject to offset if the overpayment was the result of fraud.
- A lien may be filed against your property.

Administrative penalty

If an administrative penalty is applied to the determination of overpayment you will need to continue to file your weekly request for payment and meet all eligibility requirements. You will not be paid for these weeks but will receive credit towards the penalty.

Waiver of overpayments

A waiver of your overpayment debt may be granted if the overpayment was the result of a department error or if the overpayment is not the result of fraud and its repayment would cause you financial hardship. A request to have an overpayment waived is filed in the same way as an appeal. The request must state why you believe the recovery of the overpayment should be waived. A waiver request is available online at dlr.sd.gov/ra.

Claim audits

RA has audit programs to ensure benefits are paid correctly. Claims are randomly selected for audit. If you fail to respond in a timely manner or refuse to cooperate in the audit, you may be denied benefits.

The types of audits are:

- ❖ Benefits Accuracy Measurement (BAM) Audit – Reviews past employment, work applications, hours worked and earnings during your claim, and any additional information related to your claim.
- ❖ Claims Investigation Audit – Review of your reported hours and earnings in comparison to employer wage reports.
- ❖ Audit of job applications – Review of your weekly job applications and verification with employers.
- ❖ Verification of job and/or union attachment – Review of your ongoing connection to your employer or union.

Verification of Information

The information you provide is verified to ensure only those who are entitled to benefits receive them. It is important to always give complete and true information.

Employers are required to report any new employees hired to the National Directory of New Hires. This information is cross matched to identify whether people are collecting benefits after starting work again.

We also verify your information with other state and federal agencies.

Eligibility Determinations, Appeal Process, and Requalification

Eligibility determinations

You will receive a written Notice of Determination for eligibility issues affecting your claim. Read these notices carefully and completely.

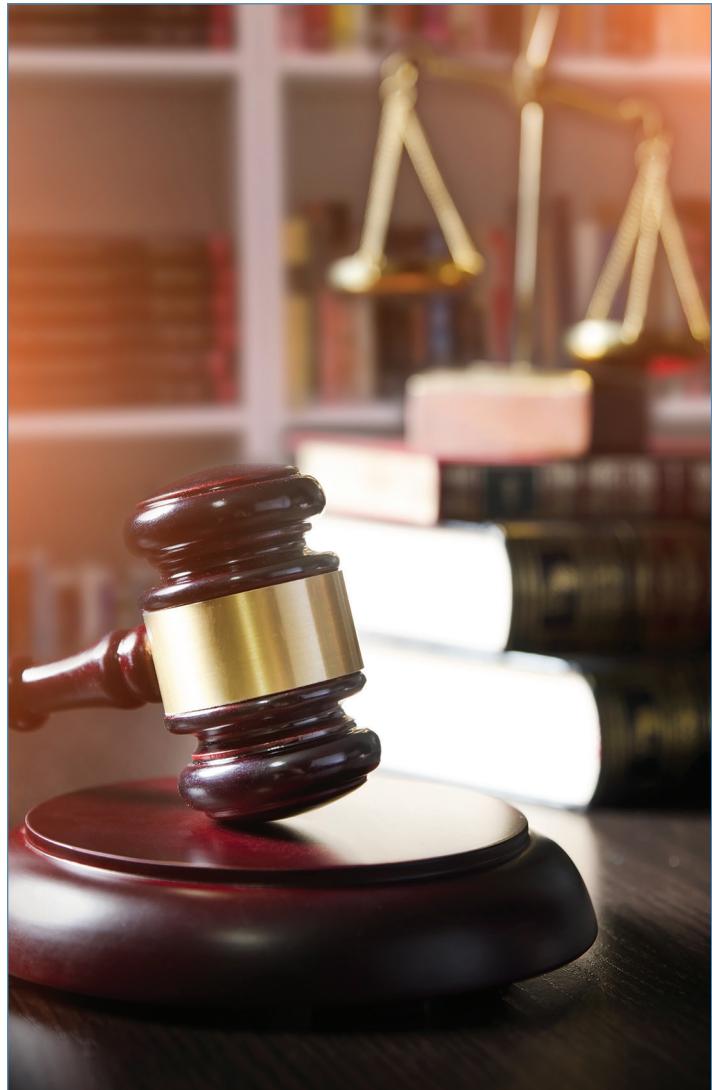
Appeal process

An appeal is a request to review a Determination, Redetermination, or Hearing Decision in which you do not agree. You have the right to appeal decisions made on your claim. Your employer has the right to appeal a decision related to your separation from work. You or your employer have 15 days from the date of the Determination, Redetermination, or Hearing Decision to file an Appeal. Carefully read each notice you receive for specific instructions on how to file an Appeal.

