



**Protect
Assist
Connect**

Unemployment Insurance

Information for Claimants

A Handbook for Persons Claiming Benefits under the New York State Unemployment Insurance Law

Important Notice

As an individual filing for unemployment insurance, it is your duty to read and understand the information in this handbook regarding your rights and responsibilities.

Internet Services: Go to: www.labor.ny.gov

❖ **File a claim**

- Monday - Thursday 7:30 am to 7:30 pm; Friday 7:30 am to 5:00 pm
- Weekends from 12:01 am Saturday to 7:00 pm Sunday

❖ **Claim weekly benefits**

❖ **Check the status of payment**

❖ **Change tax withholding information**

- Monday - Thursday 7:30 am to Midnight; Saturday and Sunday all day

❖ **Obtain general information** about unemployment insurance

- 24 hours a day 7 days a week

Tel-Service System

Available 24 hours a day 7 days a week. Call our automated service to:

- ❖ Claim weekly benefits
- ❖ Check the status of payment
- ❖ 1-888-581-5812 (NYS residents)
- ❖ 1-888-864-9920 (Out-of-State residents)
- ❖ 1-877-205-3119 (TTY/TDD equipment users)

Telephone Claim Center (TCC) Hours

Customer Service representatives are available to assist you with your unemployment needs, Monday through Friday 8:00 am to 5:00 pm (EST). Translation services are available.

- ❖ File a claim
- ❖ Speak to a representative about your claim
- ❖ Provide updated personal information
- ❖ 1-888-209-8124 (NYS residents)
- ❖ 1-877-358-5306 (Out-of-State residents)
- ❖ 1-888-783-1370 (Hearing Impaired Individuals)

New York State Department of Labor is an Equal Opportunity employer and program provider. Auxiliary aids and services are available upon request to individuals with disabilities. This booklet is issued by the NYS Department of Labor. It contains general information about your rights, responsibilities, and benefits under the NYS Unemployment Insurance laws. The information is not intended to cover all provisions of the law. For specific information regarding your claim, call the Telephone Claims Center.

UNEMPLOYMENT INSURANCE FRAUD WARNING

THIS HANDBOOK CONTAINS INFORMATION THAT YOU NEED TO KNOW ABOUT UNEMPLOYMENT INSURANCE. IT IS YOUR RESPONSIBILITY TO READ AND FOLLOW ALL OF THE INFORMATION PROVIDED IN THIS HANDBOOK. YOU WILL BE HELD ACCOUNTABLE FOR FOLLOWING THESE RULES.

Claiming unemployment insurance fraudulently is a serious offense. It can lead to severe penalties, including **CRIMINAL PROSECUTION** and imprisonment.

You may be guilty of fraud if you hold back information from or give false information to the Department of Labor. You must report the true reason you were separated from employment. You may be committing fraud if you work while receiving benefits and do not report that employment. This applies even if it is part-time work, operating or starting a business, providing services for yourself or others, no matter how brief, or whether you got paid. Protect yourself. If in doubt, report it. You must report all full-time and part-time employment to the Labor Department or you risk **criminal penalties**.

It is fraud to allow someone else to certify for benefits for you by mail, telephone or on the Internet. TEL-SERVICE is offered in English and Spanish and we provide a translation service for other languages. There is a separate phone number for the hearing impaired (see 'How Do I Get My Benefits'). There are special allowances for individuals with disabilities (see 'Personal Identification Number'). However, in all cases, you are responsible for the actions and answers of your interpreter.

In all cases of fraud, we can impose civil penalties or fines. If you are convicted of a misdemeanor, the penalties are **a fine up to \$500 or up to a year in jail or both**. The felony conviction carries an even longer jail sentence.

Under federal law, it is also a felony to alter, buy, sell or counterfeit a Social Security Account card. This offense is punishable by fine and imprisonment.

Unemployment Insurance is a protection for you now and in the future. Do not jeopardize this protection by committing fraud on your benefit claim.

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Unemployment Insurance Telephone Claims Centers

The TELEPHONE CLAIMS CENTER will process your unemployment insurance claim. No other office can assist you with your unemployment insurance claim. The toll-free numbers for the TELEPHONE CLAIMS CENTER are:

- 1-888-209-8124** (New York State Residents)
- 1-877-358-5306** (Out-of-State Residents)
- 1-888-783-1370** (Hearing Impaired Individuals)

The Telephone Claims Center is available between 8:00 am and 5:00 pm, Monday through Friday, Eastern Standard Time.

Assistance is available in English, Spanish and other languages. Translation services are available. If you are a hearing impaired individual who is being assisted by another person, call the TELEPHONE CLAIMS CENTER at 1-888-783-1370; however, if you use TTY/TDD, call a relay operator first at 1-800-662-1220, and ask the operator to call the TELEPHONE CLAIMS CENTER at 1-888-783-1370.

IT IS YOUR RESPONSIBILITY TO READ ALL OF THE INFORMATION PROVIDED IN THIS HANDBOOK. YOU WILL BE HELD RESPONSIBLE FOR THE INFORMATION CONTAINED IN THIS BOOKLET.

If you need further explanation regarding unemployment insurance matters, contact the Telephone Claims Center.

When you call, you will be asked to choose your language. You will then hear several options:

- To enter a representative's telephone extension number, press 1.
- To file a new claim or complete your claim, press 2.
- For contact information or to listen to quick answers about your payment options and unemployment insurance, press 3.
- To ask a question about a claim you have already filed, press 4.
- For PIN or address changes or questions regarding your 1099 form, press 5.

To ask a question about your claim, press 4. You will be prompted to enter your Social Security Number and your Personal Identification Number (PIN). You will then be given the following options:

- To change your name, address or phone number, press 1.
- If you forgot your PIN or wish to set a new one, press 2.
- To begin or cancel the withholding of Federal income tax from your benefits, press 3.

- To begin or cancel the withholding of New York State income tax from your benefits, press 4.
- For all other questions, press 5.

Self-Service Systems

To claim your weekly benefits, inquire about the status of your payments or obtain general information about unemployment insurance, go to our website:

www.labor.ny.gov

Click on the "File for Benefits" link located halfway down the page on the right side and follow the instructions to log in. You will be given options for services based on the status of your claim.

OR

Call our automated **TEL-SERVICE** system. The toll-free numbers for **TEL-SERVICE** are:

- 1-888-581-5812** (New York State Residents)
- 1-888-864-9920** (Out-of-State Residents)
- 1-877-205-3119** (TTY/TDD equipment users)

Applying for Unemployment Insurance Benefits

What is Unemployment Insurance?

Unemployment insurance is temporary income for eligible workers who become unemployed through no fault of their own and who are ready, willing, and able to work and have sufficient wages in covered employment.

In New York State, the funding for unemployment insurance benefits comes from taxes paid by employers. No deductions are ever made from a worker's paycheck for unemployment insurance benefits.

It is against the law for the New York State Department of Labor (NYS DOL), as a recipient 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 Investment Act of 1998 (WIA), 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 WIA 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 WIA 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.

If you think you have been subjected to discrimination regarding any NYSDOL activity, you may file a complaint within 180 days from the date of the alleged violation by writing to:

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

OR

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

If you elect to file a complaint with the New York State Department of Labor (NYSDOL), you must wait until the NYSDOL issues a decision or until 90 days have passed, whichever is sooner, before filing with CRC (see address above). If the NYSDOL has not provided you with a written decision within 90 days of the filing of the complaint, you need not wait for a decision to be issued, but may file a complaint with CRC within 30 days of the expiration of the 90 day period. If you are dissatisfied with the NYSDOL's resolution of your complaint, you may file a complaint with CRC. Such complaints must be filed within 30 days of the date you received notice of NYSDOL's resolution.

Personal Privacy Protection Law Notice

This notice is provided in accordance with Section 94(1)(d) of the New York Public Officers Law when collecting personal information from individuals.

The authority to request personal information when you file a claim for benefits under a program administered by the Unemployment Insurance Division of the New York State Department of Labor 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; Chapter 68 of Title 42 of the United States Code for Disaster Unemployment Assistance.

The information is collected for the purpose of administering the program under which the benefits are claimed. Failure to provide requested information may result in a denial of benefits.

Under certain conditions and if authorized by law, the information collected may be sent to your employer(s) and various State and Federal agencies to verify your employment and eligibility for benefits including by means of a matching program.

You have the right to review information about you which is maintained by the Unemployment Insurance Division unless exempted by law.

As a requirement of the Federal Immigration Reform and Control Act of 1986, alien registration numbers are routinely verified with the Bureau of Citizenship and Immigration Services for purposes of determining eligibility for unemployment insurance benefits.

What are some of the basic terms I should know?

Base period:

Basic: The first four of the last five completed calendar quarters prior to the calendar quarter in which your claim begins; OR

Alternate: The last four completed calendar quarters immediately prior to the calendar quarter in which your claim begins.

Covered employment:

An employer must provide unemployment insurance coverage for most types of work. This means the employer pays a separate tax, which is used to pay your benefits. There are a few types of work that are not covered by law. If your employment was not covered, you will be advised in writing by the Telephone Claims Center.

Week of employment:

A Monday through Sunday period in which you were paid wages for work in covered employment.

Waiting period:

Before any benefits can be paid, an unpaid waiting period equivalent to one full week of unemployment benefits must be served. You are subject to the same eligibility requirements for this period as you are when you claim benefits. If you work at all during the first week of your claim, or for other reasons do not serve a full waiting period, the waiting period extends into the next week(s).

Benefit year:

The benefit year is the one year period beginning with the Monday following the week you filed your valid original claim. **YOU MAY BE PAID UP TO 26 WEEKS (OR THE EQUIVALENT) OF BENEFITS DURING A BENEFIT YEAR.**

Benefit year ending date:

The Benefit Year Ending Date is the date your unemployment insurance claim ends and you can no longer collect benefits on that claim. The benefit year end date for your claim can be found on documentation mailed to you from NYSDOL and on our website at www.labor.ny.gov. You will need to enter your Social Security Number and 4-digit PIN to access this

information. If you remain unemployed after the benefit year end date and believe you had sufficient employment in the past year to qualify for a new claim, you may call the Telephone Claims Center or go to our website to file a new claim.

