

KNOW YOUR RIGHTS

WHAT YOU SHOULD KNOW ABOUT UNEMPLOYMENT INSURANCE

1. What is unemployment insurance?

Unemployment Insurance is an assistance program for temporarily unemployed workers run by the New York State Department of Labor. Unemployed workers can receive assistance for up to 26 weeks in an amount approximately equal to one-half of their past pay up to a maximum of \$405 per week. There is also a temporary extension program that extends benefits longer than 26 weeks. For details on the extension program, you can look on the internet at www.labor.ny.gov/unemploymentassistance.shtm

2. How do I apply for unemployment insurance?

You can apply for Unemployment Insurance either by calling **1-800-209-8124** or over the internet at <http://www.labor.state.ny.us/>.

3. Who is eligible for unemployment insurance?

A worker is eligible for Unemployment Insurance if he or she meets the following requirements:

- *they left their last job under circumstances that were not “disqualifying”*

- *they earned at least \$1600 in one of the last five completed quarters and earned at least half of what they earned in their highest quarter in the other quarters in their “base period” (a base period is either the last four completed quarters or the four quarters completed before the last completed quarter)*
- *they are available for work and are looking for work*

4. What are “disqualifying circumstances” for leaving a job?

Workers who were fired for “misconduct” or who left their jobs voluntarily and “without good cause” are considered to have left their past job under “disqualifying circumstances” and are therefore ineligible for Unemployment Insurance.

5. Do I have to certify for benefits after I apply?

Yes. You must certify that you did not work and were available for and looking for work every week for which you want Unemployment Insurance benefits. You must do this every Saturday or Sunday even if you are waiting for a decision on your application or your application has been denied and you are appealing.

To certify for benefits, you must either call **1-888-581-5812** or use the internet (<http://www.labor.state.ny.us/>).

6. What is a Monetary Determination?

The first determination you receive after you apply is called a Monetary Determination. It is the Department of Labor’s determination

of whether you meet the earning history requirements for Unemployment Insurance eligibility. It also tells you how much your benefits will be if you are found eligible. That calculation is based on how much income the Department of Labor believes you had in the last four quarters before the most recently concluded quarter.

If you don’t think the Department of Labor is right about your income, you can request reconsideration of the monetary determination. You have 30 days to do this. You need to submit a “Request for Reconsideration” form to the New York State Department of Labor, P.O. Box 15130, Albany, NY 12212. This form is provided in the Unemployment Insurance Claimant Handbook you receive when you apply for benefits.

You can also ask the Department of Labor to use the “Alternative Base Period” to calculate your benefits. If you made more money in the four most recently completed quarters than you did in the four quarters prior to the most recently completed quarter, using the Alternative Base Period to calculate your benefits may result in a higher weekly benefit rate. You have only ten days from the date on your Monetary Determination to file a “Request for Alternate Base Period” form. This form is also in the Unemployment Insurance Claimant Handbook. You need to send it to the New York State Department of Labor, P.O. Box 15130.

7. What is an Eligibility Determination?

An Eligibility Determination is the Department of Labor’s decision about whether you meet the eligibility criteria for

Unemployment Insurance other than the earning history requirements.

8. Can I appeal if my application is denied?

If you receive an Eligibility Determination that says you are not eligible you can appeal by writing a letter requesting a hearing to the New York State Department of Labor, P.O. Box 15131, Albany, NY 12212. You have thirty days from the date on your notice to request a hearing.

9. Can I be represented at a hearing?

Yes. If you need representation at an Unemployment Insurance hearing, the Employment Law Project may be able to help you. Call **1-888-218-6974** on Tuesdays between 9 a.m. and 5 p.m. to request an appointment with an advocate to discuss your hearing.

10. What happens if my employer or I do not go to the hearing?

If you or your employer miss the hearing, the party missing the hearing can request to reopen the hearing writing to the Unemployment Insurance Appeal Board, ALJ Section, P.O. Box 697, New York, NY 10014 within a reasonable time. The first two times a party requests to reopen a hearing, a new hearing will be scheduled and the hearing judge will consider whether the party had good cause for missing the prior hearing. Third requests to reopen are not usually considered.

11. What happens at a hearing?

At a hearing, a hearing judge called an “Administrative Law Judge” or “ALJ” will hear your case. The ALJ will ask questions of both you and your employer under oath. Each side will have a chance to show the ALJ any documents that may be relevant to your case. The parties will also have a chance to ask each other questions (“cross-examine”) and to give the judge a final spoken summary of their case (a “closing statement”).

12. Can I appeal if I lose my hearing?

The party who loses a hearing can appeal by writing a letter to the Unemployment Insurance Appeal Board, P.O. Box 15126, Albany, NY 12212 within 20 days of the decision.

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MAKING THE CASE FOR HUMANITY

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