The process:

- ❖ If you or your employer disagree with a Notice of Determination, either of you may appeal. You will be asked to provide a reason why you disagree.
- ❖ You can appeal by following the instructions provided in the Notice of Determination. Appeals can only be accepted by mail or fax. Once you submit an appeal, watch your mail. You will receive a Notice of Hearing with a specified time and date for a telephone hearing. To learn more about the appeals process, go to dlr.sd.gov/ra.
- ❖ If you or your employer disagree with the Hearing Decision, either of you may request a Department of Labor and Regulation review by mailing a letter to the Secretary within 15 days after the date of the decision. If you disagree with the Secretary's decision, you have the right to appeal to Circuit Court within 30 days.

Keep requesting payments while your appeal is being processed. If the decision allows you to receive benefits, you will be paid only for the weeks you filed on time and are qualified for. If a decision that allowed you benefits is reversed, you will be required to repay any benefits you received for the weeks you should have been disqualified.



Requalification

Requalifying for benefits is different than appealing a decision: it ends your disqualification or period of ineligibility.

You may requalify to receive benefits if:

- ❖ You reactivate your claim
- ❖ You provide proof you worked and earned wages equal to or greater than your weekly benefit amount for at least six calendar weeks. The wages are required to be from a new job(s) covered by RA. Your most recent job separation will then be reviewed for eligibility purposes.
- ❖ You become able, available, and you are actively applying for work.

Legal Requirements

INFORMATION WE MAY SHARE The Deficit Reduction Act of 1984 (Public Law 98-369) requires that certain state agencies maintain an income and eligibility verification system. This system is used to verify eligibility for Supplemental Nutrition Assistance Program, Aid to Families with Dependent Children or Medicaid; and potential liability for child support payments. State agencies administering these programs may verify your eligibility for benefits (or child support obligations) by using information contained in Department of Labor and Regulation records. Information used would be your past wages, as reported by former employers, and your eligibility for or receipt of reemployment assistance benefits.

Equal Opportunity Employment Rights

It is against the law for this recipient of federal financial assistance (the Department of Labor and Regulation) to discriminate on the following basis against any individual in the United States: race, color, religion, sex, national origin, age, disability, political affiliation or belief; and against any beneficiary of programs financially assisted under Title 1 of the Workforce Investment and Opportunity Act of 1998 (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 1 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 1 financially assisted program or activity
- Providing opportunities in, or treating any person with regard to, such a program or activity
- Making employment decisions in the administration of, or in connection with, such a program or activity

What do I do if I believe I have experienced discrimination?

If you think you have been subjected to discrimination under a WIOA Title 1 financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either of the offices listed below:

Department of Labor and Regulation
Equal Opportunity Officer
123 W. Missouri Ave.
Pierre, SD 57501
Tel: 605.773.3095
derek.gustafson@state.sd.us

After you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (CRC) (see address below). If the recipient does not give you a written Notice of Final Action within 90 days from 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 the CRC.

Director
U.S. Department of Labor
Civil Rights Center
200 Constitution Ave. NW
Room N-4123
Washington, DC 20210

However, you must file your CRC complaint within 30 days of the 90-day deadline. (In other words, you must file 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 the CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

GLOSSARY OF TERMS

Adjudication — Process used to determine whether you are eligible to receive reemployment assistance benefits.

Administrative Penalty — Imposed when you knowingly fail to disclose facts or provide incorrect information to obtain, or increase, benefits.

Alternative Base Period — A different period of wages to consider when calculating your monetary eligibility for benefits. The alternative base period is the last four completed calendar quarters preceding when you apply for reemployment assistance benefits.

Appeal — Formal request by you or your employer to have a decision, determination, or notice reconsidered by the next higher level of authority.

Base Period — The period of time used to determine your RA benefit eligibility. When your initial claim is filed, wages from the first four of the last five completed calendar quarters are reviewed to determine RA benefit eligibility. Your Weekly Benefit Amount (WBA) is also based on how much you earned during this time.

Benefit Year — Also referred to as a Claim Year, this is the 52 weeks from the Claim Effective Date to the Claim End Date. After a Benefit Year ends, you are eligible to file a new claim.

Benefit Year End (BYE) — The ending date of a claim. BYE dates are always on a Saturday. The BYE date can be found on the monetary determination of benefits notice you receive after applying for reemployment assistance benefits.

Claim Week — A period of seven consecutive days beginning at 12 Midnight on Sunday and ending at 11:59 p.m. the following Saturday.

