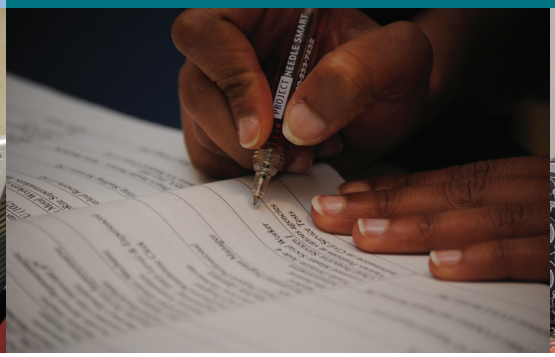
NEW YORK STATE OF OPPORTUNITY. | Unemployment Insurance

# Unemployment Insurance
# A Claimant Handbook

October 2016



**A Division of the New York State Department of Labor**

The 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.

## Important Notice

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

This handbook is also available in the following languages:

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

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

**About NY.gov ID:**

In order to file a claim online, send us a secure message, sign up for direct deposit and more, you must set up an NY.gov account at **www.labor.ny.gov/signin**. For more information about NY.gov, please see page 3 of this handbook: "*Setting up your NY.gov ID.*"

PERSONAL PRIVACY PROTECTION LAW NOTICE

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

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

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

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

# Contact Us

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

- **Online:** Go to **www.labor.ny.gov/signin**.
- **Telephone:** Call **(888) 581-5812**, our Tel-Service automated phone system, 24 hours a day, 7 days a week.
- **TTY/TDD users (hearing impaired): (877) 205-3119**
- **Video Relay Users:** If you use a Video Relay System or another type of relay service, contact your relay operator and ask the relay operator to call **(888) 783-1370.**

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

- **Online:** Go to **www.labor.ny.gov/signin**.
- **Telephone:** Call our Telephone Claims Center Monday through Friday, 8 a.m. to 5 p.m. at **(888) 209-8124**. Interpreters are available for most languages; press nine for an interpreter.
- **TTY/TDD users:** Call a relay operator at **(800) 662-1220** and ask the operator to call **(888) 783-1370.**
- **Video Relay Service users:** If you use a Video Relay System or another type of relay service, contact your relay operator and ask the relay operator to call **(888) 783-1370.**
- **Secure message:** Sign in at **www.labor.ny.gov/signin** and click on the envelope icon at the upper right of the My Online Services page.

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

- Go to **www.labor.ny.gov/signin**.
- **Need help?** Call the Department of Labor Contact Center at (888) 4 NYSDOL ((888) 469-7365) between 8:30 a.m. to 4:30 p.m. Monday through Friday. **Press option 2** to speak to a representative at the Department of Labor Contact Center.

***Debit card assistance – KeyBank Customer Service:***

- **Call (866) 295-2955**

***To obtain your 1099-G form:***

- **Online:** Sign in to your account at **www.labor.ny.gov/signin**. On the My Online Services page, click on "Unemployment Services" and then "Payment and Tax withholding Options and View/Print 1099G" button.
- **Telephone:** Call our Telephone Claims Center* and select the option to obtain your 1099-G form.

***Unemployment Insurance Fraud Hotline***

- **Call (888) 598-2077**

***More Resources:***

- Audio version of this handbook: **http://labor.ny.gov/ui/claimantinfo/Claimant-Handbook-Audio.shtm**
- Frequently Asked Questions about Unemployment Insurance: **http://labor.ny.gov/ui/faq.shtm**
- For information about New York State's $15 Minimum Wage, visit: **www.labor.ny.gov/minimumwage**
- For information about New York State's Paid Family Leave program, visit: **www.ny.gov/paidfamilyleave**

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# Top 15 Most Frequently Asked Questions about Unemployment Insurance

## 1

**Q. When will I receive my first payment? I applied for Unemployment Insurance benefits more than a week ago and haven't heard anything. What should I do?**

**A.** It takes three to six weeks from the time you file your claim to when you receive your first payment, because we have to review and process your application for benefits. You will not receive benefits during this time period. If you are found eligible, you will receive any back weeks of benefits owed with your first payment.

During this time there are two things you should do:

- Complete and return any questionnaires and return any phone calls you receive from the Department of Labor right away; and
- Continue to claim weekly benefits as long as you are unemployed and meet the eligibility requirements. If you are found to be eligible for benefits, any back weeks owed will be paid to you.

## 2

**Q. Is "claiming weekly benefits" or "certifying for benefits" the same as "filing for benefits" or "filing a claim?"**

**A.** No. "Filing for benefits" or "filing a claim" means to apply for Unemployment Insurance benefits: you are filing a claim for Unemployment Insurance, similar to filing a claim with an insurance company. You provide us information about yourself, your employer and how you came to lose your job and we decide if you meet the requirements to receive Unemployment Insurance benefits. You can apply for Unemployment Insurance either on our website at **www.labor.ny.gov** or toll-free by phone at (888) 209-8124. Most people file online.

Please see question 3 (next) for a definition of "claim weekly benefits" or "certify for benefits."

## 3

**Q. What does "claim weekly benefits" mean? Also, what does "certify for benefits" mean?**

**A.** Both "claim weekly benefits" and "certify for benefits" refer to the way you tell the Department of Labor that you are still unemployed, ready and able to work, looking for a job, and in need of Unemployment Insurance benefits. You do this each week either online at **www.labor.ny.gov/signin** or by calling our Tel-Service toll-free phone line at (888) 581-5812.

When you claim weekly benefits, you will be asked a series of questions. It is important to answer truthfully, as you are certifying to the Department of Labor that your answers are true and correct. That is why the process is also called "certifying for benefits."

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## 4

**Q. I received a notice to attend a meeting at a New York State Career Center, but I was not able to/did not go. Now my benefits have stopped. How do I get my benefits started again?**

**A.** The first thing you need to do is, in person, immediately go to the New York State Career Center listed on your notice during their business hours of 8:30 a.m. to 4:30 p.m., Monday through Friday. You do not need an appointment. Do not call the Telephone Claims Center,* as they cannot help until after you have visited the Career Center. Your benefits will be held from the week of your missed appointment until the week you reported to the Career Center.

After you have visited the Career Center, you will be instructed to complete an online questionnaire. Complete this questionnaire at the Career Center for faster review or within 48 hours. We will review the questionnaire to decide if you are eligible to receive benefits for the weeks that were held.

## 5

**Q. I was receiving benefits, but they stopped. I haven't missed any meetings. What's going on? Should I call the Telephone Claims Center?***

**A.** Most likely the Department of Labor received information that may affect your eligibility for benefits. That information may have come from a former employer, a questionnaire you returned, or you may have tried to certify for benefits from outside the United States (please see question 8, below). When this happens, we are required to investigate. Your benefits will be held while we do that.

This investigation can take several weeks. There is nothing you can do except respond to any questionnaires, messages, or phone calls from us as quickly as possible. The Telephone Claims Center* cannot authorize the payment of benefits while an investigation is going on. When the investigation is complete, you will either receive all benefits due or receive a Notice of Determination[1] from us in the mail.

If your benefits have been held for **less than five weeks** and you have heard nothing, do not call the Telephone Claims Center.* The investigation is still underway. However, if it has been **five weeks or more** and you have not heard anything, you can send us a secure message from your online account. See Chapter 14 of this claimant handbook: "**Appendix II: Sending a secure message**" for instructions. You can also call the Telephone Claims Center* if it has been five weeks or more.

**Important: While the investigation proceeds, please continue to claim weekly benefits as long as you are unemployed.**

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

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## 6

**Q. I tried to claim weekly benefits, but the phone system will not allow me to certify. I get a message that I have to sign in to www.labor.ny.gov or call a certain phone number. What is going on?**

**A.** The Department of Labor has received information that shows you might have been working while you certified that you were not working. This information may have come from an employer or another source that identifies people who are attempting to collect Unemployment Insurance benefits for which they are not eligible. Sometimes this information shows that you were working even if you recently became unemployed. When this happens, the Department of Labor must confirm that you are indeed unemployed.

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

## 7

**Q. I received a questionnaire from the Department of Labor that doesn't seem to pertain to my situation. I think I made a mistake when I certified for benefits. What do I do?**

**A.** Return the questionnaire anyway. Write on the top or end of the questionnaire that you think a mistake was made and provide appropriate details. Then return it by secure message. See Chapter 14 of this claimant handbook: "Appendix II: Sending a secure message" for instructions. Or, fax or mail to the fax number or address shown on the questionnaire. We will review and correct the mistake if appropriate. If we need more information, we will contact you by phone or secure message through your online account with us. You do not need to call the Telephone Claims Center;* they will not be able to address this type of concern.

## 8

**Q. I need to travel out of the country. How do I claim benefits?**

**A.** If you will be traveling for vacation or personal reasons, you cannot claim and receive benefits for the time you are gone. To protect your rights, you **must** contact us before you travel, even if you are traveling to look for work or for a job interview. By giving us this information before your trip, your benefits will be held temporarily while you are away. Contact us when you have returned to start your benefits again. You must also contact us before you travel out of your normal area, even if you do not leave the United States, Canada, Puerto Rico or the Virgin Islands. You can send us a secure message. See Chapter 14 of this claimant handbook: ***"Appendix II: Sending a secure message"*** for instructions. You may also call the Telephone Claim Center at 1-888-209-8124. Be sure to tell us your travel dates and reason for traveling.

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**Important:** Do not try to certify for benefits while you are outside of the United States, Canada, Puerto Rico or the Virgin Islands for any reason. See Chapter 6 of this claimant handbook: ***"How do I certify for benefits"*** for more information.

**9**

**Q: How do I check my payment history and/or payment status?**

**A.** For a complete record of your Unemployment Insurance benefit payments, sign in to your online account at **www.labor.ny.gov/signin**. On the My Online Services page, click on "Unemployment Services," then "View Payment History."

You can also call our Tel-Service line at (888) 581-5812. Follow the prompts to check your payment history and payment status.

**10**

**Q: I misplaced the questionnaire/form/letter the Department of Labor sent me. What should I do?**

**A.** You can request another copy of the questionnaire/form/letter via secure message through your online account at **www.labor.ny.gov/signin**. See Chapter 14 of this claimant handbook: "***Appendix II: Sending a secure message***" for instructions. Or, you can call the Telephone Claims Center.*

**Important: Please request a replacement promptly.** Many items have due dates. These due dates are not adjusted, even if a replacement is issued.

**11**

**Q. What if I have a question about my benefits?**

**A.** First, check this claimant handbook. Many questions received by our Telephone Claims Center* are answered in this booklet. You can also check the FAQs -- Frequently Asked Questions -- on our website at **http://labor.ny.gov/ui/faq.shtm**.

You can also send us a secure message. See Chapter 14 of this claimant handbook: "***Appendix II: Sending a secure message***" for instructions.

If you must call the Telephone Claims Center,* please be aware that Monday and the day after a public holiday are the busiest days for phone calls. Thursday and Friday are less busy.