Week ending date:

The week ending date is the Sunday date of the week for which you are claiming benefits.

Benefit rate:

The benefit rate is the weekly amount of money you may receive for a full week of eligibility. This is calculated based on your base period employment and earnings.

Effective day:

The days in a week a claimant may receive benefits. The first three days of a week that the claimant is eligible are qualifying days. The last four days of a week that the claimant is eligible are effective days.

Unemployment Insurance Personal Identification Number

You established your Personal Identification Number (PIN) when you filed your claim for benefits. It is important to remember your PIN as it is used when:

- Claiming weekly benefits
- Inquiring about your weekly benefits online or on the phone

Never tell anyone your PIN or write your PIN down where it may be viewed by others. *You are responsible and liable for your claim. Your PIN is your electronic signature and protects against another person certifying for your benefits and obtaining payments or information on your claim. You will use your PIN every time you access the claims processing system.

Claiming Unemployment Insurance fraudulently or allowing someone to obtain benefits or access to your claim using your PIN, is a serious offense and can lead to severe penalties, including criminal prosecution and imprisonment. *You could lose up to 20 weeks of benefits if you allow another person to use your PIN.

If you forget your PIN or if at any time you think someone else might know your PIN, you may set a new PIN by:

Calling the Telephone Claims Center at 1-888-209-8124 (1-877-358-5306 for Out-of-State residents) and select the option, "for PIN or address changes".

OR

Accessing the Department of Labor website at www.labor.ny.gov and clicking on the following links: "Unemployment Assistance" click "Reset PIN", login to Unemployment Insurance Benefits Online by entering SSN > click on "Forgot Pin".

If you are a person with a disability who is unable to access our services without the assistance of another person, you may allow another person to assist provided you are present each time the services are accessed including the entry of the PIN. You will be held accountable for the actions of your agent and may be subject to penalties including forfeiture of benefits if you are not present when your agent accesses our services.

Qualifying for Benefits

How do I qualify?

To qualify for benefits:

1. You must have worked and been paid wages for employment in at least two calendar quarters in your base period,

AND

You must have been paid at least \$1600 in wages in one of the calendar quarters in your base period

AND

The total wages paid to you in your base period must be one and one-half times your high quarter wages. Exception: if your high quarter wages equal \$8910 or more, your earnings in the other base period quarters must total at least one-half of \$8910, or \$4455.

2. If you meet the requirements in the Basic base period, the Basic base period will be used to establish your claim.
3. If you do not meet the requirements in the Basic base period, it will be determined if you qualify using the Alternate base period. If you qualify using the Alternate base period, that base period will be used to establish your claim.
4. If you qualify under the Basic base period, but you think using the Alternate base period would result in a higher benefit rate, you may apply within 10 days from the date of the initial monetary notice to have your rate recalculated using the Alternate base period. See page 4.

Note: Before applying to use the Alternate base period, you should be aware that once wages are used to establish a claim, they cannot be used to establish a subsequent claim. Once you choose to use the wages in the most recent completed calendar quarter, you cannot use these wages again. This may affect your entitlement to a subsequent claim.

5. If you do not qualify using the Basic or Alternate base period and you received Workers' Compensation payments or Volunteer Firefighters' benefits during the Basic base period, the Basic

base period may be extended back up to 2 calendar quarters depending on the number of base period quarters in which you received these benefits.

6. If you do not qualify in any of the above base periods, you have employment in the calendar quarter in which you filed, you are still unemployed after that quarter ends, and you think that you may qualify using this most recent employment, you should apply again for benefits after the current calendar quarter ends.

Note: Any wages paid to you for employment that is determined to have ended because of misconduct or a criminal act cannot be used to establish a claim or in the calculation of your benefit rate.

How is my Benefit Rate determined?

Your weekly benefit rate is one twenty-sixth (1/26) of the high quarter wages paid to you in your base period. Exception: If your high quarter wages are \$3,575 or less, your weekly benefit rate is one twenty-fifth of your high quarter wages. Wages are applied to the quarter in which they are paid. The maximum rate is \$405.

Your benefit rate is initially established using the information that your employers have reported to the New York State Wage Reporting system.

NOTE: If you were paid as an independent contractor, your earnings might not have been reported. To request that these earnings be used in determining your benefit rate, complete the Request for Reconsideration form included in the back of this handbook. For more information, please see Misclassification of Workers, page 16.

What is the Monetary Benefit Determination?

After you have completed the filing of your claim, you will be sent a **Monetary Benefit Determination** which shows your base period and the employers and wages used to determine if you have sufficient employment to establish a claim. Review this form for accuracy. Be sure you agree with the amount of earnings reported and that all employers for whom you worked are listed. **Do not return this form.** Retain it for your personal records.

NOTE: Wages earned with an agency of the Federal Government, a branch of military service, or work performed outside of New York State do not appear on the Wage Reporting system and may not be listed on the initial Monetary Benefit Determination. You should complete the Request for Reconsideration to advise the TELEPHONE CLAIMS CENTER of this work so those wages can be used in the calculation of your benefit rate.

What should I do if I disagree with the Monetary Benefit Determination?

If you qualify, the Monetary Benefit Determination will show your weekly benefit rate. You should complete the **Request for Reconsideration** included in the back of this book only if the wages shown on the Monetary Benefit Determination are incorrect or to report missing employment in the base period used. Be sure to include proof of your employment and wages, such as a copy of pay stubs, or other proof, that total the amount of earnings you list on the form that cover the period in question, or explain why you have no proof of earnings. If you agree with the information shown on the Monetary Benefit Determination, you do not need to take any action.

If you do not qualify, the Monetary Benefit Determination will provide the reason(s) for your non-entitlement. Review the Monetary Benefit Determination form for accuracy. You should complete the **Request for Reconsideration** form if the wages shown on the Monetary Benefit Determination are incorrect or to report missing employment. Provide corrected wage information for all four Basic Base Period Quarters **and** the Alternate Quarter. To expedite the review of your claim, be sure to include proof of your employment and wages, such as pay stubs, or other proof, that total the amount of earnings you list on the form that cover the period(s) in question. If you have no proof, explain why.

Return the Request for Reconsideration and copies of your proof of employment and wages to the address shown on the form. The information you provide will be reviewed and you will receive a revised Monetary Benefit Determination.

What if I think my rate will be higher using the Alternate Base Period?

You should complete the Request for Alternate Base Period form only if you have already established a benefit rate using the Basic Base Period, but your "High Quarter" wages are in the Alternate Quarter, and you wish to request that your rate be calculated based on the Alternate Quarter wages. (See your Monetary Benefit Determination for specific dates and wages). If the Alternate Quarter wages shown on the Monetary Benefit Determination are not your high quarter wages or your rate is \$405, do not return this form. If the Alternate Quarter wages 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 and be sure to include proof of your employment and wages, such as copies of pay stubs, or other proof, that total the amount of earnings you list on the form that cover the calendar quarter in question, or explain why you have no proof of earnings. To be considered for the Alternate Base Period, the Request for Alternate Base Period form must be completed and received within (10) ten days

from the “Date Mailed” on the Monetary Benefit Determination.

If you choose to use the Alternate Quarter wages, you will not be able to use this employment and wages again. This may affect your entitlement to a subsequent claim.

What if I think my rate will be higher based on weeks of work?

Included in the back of this book is another *optional* form, the Request for Rate Based on Weeks. Complete this form only if you think that your benefit rate can be increased using your average weekly wage. If you are a seasonal worker or other worker who did not work all weeks in your High Quarter, this may result in an increased benefit rate.

Your request for Rate Based on Weeks of Employment cannot be processed until all Requests for Reconsideration have been received, reviewed and the establishment of your base period and benefit rate has been finalized. To qualify for this recalculation, you must have at least 20 weeks of work in your base period and any benefit rate increase must be at least five dollars more than your current benefits are, but cannot exceed the maximum benefit rate (currently \$405). You must provide proof, such as paycheck stubs, for each week of work. A “week of employment” for unemployment insurance purposes is a Monday through Sunday period (see page 2). If you choose to have your rate based on weeks of employment, your benefit rate will be calculated as one-half your average weekly wage ($1/2 \times \text{total base period wages} / \text{total weeks worked}$). Instructions for completing the Request for Rate Based on Weeks are in the back of this book. The form and your proof of weeks of work must be submitted within ten days of the date of your most recent Monetary Benefit Determination. The form and the proof you submit will be reviewed, and if there is a change to your Monetary Benefit Determination, you will be mailed a revised determination.

It is important to keep any pay stubs and other proof of wages paid to you in your base period so that you can provide an accurate account of your employment. Wages include the monetary value of tips, bonuses, meals and lodging as well as commissions and vacation pay.

What is the maximum amount of benefits I can receive?

Although your claim lasts one year (your benefit year), during that time you can only receive 26 times your full weekly rate.

How do I get my benefits?

For each week you are claiming benefits, you must request payment using the web or telephone system. The certification systems process only a one week certification. You must request payment the first week following the week you wish to claim or on Sunday of the week that you are claiming. Certifications made on Sunday are for the week ending that day. You can claim weekly benefits between the hours of 7:30 am to midnight Monday through Friday and from 12:01 am on Saturday until midnight on Sunday. Both systems are available in English and Spanish. There is a separate system for users of TTY/TDD equipment (see below). **YOU MUST CERTIFY FOR WEEKLY BENEFITS YOURSELF!** You could lose up to 20 weeks of benefits if you allow someone else to call for you or submit your information on our web site.

WEB: To claim weekly benefits on the web, go to our web site, www.labor.ny.gov and click on “Unemployment Assistance”. Click on “Claim Weekly Benefits”. Log in by entering your Social Security Number and PIN, and then choose the option to ‘claim weekly benefits’.

Telephone: TEL-SERVICE is the NYSDOL’s automated telephone line that you call to claim your weekly benefits. Call TEL-SERVICE toll free at the following numbers:

1-888-581-5812 (New York State Residents)
1-888-864-9920 (Out-of-State Residents)
1-877-205-3119 (TTY/TDD equipment users)

To use TEL-SERVICE, you must make your call from a touch-tone telephone or a telephone with a pulse/tone switch. If your telephone has a pulse/tone switch, make sure it is set to TONE before responding to the questions.