Combined Wage Claim — A claim established using wages from South Dakota and one or more states.

Covered or Insured Employment — Work for which the employer pays RA taxes to cover potential benefits.

Effective Date — Start date of a new claim for reemployment assistance benefits. This date will always be the Sunday date of the week you applied for reemployment assistance benefits.

Electronic Correspondence — Electronic mailbox that you can choose to receive your reemployment assistance correspondence through instead of paper mail. Sign up at sd.gov/rabenefits.

Eligibility Issue (Issue) — A situation or potential situation that prevents you from being eligible for benefits.

Excessive Earnings — Gross earnings during a claim week that meet or exceed your weekly benefit amount (WBA).

Fraud — Wrongful or criminal deception intended to result in financial or personal gain.

Full-time Work — Working 40 hours or more per week.

Gross Earnings — The amount of money you get paid for work before taxes and deductions are taken out.

Initial Claim — A newly filed claim that establishes a benefit year.

Insufficient Wages — Your claim does not have enough wages in the Base Period to be eligible. Also referred to as "monetarily ineligible."

Maximum Benefit Amount (MBA) — The maximum amount of benefits potentially available during a benefit year. MBA is based on your wages earned in the Base Period of a claim. This information is located on the Monetary Determination.

Misconduct — Careless or deliberate behavior that results in being fired or suspended from your job. Examples include dishonesty related to employment, unexcused absences, or violation of company policy.

Monetary Determination — A form mailed to you after you file an initial claim for RA benefits. It explains if you are monetarily eligible for RA benefits, how much your payment will be each week, the Maximum Benefit Amount (MBA), and other details for that Benefit Year. This form lists all employers you worked for during the Base Period and the wages each employer reported each quarter. Be sure to check it for accuracy.

Overpayment — RA benefits you received, but were not entitled to, under state law.

Partial Benefits — Amount of RA benefits you may receive while working reduced hours (less than your typical work hours).

Personal Identification Number (PIN) — A four-digit number used for identification and security purposes, along with your Social Security number, used when filing by telephone.

Reemployment Services and Eligibility Assessment (RESEA) — Department of Labor and Regulation programs are designed to assist your return to work as quickly as possible. Failure to participate in the services may result in a denial of benefits.

Register for Work — You will be required to register for work through SDWORKS or your designated state workforce agency unless exempted by the Division.

SDWORKS — The state of South Dakota's online employment database. The website address is sdjobs.org.

Separation — When you or your employer end the working relationship. This can be due to a quit, discharge (fired), leave of absence, suspension, or layoff.

Union Attached — An active union member who gets work through a union hiring hall. If you are on the out-of-work list, as verified by your union, you may be eligible for RA benefits. You must be available to accept offers of work through your union. Members who have been verified to be active will be exempt from searching for work.

Waiting Week — The first eligible week of an initial claim. The waiting week is non-paid, but you are still required to file a weekly request for payment and make job contacts (unless exempt).

Weekly Benefit Amount (WBA) — Maximum amount of benefits you are eligible to receive per week. If you are currently working and have gross earnings less than your WBA you will receive partial benefits.

REEMPLOYMENT ASSISTANCE CHECKLIST

- Review your monetary determination notice for accuracy. If there are wages missing or incorrectly reported, contact Customer service (for new/initial claims only).
- Review and respond to any mail sent to you from the Department of Labor and Regulation.
- Read your entire claimant handbook.
- Register for work with the designated workforce agency in the state in which you reside. Out-of-state claimants have 14 calendar days from the date of claim filing to become registered and submit proof of registration to the agency. Failure to register may result in a loss of benefits.
- If you live in South Dakota, you were automatically registered with the state's online employment database, SDWORKS.
- Search actively for work each week you request benefit payment, including the non-paid waiting week, unless this requirement has been waived by the agency.
- Be able, available, and willing to accept work for each week you request payment.
- Request payment to receive benefits. You can file a weekly request online at dlr.sd.gov/ra or by calling 605.626.3212. A weekly request must be made in order to receive payment. This includes the non-paid waiting week.
- Report all your hours and gross earnings, including self-employment, part-time, or temporary employment in the week worked, even if you have not been paid.
- Report all job separations and refusals of work.
- Stop requesting payments when you begin full-time employment.
- Contact Customer Service at 605.626.2452, Monday through Friday from 8 a.m. to 5 p.m. central time with any questions.

To avoid errors and ensure proper payment of benefits, read all the information provided to you. You are legally responsible to know and follow the rules. Failure to follow rules can have serious consequences.



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Equal Opportunity Program.