**12**

**Q. I received a decision ("determination") in the mail from the Department of Labor that I disagree with. What can I do?**

**A.** If you disagree with any determination that denies you benefits or affects the amount of benefits you can receive, you have the right to request a hearing. You must make your request within 30 days of the mailing date on the determination. Only ask for a hearing if you disagree. But if you do disagree, ask for a hearing right away. This protects your rights. The hearing will be held before an

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impartial Administrative Law Judge. You will be able to explain the situation to the judge and the judge may decide to change the determination.

You can request a hearing through your online account at www.labor.ny.gov/signin. See Chapter 14 of this claimant handbook: "***Appendix II: Sending a secure message***" for instructions.

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

You may also make your request by filling out the Claimant Hearing Request Form in the back of this handbook. You can mail it to:

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

**Important: Your online or mail request must be made or postmarked no later than 30 days from the date of the determination notice that you disagree with. If your request is after 30 days have passed, you must state why your request is late.** Include your full name, the last four digits of your Social Security number, your current mailing address and telephone number, the mailing date of the determination, and the reason(s) you disagree with our decision in your request.

For more information about the hearing and appeal process, please see Chapter 10 of this claimant handbook: ***"Hearing and Appeal Process."*** The video ***"Preparing for your UI Hearing"*** will also be helpful. To view it, go to **http://labor.ny.gov/ui-appeal/** and click on the link under the heading "Learn About" on that page. Also, check our Frequently Asked Questions about hearings at **http://labor.ny.gov/ui/claimantinfo/HearingProcess.shtm**.

## 13

**Q. How do I change my benefit payment method?**

**A.** Changes from debit card to direct deposit or direct deposit to debit card can only be done online, for security reasons. Our representatives cannot do this for you. Sign in to your online account at **www.labor.ny.gov/signin** and click on "Unemployment Services" on the My Online Services page. This brings you to the Unemployment Insurance Benefits Online page. Click on the "Payment and Tax Withholding Options and View/Print 1099G" button. Follow the directions to change to direct deposit or cancel direct deposit and receive your benefits via debit card. If you are changing to direct deposit, be sure you have a check handy, since you will need important numbers from the check. Be sure to enter your checking account information accurately and print a copy of the Direct Deposit Information Review page for your records. Allow five business days for changes to take effect.

For more information, please see Chapter 3 of this claimant handbook: ***"Receiving your benefits: your PIN, NY.gov ID, direct deposit and the debit card."***

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## 14

**Q. How do I change my address or phone number with the Department of Labor?**

**A.** The easiest way to update your address and/or telephone number is online. Sign in to your online account at **www.labor.ny.gov/signin** and click on "Unemployment Services." This brings you to the Unemployment Insurance Benefits Online page. Click the "Claim Weekly Benefits" button, which brings you to the Benefit Payments page. Click the "Continue" button at the bottom of that page, which will bring you to the Claim Weekly Benefits page. Click the "Change Address/Telephone Number" button to change your address and/or phone number.

You can also call the Telephone Claims Center* and select the menu option for "PIN or Address Changes" to change your address or phone number.

Also, be sure to update your contact information with KeyBank Customer Service at (866) 295-2955 (if you receive benefits via a debit card) or your bank (if you use direct deposit).

## 15

**Q. What should I do if my name changes?**

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

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

You can also send a name change request via secure message through your online account. Sign in at **www.labor.ny.gov/signin**. See Chapter 14 of this claimant handbook: "***Appendix II: Sending a secure message***" for instructions. Attach your legal documentation to your request; we prefer PDF format.

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# About personal integrity and Unemployment Insurance

Integrity means exactly that: doing the right thing. As a participant in the Unemployment Insurance system, you are expected to act ethically, honestly and in good faith.

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

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

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

If you made a mistake — for example, you received benefits that you should not have — we can help. Please call our Telephone Claims Center* or send us a secure message, even if you are not sure there is a problem. Talking to us now will help preserve your rights to past, present and future benefits.

### About Unemployment Insurance fraud

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

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

Fraudulently applying for or claiming Unemployment Insurance benefits can also lead to civil penalties and fines, criminal prosecution and even prison. For example, if you are convicted of a misdemeanor, the penalties are a fine of up to $500, up to a year in jail or both. A felony conviction carries an even longer prison sentence.

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

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

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

1. **Claim benefits after returning to work**. You must stop claiming benefits the first day you start work at a new job, not when you receive your first paycheck.
2. **Work while collecting,** even if you worked for less than an hour and even if you were not paid. **Note:** Volunteer work is allowed. Please see page 22: ***"What if I do volunteer work?"*** for more information.
3. **Work "off the books" or "under the table"** while claiming benefits.
4. **Make a false statement to or withhold information from the Department of Labor.**
5. **Try to apply for Unemployment Insurance or claim weekly benefits (also called certifying for benefits) while out of the United States, Puerto Rico, the Virgin Islands or Canada.**
6. **Give your PIN or NY.gov identification and password to someone else so they can claim benefits for you.** Do not give **anyone** – including family members -- your PIN or NY.gov identification or password. This is considered fraud. You may face civil or criminal penalties if you allow anyone else to use your unique NY.gov ID, passwords, or Unemployment Insurance debit card. If you think your PIN, NY.gov ID, passwords or debit card may have been compromised, contact the Telephone Claims Center* immediately.
   **The only exception is if you cannot enter your own PIN, you may have a helper enter it for you. However, you must be with your helper when they enter your password or PIN .**
7. **Don't attend required appointments at a Career Center.**
8. **Falsely report that you looked for work, when you did not**. Please see pages 24 - 30: ***"What are the work search requirements?"*** for specific information about how you must look for work.
9. **Falsely report that you are available for work when you cannot work,** whether due to illness, vacation, child care arrangements or any other reason. You are not eligible for benefits on any day that you are not able or available to accept work immediately.
10. **Don't tell us the real reason you left your job.**

If you suspect that someone may be committing Unemployment Insurance fraud, report it at (888) 598-2077. You can remain anonymous.

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# Quick Start Guide to Unemployment Insurance

Now that you've filed a claim for Unemployment Insurance benefits, this Quick Start Guide is a brief overview of important things you should know. **Important: Reading this Quick Start Guide is not a substitute for reading the rest of this handbook. You are responsible for reading this handbook and understanding the information in it.**

## 1 Claiming weekly benefits (also referred to as "certifying for benefits")

You must claim benefits each week that you are unemployed and looking for work, **including while you are waiting for your benefits to begin.** The process of claiming weekly Unemployment Insurance benefits is also called certifying for benefits. Most people do this on Sunday for the week ending that day. A week, for the purposes of Unemployment Insurance, runs from Monday through Sunday.

You will be asked a series of questions when you claim weekly benefits. To avoid committing fraud, you must answer all of these questions truthfully.

**Important: You cannot claim benefits when you are out of the country.** If you do, your certification will be blocked and your benefits will be held. If you try to bypass this block, you may lose benefits and/or forfeit future benefits, and you may be subject to civil or criminal penalties. Before you leave, you must call the Telephone Claims Center at (888) 209-8124 or send us a secure message to explain why you are traveling and tell us your travel dates. You must also contact us before you travel out of your normal area, even if you do not leave the country. To send a secure message, sign in to your online account at **www.labor.ny.gov/signin**. On the My Online Services page, click on the envelope icon at the upper right.

**Important: Do not give anyone your PIN or NY.gov identification or password and do not let anyone claim benefits for you.** This includes your spouse, partner, significant other and any family members. This is considered fraud and you may be subject to severe penalties, including prison.

**The only exception is if you cannot enter your own PIN or NY.gov credentials, you may have a helper enter that information for you. However, you must be with your helper when they enter your password or PIN.**

You can claim weekly benefits:

- **Online** at **www.labor.ny.gov/signin**. Most people find this the most convenient way to claim weekly benefits.
- **By phone** call (888) 581-5812 to use our Tel-Service system. TTY/TDD users call (877) 205-3119. If you use a Video Relay System or another type of relay service, contact your relay operator and ask the relay operator to call (888) 783-1370.

# 2 Receiving benefits

- **The first full week of your Unemployment Insurance claim is an unpaid waiting week.** You cannot be paid any benefits for this waiting period by law. If you work at all during this week, or do not serve a full waiting week for any other reason, the unpaid waiting period extends into the next week(s). **Important: You must still claim credit for your waiting week and fulfill all other eligibility requirements for Unemployment Insurance.**
- **It usually takes three to six weeks for your benefits to begin because we have to review and process your application.** However, it may take longer if issues arise. You will not receive benefits during this review period. If we find that you are eligible for benefits, you will be paid for any weeks you are owed when you receive your first payment. **Important: Continue to claim benefits each week you are out of work while we are processing your application.**
- **You can receive benefits by direct deposit into your bank account or by debit card.** We no longer issue checks for Unemployment Insurance benefits.

If you want to use **direct deposit**, you must sign up for it on our website. This means you must file your claim online and tell us you want to use direct deposit when you file, or change to direct deposit through your online account if you are already using a debit card. **Please enter your bank information accurately to avoid delays in your benefits.** If your bank account changes, please update your direct deposit information with us to avoid delays in receiving your benefits. **Please note: If you had a claim with us previously, for your protection, any direct deposit information you entered for that claim will not carry over to a new claim.** You must register for the direct deposit option and enter current checking account information each time you file a new claim.

If you want to receive benefits by **debit card**, you can file your claim either online or by phone, and tell us you want to use a debit card at that time. However, if you are receiving benefits via direct deposit and you want to change to a debit card, you must make the change online. **Important: If you received benefits in the past and had a debit card, your benefits will be released to that same card if the card has not expired.**

# 3 Other important things to know

- In order to file a claim online, send us a secure message, sign up for direct deposit and more, you must set up a NY.gov account at **www.labor.ny.gov/signin**.
- **If your benefits stop without explanation**, please see #4, #5, #6, and/or #8 of the Top 15 Frequently Asked Questions at the beginning of this booklet.
- **If your debit card is lost, stolen or damaged, you must call KeyBank Customer Service at (866) 295-2955 and they will mail you a new card.** Please do not call the Telephone Claims Center; they cannot replace your card.
- **You may lose benefits if you do not keep your address and phone number up-to-date.** Unemployment Insurance mail is not forwarded by the Post Office. See page 22 of this booklet for how to change your address and/or phone number.
- **Return all questionnaires right away** so any benefits that may be due are not delayed or denied. Send an electronic copy of your questionnaire through our secure message system for the fastest review and response. See Chapter 14 of this claimant handbook: "***Appendix II: Sending a secure message***" for instructions.
- **If you have questions** after reading this handbook, check the Frequently Asked Questions on our web site at **http://labor.ny.gov/ui/faq.shtm**. You can also send us a secure message (See Chapter 14 of this claimant handbook: "***Appendix II: Sending a secure message***" for instructions) or call our Telephone Claims Center at (888) 209-8124.

# Important recent changes in Unemployment Insurance

## PLEASE READ: Important Information for Claimants who Collect Unemployment Insurance Benefits via a Debit Card

The New York State Department of Labor's Unemployment Insurance program changed **from Chase to KeyBank** for debit card services. If you have questions about a KeyBank debit card, call KeyBank Customer Service at (866) 295-2955.