Using Tel-Service

Listen carefully to the questions and to the instructions before responding. Many times, you can speak your responses, or you can use your telephone keypad to answer the questions. If you are not sure how to answer, do not respond or enter any numbers on your keypad. The question will be repeated. If you do not respond or enter any numbers on your keypad, the question will be repeated. If you do not respond by the third time, your call will be terminated. If you wish to claim benefits for the previous week, you must call TEL-SERVICE again. If your call is disconnected, or if you hang up the telephone before you hear, “Your claim has been entered for processing,” you will have to call again to claim your benefits.

Throughout the TEL-SERVICE weekly certification, the system will repeat your answers and ask you to confirm the information. If the information is correct, TEL-SERVICE will prompt you to say “YES” or press 1. If the information is not correct, TEL-SERVICE will

prompt you to say “NO” or press 2. The system will then repeat all of the questions for that section again so that you may correct your answer.

Saying “yes” or pressing 1, to confirm that all of your answers are true and correct, is the same as signing a document because only you know your PIN. ***The law provides penalties for false statements made in order to receive benefits.**

When you call TEL-SERVICE, you will be asked to choose your language. You will then hear two options:

- For general information about Unemployment Insurance, press 1.
- To claim weekly benefits or other claim services, press 2.

After you press option “2” and your Social Security Number and PIN have been verified, the system will ask you if you want to claim your weekly benefits or find out information on your payments.

- To claim unemployment insurance benefits, say ‘claims’ or press “1”.
- To inquire about the status of your payments, say ‘payment status’ or press “2”.

***If you are a person with a disability who is unable to access our services without the assistance of another person, you may allow another person to assist provided you are present each time the services are accessed including the entry of the PIN. You will be held accountable for the actions of your agent and may be subject to penalties including forfeiture of benefits if you are not present when your agent accesses our services.**

Claiming weekly benefits

When you claim weekly benefits, whether you use the web or TEL-SERVICE, the system will ask you a series of questions. Your eligibility to weekly benefits is based on your answers to the questions. You will be prompted to enter your Social Security Number and your PIN. You will be asked some or all of the following:

- If you want to claim benefits for the previous week.
- If your address has changed since you last claimed benefits.
- If you worked during the previous week, and if yes, the number of days you worked.
- If you refused an offer of employment.
- If you were ready, willing and able to work during the previous week.
- If you received any holiday pay for days during the previous week.
- If you received any vacation pay for days during the previous week.
- If there was a break in your claim since the last time you claimed benefits, you will be asked the reason for the break.

- If there was a break because you were employed, you will be asked the specific reason why you are no longer working.
- If you are in an approved training program, you will be asked about your attendance at training.

How are payments made?

You may choose to have weekly benefits deposited directly into your personal checking account. If the direct deposit option **is not chosen**, the payment method will default to Direct Payment Card. **Paper checks are no longer available.**

Direct Deposit - Unemployed workers may choose to have their weekly benefits electronically transferred into their personal checking account. You can have your benefits deposited directly into your personal checking account as long as your financial institution allows Direct Deposit.

Direct Payment Card - The Direct Payment Card is a debit MasterCard that offers claimants an easy, safe and convenient way to access their benefits.

How do I register for Direct Deposit?

You may register for Direct Deposit on our website at www.labor.ny.gov from 7:30 am to 12:00 am Monday-Friday and all day Saturday and Sunday by logging in to the “Unemployment Assistance” section of the website and clicking on the Direct Deposit link. You may also register for Direct Deposit from the “Confirmation Page” when you are filing a claim or claiming weekly benefits online. You must have a check handy at that time to provide your bank routing number and checking account number.

You may cancel your direct deposit or change your account information on our website at www.labor.ny.gov from 7:30 am to 12:00 am Monday-Friday and all day Saturday and Sunday by logging in to the “Unemployment Assistance” section of the website and clicking on the Direct Deposit link. You may also change or cancel Direct Deposit from the “Confirmation Page” when you are filing a claim or claiming weekly benefits online.

Your online “Confirmation Page” will include information about Direct Deposit each week you claim your weekly benefits, regardless of whether you have previously selected the Direct Deposit option. This is so you will always have the option to start or stop Direct Deposit or change your account information. It also allows you to update your Direct Deposit information if you change banking institutions.

Direct Deposit remains in effect until you notify the Department of Labor to cancel Direct Deposit. This means that even if you return to work for a period of time, become unemployed again and reopen the same claim or file a new claim, the Direct Deposit

remains active on your claim. Benefits paid on a reopened claim or new claim will be deposited directly into the checking account on record unless you cancel Direct Deposit or change the account information.

How long does it take for Direct Deposit to take effect?

Whether you are registering for direct deposit or changing your existing account information, it will take approximately five (5) business days between the date your account information is received and the date that your benefits can be electronically sent to your checking account. If you already have a Direct Payment Card, weekly benefits will be transferred to your card during this time. Generally, once direct deposit has been established, benefits are deposited to your checking account within three business days after you claim your weekly benefits.

It is your responsibility to verify receipt of Unemployment Insurance benefits with your financial institution before writing checks against that fund.

What is a Direct Payment Card?

A Direct Payment Card is a debit MasterCard. It allows you to withdraw your benefits via an ATM and make purchases wherever MasterCard is accepted. Only the Department of Labor can deposit money into the Direct Payment Card account.

The Direct Payment Card will be mailed to you about one week after you are approved to receive benefits (about three to four weeks after you apply for benefits). For security reasons, your Direct Payment Card will arrive in a plain white envelope. Please watch for it in the mail and do not throw it away (even if you sign up for Direct Deposit).

A Direct Payment Card is valid for **three** years and will be used for current and future claims. Even if you are not currently receiving benefits, you should keep the Card in a secure location. It will re-activate with the same PIN should you be approved for Unemployment Insurance benefits at a later date.

When you receive your Card, call **Chase Customer Service at 1-877-221-1634** promptly to activate it. As part of the activation process, you will be asked to create a PIN and a 6-digit Access Code. Your Direct Payment Card PIN is a four-digit number that you enter on the keypad at ATMs and retail locations. This is different from your Unemployment Insurance PIN, which is also a four-digit number. Your Access Code is a six-digit number that you enter when you call Chase Customer Service.

You can check your account balance free of charge at all Chase and Allpoint ATMs by calling Chase

Customer Service at 1-877-221-1634 or by going to Chase's website at: www.myaccount.chase.com. You can also view your monthly statement on Chase's website or sign up to receive monthly statements in the mail from Chase by contacting Chase Customer Service.

If you lose or throw away the Card, or if your next claim is more than three (3) years later and the Card has expired, call Chase Customer Service at 1-877-221-1634 to request a new Card.

What if I think my benefits are late?

You can obtain information about the status of your benefits on our website or on the TEL-SERVICE line. To check on the status of your payments:

- Go to our website at www.labor.ny.gov, click on "Unemployment Assistance". Click on "Check Payment History". Log in using your Social Security number and PIN and then select the option to "View Payment History". You will see a printable history of your payments, OR
- Call TEL-SERVICE at :

1-888-581-5812 (New York State Residents)
1-888-864-9920 (Out-of-State Residents)
1-877-205-3119 (TTY/TDD equipment users)

Both systems are available Monday through Friday from 7:30 am until midnight and from 12:01 am Saturday until midnight Sunday night.

If there is a problem with your claim, you may be contacted by the Telephone Claims Center regarding your eligibility for benefits. The reason for this contact is to give you the opportunity to respond to information the Telephone Claims Center has received regarding your claim. It is important to respond as instructed. Failure to follow instructions could result in a delay of benefits.

To speak to a representative about the status of your claim, call the Telephone Claims Center at 1-888-209-8124 (or 1-877-358-5306 for Out-of-State residents). You will be given a choice of languages in which to receive services and then several options. Option "4" is to ask a question about a claim that you have already filed. You will be prompted to enter your Social Security Number and PIN, then you will be given the options:

- To change your name, address or phone number, press 1.
- If you forgot your PIN or wish to set a new one, press 2.
- To begin or cancel the withholding of Federal income tax from your benefits, press 3.
- To begin or cancel the withholding of New York State income tax from your benefits, press 4.
- For all other questions, press 5.

How do I change my mailing address or phone number?

If your mailing address or telephone number change, it is your responsibility to update your contact information with the Telephone Claims Center. Your benefits may be delayed if you fail to respond to documentation mailed to your address on record or fail to report to an appointment.

You may update your mailing address or telephone number when you claim your weekly benefits online. If you are no longer claiming benefits or need to change your address sooner, you may contact the Telephone Claims Center at 1-888-209-8124 (1-877-358-5306 for Out-of-State residents). On the telephone system, after you enter your Social Security Number and PIN on the touch tone pad and both are confirmed, you will be given the option “to change your name, address or phone number, press 1”.

For Direct Deposit users: if you change your mailing address on our system, you should contact your financial institution to update your new contact information.

For Direct Payment Card users: if you change your mailing address on our system, you must contact Chase Customer Service at 1-877-221-1634 to update your new contact information.

What should I do when I return to work?

When you get a job, you should claim credit for the last days you were out of work, then simply stop claiming benefits.

Do not claim benefits for any week in which you work more than three days or earn more than the maximum benefit rate (currently \$405).

How do I reopen my claim?

If your benefit year has not ended and there is a break of at least one week from the last week claimed because of employment or other reasons, you may reopen your claim.

To reopen your claim, go to our website at www.labor.ny.gov or call TEL-SERVICE and claim weekly benefits. A claim may be reopened by claiming benefits after the end of the first week for which you are seeking benefits. You may be mailed a form regarding the period of time for which you did not claim benefits. You must complete this form and mail it back to the address shown on the form as soon as possible.

If you forget your PIN or if at any time you think someone else may know your PIN, call the Telephone Claims Center at 1-888-209-8124 (1-877-358-5306 for

Out-of-State residents) and select the option, “if you forgot your PIN or wish to set a new one”.

Maintaining Eligibility

Do I have to look for work?