If you are using a Chase Direct Payment Card, keep using it until any funds are gone. The funds on your Chase Direct Payment Card will not be transferred to your new Key2Benefits debit card.

If you have questions about a Chase Direct Payment Card, call Chase customer service at (877) 221-1634. This number is **only** for questions about your Chase card; do not call it with questions about the transition to the Key2Benefits card. For more information about the Key2Benefits card, please see the Frequently Asked Questions on our website at **www.labor.ny.gov**.

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

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## 1. What is Unemployment Insurance?

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

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

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

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

## 2. How do I know if I am eligible to receive Unemployment Insurance benefits?

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

***What are the requirements to receive benefits?***

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

- Have lost employment through no fault of your own;
- Have enough prior earnings from employment to establish a claim;
- Be ready, willing and able to work immediately; and
- Be actively seeking work and keep a record (online or written) of your efforts for each week you claim benefits.

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

You must meet the requirements set by law to receive Unemployment Insurance benefits. You cannot get benefits if you have less than the required work history and wages to establish a claim as discussed on pages 8 – 14: ***"How much will I receive in benefits each week?"*** Other reasons your claim could be denied include:

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

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

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

If you lost a job with any employer in the last 18 months due to misconduct, the wages you earned in that job cannot be used to establish a claim or to calculate your benefit rate.

**2. Job refusal:** You can also be disqualified from receiving Unemployment Insurance benefits if, after applying, you refuse to take a job that meets the qualifications described under ***"What kind of work do I have to look for? Can I refuse a job because the wages are too low?"*** on page 27.

You may not refuse employment that you are qualified for without good cause.

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

**3. Strike and other industrial controversy, except lockouts:** If you lose your job because of a strike in your workplace, you may not be eligible for Unemployment Insurance benefits for 49 days. This waiting period does not apply if you are locked out of your workplace due to a labor dispute. You may be eligible sooner if:

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

If you lost a job with any employer in the last 18 months due to misconduct, the wages you earned in that job cannot be used to establish a claim or to calculate your benefit rate.

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

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

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

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

- You lost your job for committing a felony in connection with your employment and you admitted guilt in a signed statement; or
- You were convicted of the crime.

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If you choose to claim weekly benefits (certify for benefits) on our website, you will need to set up and use an NY.gov ID... With an NY.gov ID, you can claim weekly benefits and get other information about your benefits on our website.

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

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

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

There may be other, less common circumstances that can prevent you from being eligible for Unemployment Insurance benefits. These are discussed in Chapter 11: ***"Special Situations"*** beginning on page 37.

## 3. Receiving your benefits: Your PIN, NY.gov ID, direct deposit and the debit card

### *Setting up your Personal Identification Number (PIN)*

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

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

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

### *Setting up your NY.gov ID*

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

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

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

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

The only exception is if you need a helper to file for or certify for benefits; for example, if you have a disability or language issue. **If you cannot enter your own PIN or NY.gov credentials, you may have a helper enter that information for you. However, you must be with your helper when they enter your password or PIN.**

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

You must check and respond to secure messages and questionnaires we may send to you through the NY.gov secure message system. You must respond to all messages, forms and letters within the timeframes noted in those messages. It is your responsibility to check your personal email and your NY.gov account to make sure you do not miss our messages. Add noreply@labor.ny.gov to your contacts to ensure our emails do not go to your junk folder. Please note: paper copies of secure on-line messages will not be mailed to you.

### *Setting up your payment method*

If you applied for Unemployment Insurance online, you were asked whether you wished to receive your benefits by direct deposit or debit card. If you applied over the phone, you will receive your benefits via debit card. We no longer issue benefits by check. Here is what you need to know about each option.

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

### *Direct deposit*

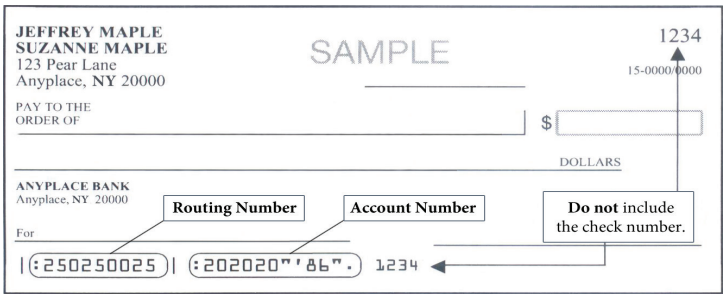
Direct deposit means that your benefits will be deposited directly into your checking account about three to five days after we release a benefit payment. You can register for direct deposit when you file a claim on our website at **www.labor.ny.gov/signin** or you can change to direct deposit when you claim weekly benefits (certify for benefits) online. **Important: You cannot register for or change to direct deposit by calling the Telephone Claims Center* or when claiming weekly benefits via phone using our Tel-Service system.**

Direct deposit will remain in effect until you stop receiving benefits under your current claim, or until you change it. For your protection, your direct deposit information will **not** carry over to future Unemployment Insurance claims.

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

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

You can register for or change to direct deposit at www.labor.ny.gov/signin. You cannot do this by calling the Telephone Claims Center* or when claiming weekly benefits via phone using our Tel-Service system.




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

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

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

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

- Trade Adjustment Assistance (TAA);
- Trade Readjustment Allowances (TRA);
- Disaster Unemployment Assistance (DUA); or the
- Self-Employment Assistance Program (SEAP).

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

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

- Monday through Friday, 7:30 a.m. until midnight; and
- Saturday and Sunday, all day.

A debit card... will be sent to you automatically unless you sign up for direct deposit.

***Canceling direct deposit***

You can cancel direct deposit from your online account at **www.labor.ny.gov/signin**. Click on "Unemployment Services" on the My Online Services page. This brings you to the Unemployment Insurance Benefits Online page. Click on the "Payment and Tax Withholding Options and View/Print 1099G" button. Follow the directions to cancel direct deposit. We will update our records and stop the electronic transfer of your weekly benefits to your checking account.

Your weekly benefits will then be deposited to your a Key2Benefits debit card.

- If you have never had a debit card, one will be mailed to you automatically in a plain white envelope about seven to ten days after you claim your next week's benefits.
- If you previously had a Key2Benefits debit card and it has expired or was lost, you must contact KeyBank Customer Service at (866) 295-2955.

***Debit card***

A Key2Benefits debit card is a debit MasterCard. It allows you to withdraw your benefits from an ATM (Automated Teller Machine) and make purchases wherever MasterCard is accepted. Only the Department of Labor can deposit money into the debit card account. This card will be sent to you automatically unless you sign up for direct deposit.

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If you lose your debit card, call KeyBank Customer Service at (866) 295-2955 to request a new card.

The debit card will be mailed to you about seven to ten days after you are approved to receive benefits. For security reasons, your debit card will arrive in a plain white envelope. Please watch for it in the mail and **do not throw it away**, even if you signed up for direct deposit in the meantime. When you receive your card, call KeyBank Customer Service at (866) 295-2955 promptly to activate it. As part of the activation process, you will be asked to create a PIN for your card. This PIN is a four-digit number that you enter on the keypad at ATMs and retail locations. Your debit card PIN is for a different purpose than the PIN you created when you filed your Unemployment Insurance claim, which is also a four-digit number. For security reasons, use different four-digit numbers for your debit card PIN and your Unemployment Insurance PIN

Your debit card account balance information is not available to the Department of Labor. You can check your account balance free of charge at all KeyBank, First Niagara and Allpoint ATMs; by calling KeyBank Customer Service at (866) 295-2955; or by going to KeyBank's website at **www.key2benefits.com**. You can also view your monthly statement on KeyBank's website or sign up to receive monthly statements in the mail by contacting KeyBank Customer Service.

Your debit card is valid for three years and will be used for current and potential future claims. Even if you are not currently receiving benefits, keep the card in a safe place. If you receive Unemployment Insurance benefits at a later date, the same debit card PIN you originally created will re-activate your card. If you lose your debit card, call KeyBank Customer Service at (866) 295-2955 to request a new card. If you have not used your card for three years or if you file a new claim after three years, call KeyBank Customer Service at (866) 295-2955 to request a new card. Department of Labor staff cannot replace or request a new card for you.

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## 4. How much will I receive in benefits each week?

### *Understanding your "base period"*

Your weekly Unemployment Insurance benefit payment amount depends on how much you were paid during a "base period." A base period represents one year of your work and wages (four calendar quarters). Calendar quarters are the three-month blocks of time shown in the chart below. Wages paid in your base period are used to calculate your benefit rate. Your benefit rate is the amount of money you may receive if you are eligible for a full week of Unemployment Insurance benefits.

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

If you have enough wages in your Basic Base Period, we do not automatically check to see if your benefit rate would be higher if your Alternate Base Period is used instead.

**How Base Periods Work**

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

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

If you do not have enough wages in your Basic Base Period, we use your **Alternate Base Period** to calculate your benefit payment. The Alternate Base Period is the last four completed calendar quarters before the quarter in which you file for benefits. **Important: If you have enough wages in your Basic Base Period, we do not automatically check to see if your benefit rate would be higher if your Alternate Base Period is used instead.** If you think your benefit payment would be higher using your Alternate Base Period, you can ask us to use your Alternate Base Period to calculate your benefit amount. However, if you choose to use the alternate quarter wages for your current claim, you cannot use these wages again in the future. This may affect your ability to qualify for a future claim. For more information, please see page 12: ***"Requesting a benefit rate recalculation based on Alternate Base Period."***

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

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### *Earnings required to qualify for benefits*

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

- You must have worked and been paid wages in jobs covered by Unemployment Insurance in at least two calendar quarters;
- For claims filed in 2016, you must have been paid at least $1,900 in one calendar quarter (this amount increases to $2,100 for claims filed in 2017); and
- The total wages paid to you must be at least 1.5 times the amount paid to you in your high quarter. Your high quarter is the quarter of your base period in which you were paid the most money. **Exception:** If your high quarter wages were $9,460 or more, you must have been paid at least $4,730 (half of $9,460) total in the other three quarters of your base period.
  - **Example:** Your high quarter wages were $4,000. You must have been paid at least $6,000 ($4,000 x 1.5 = $6,000) total for all four quarters of your base period.

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

### *How we calculate your weekly benefit rate*

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

- **More than $3,575:** Your benefit rate is your high quarter wages divided by 26. If this calculation is less than $143, your benefit rate is $143.
  - **Example 1:** Your high quarter wages are $4,030. Your weekly benefit rate is $155 ($4,030 ÷ 26 = $155).
  - **Example 2:** Your high quarter wages are $3,640. This results in a benefit rate of $140 ($3,640 ÷ 26 = $140). Since this is less than $143, your benefit rate is $143.
- **$3,575 or less:** Your benefit rate is your high quarter wages divided by 25 or $100, whichever is higher.
  - **Example 1:** Your high quarter wages are $3,000. Your weekly benefit rate is $120 ($3,000 ÷ 25 = $120).
  - **Example 2:** Your high quarter wages are $2,000. This results in a benefit rate of $80 ($2,000 ÷ 25 = $80). Since this is less than the minimum benefit rate of $100, your benefit rate is $100.

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

There are maximum and minimum weekly benefit rates.
For more information, please check our website at http://labor.ny.gov/formsdocs/factsheets/pdfs/P823.pdf.

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

- **More than $4,000:** Your benefit rate is the average wages of your two highest quarter wages, divided by 26. If this calculation is less than $143, your benefit rate is $143.
  - **Example:** Your high quarter wages are $4,500 and your next highest quarter wages are $4,288, an average of $4,394 ($4,500 + $4,288 = $8,788; $8,788 ÷ 2 = $4,394). Your benefit rate is $169 ($4,394 ÷ 26 = $169).
- **$3,576 to $4,000:** Your benefit amount is your high quarter wages divided by 26. If this calculation results in less than $143, your benefit rate is $143.
  - **Example:** Your high quarter wages are $3,576. This results in a benefit rate of $137.54 ($3,576 ÷ 26 = $137.54). Since this is less than $143, your benefit rate is $143.
- **$3,575 or less:** Your benefit amount is your high quarter wages divided by 25 or $100, whichever is higher.
  - **Example:** Your high quarter wages are $3,000. Your weekly benefit rate is $120 ($3,000 ÷ 25 = $120).

**Please note:** There are maximum and minimum weekly benefit rate. For more information, please check our website at **http://labor.ny.gov/formsdocs/factsheets/pdfs/P823.pdf**.

***How will I find out what my benefit rate is?***

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

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

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

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

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

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

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

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

If you were paid in cash, you should include those wages on the Request for Reconsideration form, even if you do not have pay stubs or other proof you were paid.

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

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

If you were paid as an independent contractor, please see page 45: ***"My employer paid me as an independent contractor, and/or paid me off the books. What do I do?"***

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**Important: If your Monetary Benefit Determination shows employers you have not worked for or shows wages you were not paid, you must tell us as soon as possible by secure message.** Go to **www.labor.ny.gov/signin**. Sign in to your account and click on the envelope icon at the upper right of the My Online Services page. Or, call the Telephone Claims Center.*

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

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

To do this, complete the Request for Alternate Base Period form found at **www.labor.ny.gov/formsdocs/ui/TC403HA.pdf**, which is also included at the end of this handbook. **Important: We must receive your completed form within ten calendar days of the Date Mailed on your most recent Monetary Benefit Determination.** Your Monetary Benefit Determination notice will show specific dates and wage amounts. If your wages for the alternate quarter are not shown on the Monetary Benefit Determination, enter the amount you earned in the alternate quarter on the Request for Alternate Base Period form. Include proof of your employment and wages, such as copies of pay stubs, for all the earnings you listed on the form and for the whole period in question. Wages include the monetary value of tips, bonuses, meals and lodging as well as commissions and vacation pay. Include amounts you were paid in cash.

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

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

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

To apply for this Extended Base Period, you must complete the forms listed below. **Important: We must receive them within 30 days of the Date Mailed on the Monetary Benefit Determination.**

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

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If you did not work all the weeks in the base period quarter that has your high quarter wages, using your average weekly wage may increase your benefit rate.

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

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

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

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

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

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

To request this recalculation, fill out and submit the Request for Rate Based on Weeks of Employment form at **www.labor.ny.gov** or at the back of this handbook. **Important: We must receive the form within ten calendar days of the Date Mailed on your Monetary Benefit Determination.** You must provide proof of your employment and wages, such as pay stubs, for each week of employment. Wages include the monetary value of tips, bonuses, meals and lodging as well as commissions, vacation pay, and amounts you were paid in cash.

***Job loss due to misconduct or a criminal act***

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

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Effective the first Monday of October 2016, the maximum weekly benefit rate increased to $430... The minimum weekly benefit rate is $100.

***Maximum and minimum weekly benefit rate***

Effective the first Monday of October 2016, the maximum weekly benefit rate increased to $430. The maximum rate is expected to increase each year until 2026, when it is expected to be set at 50 percent of the state's average weekly wage. Please visit our website at **www.labor.ny.gov** for the current maximum weekly benefit rate.

The minimum weekly benefit rate is $100.

## 5. When will I start receiving benefits?

***When will I receive my first payment?***

**It takes three to six weeks from when you file your claim to receive your first payment.** During this time we review and process your application, determine your weekly benefit rate and verify your employment information with your former employer(s). **You will not receive benefits during this review period.** If we find you are eligible for benefits, you will receive any back weeks of benefits owed you with your first payment.

During this time there are two things you should do:

- Complete and return any questionnaires and return any phone calls you receive from the Department of Labor right away; and
- Continue to claim weekly benefits as long as you are unemployed and meet the eligibility requirements, beginning the week immediately after you file your claim. Please see pages 16 - 23: ***"How do I claim weekly benefits?"*** In addition, you must fulfill all work search and related record-keeping requirements. Please see pages 24 - 29: ***"What are the work search requirements?"***

***Return all questionnaires promptly***

If we need more information while processing your claim we may send you a form or questionnaire. **Please complete and return each questionnaire within seven days** of the date printed on it so your benefits are not delayed or denied. If you do not complete a questionnaire or return it promptly, we will have to make a decision about your claim based on the information we have. This could hurt your eligibility for benefits.

If you receive a questionnaire that doesn't seem to pertain to you, please return the questionnaire anyway. Write on the top or end of the questionnaire that you think a mistake was made and provide appropriate details. Then return it by secure message. Sign in to your account at **www.labor.ny.gov/signin**. Then click on the envelope icon at the upper right of the My Online Services page. Or, fax to the fax number or mail to the address shown on the questionnaire. We will review and correct the mistake if appropriate. If we need more information, we

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will contact you by phone or secure message through your online account with us. You do not need to call the Telephone Claims Center.*

### *What to do if you misplace a questionnaire*

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

### *Waiting week for benefits*

The first full week you are unemployed is called a waiting week. You will not receive Unemployment Insurance benefits for this week, but you must be ready, willing and able to work. You must also claim weekly benefits for this week. In addition, you must fulfill all work search and related record-keeping requirements. Please see pages 24 - 29: ***"What are the work search requirements?"***

If you work at all during the first week of your claim or do not serve a full waiting week for other reasons, the waiting period will extend into the next week(s). After this waiting week, you will receive Unemployment Insurance benefits for each week that you remain unemployed, up to 26 weeks. You must claim benefits each week; be ready, willing and able to work; and fulfill the work search requirements as discussed in pages 24 - 29: ***"What are the work search requirements?"***

If you are eligible, you will start receiving benefits via direct deposit or debit card. You will not receive a letter stating that you are eligible before your benefits begin.

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

After we review your claim information (and revised Monetary Benefit Determination, if applicable), we will decide if you are eligible to receive benefits. This review process usually takes three to six weeks. If you are eligible, you will simply begin receiving benefits via direct deposit or debit card. You will not receive a letter stating that you are eligible before your benefits begin.

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

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## 6. How do I claim weekly benefits?

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

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

Whether you choose our website or Tel-Service, the system will ask you a series of questions. Your eligibility for weekly benefits is based on your answers to the questions. Read or listen carefully to the questions and the instructions before responding. If you do not understand a question, call the Telephone Claims Center* for clarification. **Important: It is against the law to make false statements during the weekly certification process in order to receive benefits.** You may be subject to interest and penalties, including the loss of benefits or even criminal prosecution.

***You must claim weekly benefits yourself***

**Important: Do not give out your PIN or your NY.gov username and password.** If you allow someone else to claim weekly benefits (certify for benefits) for you or access your claim online or over the Tel-Service phone system, you can be subject to severe penalties. These may include criminal prosecution and imprisonment. You may also lose up to 20 weeks of benefits. If you need help claiming weekly benefits, please see page 18: ***"What if I need help claiming weekly benefits?"***

***What if I travel outside my area or outside the country?***

If you will be traveling for vacation or personal reasons, you cannot claim and receive benefits for the time you are gone. To protect your rights, you must contact us before you travel, even if you are traveling to look for work or for a job interview. By giving us this information before your trip, your benefits will be held temporarily while you are away. Contact us when you have returned to start your benefits again. You must also contact us before you travel out of your normal area, even if you do not leave the United States, Canada, Puerto Rico or the Virgin Islands. You can send us a secure message. See Chapter 14 of this claimant handbook: "***Appendix II: Sending a secure message***" for instructions. You may also call the Telephone Claim Center.* Be sure to tell us your travel dates and reason for traveling.

**Important:** Do not attempt to certify for benefits while you are outside of the United States, Canada, Puerto Rico or the Virgin Islands for any reason. Your certification will be blocked and your benefits will be held. Certifying that you are ready, willing, and able to work while you are out of the country or giving your username, password, social security number, and/or PIN number to

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someone else to certify on your behalf may lead to severe penalties. These penalties can include overpayment, loss of benefits, monetary penalties, criminal prosecution and prison.

Please contact us before you travel, even if you are traveling to look for work or for a job interview. Be sure to tell us your travel dates and reason for traveling.

***Claiming weekly benefits online***

You can claim weekly benefits (certify for benefits) on our website at **www.labor.ny.gov/signin**. **Note:** If you have a service that makes your internet address anonymous, please turn it off when claiming weekly benefits. Otherwise, your certification may be blocked.

You will need an NY.gov ID to sign up for an online account. If you already have an NY.gov ID username and password, you can use it for our system. If you do not have an NY.gov ID, follow the instructions on our website at **www.labor.ny.gov/signin** to create one. With an online account, you can claim weekly benefits, check the status of your benefit payments, print out your payment history and 1099 form, access our JobZone resource site and more. You can also use your NY.gov ID to access online services from other New York State government agencies. **Important: Do not give anyone your NY.gov ID username or password or write them down where others may see them.** For help creating or using a NY.gov ID, please see the lists of illustrated directions and Frequently Asked Questions at **www.labor.ny.gov/signin**. If you have difficulties with NY.gov ID, call (800) 833-3000 from 8:30 a.m. to 4:30 p.m. Monday - Friday.

***Claiming weekly benefits by phone***

You can also claim weekly benefits by calling our Tel-Service toll-free, automated phone system at (888) 581-5812. TTY/TDD users call (877) 205-3119; Video Relay Service Users - contact your relay operator and ask him or her to call (888) 783-1370. You will be asked to answer a series of questions, and then you will be asked to confirm that all of your answers are true and correct. When you say yes or press 1 to answer this question, it is the same as signing a document. This is because only you know the PIN you created when filing your claim. **Important: Do not give anyone your PIN, not even a family member.** Only you can claim weekly benefits. **The only exception is if you cannot enter your own PIN (for example, if you have a disability or language issue), you may have a helper enter it for you. However, you must be with your helper when they enter your password or PIN.**

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

**Important:** If you make a mistake when certifying for benefits, report it right away. Send us a secure message via your online account at www.labor.ny.gov/signin. See Chapter 14 of this claimant handbook: "***Appendix II: Sending a secure message***" for instructions. Or, call the Telephone Claims Center.*

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### *When to claim weekly benefits*

For the purposes of Unemployment Insurance, a week runs from Monday to Sunday. You should claim weekly benefits for the previous week on the last day of that week (Sunday) through the following Saturday. Any certification made on a Sunday is for the week ending that day. For example, suppose you are unemployed from Monday, January 1 through Sunday, January 7. You can claim weekly benefits for that week beginning Sunday, January 7 through Saturday, January 13.