Yes, to be eligible for benefits you must be available for work and demonstrate that availability by actively seeking employment while you are claiming benefits. You must keep a written record of all your efforts to find employment. Forms are provided in the booklet to help you keep your work search record. If more space is needed, you should continue your list of job search efforts on separate sheets of paper. Looking for self-employment only does not satisfy the search for work requirement. You may be denied benefits if you fail to look for suitable work.

What kind of work do I have to look for?

Suitable work is work for which you are reasonably fitted by training and/or experience. This means that you have to look for work in all your recent occupations, especially if the prospect of obtaining work in your primary skill area is not good.

After 13 full weeks of benefits are claimed, suitable work will also include any work that you are capable of performing whether or not you have any experience or training in such work, unless you obtain employment through a union hiring hall or have a definite date to return to work. Such work must pay the prevailing wage for similar work in the locality and pay you at least 80% of your high quarter wages. You must also be willing to travel a reasonable distance to obtain employment. As a general rule, travel of one hour by private transportation or one and one half hours by public transportation is considered reasonable.

What if I refuse a job because of wages?

You are required to look for and be prepared to accept employment that pays the prevailing wage for similar work even if this is less than you earned on your last job or less than the salary you would like to receive. After you claim 13 full weeks of benefits, you may be referred to and are required to accept employment you are capable of performing as long as it pays the prevailing wage and pays at least 80% of your base period high quarter wages.

For example, if you worked as an administrative assistant for a yearly salary of \$18,000 with a high quarter wage of \$4500 (\$346/week), after 13 full weeks of benefits you could be referred to bank teller position that pays \$14,400 per year or a high quarter wage of \$3600 (\$277/week). This is within the prevailing wage range for a teller position and pays 80% of your base period high quarter wages. If you are capable of

performing such work but refused it, you could lose your eligibility for benefits.

Your One-Stop Career Center Office can advise you on prevailing wage information for a particular occupation. You can also find this information on the Internet at: www.labor.ny.gov.

How do I look for work?

How you look for work will depend on the type of work you are seeking. You should use reasonable methods of identifying job openings. It is important that you make in-person contacts with employers whenever possible. Some examples of work search methods are:

1. Use the job search assistance of your One-Stop Career Center. The One-Stop Career Center office is staffed with Veteran representatives, job counselors and labor service representatives to assist you in finding a job and planning a career. You may also use our facilities and computers to seek work and contact employers directly. The One-Stop Career Center has up to date job listings and Civil Service announcements. Please inquire about the labor services provided by the offices.
2. Responding to newspaper want ads.
3. Making personal contacts with employers and filing applications when appropriate.
4. Checking trade publications.
5. Sending resumes.
6. If you are a union member, registering at the hiring hall, or if your union does not have a hiring hall, asking a union official for help in obtaining work.
7. Checking the yellow pages of your telephone book to identify employers you may want to contact.

One-Stop Career Centers

The One-Stop Career Centers offer you reemployment services including:

- Job referral and placement
- Individual and group counseling
- Current labor market information
- Job search workshops and job finding clubs
- Referral to training when appropriate

To find the One-Stop Career Center office nearest you, go to www.labor.ny.gov or call the New York State Department of Labor information Helpline at 1-800-447-3992, and select 'option 3'.

How does Military Reserve Training affect my claim?

Members of the State Army National Guard components or Reserve components of the Army, Navy, Air Force,

Marine Corps or Coast Guard engaged in annual field training are not eligible to receive Unemployment Insurance benefits because they are considered both unavailable for employment and not totally unemployed. However, participation in weekly or monthly drill sessions does not affect eligibility for your full weekly benefit amount.

What if I work part-time?

If you work less than four days in a week and earn \$405 or less you may receive partial benefits. Each day or part of a day of work will result in a payment of a partial benefit as follows:

- 1 day of work = 3/4 of your full rate
- 2 days of work = 1/2 of your full rate
- 3 days of work = 1/4 of your full rate
- 4 days of work = No benefits due.

YOU MUST REPORT ALL PART-TIME WORK. FAILURE to do so may result in criminal penalties.

If you are unable to work, the amount of benefits you are paid is determined on the same basis. Receiving partial benefits extends the length of time you may collect benefits until you receive your maximum benefit amount or until your benefit year ends, whichever comes first.

You are not eligible to receive benefits for any week in which you earn over \$405 (gross wages) regardless of the number of days worked.

What if I want to start my own business?

Notify the Telephone Claims Center before you take any steps to start a business. Unless you are enrolled in the Self Employment Assistance Program (SEAP), these activities may result in the loss of unemployment insurance benefits (see page 15 for additional information regarding SEAP).

You are considered to be employed if you are engaged in operating or starting a business either by yourself, with a partner or in a corporate arrangement. Time spent during the day or evening or on weekends preparing to start or actually operating a business may be considered employment **even though no sales are made nor any compensation received.**

What is considered work?

You must report all the work that you perform, whether it is for yourself, a friend, a relative, an employer, or in connection with a public office that you hold. Any activity that brings in or may bring in income at any time must be reported.

You are considered employed on any day when you perform any services -even an hour or less- in self-employment, on a free-lance basis or for

someone else. It makes no difference whether this work is in covered employment or whether you get paid for that day. For example, work on a straight commission basis is employment even though you may not receive the commission until some time later or even though no sales are made nor any compensation received.

If you are involved in free-lance work, self-employment, starting a business or doing “favors” for another business, you should call the Telephone Claims Center and give all details BEFORE claiming benefits.

What if I do volunteer work?

You may be eligible for unemployment insurance benefits while volunteering, providing the volunteer work meets the following criteria:

- The volunteer work is for a charitable, religious or cultural organization;
- **AND**, you do not receive payment in any form for your volunteer work;
- **AND**, the volunteer work is not a precondition to being hired or rehired into a paid position;
- **AND**, your volunteer duties do not interfere with your ability to search for work, and do not affect or limit the number of days and hours you are willing to work.

You may be considered employed on any day or any part of a day when you perform even minor duties or “favors” for a friend’s or relative’s business, whether you get paid or not. You should call the Telephone Claims Center and give all details BEFORE claiming benefits.

Does pregnancy affect my eligibility?

Federal and State laws prohibit the denial of benefits to any claimant because of pregnancy. Pregnant claimants are eligible for benefits according to the same rules that apply to all other claimants.

There is no requirement that you disclose your pregnancy, unless it affects your ability to perform work. If your health prevents you from working you must inform the Telephone Claims Center.

The Telephone Claims Center may not ask you if you are pregnant. If you are asked, you may refuse to answer.

However, if your employer informs the Telephone Claims Center that you quit or took a leave of absence, or were fired, because of pregnancy, the office may verify that information with you. If you left your last job voluntarily, even though you were physically able to continue working, you may be ineligible for benefits.

You will be required to be available for work, and to look for work, just like everyone else.

A federal court decree enjoins the Unemployment Insurance Division from engaging in discrimination on the basis of pregnancy.

What if I leave the area?

If you leave your normal labor market to travel to another area, you must call the Telephone Claims Center before leaving. You will be told whether your benefit rights can be protected while you are away. Failure to advise the Telephone Claims Center before you leave could result in a denial of benefits. Also, if you travel to a foreign country (except Canada), you should not use our web or phone systems to claim benefits during the period that you are in the foreign country.

If you move, you must update your mailing address and telephone number by contacting the Telephone Claims Center at 1-888-209-8124 (1-877-358-5306 for Out-of-State residents). On the telephone system, after you enter your Social Security Number and PIN on the touch tone pad and both are confirmed, you will be given the option, “to change your name, address or phone number, press 1”.

For Direct Deposit users: once you change your mailing address on our system, you should contact your financial institution to update your new contact information.

For Direct Payment Card users: once you change your mailing address on our system, you must contact Chase Customer Service at 1-877-221-1634 to update your new contact information.

What if I am called for jury duty?

If you are called to jury duty, you will not be denied benefits. This is true, whether you are called to a grand or petit jury of any state or of the United States. You will be considered ready, willing, and able to work while serving on jury duty.

Will I ever be called in for a personal visit?

You may be required to report in person to the One-Stop Career Center for reemployment services. If you are required to report, you will be sent a letter advising you of the appointment date, time and location. The office address will be printed on your letter. **FAILURE TO REPORT OR RESPOND TO THE LETTER AS INSTRUCTED WILL STOP THE PAYMENT OF YOUR BENEFITS INDEFINITELY. IF YOU MISS YOUR APPOINTMENT, REPORT AS SOON AS POSSIBLE TO MINIMIZE THE LOSS OF YOUR BENEFITS.**

The Profiling system was designed to identify those individuals who are most likely to exhaust their benefits. If so identified, you may be required to participate in various re-employment programs. You will be notified of where and when to report.

What if I am not able to work because of sickness or an accident?

You must be physically able to work in order to be eligible for unemployment insurance.

Persons who cannot work because of sickness or an accident outside of working hours may be eligible to collect state disability benefits. If you become ill or disabled while receiving unemployment benefits, you must contact the Telephone Claims Center.

If you receive Workers' Compensation benefits because of a work-related injury, but are physically able to perform other work, you should contact the Telephone Claims Center for instructions. You may be eligible for unemployment benefits. See page 13 for more information on receiving Workers' Compensation benefits.

What if I am unable to seek or accept work because I care for my child or a dependent?

Lack of suitable child or dependent care arrangements which would prevent you from attending an interview or accepting a job may result in the denial of unemployment insurance benefits.

Denial of Benefits

What are some of the reasons I could be denied benefits?

You must meet the rules set by law to receive Unemployment Insurance. You cannot receive unemployment benefits if you have less than the required work and wages to establish a claim as outlined on page 3. Other circumstances under which your claim cannot be approved are explained as follows:

Note: If you are disqualified or suspended before you can begin a benefit year, you can receive benefits after the suspension or disqualification ends ONLY if, at that time, you can meet all the tests for filing a new valid claim.

1. **Voluntary Quit and Discharged.** You will be disqualified from receiving unemployment insurance if:
 - a. You quit a job without good cause; or
 - b. You quit a job due to marriage; or
 - c. You were discharged for misconduct; and
 - d. You have not subsequently worked and earned five times your benefit rate.