You cannot claim for a given week more than a week later either online or using Tel-Service. The system will not accept certifications for any back weeks or other periods of time. If you miss claiming benefits for a week during which you were unemployed, you can request credit for this week by secure message, fax or regular mail. Do not call the Telephone Claims Center* to request back credit for a week.

You may submit a request by secure message at **www.labor.ny.gov/signin.** See Chapter 14 of this claimant handbook: "***Appendix II: Sending a secure message***" for instructions. You can fax your request to (518) 457-9378 or mail it to:

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

You cannot claim for a given week more than a week later... The system will not accept certifications for any back weeks or other periods of time.

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

We will review your request and decide if you are eligible to receive benefits for that time period. This review can take up to six weeks. During this time, be sure to continue claiming benefits for all weeks you are unemployed and eligible for benefits. If we write or call you to request more information, please respond promptly so the review is not delayed.

Using the example above, if you fail to claim weekly benefits by Saturday, January 13, you would have to send us a secure message or write us a letter explaining why you are late in order to get benefits for the week ending Sunday, January 7.

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

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

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**If you cannot enter your own PIN, you may have a helper enter it for you. However, you must be with your helper when they enter your password or PIN.** You are responsible for the actions of your helper. If you are not present when your helper uses our services, it is considered fraud and you may be subject to penalties. These penalties can include forfeit days. Forfeit days are days in the future when you are eligible to receive benefits, but cannot because you have forfeited your right to receive benefits for those days as a penalty. You also may have to pay back any benefits you should not have received, and you may be subject to monetary penalties.

***What if I work part time?***

You must report **all** work, including part-time or temporary work. If you do not report all work when you claim weekly benefits, you may be subject to severe penalties including the loss of benefits, civil and criminal penalties and fines. If you work fewer than four days in a week and earn less than the maximum benefit rate, you may receive partial benefits as follows:

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

**Important: If you did any work on a day, even if it was an hour or less and even if you did not receive pay, it counts as a day of work and you must report it that way.** Also, you are not eligible to receive benefits for any week in which you earn more than the maximum benefit rate (in gross wages, before any deductions), regardless of the number of days worked. You will be asked if you worked during the past week and if you earned more than the maximum benefit when you claim weekly benefits.

If you get partial benefits, you will be able to collect for a longer period of time. You can collect until you receive your maximum benefit amount (26 times your weekly benefit rate) or until your benefit year ends, whichever comes first.

***What is considered work?***

**Any** activity that brings in or may bring in income at any time must be reported as work, even if it is only an hour or less. This includes training, as well as full-time, part-time, seasonal, per diem, probationary, occasional, temporary or permanent work. Even if you were not paid, you must report as work:

- All activity related to self-employment or freelance work, including but not limited to: writing checks, taking phone calls, writing or responding to business correspondence, or any other tasks associated with starting or continuing a business;
- On-call or as-needed work;

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- On-the-job training;
- Job orientation;
- Working for someone else;
- Performing duties or favors for a friend or relative's business;
- Temporary employment;
- Part-time employment;
- Active duty for training with a branch of the military;
- Activities involved in managing a multi-family (two or more rental apartments) rental unit;
- Working as a building superintendent;
- An internship and/or externship;
- A college work-study job;
- Activities as a public/elected official;
- Annual field training for the National Guard or Reserves;
- Work done on a straight commission basis (considered work even if you do not get the commission until later, no sales were made, or you receive no payment);
- A working interview, where a prospective employer asks you to work -- with or without pay -- in order to demonstrate that you can do the job; and
- Activities connected with starting a business (unless you are approved for and participating in the Department of Labor's Self-Employment Assistance Program).

You do not have to report as work:

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

If you work on a shift continuing through midnight, you should claim that day of work on the day prior to midnight (when you started that shift). The exception: if you work on a shift starting at 7 p.m. or later on Sunday and continue past midnight, you should claim that the day you worked is Monday.

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

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If you are not sure whether or not what you are doing is considered work, or if you make an incorrect certification for benefits, please call the Telephone Claims Center* immediately and speak to a representative. You can also send us a secure message. See Chapter 14 of this claimant handbook: "***Appendix II: Sending a secure message***" for instructions. If you don't contact us, you may have to repay benefits and be subject to civil penalties and the loss of future benefits.

**Important: Do not claim benefits for any week in which you work more than three days or earn more than the maximum benefit rate.**

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

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

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

Do not claim benefits for any week in which you work more than three days or earn more than the maximum benefit rate.

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

Call the Telephone Claims Center* **before** you take any steps to start a business, join an existing business, reactivate a dormant business, or become any type of officer with any business. You are considered to be employed if you are operating or starting a business by yourself, with a partner or in a corporate arrangement. This includes time spent during the day, evenings or on weekends, even if no sales are made or no money is earned. Unless you are enrolled in the Self-Employment Assistance Program, business start-up activities may cause you to lose Unemployment Insurance benefits. For more information about the Self-Employment Assistance Program please see our web site at **www.labor.ny.gov/seap/** and page 42: ***"Starting a business: the Self-Employment Assistance Program (SEAP)."***

***What if I am an elected official?***

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

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You may be eligible for Unemployment Insurance benefits while volunteering.

***What if I do volunteer work?***

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

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

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

- Ready, willing and able to work;
- Making systematic and sustained efforts to find work;
- Keeping an online or written Work Search Record for each week you claim benefits; and
- Prepared to give a copy of your Work Search Record to the Department of Labor (please see pages 24 - 29: ***"What are the work search requirements?"***).

If you are not sure if your volunteer work allows you to meet all of these criteria, you should call the Telephone Claims Center* to give all details of your volunteer work **before** claiming benefits for that week.

***Keep your address and phone number up to date***

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

You can update your mailing address or telephone number with the Department of Labor when you claim your weekly benefits online. Sign in to your online account at **www.labor.ny.gov/signin** and click on "Unemployment Services," which brings you to the Unemployment Insurance Benefits Online page. Click the "Claim Weekly Benefits" button, which brings you to the Benefit Payments page. Click the "Continue" button at the bottom of that page, which will bring

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you to the Claim Weekly Benefits page. Click the "Change Address/Telephone Number" button to change your address and/or phone number.

You can also update your mailing address by sending us a secure message. See Chapter 14 of this claimant handbook: "***Appendix II: Sending a secure message***" for instructions.

If you no longer claim benefits, call the Telephone Claims Center* and select the menu option "For PIN or address changes" to change your address or phone number.

You must also update your address and phone number for your Unemployment Insurance benefits payment method. For direct deposit users, contact your bank. For debit card users, contact KeyBank Customer Service at (866) 295-2955.

***What should I do if my name changes?***

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

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

You can also send a name change request via secure message through your online account. See Chapter 14 of this claimant handbook: "***Appendix II: Sending a secure message***" for instructions. Attach a pdf of your legal documentation to your request; we prefer PDF format.

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## 7. What are the work search requirements?

***Do I have to look for work?***

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

You must actively look for work while you are claiming benefits.

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

Systematic and sustained efforts to find work include **all** of the following requirements:

- You must **do at least three work search activities each week** unless you have a Work Search Plan approved by the Department of Labor or you have been designated as exempt from this work search requirement by the Department of Labor. Please see page 26: "***What is a Work Search Plan?"*** and ***"Who is exempt from work search?"*** on that same page.
- These **three activities must be done on different days of the week** and **must include at least one activity from work search activities 1-5** (below) and **two more activities from the nine activities listed**.
- Your **work search must begin the week following the week in which your claim was filed**.

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

1. Using employment resources available at the local New York State Career Center, such as:
   - Meeting with Career Center advisors;
   - Getting information from Career Center staff about jobs that may be available in a particular industry or region (obtaining job market information);
   - Working with Career Center staff to assess your skills and match them to possible occupations and jobs (skills assessments for occupation matching);
   - Participating in instructional workshops; and
   - Getting job referrals and job matches from the Career Center and following up with employers.
2. Visiting a job site and completing a job application in person with employers who may be reasonably expected to have openings.
3. Submitting a job application and/or resume in response to a public notice or want ad or to employers who may reasonably be expected to have openings.
4. Attending job search seminars, scheduled career networking meetings,

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job fairs or workshops that offer instruction in improving skills for obtaining employment.

5 Interviewing with possible employers.

6 Applying for employment with former employer(s).

7 Registering with and checking in with private employment agencies, placement services, unions and placement offices of schools, colleges or universities and/or professional organizations.

8 Using the telephone, business directories, internet or online job-matching systems to search for jobs, get leads, request referrals or make appointments for job interviews.

9 Applying and/or registering for and taking Civil Service examination(s) for government job openings.

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

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

You must keep an online or written Work Search Record for each week you claim benefits, and be prepared to give a copy of that record to the Department of Labor if we ask for it.

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

If you do not use the online Work Search Record in JobZone, we recommend you keep a record of your work search activities each week using the Work Search Record form included in this handbook. You can also keep a similar written record instead of the Work Search Record form if it includes the required information. Whatever written format you choose, include supporting documentation. For example, if you apply for a job online, print a copy of the application or the employer's acknowledgement of the application. If you send a resume or application by email, save a printed copy of all

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correspondence. You should also keep a copy of your sent mail log or the employer's acknowledgement of the resume or application. Other examples of documentation include printouts from online search efforts, a job fair employer list, a prospective employer's business card, etc.

You can get more Work Search Record forms at a New York State Career Center, online at **www.labor.ny.gov** or in the back of this handbook.

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

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

***What is a Work Search Plan?***

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

***Who is exempt from work search?***

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

- Temporarily laid off or seasonally-employed and have a definite return-to-work date of four weeks or less.
- A union member who must obtain work through the union hiring hall. You must be in compliance with your union's membership and work search requirements.
- Participating in a training program approved by the Department of Labor, such as those approved under New York State Labor Law §599.
- Serving on a jury.
- Participating in a Department of Labor-approved Shared Work Program.
- Participating in a Department of Labor-approved Self-Employment Assistance Program.
- Covered by any exemption required by state or federal law.

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

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

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

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

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

However, if you refuse a job, even if it does not meet the prevailing wage requirements, you must still tell the Department of Labor in your weekly certification.

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

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

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

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

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

Any time you refuse a job offer, the Department of Labor must review the circumstances. In some cases, you may continue to receive Unemployment

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Insurance benefits, unless the job offers higher wages to compensate for the lack of or lower value of fringe benefits. If you refuse a job because of no or inferior fringe benefits, be prepared to provide additional information.

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

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

### *New York State Career Centers*

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

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

### *Mandatory work search meetings*

You may be required to report to a New York State Career Center in person. If so, you will be sent a letter with the appointment date, time and location. If you cannot attend the appointment, call the New York State Career Center as soon as possible to reschedule. If you cannot reach a person when you call and must leave a message requesting a call back, someone should call you back within 24 hours. If you do not receive a call back within 24 hours of leaving a message, please send us a secure message through your online account. See Chapter 14 of this claimant handbook: "***Appendix II: Sending a secure message***" for instructions.

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

### *What happens if I miss my work search meeting?*

**If you do not go to your work search appointment or respond to the letter, your benefits will be stopped immediately.** If you miss your appointment, in person, immediately go to the New York State Career Center listed on your appointment notice during their business hours of 8:30 a.m. to 4:30 p.m.,

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Monday through Friday. You do not need an appointment. Do not call the Telephone Claims Center,* as they cannot help until after you have visited the Career Center.

After you have visited the Career Center, you will be instructed to complete an online questionnaire. Complete this questionnaire at the Career Center for faster review or within 48 hours. We will review the questionnaire to decide if you are eligible to receive benefits for the weeks that were held.

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

Your benefits will be held from the week of your missed appointment until the week you reported the Career Center. If we find that you do not have a valid reason for missing your appointment, you will not be eligible to receive payment for the held weeks. **Note**: Accepting a job offer with a future start date is not a valid reason for missing your appointment.

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

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

If you become ill or disabled while receiving Unemployment Insurance benefits or are temporarily unable to search for or accept work for other reasons, and you have questions about your eligibility for benefits, call the Telephone Claims Center* right away. You may be eligible to continue to collect benefits once you are able to work again. Do not claim benefits for any day that you were not able to work. If you were scheduled to work but called in sick due to illness, you must report that you were not ready, willing and able to work on that day when you certify for benefits. You may be able to collect partial benefits for a week if you were unable to work for fewer than four days in that week.

Please see page 19: ***"What if I work part time?"***

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

If you are called to jury duty, you will not be denied benefits. This is true if you are called to a grand or 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. In addition, you may not have to meet the work search requirements for any week that you have jury duty. Contact the Telephone Claims Center* for more information.

***Does pregnancy affect my benefits?***

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

You do not have to tell us about your pregnancy **unless it affects your ability to work.** If you are unable to work because of health reasons related to

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

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

## 8. Overpayments and fraud

***What is an overpayment?***

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

If you willfully make a false statement or representation to get benefits, you may be charged $100 or a 15 percent monetary penalty on the full amount of the overpaid benefits, whichever is higher.

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

If you have been overpaid, you will receive a written Notice of Determination in the mail. This Notice will show the amount of the overpayment and tell you how to pay it back. The Notice will also explain how the overpayment happened and why it has to be repaid.

If you receive an overpayment determination, you should follow the repayment instructions on the notice. If you disagree with the overpayment determination, you have the right to request a hearing. Please see pages 32 - 36: ***"Hearing and Appeal Process"*** for more information.

***What is willful misrepresentation?***

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

- Be required to pay back the overpayment;
- Be assessed "forfeit days," or days in the future for which you cannot receive Unemployment Insurance benefits; and
- Be charged $100 or a 15 percent (whichever is higher) monetary penalty on the full amount of the overpaid benefits,

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You must still claim weekly benefits... for each week that you are unemployed, or working less than four days and/or earning less than the maximum benefit amount, even if you are not receiving benefits.

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

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

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

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

***Overpayments made by other state or federal programs***

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

## 9. What should I do when I return to work?

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

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

***How do I get benefits again after a break?***

**If all three of the following conditions** apply to you:

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

You may simply start claiming benefits again. If you need help claiming benefits, please see pages 16-23: ***"How do I claim weekly benefits?"***

If you do not know when your benefit year ends, you can find this date on your Monetary Benefit Determination or in your online account at **www.labor.ny.gov/signin.**

**Important: After you begin claiming benefits again, you may receive a form in the mail requesting information about the period of time you were not claiming**

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**benefits.** It is **very important** that you complete this form in its entirety and mail it back to the address shown on the form as soon as possible. If you don't fill out the form completely or if you don't send it back promptly, your benefits may be held until the Department of Labor receives the information requested.

## 10. Hearing and Appeal Process

***Can I appeal a determination about my claim?***

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

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

You can request a hearing online by sending us a secure message through your NY.gov account. See Chapter 14 of this claimant handbook: "***Appendix II: Sending a secure message***" for instructions.

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

You may also make your request by filling out the Claimant Hearing Request Form in the back of this handbook. You can mail it to:

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

**Important: Your online or mail request must be made or postmarked no later than 30 days from the date of the determination notice that you disagree with.** Include your full name, the last four digits of your Social Security number, your current mailing address and telephone number, the mailing date of the determination and why you disagree.

If you request a hearing after the 30-day deadline, you should explain the reason your request is late and it will be discussed at your hearing. A hearing request that is made more than 30 days after you receive your determination can affect the outcome of your hearing.

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

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days and earning less than the maximum benefit amount. If the Administrative Law Judge decides against you, you may have to pay back benefits that you received but were not eligible for.

If you ask for a hearing or are waiting for a hearing or a decision, protect your right to benefits. Continue to follow any instructions you have received from the Telephone Claims Center.* **Important: You must still claim weekly benefits (certify for benefits) for each week that you are unemployed, or working less than four days and/or earning less than the maximum benefit amount, even if you are not receiving benefits.** This will allow you to receive retroactive benefits if the hearing decision is in your favor.

Please note that hearings may be conducted in person or by telephone... you must ensure that the phone number listed on your hearing notice is correct.

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

***May I have representation at hearings?***

You have the right to bring an attorney or other representative of your choice with you to the hearing, though it is not required. Under the law, any attorney or a representative registered with the Unemployment Insurance Appeal Board may charge a fee for representing you. **Important: This fee can only be charged if you win your case, including any appeal.** You cannot be charged a fee for services until the amount of the fee has been approved by the Unemployment Insurance Appeal Board. Both you and your attorney or registered representative will receive a letter from the Appeal Board notifying you of any fee approval. If you have won your hearing and receive a bill for services that has not been approved by the Appeal Board, you should contact the Appeal Board at (518) 402-0205.

If you cannot afford to pay an attorney or a registered representative, you may be able to get free representation from a pro bono attorney or your local Legal Aid Society or legal services program.

For a list of legal resources, including attorneys, registered representatives, legal services programs and pro bono attorneys' organizations, go to the Unemployment Insurance Appeal Board website at **www.uiappeals.ny.gov**. Click on the "Resources" tab and then click on "List of Attorneys & Authorized Agents." You may also request this list by calling (518) 402-0205.

***How can I prepare for a hearing?***

Go to the Unemployment Insurance Appeal Board website at **www.uiappeals.ny.gov** and watch the video "Preparing for your Unemployment Insurance Hearing."

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

You have the right to see your case file before the hearing at the hearing site. Contact the Appeal Board hearing office shown on the hearing notice to schedule an appointment to view your file.

At the hearing, you may testify and present witnesses and documents. If you cannot get necessary evidence, you may ask the Administrative Law Judge to issue a subpoena to direct the person who has the evidence to bring it in. You will be allowed to question opposing parties and witnesses at the hearing.

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

The Claimant Advocate Office can be reached by phone at (855) 528-5618. You may also send us a secure message. See Chapter 14: "***Appendix II: Sending a secure message***" for instructions. Please email only the last four digits of your Social Security number; not the entire number. Also include your full name.

***What happens if I miss the hearing?***

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

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

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

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It is very important that you appear at all scheduled hearings whether you or the employer asked for the hearing.

***How will I receive the judge's decision?***

The Judge's decision will be mailed as soon after the hearing as possible. It will show the facts found based on evidence, the reasons for the findings and the decision itself. If you cannot understand the decision, call the Telephone Claims Center* or the Claimant Advocate Office at (855) 528-5618 to have it explained to you.

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

You, the employer and the Commissioner of Labor have the right to appeal an Administrative Law Judge's decision to the Unemployment Insurance Appeal Board. The notice telling you the Administrative Law Judge's decision will also explain how to file an appeal with the Unemployment Insurance Appeal Board.

In order to appeal, you must have been present or represented at the hearing before the Administrative Law Judge. Only the Commissioner of Labor may appeal without being represented at the hearing.

You may send your appeal to the Unemployment Insurance Appeal Board at PO Box 15126, Albany, NY 12212-5126, or by fax to (518) 402-6208. Your letter or fax must include the Administrative Law Judge Case Number (listed on the decision above the claimant's name).

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

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

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

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

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

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

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

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

The Appeal Board will then send you a notice with instructions on how to proceed with your appeal to the State Supreme Court.

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

**Phone Numbers — Hearing Section Offices:**

| | |
|---|---|
| Brooklyn (Schermerhorn Street) | (718) 613-3500 |
| Buffalo | (716) 851-2711 |
| Garden City | (516) 228-3908 |
| Hauppauge | (631) 952-6504 |
| Rochester | (585) 258-4540 |
| Syracuse | (315) 479-3380 |
| Troy | (518) 402-0210 |
| White Plains | (914) 997-9550 |

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## 11. Special situations

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

First, check this claimant handbook. You can also check the FAQs (Frequently Asked Questions) on our website at **http://labor.ny.gov/ui/faq.shtm**.

You can also send us a secure message from your online account. Sign in to your account at **www.labor.ny.gov/signin**. Then click on the envelope icon at the upper right of the My Online Services page.

If you must call the Telephone Claims Center,* please be aware that Monday and the day after a public holiday are the busiest days for phone calls. Thursday and Friday are less busy.

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

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

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

**Important: After we determine that you are eligible, it takes at least three business days for benefit payments to appear on your debit card or in your bank account via direct deposit after they are released.** If three days have passed since a payment was released and the funds are not in your account, you should contact KeyBank Customer Service at (866) 295-2955 if you have a debit card. If you have direct deposit, contact your bank. If there is a holiday in a given week, payments may be delayed by one day that week.

You must notify the Telephone Claims Center* if you receive or will receive dismissal or severance pay.

If you have a question about your claim or payments, call the Telephone Claims Center.* If there is a problem with your claim, the Telephone Claims Center* may contact you. This gives you the chance to respond to information we have received about your claim. If you do not respond promptly and as instructed, your benefits could be delayed.

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

Most likely, either you missed a work search appointment (please see page 28: ***"What happens if I miss my work search meeting?"***) or the Department of Labor received information that may affect your eligibility for benefits. That information may have come from a former employer, a questionnaire you returned, or you may have tried to certify for benefits from outside the United States (please see page 16 ***"What if I travel outside my area or outside the country?"***). When this happens, we are required to investigate and your benefits may be held.

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This investigation can take several weeks. You should respond to any questionnaires, messages, or phone calls from us as quickly as possible. The Telephone Claims Center* cannot authorize the payment of benefits while an investigation is going on. When the investigation is complete, you will either receive all benefits due or receive a Notice of Determination from us in the mail.