A disqualification for the above reasons lasts until you work and earn at least five times your benefit rate. Self-employment does not count. You must be out of work again through no fault of your own. In addition, any

employment which you lost due to misconduct cannot be used to establish a claim or in calculating your benefit rate.

2. **Job Refusal.** You will be disqualified from receiving unemployment insurance if, after applying for unemployment insurance, you refuse without good cause to take a job for which you are fitted by training and experience and which pays the prevailing wage for that kind of work. You may also be disqualified if, after receiving 13 full weeks of benefits, you refuse without good cause to take a job that you are physically and mentally capable of doing and that pays the prevailing wage for such work and pays at least 80% of your base period high quarter wages. A job refusal disqualification lasts until you work and earn at least five times your benefit rate. Self-employment does not count. You must be out of work again through no fault of your own.

3. **Strike and Other Industrial Controversy.** If you lose your job because of a labor dispute (strike or other industrial controversy) in the establishment where you are employed, you will not be eligible for unemployment insurance benefits for 49 days. You may be eligible sooner if:

- the labor dispute ends and you are still unemployed or
- your employer hires replacement workers

4. **Availability and Capability.** If you are not ready, willing and able to work, are not prepared to take a job immediately, or are not physically or mentally capable of employment, you will not be paid benefits until you satisfy the Department of Labor that you are again available for employment and are capable of working and are making diligent efforts to find a job.

5. **Criminal Misconduct.** If you are discharged for committing a felony in connection with employment and admit guilt in writing or you are convicted of the crime, you will be disqualified from receiving benefits for 12 months after discharge from employment. Also, wages paid you for such employment cannot be used to establish a claim for unemployment insurance.

What if I am denied benefits?

If you are denied benefits, a Notice of Determination will be mailed to you telling you the reasons why. This notice will also explain for what period of time benefits are being denied, how to requalify and how to ask for a hearing.

Can I appeal a decision on my claim?

If you disagree with any determination of the amount of weekly benefits or with a determination denying you benefits, you have a right to a hearing before an administrative law judge. The request must be made in writing, signed and mailed to the NYS Dept. of Labor, PO Box 15131, Albany, NY 12212-5131, and

postmarked not later than 30 days from the date of the determination. **Hearing requests sent via e-mail will not be accepted. Include your social security number on the correspondence.**

If your request is postmarked later than 30 days, you should provide the specific reason for the late request. Late requests may be accepted if the 30th day from the date of the notice falls on a Saturday, Sunday, or holiday, the determination was delivered to the incorrect address, or if physical or mental incapacity prevents the request from being filed on time.

If the administrative law judge decides in your favor, any benefits due you will be paid.

A hearing on your claim may also be requested by your last employer or any employer for whom you worked in your base period. In this case, your benefits will be paid while you are waiting for the hearing. If the decision goes against you, your benefits will be stopped and you may have to repay all benefits that you were not entitled to.

The Administrative Law Judge Section will notify you of the time and place of the hearing on your claim. If you must request an adjournment of a hearing, the request should be made to the Administrative Law Judge Section.

To protect your rights if you are unemployed and plan to ask for a hearing or are waiting for a hearing or a decision, continue to follow the instructions of the Telephone Claims Center and continue to certify for benefits as long as you are unemployed.

Who is the Administrative Law Judge?

The administrative law judge is impartial and independent of the Telephone Claims Center and makes a decision after carefully reviewing all the evidence introduced at the hearing.

May I have representation at hearings?

You have the right to bring with you to the hearing an attorney or other representative of your choice. Under the law, any attorney or a representative who has registered with the Unemployment Insurance Appeal Board (UIAB) may charge a fee for representing you. However, you can be charged a fee only after you have won your case (including any appeal) and the amount of the fee has to be approved by the UIAB before you are responsible to pay the fee. If you cannot afford to pay an attorney or a registered representative, you may be able to get free representation. You may obtain free representation from a pro bono attorney through one of the organizations listed on the UIAB website. You may also financially qualify through your local Legal Aid Society or legal services program for free representation or other services.

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, www.uiab.ny.gov and click on the Resources tab. You may also obtain this list by calling (518) 402-0205 or by writing to the Unemployment Insurance Appeal Board, P.O. Box 15126, Albany, NY 12212-5126.

How can I prepare for a hearing?

You have the right to inspect the file on your case prior to the hearing at the hearing site.

At the hearing, you may testify and present witnesses and documents. If you cannot get necessary witnesses or documents, you may ask the administrative law judge to have them brought in under subpoena. You may question opposing parties and witnesses, and you also may request an adjournment for a good reason.

Prior to the hearing, you will receive a detailed notice and a question and answer pamphlet describing more fully the hearing procedure and your rights. If you have any questions not covered in the notice, contact the Administrative Law Judge Section or the Telephone Claims Center.

How do I receive the Administrative Law Judge's decision?

The administrative law judge's decision will be mailed as soon after the hearing as possible. It will set forth the facts found from evidence, the reasons for the findings, and the decision itself. There will also be an explanation of how to file an appeal with the Unemployment Insurance Appeal Board in the event you disagree with the decision.

If you cannot understand the language of the decision, you may call the Telephone Claims Center and it will be explained to you.

If I still do not agree with the decision, may I appeal further?

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. However, if you or the employer appeals, the party making the appeal must have been present or represented at the hearing. Only the Commissioner of Labor may appeal without being represented at the hearing. If you did not appear, you can apply to reopen the judge's decision by writing to NYS Dept. of Labor, PO Box 15126, Albany, NY 12212-5126. You will need to give the reasons why you did not appear.

Appeals must be filed with the Appeal Board within 20 days after the administrative law judge's decision is mailed. If more than 20 days have passed, you must explain why your appeal is late. After your appeal has been filed, you will receive a notice of receipt of appeal. It will explain your rights and the time limits for you to inspect the file, to submit a written statement, and to reply to statements submitted by other parties. These time limits will be strictly enforced. Therefore, you should read the notice of receipt of appeal very carefully.

Do I have any additional appeal rights?

If you disagree with the decision of the Unemployment Insurance Appeal Board or if the employer or the Commissioner of Labor disagrees, the case may be taken to the Appellate Division of the State Supreme Court, Third Department.

To appeal, you must notify the Appeal Board in writing within 30 days after the Board's decision is mailed. Appeals to the court have to be filed with the Appeal Board, in writing to: Unemployment Insurance Appeal Board, PO Box 15126, Albany, N.Y. 12212-5126. After you have notified the board of your intentions to appeal, you will be given further instructions on taking your case to court.

What if I receive an overpayment determination?

If it has been determined that you were overpaid, you will receive a written Notice of Determination explaining the reason for the overpayment and the amount of the overpayment. You will have the right to request a hearing if you disagree.

What is wilful misrepresentation?

A penalty is imposed (in addition to any required repayment of benefits that were overpaid) when it is determined that you knowingly made false statements to obtain benefits or that you purposely withheld pertinent information to obtain benefits. It results in a reduction of your right to future benefits for a stated time period.

Special Provisions

What if I am attending or interested in attending a school or training program?

There is a provision in the Unemployment Insurance Law that makes it possible for unemployment recipients to receive benefits while attending a training course/program. The training, however, must be approved by the Department of Labor. When training has been approved under this provision, unemployment recipients are not required to look for

work, and may be eligible for additional weeks of benefits when funding is available.

In order for the training to be approved, certain requirements must be met, including but not limited to the following basic requirements. The training must:

- consist of a minimum of 12 hours per week
- be completed within 24 months
- improve one's ability to obtain more regular, long term employment in the state or local labor market.

If you indicated at the time you filed your claim that you are attending school or training or, that you have been accepted into school or training, then you should submit your application for training approval immediately to the Special Programs Unit at the address shown on the application, if you have not yet done so. If you do not have an application to submit, contact the Special Programs Unit at (518)402-0189 in order to obtain one. Delays in notifying the Department of Labor about training attendance may result in a reduction of additional benefits available to you. You must apply for training approval within the first 13 weeks of your claim in order to receive the maximum benefits. In addition, failure to disclose attendance in training while receiving benefits may result in penalties and forfeiture of future benefits. If you are interested in attending training and have not yet enrolled, you should contact your local One-Stop Center as soon as possible. Trained counselors at the One-Stop Center will assist you with your training needs and provide information about training programs in your area. You should ask for information about the 599 Training Program.

If I am still in training when my regular benefits end, can I receive additional Unemployment Benefits?

If your training is approved, you may be eligible for up to a maximum of 26 weeks of additional Unemployment benefits. However, since funding for additional benefits is not always available, approval of your training does not guarantee that you will receive any additional benefits or that if you do receive additional benefits that they will continue until your training is completed.

What if I am in the NYS Registered Apprenticeship Program?

Participants in a New York State Registered Apprenticeship program who are attending related instruction while claiming unemployment insurance benefits must inform the Telephone Claims Center. The Telephone Claims Center staff must be informed that the related instruction is a requirement of your agreement (AT401) for the Registered Apprenticeship program.

Does receiving Social Security affect my benefits?

There is no reduction of your unemployment benefits because you collect Social Security. You must be available for and looking for work with no restrictions when you receive Social Security, just as all other claimants.

Does receiving a pension affect my benefits?

If you have actually retired, and are not seeking employment, you are not eligible for unemployment insurance benefits.

However, if you are retired and are actively seeking work, you may be eligible for unemployment benefits under the same conditions as all other unemployed workers.

Your weekly benefit rate may be reduced, however, if:

1. you receive a pension from an employer for whom you worked in your base period
and
2. that work made you eligible for or increased the amount of your pension
and
3. you contributed less than 50% toward your pension.

The amount of the reduction is as follows:

1. If you made no contribution to your pension, the reduction is the weekly equivalent of your pension.
2. If you contributed to your pension, but less than 50%, the reduction is one-half the weekly equivalent of your pension.
3. If you contributed 50% or more to your pension, there is no reduction.

The Telephone Claims Center will make a determination of any reduction in your unemployment benefit amount. As with other determinations you may request a hearing if you disagree with the reduction.

It is your responsibility to notify the Telephone Claims Center if you become eligible for a pension while receiving benefits. Failure to do so could result in an Overpayment Determination.