If your benefits have been held for five or more weeks and you have heard nothing, at that point we suggest you call the Telephone Claims Center.*

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

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

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

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

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

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

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

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

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

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

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Under New York's Unemployment Insurance law, someone in this situation could lose benefits for quitting the side job, even though it was actually costing them money. However, the Department of Labor recognizes that this can cause financial hardship for claimants who are trying to do the right thing. If you find yourself in this situation, we suggest you try to reschedule your part-time job hours into one to two days per week. If you do quit your side/part-time job, you must be prepared to show the Department of Labor your income and expenses.

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

You may be able to use military service to establish a claim if you meet certain conditions. Call the Telephone Claims Center* for more information.

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

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

Wages earned while in the reserves can be used to establish a claim if a reservist has 90 consecutive days of active duty service on or before November 24, 2015, or 180 consecutive days of active duty service on or after November 25, 2015.

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

Members of the state Army National Guard or reserves of the Army, Navy, Air Force, Marine Corps or Coast Guard are not eligible to receive Unemployment Insurance benefits while in annual field training. You are considered both unavailable for work and not totally unemployed. However, your monthly drill sessions do not affect eligibility for your full weekly benefit amount. Be sure you have sent in Form DD214, Member 4 to the address on page 39 under ***"Can I use military service to establish a claim?"***

If you become eligible for a pension while receiving Unemployment Insurance benefits, you must notify the Telephone Claims Center.*

***What if I work for an educational institution?***

If you work for an educational institution, you may not be eligible for Unemployment Insurance benefits. If the educational institution you work for has told you that you will have employment for the next academic year or term, you could be denied benefits or have your benefits reduced for the time period between academic years or terms or for a holiday recess. If this is the case, the wages you earned while working for that educational institution cannot be used for a claim between school terms or during recess periods if you have reasonable assurance of similar employment in the next term or after the recess period. If you have enough employment and earnings with employers other than educational institutions, you may be able to establish a claim based on the other employment.

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If you were not offered an opportunity to work for the educational institution when the new term or year began, you may be able to get retroactive payments of benefits. This is only if you did not work in an instructional, research or principal administrative position. You must have continued to claim weekly benefits (certify for benefits) each week during the period of your unemployment, even if you were not getting benefit payments.

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

***Does receiving a pension affect my benefits?***

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

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

The Department of Labor will determine if your benefits must be reduced. You may request a hearing if you disagree. Please see pages 32 - 36: ***"Hearing and Appeal Process."***

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

***Does receiving Social Security affect my benefits?***

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

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

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

If you are able to return to work, be prepared to send us a copy of your most recent Subsequent Report of Injury (SROI) filing. A paper copy should have been mailed to you. Or, you can print it out from your workers' compensation

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electronic case folder. Please also be prepared to send us a note signed by your doctor that says you are able to return to work.

You must notify the Telephone Claims Center* about any workers' compensation benefits you receive during the same weeks you collect Unemployment Insurance benefits. **Important: If you do not notify us, you may receive an overpayment which you will need to pay back.** The Department of Labor will determine if your benefits must be reduced. You may request a hearing if you disagree. Please see pages 32 - 36: ***"Hearing and Appeal Process."***

You may be able to participate in an education or training program while collecting benefits if you enroll in the 599 Program.

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

You may be able to participate in an education or training program while collecting benefits if you enroll in the 599 Program. **Important: Notify the Department of Labor as soon as you are enrolled in training.** If you are approved for training under this program, you are not required to look for work. The 599 Program does not pay for tuition or other school-related expenses.

Training programs must meet certain requirements to be approved for the 599 Program. Please call the 599 Training Program Central Review Unit at (518) 402-0189 to request an application or get general information. **Important: You must apply for the 599 Program within the first 13 weeks of your claim to receive maximum benefits.** A New York State Career Center can help you find training programs in your area. To find your closest New York State Career Center, go to **www.labor.ny.gov** or call the Department of Labor Contact Center at (888) 4-NYSDOL ((888) 469-7365) between 8:30 a.m. and 4:30 p.m. Monday - Friday.

If you indicated that you are attending or will attend a training program when you filed your claim, we will contact you to review your course or program. If you delay telling us about training acceptance or attendance, you may lose some benefits. If you fail to tell us that you are in training while receiving benefits, you may be subject to penalties. You could lose future benefits.

If your training is approved under the 599 Program, you may be eligible for **up to** an extra 26 weeks of benefits -- in addition to the usual 26 weeks. However, funding for these extra benefits is not always available. If funds are not available, it is possible that you could be approved for extra benefits, but not receive them. Or, if you do begin receiving benefits, they could stop before you finish your training.

If you do not have a high school diploma, you may be eligible to get a high school equivalency degree while receiving Unemployment Insurance. If you have limited English skills you may also be approved to attend English as a Second Language class training. Contact a New York State Career Center for more information.

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

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

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

***Starting a business: the Self-Employment Assistance Program (SEAP)***

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

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

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

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

- **Help finding and training for a new job.** This can include assessing your skills, career counseling, help with resume writing and interview skills, job referrals and more.
- **Transportation and subsistence payments** can help you pay for extra transportation and living costs when attending training outside your commuting area.
- **Job search allowances** can help pay for some travel expenses to job interviews outside your commuting area.
- **Relocation allowances can help pay moving expenses for** you and your family if you must move outside your commuting area for a new job.
- **Trade Adjustment Allowances (TRA for short).** This weekly allowance is payable after you have exhausted your Unemployment Insurance benefits.

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- **Alternate or Reemployment Trade Adjustment Allowances (ATAA or RTAA for short).** If you are at least 50 years of age and you get a new full-time job within 26 weeks of losing a job due to foreign trade, you may be eligible for these allowances. They help bridge any salary gap between your old and your new job.

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

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

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

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

You can get a petition form and filing instructions online at **www.doleta.gov/tradeact/petitions.cfm**. The petition must be filed with the United States Department of Labor within one year of the date you lost your job. Once a valid petition is received by the United States Department of Labor, a decision should be made within 40 days.

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

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

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

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

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

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

***What if I worked outside of New York State?***

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

***What if I plan to move out of New York State?***

The Telephone Claims Center* can tell you how to transfer your claim.

You will need to change your address with the Department of Labor either online or by calling the Telephone Claims Center.* To change your address online, sign in to your account at **www.labor.ny.gov/signin** and click on "Unemployment Services" on the My Online Services page. This brings you to the Unemployment Insurance Benefits Online page. Click the "Claim Weekly Benefits" button, which brings you to the Benefit Payments page. Click the "Continue" button at the bottom of that page, which will bring you to the Claim Weekly Benefits page. Click the "Change Address/ Telephone Number" button to change your address and/or phone number.

You will need to change your address by calling the Telephone Claims Center.* At the Main Menu, select the option "For PIN or Address Changes."

You must also update your contact information for your Unemployment Insurance benefits payment method. Direct deposit users should contact their bank. Debit card users should contact KeyBank Customer Service at (866) 295-2955.

***Unemployment Insurance benefits are taxable***

Unemployment Insurance benefits are subject to federal, New York State and local taxes. You can have federal and/or state tax withheld from your Unemployment Insurance benefits. If you do not, you may end up owing taxes at the end of the year. If you decide to have federal tax withheld, ten percent of your weekly benefit amount will be withheld. If you decide to have state tax withheld, 2.5 percent of your weekly benefit amount will be withheld. Federal and/or state tax will be withheld only after any mandatory deductions, such as child support payments, are made. Tax withholding is voluntary. You can stop or start the withholding at any time through your account at **www.labor.ny.gov/signin** or by calling the Telephone Claims Center.* The Department of Labor cannot return any money withheld for taxes to you.

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

In early January, your tax statement (Form 1099-G) will be available. It will show the total Unemployment Insurance benefits paid to you during the calendar year and any taxes withheld. You can either print it out from your online account at **www.labor.ny.gov/signin**, or you can call the Telephone Claims Center* (after you select your language, follow the prompts to obtain your 1099 form) to have a copy mailed to you. You will need the PIN you established when you filed your claim. Form 1099-G information is also sent to the federal Internal Revenue Service and to the New York State Department of Taxation and Finance.

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

It is against the law for any employer to force you to give up your rights to file for Unemployment Insurance benefits.

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

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

If you have been misclassified as an independent contractor or paid off the books, your wages may not appear on your Monetary Benefit Determination form. Please see page 11: ***"If wages and/or employers are missing from your Monetary Benefit Determination notice."*** Complete and return the Request for Reconsideration form found at the back of this handbook.

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

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

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

## 12. Definitions of important terms

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

> ***Basic Base Period:*** The **first four** of the **last five** completed calendar quarters before you file for benefits. The quarter in which you file for benefits does not count as part of your base period.
>
> ***Alternate Base Period:*** The **last four** completed calendar quarters immediately before you file for benefits. The quarter in which you file for benefits does not count as part of the Alternate Base Period.
>
> ***Extended Base Period:*** Your Basic Base Period, plus the one or two quarters preceding it, make up your Extended Base Period. Available only to claimants who received workers compensation or volunteer firefighters' benefits and who do not qualify on the basis of earnings in their Basic or Alternate Base Periods.

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

***Benefit Year:*** The benefit year is the one-year period that begins the Monday after the week you filed your original claim. You can be paid benefits for up to 26 weeks or the equivalent during your benefit year.

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

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

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

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

***Determination:*** For the purposes of the Unemployment Insurance program,

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

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

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

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

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

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

***Forfeit Days:*** Forfeit days are days in the future when you are eligible to receive benefits, but cannot because you have forfeited your right to receive benefits for those days as a penalty.

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

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

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

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

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

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

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

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

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

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

You must be ready, willing and able to work during this waiting week, just like any other week for which you want to receive Unemployment Insurance benefits. In addition, you must fulfill all work search and related record-keeping requirements. For more information, please see pages 24 - 29: ***"What are the work search requirements?"***

If you work at all during the first week of your claim or do not serve a full waiting week for other reasons, the waiting period will extend into the next week(s).

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

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

## 13. Appendix I: Claimant Advocate Office

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

If you have read this handbook and called the Telephone Claims Center,* and you still have questions about Unemployment Insurance, our Claimant Advocate Office can help. This free, impartial service is available to all claimants, especially those with limited English proficiency or other barriers.

Important: It can take three to six weeks from the time you file your claim to when you receive your first payment. Because we have to review and process your application for benefits, you will not receive benefits during this time period. If this time has not lapsed, please continue to wait for the review process to be finished. Also, the Claimant Advocate Office is separate from the Telephone Claims Center.* Advocates are not able to process claims, make determinations or expedite a claim.

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The Claimant Advocate office is separate from the Telephone Claims Center.*

***How we can help***

Advocates can help claimants understand:

- Their rights and responsibilities;
- An Unemployment Insurance determination and other correspondence;
- How to proceed with a hearing; and
- How to appeal a decision.

***What we cannot do***

Advocates cannot:

- Provide legal representation;
- Expedite your claim;
- Make a determination about your eligibility;
- Influence the outcome of a claim; or
- Pay benefits.