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, your weekly unemployment benefit rate may be reduced. The total weekly amount of your Workers' Compensation and unemployment insurance benefits cannot exceed your average weekly wage in the base period. You should be prepared to send to the Department of Labor copies of the Workers' Compensation Form C-8 and a medical statement signed by your physician, attesting that you are able to return to work.

The Telephone Claims Center will determine if any reduction in your unemployment benefit amount due to receipt of Workers' Compensation is appropriate. If you disagree with the amount of reduction, you may request a hearing.

You must notify the Telephone Claims Center about any Workers' Compensation benefits you receive during the same weeks you are collecting unemployment insurance. Failure to do so could result in a requirement to repay any unemployment benefits that were overpaid.

Who can receive trade readjustment allowances?

If your unemployment was caused either directly or indirectly by increased foreign imports, you may be eligible for Trade Adjustment Assistance. This assistance may include:

- Additional weekly benefits under Trade Readjustment Allowances
- Training
- Job search assistance
- Relocation allowances
- Health Care Tax Credit (HCTC)
- Alternative trade adjustment assistance

To be eligible for the above benefits, the U.S. Department of Labor must certify that increased imports were an important cause of your loss of employment.

Petitions may be filed by a group of three or more workers, their union, or a duly authorized representative, including community-based organizations. A company official may also file a petition. Forms may be obtained from your One-Stop Career Center or online at www.doleta.gov/tradeact/petitions.cfm. The petition must be filed with the U.S. Department of Labor within one year of the date you lost your job due to imports.

There are important deadlines that must be met in order to qualify for some of these benefits. Visit your One-Stop Career Center for specific information on what services you may be eligible to receive.

To find your nearest One-Stop Career Center, go to www.labor.ny.gov or call 1-800-447-3992, and select 'option 3'.

Who is a dislocated worker?

To qualify for other services as a dislocated worker, you must meet one of the following conditions:

1. You were terminated or laid off from your job, are eligible for Unemployment Insurance and are identified as unlikely to return to your previous industry or occupation.
2. You were terminated as a result of a plant closing or substantial layoff.
3. You are long-term unemployed and have limited opportunities for reemployment in the same or similar occupation.
4. You were self-employed and are unemployed due to general economic conditions or a natural disaster.

You may also meet the definition of a dislocated worker if you have been away from the labor force for a substantial number of years because of full time duties as a homemaker, but you must 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. If you have any further questions, contact your Division of Employment and Workforce Solutions Office or go to our website at www.labor.ny.gov.

Can I use military service to establish a claim?

Yes. To be eligible you must meet the conditions in A and B outlined below:

- A.
1. You completed the first full term of enlistment except where discharge or early release was for:
 - a. The convenience of the government under an early release program, or
 - b. medical disqualification, pregnancy, parenthood, or any service incurred injury or disability, or
 - c. hardship, or
 - d. personality disorder or inaptitude - but only if the service was continuous for 365 days or more.

OR

2. As a reservist, you must have had at least 90 days of continuous active duty.

AND

B. You were discharged under honorable conditions, and if an officer, did not resign for the good of the service.

Your weekly benefit rate is based on your high quarter earnings in your base period. Your earnings in military service are based on a Federal schedule that takes into account the base pay in your last grade plus allowances for food and clothing. If you have not done so already, mail a copy of your most recent separation Form DD214, Member 4, to the Telephone Claims Center. It is necessary for the processing of your claim.

What if I work for an educational institution?

Employment with an educational institution has the potential to impact your monetary entitlement. The wages earned with an educational institution that has provided reasonable assurance of employment may not be usable between school years, terms or recess periods.

If you are denied benefits or your benefits are reduced between academic years or terms, but later you were not offered an opportunity to perform services for the educational institution, and you continued to certify for benefits, you may be eligible for retroactive payments of benefits. This is providing you did not work in an instructional, research or principal administrative capacity.

If you have sufficient employment and earnings with employers other than educational institutions, you may be entitled to establish a claim based on the other employment.

What is the Self Employment Assistance Program?

State and Federal legislation has established the Self Employment Assistance Program (SEAP) which provides certain eligible individuals the opportunity to start their own businesses while collecting unemployment insurance benefits. In order to be considered eligible for this program, you must first be identified by the State's profiling system as likely to exhaust benefits.

If you are interested in participating in this program or wish to obtain additional information, contact your local One Stop Career Center. To find a One-Stop Career Center near you, go to www.labor.ny.gov, click "Looking for a Job?," and then click "One-Stop Career Center." It is very important that you contact your local

One Stop Career Center before starting your own business. You must comply with program requirements and receive written acceptance into the SEAP program before you can start or operate your own business while collecting benefits.

What if I am going to move out of New York State?

If you are planning to move to another state, you must notify the Telephone Claims Center immediately. They can provide information on transferring your claim.

Contact the Telephone Claims Center at the toll-free 1-888-209-8124 number (1-877-358-5306 for Out-of-State residents) between 8:00am and 5:00pm, Monday through Friday, Eastern Standard Time. After you enter your Social Security number and PIN, you must select the option to change your name or address.

For Direct Deposit users: once you change your mailing address on our system, you should contact your financial institution to update your new contact information.

For Direct Payment Card users: once you change your mailing address on our system, you must contact Chase Customer Service at 1-877-221-1634 to update your new contact information.

What if I worked outside of New York State?

If you have worked in New York and in one or more states, you must advise the Telephone Claims Center about this. It may be to your advantage. 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. Go to www.itsc.state.md.us/Uimap.asp or call the Telephone Claims Center for instructions on filing a claim with another state.

Taxation of Benefits

Important notice on tax withholding option

Your unemployment insurance benefits are subject to Federal, New York State and Local income taxes. You have the option to have Federal and/or State tax withheld from your unemployment insurance benefits to help offset your yearly income tax liability.

If you elect to have Federal tax withheld, an amount equal to 10% of your weekly benefit amount will be withheld. If you elect to have State tax withheld, an amount equal to 2.5% of your weekly benefit amount will be withheld. Federal and/or State tax will be withheld only after any mandatory deductions, e.g. child support payments, are made. You may stop the tax withholding at any time during your benefit claim. The total amount of Federal and/or State tax withheld during the calendar

year will be on your 1099-G statement that is mailed to you after the end of the year. Any monies withheld cannot be returned to you except by the Federal and/or State government as part of your Federal and/or State income tax refund.

If you do not elect to have Federal and/or State income tax withheld, it may be necessary for you to make estimated quarterly tax payments to avoid underpayment penalties. Federal Publication 505, Tax Withholding and Estimated Tax, provides information about estimated tax payments and can be obtained from the Internal Revenue Service (IRS) by calling 1-800-TAX-FORM or is available online at www.irs.gov. New York State Publication 94, "Should I be Paying Estimated Tax?," provides information about estimated state tax payments and can be obtained from the New York State Department of Taxation and Finance by calling 1-800-462-8100 or is available online at www.nystax.gov. If you have any questions about estimated federal tax payments, contact the IRS at 1-800-829-1040. If you have any questions about estimated state tax payments, contact the NYS Department of Taxation and Finance by calling 1-800-225-5829.

The withholding of 10% of your benefit amount for Federal income tax is voluntary. The withholding of 2.5% of your benefit amount for State income tax is also voluntary. If you would like to have Federal and/or State tax withheld from your weekly unemployment insurance benefits or you have tax withheld and would like to stop it, you can do so by visiting our website at www.labor.ny.gov. Click on the "File for Benefits" link located halfway down the page on the right side and follow the instructions to log in. After signing in to the Unemployment Insurance Benefits Online page, click on "Payment and Tax Withholding Options," then on "Tax Withholding," and follow the instructions.

You can also contact the Telephone Claims Center at the 1-888-209-8124 toll-free number (1-877-358-5306 for Out-of-State residents). After you enter your Social Security number and PIN, you must select option 3 'to begin or cancel the withholding of Federal income tax from your benefits' or option 4 'to begin or cancel the withholding of New York State income tax from your benefits.'

Will I receive a year end statement?

Yes. In January, you will be mailed a statement (Form 1099-G) showing the total amount of benefits paid to you during the calendar year. Because of this, it is important that you notify the Telephone Claims Center of your current address. The information on your benefit statement is also sent to the Internal Revenue Service and to the New York State Department of Taxation and Finance.

In addition to Federal and State income tax, you are also responsible for New York City and Yonkers City income tax, if you are subject to them.

If you received unemployment insurance benefits during the prior calendar year, and do not receive your Form 1099-G by February of this year, please contact the Department of Labor – Payment Unit at 518-485-7071, or you can go to www.labor.ny.gov to request a copy by mail. For a complete record of your Unemployment Insurance payments, **go to our website at www.labor.ny.gov**. Click on “Unemployment Assistance”. Click on “Check Payment History” and follow the instructions to log in. You will be given options for services based on the status of your claim.

The Internal Revenue Service is responsible for interpreting and applying the provisions of income tax laws. Any questions on Federal taxes should be directed to the nearest Internal Revenue Service office. The NYS Department of Taxation and Finance is responsible for interpreting and applying the provision of state income tax laws. Questions on State taxes should be referred to the NYS Department of Taxation and Finance.

Misclassification of Workers

Misclassification of workers occurs when an employer improperly treats an individual as an independent contractor instead of as an employee. Because of this labeling, some employers attempt to avoid complying with unemployment insurance, workers' compensation, social security, tax withholding, temporary disability and minimum wage and overtime laws that protect workers. Paying workers off the books also fraudulently deprives workers of the protections they deserve. These practices also put law-abiding business at a competitive disadvantage because of the significant unemployment insurance and workers' compensation expenses they incur for their employees.

If you as a claimant have been misclassified, you should complete the Request for Reconsideration form included in this handbook. Further information about this process is included under “What Should I do if I Disagree with the Monetary Benefit Determination?” on page 4 of this handbook.

If you personally have not been misclassified, but you know of other workers who have been misclassified, you may anonymously and confidentially report the misclassification of workers by:

- Contacting out 24-hour toll free Hotline at 1-866-435-1499
- Contacting our Unemployment Insurance Fraud Unit at (518) 485-2144 from 8:00a.m. to 4:00 p.m.
- Completing a complaint form (IA318.26*) and faxing to (518) 485-6172 or mail to:

New York State Department of Labor
Unemployment Insurance Division
W.A. Harriman Campus, Building 12
Liability & Determination Fraud Unit, Room 356
Albany, NY 12240-0322

*The IA318.26 can be obtained on the DOL website, www.labor.ny.gov: Click on “Forms & Publications,” Click on “Forms,” click “Unemployment Insurance,” and then click on IA318.26.

Forms

The following pages contain:

- A Work Search Record which you should use to list your job contacts.
- A Request for Reconsideration form may be used to notify the TELEPHONE CLAIMS CENTER that you disagree with information on the Monetary Determination.
- 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 for completing this form. This form is only completed if you meet the qualifications given on page 4 and you want your benefit rate recalculated using weeks of work rather than high quarter earnings. It must be submitted with proof for each week of work.
- Voter Registration Form. Do not return this form to the NYS Dept. of Labor. A completed Voter Registration form must be returned to your local Board of Elections at the address listed on the back of the form.

Questionnaires

You may receive questionnaires in the mail. These questionnaires are used to determine your eligibility for unemployment insurance benefits. It is important to provide a complete and timely response to all questionnaires you receive. A failure to provide a complete and timely response will result in a decision being made on only the information available to the Department at that time and could potentially have an adverse impact on your eligibility. The completed forms must be returned within 7 days of the date printed on top of the forms. Mail the completed forms to the NYS Dept of Labor, PO Box 15130, Albany, NY 12212-5130.



NEW YORK STATE
DEPARTMENT OF LABOR
PO Box 15130
ALBANY, NY 12212-5130

IMPORTANT!

Response must be received within (30) thirty days from the Date Mailed of your last Monetary Benefit Determination.

**UNEMPLOYMENT INSURANCE
Request for Reconsideration**

Complete the following information

NAME: _____ SOCIAL SECURITY #: _____ - _____ - _____
 ADDRESS: _____
 CITY: _____ STATE: _____ ZIP CODE: _____
 CLAIM EFFECTIVE / START DATE: ____ / ____ / ____ BENEFIT YEAR ENDING DATE: ____ / ____ / ____

Form requirements

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



- Complete 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-2, 1099, 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, Social Security Number and Telephone Number on each attachment;
- If you received Worker's Compensation include a copy of your most recent C8 Form;
- This completed notice and all attachments must be received within the timeframe noted above in the IMPORTANT! message

Employer Information

Please Print Clearly. Attach an additional page if you have information for more than (3) three employers.

EMPLOYER: _____
 ADDRESS: _____
 CITY: _____ STATE: _____ ZIP: _____
 If work was performed outside New York State, indicate State: _____

Basic or Alternate Base Period Total Quarterly Gross Wages

Write in the total quarterly gross wages for each employer / quarter indicated. Refer to your most recent Monetary Benefit Determination for assistance.

QUARTER	___/___/___ - ___/___/___	\$										
QUARTER	___/___/___ - ___/___/___	\$										
QUARTER	___/___/___ - ___/___/___	\$										
QUARTER	___/___/___ - ___/___/___	\$										
QUARTER	___/___/___ - ___/___/___	\$										
	MM DD YYYY MM DD YYYY											

EMPLOYER: _____
 ADDRESS: _____
 CITY: _____ STATE: _____ ZIP: _____
 If work was performed outside New York State, indicate State: _____

QUARTER	___/___/___ - ___/___/___	\$										
QUARTER	___/___/___ - ___/___/___	\$										
QUARTER	___/___/___ - ___/___/___	\$										
QUARTER	___/___/___ - ___/___/___	\$										
QUARTER	___/___/___ - ___/___/___	\$										
	MM DD YYYY MM DD YYYY											

EMPLOYER: _____
 ADDRESS: _____
 CITY: _____ STATE: _____ ZIP: _____
 If work was performed outside New York State, indicate State: _____

QUARTER	___/___/___ - ___/___/___	\$										
QUARTER	___/___/___ - ___/___/___	\$										
QUARTER	___/___/___ - ___/___/___	\$										
QUARTER	___/___/___ - ___/___/___	\$										
QUARTER	___/___/___ - ___/___/___	\$										
	MM DD YYYY MM DD YYYY											

Acknowledgment

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 timeframe noted above in the IMPORTANT! message.



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



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



Claim your weekly benefits on the web or by calling Tel-Service.



For additional information visit our website: www.labor.state.ny.us



For assistance, review your Claimant Handbook



IMPORTANT!

Response must be received within (10) ten days from the Date Mailed of your last Monetary Benefit Determination.

**UNEMPLOYMENT INSURANCE
Request for Alternate Base Period**

Complete the following information

NAME: _____ SOCIAL SECURITY #: _____ - _____ - _____
ADDRESS: _____
CITY: _____ STATE: _____ ZIP CODE: _____
CLAIM EFFECTIVE/START DATE: ____ / ____ / ____ BENEFIT YEAR ENDING DATE: ____ / ____ / ____

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-2, 1099, 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, Social Security Number and Telephone Number on each attachment;
- This completed notice and all attachments must be received within the timeframe noted above in the IMPORTANT! message



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
Acknowledgment**

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**

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



FAX: 518-457-9378
This notice is your cover page.
Indicate total # of pages ____

OR



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



Claim your weekly benefits on the web or by calling Tel-Service.



For additional information visit our website: www.labor.state.ny.us



For assistance, review your Claimant Handbook

Name _____

Social Security Number _____

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. 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 2 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 7 employers during the base period, list the information on a separate sheet of paper and attach it to this form.

BASE PERIOD _____ THROUGH _____
 (Enter these dates from the previously issued LO 403, Monetary 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 & WAGES DURING THE BASE PERIOD			\$
F. TOTAL WEEKS WORKED FROM CONCURRENCY WORKSHEET			

G. Recomputation Formula

1. Divide the Total wages by Total weeks (the lesser of E or F). \$ _____
2. Divide the average weekly wage on line one by 2 to arrive at your proposed rate based on weeks and wages. The rate cannot exceed \$405. \$ _____
3. Enter your current benefit rate from the last Monetary Determination \$ _____
4. Subtract line 3 from line 2. This 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. _____

**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 earnings in your base period. Depending on your employment history, you may qualify for a higher weekly benefit rate 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 made within 10 days of your latest Monetary 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 Determination.

The Request for Rate Based on Weeks of Employment is separate from a Request for Reconsideration. The Request for Reconsideration is discussed in the section "How is My Benefit Rate Determined" in the information booklet. A Request for Rate Based on Weeks of Employment can not 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 4th quarter 2000 and wages employers reported to the New York State Wage Reporting system within the basic base period July 1, 1999 through June 30, 2000.

Employer	W <u>2/2000</u>	A <u>1 /2000</u>	G <u>4/1999</u>	E <u>3/ 1999</u>	S <u>3/ 1999</u>	Base Period
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	<u>\$5,640</u>	<u>\$6,594</u>	<u>\$7,812</u>	<u>\$7,815</u>		<u>\$27,861</u>

The rate based on one twenty-sixth (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 the Worksheet 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	\$ 20,781.00
2. Better Construction, Inc. Anytown, NY 10101	Bi-weekly	2	\$ 640.00
3. Best Construction, Inc. Anytown, NY 10101	Weekly	8	\$ 6,440.00
4.			
5.			
6.			
7.			
E. TOTAL WEEKS AND WAGES WORKED DURING THE BASE PERIOD		53	\$ 27,861.00
F. TOTAL WEEKS WORKED FROM CONCURRENCY WORKSHEET		45	

G. Recomputation Formula

1. Divide the Total wages by the Total weeks (the lesser of **E** or **F**). 619.13
2. Divide the average weekly wage on line one by 2 to arrive at your proposed rate based on weeks and wages. The rate cannot exceed \$405 309.57
3. Enter your **current** benefit rate from the last Monetary Determination 300.00
4. Subtract line 3 from line 2. This amount **must** be \$5 or more to receive the recomputed rate based on weeks and wages. 9.57.

Example

Weeks Employer	1	2	3	4	5	6	7	8	9	40	41	42	43	44	45	46	47	48	49	50	51	52	
7/4/99																							
7/11/99																							
7/18/99																							
7/25/99				✓	✓	✓	✓	✓	✓														
8/1/99				✓	✓	✓	✓	✓	✓														
8/8/99				✓	✓	✓	✓	✓	✓														
8/15/99				✓	✓	✓	✓	✓	✓														
8/22/99				✓	✓	✓	✓	✓	✓														
8/29/99				✓	✓	✓	✓	✓	✓														
4/2/00										✓	✓	✓	✓										
4/9/00										✓	✓	✓	✓										
4/16/00																							
4/23/00																							
4/30/00																							
5/7/00																							
5/14/00																							
5/21/00																							
5/28/00																							
6/4/00																					✓	✓	✓
6/11/00																					✓	✓	✓
6/18/00																					✓	✓	✓
6/25/00																					✓	✓	✓

X X X X

Gross Weeks	53
Concurrent Weeks	8
Net Weeks	45

X = No work available.

Weeks 10-39: worked 26 weeks for "A"

YOUR ADDRESS:

**PUT
FIRST
CLASS
STAMP
HERE**



MAIL TO:

To mail, put the address of your County Board of Elections in the "Mail To:" box

- | | | | | |
|--|--|--|---|--|
| <p>ALBANY
32 North Russell Road
Albany, NY 12206
(518) 487-5060</p> <p>ALLEGANY—6 Schuyler Street
Belmont, NY 14813-1085
(585) 268-9294</p> <p>BROOME—Government Plaza
44 Hawley Street, P.O. Box 1766
Binghamton, NY 13902
(607) 778-2172</p> <p>CATTARAUGUS—302 Court St.
Little Valley, NY 14755
(716) 938-9111</p> <p>CAYUGA—10 Court Street
Auburn, NY 13021
(315) 253-1285</p> <p>CHAUTAUQUA—3 North Erie St.
Mayville, NY 14757
(716) 753-4580</p> <p>CHEMUNG—378 South Main St.
PO Box 588, Elmira, NY 14902-0588
(607) 737-5475</p> <p>CHENANGO—5 Court St.
Norwich, NY 13815
(607) 337-1760</p> <p>CLINTON—County Government Center
137 Margaret St., Suite 104
Plattsburgh, NY 12901
(518) 565-4740</p> <p>COLUMBIA—401 State Street
Hudson, NY 12534
(518) 828-3115</p> <p>CORTLAND—County Office Bldg.
60 Central Ave., Room 102
Cortland, NY 13045-2746
(607) 753-5032</p> <p>DELAWARE—3 Gallant Ave.
Delhi, NY 13753
(607) 746-2315</p> | <p>DUTCHESS—47 Cannon St.
Poughkeepsie, NY 12601
(845) 486-2473</p> <p>ERIE—134 W. Eagle St.
Buffalo, NY 14202
(716) 858-8891</p> <p>ESSEX—7551 Court St.
P.O. Box 217
Elizabethtown, NY 12932
(518) 873-3474</p> <p>FRANKLIN—355 West Main St.
Suite 155
Malone, NY 12953
(518) 481-1663</p> <p>FULTON—2714 St. Hwy 29, Ste. 1
Johnstown, NY 12095
(518) 736-5526</p> <p>GENESEEE—County Building #1
15 Main St., PO Box 284
Batavia, NY 14021
(585) 344-2550</p> <p>GREENE—411 Main St., 4th Floor
PO Box 307
Catskill, NY 12414
(518) 719-3550</p> <p>HAMILTON—Route 8
PO Box 175
Lake Pleasant, NY 12108
(518) 548-4684</p> <p>HERKIMER—109 Mary St.
Suite 1306, Herkimer, NY 13350
(315) 867-1102</p> <p>JEFFERSON—175 Arsenal St.
Watertown, NY 13601
(315) 785-3027</p> <p>LEWIS—Court House
7660 N. State St.
Lowville, NY 13367
(315) 376-5329</p> | <p>LIVINGSTON—County Gov't. Center
6 Court Street, Room 104
Geneseo, NY 14454-1043
(585) 243-7090</p> <p>MADISON—County Office Bldg.
PO Box 666
Wampsville, NY 13163
(315) 366-2231</p> <p>MONROE—39 Main St. W.
Rochester, NY 14614
(585) 428-4550</p> <p>MONTGOMERY—Old Courthouse
9 Park Street
Fonda, NY 12068-1500
(518) 853-8182</p> <p>NASSAU—400 County Seat Drive
Mineola, NY 11501
(516) 571-2411</p> <p>NEW YORK CITY - Executive Offices
32 Broadway, 7th Floor
New York, NY 10004
(212) 487-5300</p> <p>NIAGARA—111 Main St., Suite 100
Lockport, NY 14094
(716) 438-4040</p> <p>ONEIDA—Union Station
321 Main St., 3rd Floor
Utica, NY 13501
(315) 798-5765</p> <p>ONONDAGA—Civic Center
421 Montgomery St., 15th Floor
Syracuse, NY 13202
(315) 435-3312</p> <p>ONTARIO—20 Ontario St.
Canandaigua, NY 14424
(585) 396-4005</p> <p>ORANGE—25 Court Lane
PO Box 30, Goshen, NY 10924
(845) 291-2444</p> <p>ORLEANS—County Admin. Bldg.
14016 State Rte. 31
Albion, NY 14411
(585) 589-3274</p> | <p>OSWEGO—46 E. Bridge St.
Oswego, NY 13126
(315) 349-8350</p> <p>OTSEGO—Suite 2
140 County Hwy. 33W
Cooperstown, NY 13326
(607) 547-4247</p> <p>PUTNAM—1 Geneva Rd.
Brewster, NY 10509
(845) 278-6970</p> <p>RENSSELAER—Ned Pattison
Gov't Cntr.
1600 Seventh Avenue
Troy, NY 12180
(518) 270-2990</p> <p>ROCKLAND—11 New Hempstead Rd.
New City, NY 10956
(845) 638-5172</p> <p>ST. LAWRENCE—48 Court St.
Canton, NY 13617
(315) 379-2202</p> <p>SARATOGA—50 W. High St.
Ballston Spa, NY 12020
(518) 885-2249</p> <p>SCHENECTADY—388 Broadway
Suite E,
Schenectady, NY 12305-2520
(518) 377-2469</p> <p>SCHOHARIE—County Office Bldg.
284 Main St., PO Box 99
Schoharie, NY 12157
(518) 295-8388</p> <p>SCHUYLER—County Office Bldg.
105 9th St., Unit 13
Watkins Glen, NY 14891-1435
(607) 535-8195</p> <p>SENECA—One Di Pronio Dr.
Waterloo, NY 13165
(315) 539-1760</p> <p>STEBUN—3 E. Pulteney Sq.
Bath, NY 14810
(607) 664-2260</p> | <p>SUFFOLK—PO Box 700,
Yaphank Ave.
Yaphank, NY 11980
(631) 852-4500</p> <p>SULLIVAN—Gov't. Center
100 North St., PO Box 5012
Monticello, NY 12701-5192
(845) 794-3000 ext. 5024</p> <p>TIOGA—County Office Bldg.
56 Main St.
Owego, NY 13827
(607) 687-8261</p> <p>TOMPKINS—Court House Annex
128 E. Buffalo St. Ithaca, NY 14850
(607) 274-5522</p> <p>ULSTER—284 Wall St.
Kingston, NY 12401
(845) 334-5470</p> <p>WARREN—Warren County
Municipal Center
1340 St. Rte. 9
Lake George, NY 12845
(518) 761-6456</p> <p>WASHINGTON—383 Broadway
Fort Edward, NY 12828
(518) 746-2180</p> <p>WAYNE—157 Montezuma St. Ext.
PO Box 636,
Lyons, NY 14489-0636
(315) 946-7400</p> <p>WESTCHESTER—25 Quarropas St.
White Plains, NY 10601
(914) 995-5700</p> <p>WYOMING—76 North Main St.
Warsaw, NY 14569
(585) 786-8931</p> <p>YATES—Suite 1124
417 Liberty St.
Penn Yan, NY 14527
(315) 536-5135</p> |
|--|--|--|---|--|

New York State Voter Registration Form

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

To Register You Must:

- be a U.S. citizen
- be 18 years old by the end of this year
- not be in jail or on parole for a felony conviction
- not claim the right to vote elsewhere

Need More Registration Forms?

You can get registration forms at most state agency offices and post offices or at any county board of elections or call 1-800-FOR-VOTE.

In Order To Vote:

- you can register in person at your county board of elections
- to vote in an election, you must mail or deliver this form to your county board no later than 25 days before the election in which you want to vote
- be 18 years old by the date of the election in which you want to vote
- your eligibility to vote will be based on the date you file this form
- your county board will notify you of your eligibility

Questions? Call your county board of elections. Find the phone number on the other side of this form.

Hearing impaired people with TDD/TTY may call the New York State Relay #711.

Visit our website - www.elections.state.ny.us
 Información en español: si le interesa obtener este formulario en español, llame al 1-800-367-8683

中文資料：如果你有興趣索取本中文資料表格，請電 1 - 800 - 367-8683

한국어: 한국어 양식을 원하시면 1-800-367-8683 으로 전화하십시오.

IDENTIFICATION REQUIREMENTS

Your identity must be verified prior to election day, so that you will not have to provide identification when you vote. Your identity can be verified through your DMV number (driver's license number or non-driver ID number), or the last four digits of your social security number, as requested in Box 9 of this application.

If your identity is not verified before election day, you will be asked to provide identification when you vote for the first time. Samples of the identification you may provide include a valid photo ID, a current utility bill, bank statement, government check or some other government document that shows your name and address.

If you include a copy of any identification with this application, be sure to tape the sides of this form closed.

TO COMPLETE THIS FORM:

Box 9: If you have a current DMV number, you must provide that number. If you do not have a current DMV number, you must provide the last four digits of your social security number.

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. In order to vote in a party primary, you must be enrolled in one of New York's 5 constituted parties.

***Except** the Independence Party, which permits non-enrolled voters to vote in their primary elections.

If you would like an application for an ABSENTEE BALLOT or would like to be an ELECTION DAY WORKER, please check the corresponding box below.

Yes, I need an application for an Absentee Ballot **Please print in blue or black ink** Yes, I would like to be an Election Day Worker

1	Are you a U.S. citizen? Yes <input type="checkbox"/> No <input type="checkbox"/>		2	I will be 18 years old on or before election day: Yes <input type="checkbox"/> No <input type="checkbox"/>		For Board use only!		
	If you answered NO, do not complete this form.			If you answered NO, do not complete this form, unless you will be 18 by the end of the year.				
3	Last Name	First Name	Middle Initial	Suffix				
4	Home Address Where You Live (do not give P.O. address)			Apt. No.	City/Town/Village			Zip Code
5	Address Where You Get Your Mail (if different from home address)			P.O. box, star rte., etc.	Post Office	Zip Code		
6	Date of Birth	7	Sex (circle) M F	8	Home Tel. Number (optional)		9	
10	The last year you voted	Your Address was (give house number, street, and city)				ID Number - Check the applicable box and provide your number <input type="checkbox"/> New York DMV number _____ If you do not have a New York DMV number, please provide <input type="checkbox"/> Last four (4) digits of your Social Security number _____ <input type="checkbox"/> I do not have a New York DMV number or a Social Security number.		
	In county/state	Under the name (if different from your name now)						
11	Choose a Party — Check one box only <input type="checkbox"/> DEMOCRATIC PARTY <input type="checkbox"/> REPUBLICAN PARTY <input type="checkbox"/> INDEPENDENCE PARTY <input type="checkbox"/> CONSERVATIVE PARTY <input type="checkbox"/> WORKING FAMILIES PARTY <input type="checkbox"/> OTHER (write in) _____ <input type="checkbox"/> I DO NOT WISH TO ENROLL IN A PARTY			To vote in a primary election, you must be enrolled in one of these parties. *See above			12	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 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 ↓ X _____ Date _____

Please do not write in this space

EQUAL OPPORTUNITY is THE LAW

It is against the law for the New York State Department of Labor (NYSDOL) as a recipient of Federal financial assistance to discriminate on the following bases:

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 Investment Act of 1998 (WIA), 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 WIA 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 WIA 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 WIA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation by writing to:



Director

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

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.