***Case assistance guidelines***

Advocates can help claimants that meet the guidelines below. Please read the guidelines and find the situation that you are in.

**1. Have you filed a claim but have not heard from the Department of Labor?**

Before an Advocate can help you, please make sure you have done the following:

- **Allowed at least six weeks to pass since you first filed a claim (new claims).** New claims normally take three to six weeks to be reviewed and processed. Please do not contact this office until it has been six weeks. If it has been less than five weeks, please continue to wait.
- **Claimed (certified for) weekly benefits every week you were unemployed and ready, willing and able to work.** Not sure what it means to claim (certify for) weekly benefits? Please see Chapter 6 of this handbook: ***"How do I claim weekly benefits?"*** on page 16. If you missed claiming benefits for a week, please see page 18: ***"When to claim weekly benefits"*** to learn how to request credit for the week(s) you missed.
- **Contacted the Telephone Claims Center* by web or phone.** We understand that call wait times can be lengthy, especially earlier in the week and around a holiday. We encourage you to call later in the week and more than once a day. You can also contact the Telephone Claims Center* by secure message. Sign in to your online account at **www.labor.ny.gov/signin**. Then, click on the envelope icon at the upper right of the My Online Services page.

**If it has been more than six weeks since you filed your claim and you have not heard from the Department of Labor, you can call the Telephone Claims Center* or contact a Claimant Advocate.**

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

If you do not meet these guidelines, this office will probably not be able to help you. Remember that all claims must be reviewed and processed. This can take up to six weeks. If your claim is under review, you must wait for the review process to be finished. If benefits have stopped and you have not received a questionnaire, please contact the Telephone Claims Center* to ask why the benefits have stopped.

**2. Are you trying to file a claim, but the system told you to speak with a Telephone Claims Center* representative and you cannot reach someone?**

You must keep trying to speak with a representative at the Telephone Claims Center,* because they are the only ones who can complete your claim. We understand that call wait times can be lengthy, especially earlier in the week and around a holiday. We encourage you to call more than once a day. If you are unable to reach a representative and you miss the week that you are trying to file, the Telephone Claims Center* can back date a claim for up to a week.

**3. Were you receiving benefits but they stopped unexpectedly?**

This office cannot determine if you will be eligible for benefits or influence a determination.

If you were receiving benefits but they have stopped due to an issue, make sure you have done the following before contacting an Advocate:

- If you were unable to claim weekly benefits and were told to go to **www.labor.ny.gov/signin** or call (877) 280-4541, make sure you have followed those instructions first;
- Followed instructions and returned any questionnaires and/or paperwork requested;
- Allowed two weeks to pass after you responded to a questionnaire or spoke to an agent; and
- Contacted the Telephone Claims Center.* We understand that call wait times can be lengthy, especially earlier in the week and around a holiday. We encourage you to call more than once a day. You can also contact the Telephone Claims Center* by secure message. Sign in to your online account at **www.labor.ny.gov/signin**. Then, click on the envelope icon at the upper right of the My Online Services page.
- If you have followed these steps and you still do not have a response, please contact a Claimant Advocate.

**4. Did you receive a determination that says you are not eligible for benefits, but you disagree?**

Claimant Advocates can answer your questions about the hearing or appeal process.

- We can explain how to request a hearing or appeal; and
- We can explain how to prepare for a hearing.

**5. Did you receive a determination but you do not understand what it means?**

Claimant Advocates can explain the determination. Please have the letter with you when you call.

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**6. Did you exhaust your 26 weeks and want to know what you can do to extend benefits?**

Currently, Unemployment Insurance offers a maximum of 26 weeks of benefits. There are no exceptions. Congress has not extended the program. This office cannot help you get additional weeks because none are available. If you are still unemployed and want to know what other benefits may be available to you, visit the **www.mybenefits.ny.gov** website.

**7. You have tried contacting the Telephone Claims Center* and cannot get through?**

Unfortunately, there are times of the week and the year when the wait times on phones are longer than other times. Mondays and the day after a holiday are usually the busiest. Remember, you can always send a secure message through your online account. Sign in at **www.labor.ny.gov/signin**. Then, click on the envelope icon at the upper right of the My Online Services page.

**8. You have not yet filed a claim and have questions about the process?**

This office can only help after you file a claim. Read the Frequently Asked Questions on our website at **http://labor.ny.gov/ui/claimantinfo/beforeyouapplyfaq.shtm** and this claimant handbook. If you still have questions, send a secure message through your online account. Sign in at **www.labor.ny.gov/signin**. Then, click on the envelope icon at the upper right of the My Online Services page.

This office cannot determine if you will be eligible for benefits or influence a determination. The only way to find out if you are eligible for benefits is by filing a claim. The Department of Labor's claim specialists must review the claim and make a determination.

***Requesting case assistance***

If you meet the guidelines above, you may contact this office. Services are available in approximately 200 languages.

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

Call toll-free: (855) 528-5618

When you call, please have:

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

You may also send us a secure message. See Chapter 14: "***Appendix II: Sending a secure message***" for instructions. **Important: Please email only the last four digits of your Social Security number; not the entire number. Also include your full name.**

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**Our office staff are not lawyers, and they cannot represent you at a hearing.** If you cannot afford to pay an attorney or a registered representative, you may be able to get free representation from a pro bono attorney or your local Legal Aid Society or legal services program. For a list of legal resources, including attorneys, registered representatives, legal services programs and pro bono attorneys' organizations, go to the Unemployment Insurance Appeal Board website at **www.uiab.ny.gov**. Click on the "Resources" tab and then click on "List of Attorneys & Authorized Agents." You may also request this list by calling (518) 402-0205.

## 14. Appendix II: Sending a secure message

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

Once you have signed in, select the envelope icon at the top right corner of the page. This will bring you to your message inbox. Select the menu button (the small square with three lines) and then select "Compose New."

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

For more information, see our "How to Send a Secure Message" factsheet at: **www.labor.ny.gov/formsdocs/ui/P837.pdf.**

## 15. Appendix III: Online filing terms and conditions

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

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| **Provide Complete and Accurate Information** | • If you give us incomplete or incorrect information, your claim and any payments that may be due you may be delayed.<br>• **If you give us false information or withhold information, your future benefits will be lost or reduced and you may face other serious consequences including the possibility of prosecution.** |

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| | |
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| **Submit your Claim** | Once you begin your application, always move forward until you are finished.<br><br>You will lose information if you do any of the following before you submit your claim:<br><br>• exit the application<br><br>• lose your Internet connection or<br><br>• using your browser's "back" button.<br><br>You can look over, change or print your responses in the "Review of Application Responses" section.<br><br>When you are done, select the "Submit Claim" button. |
| **Keep Your Contact Information Current** | By signing up for an on-line account, you agree to keep the contact information you have given us up to date. This includes your ***mailing address*** (required) and ***email address*** (required). If your contact information changes, you agree to update that information for our records. |
| **Respond to All Department Requests** | You agree to check and respond to messages and questionnaires we may send to through the NY.gov secure message system and all messages, forms and letters we send you by mail. You must respond within the timeframes listed in those documents.<br><br>You acknowledge and understand that if you fail to:<br><br>• keep your contact information up-to-date,<br><br>• check your NY.gov secure message inbox, and/or<br><br>• respond to our communications within the timeframes listed in those documents, your benefits may be delayed, suspended or denied. |

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

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| **Keep Important Claim Information** | After you submit your claim, you will see a "**Confirmation Page**" that lists additional information and instructions.<br>• Print or write down the information on that page for future reference.<br>• If you do not follow these instructions, your payments may be delayed or lost.<br>If you want to keep a copy of your entire application, you may print each page at the "Review of Application Responses" section. |
| **Direct Deposit Option** | • Print or write down the "Direct Deposit Information Review" page information before submitting your direct deposit information.<br>• This will be your only proof of the account information you provided. |
| **Call if Instructed** | Not all applications may be completed online. If you see a confirmation page that says you must speak with a claims specialist to complete your application for Unemployment Insurance benefits, you must call the **Telephone Claims Center**. The information you provide online will be saved. **However, your claim will not be processed until you make that call**. |
| **Keep Your PIN Secure** | ***NEVER Tell Anyone Your PIN (Personal Identification Number)***<br>When you submit a claim, you will be prompted to create a PIN. Your PIN is your electronic signature.<br>You will use your PIN every time you access the claims processing system. You could **lose up to 20 weeks** of benefits if you allow another person to use your PIN.<br>If you are a person with a disability who is unable to access our services without the help of another person, you may allow another person to help you. However, you must be present each time your helper uses our services, including when your helper enters your PIN. You are responsible for the actions of your helper. You may be subject to penalties, including forfeiture of benefits, if you are not present when your helper accesses our services. |

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

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

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

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

**Secure messaging and other messages:** You may receive secure messages, correspondence and questionnaires through your Labor On-Line account and by mail that you must complete and return by the deadline provided. Failure to do so will delay your claim or result in the denial and/or suspension of benefits.

## 16. Forms

The following pages contain forms referenced throughout this document:

- A **Work Search Record** is used to record and document your work search efforts.
- A **Request for Reconsideration** form may be used to notify the Telephone Claims Center* that you disagree with information on your Monetary Benefit Determination notice.
- A **Request for Alternate Base Period** may be used to increase your benefit rate if your high quarter wages are in the alternate quarter.
- A **Request for Rate Based on Weeks of Employment** form and instructions.
- **Voter Registration** form. **Do not return this form to the Department of Labor.** A completed Voter Registration form must be returned to your local Board of Elections at the address listed on the instruction page.

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

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

NEW YORK STATE OF OPPORTUNITY. Department of Labor

# Work Search Record

**For Week Ending:** _____/_____/_____
(Use Sunday date)

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

This form may be used to record your work search activities. Instructions are on the back. You can also use the Work Search Record on our JobZone website instead of this form. Simply click on the JobZone Work Search link when you claim weekly Unemployment Insurance benefits online.

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

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

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

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



Equal Opportunity Program - Auxiliary aids and services are available upon request to individuals with disabilities.

New York State Department of Labor

# Work Search Record Instructions

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

You must do at least **three** work search activities each week, unless you have a Work Search Plan approved by the Department of Labor.* **The three activities must be done on different days of the week. They must include <u>at least one activity from Work Search Activities 1-5</u> (below). Two more activities must be completed and may be selected from the nine activities listed.** This is the minimum criteria. You are encouraged to do more.

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

(1) Visiting a local New York State Career Center and:
- Meeting with Career Center advisors;
- Getting information from Career Center staff about jobs that may be available in a particular industry or region (obtaining job market information);
- Working with Career Center staff to assess your skills and match them to possible occupations and jobs (skills assessments for occupation matching);
- Participating in instructional workshops; and
- Getting job referrals and job matches from the Career Center and following up with employers.

(2) Visiting a job site and completing a job application in person with employers who may be reasonably expected to have openings.

(3) Submitting a job application and/or resume in response to a public notice or want ad or to employers who may reasonably be expected to have openings.

(4) Attending job search seminars, scheduled career networking meetings, job fairs, or employment-related workshops that offer instruction to improve job-hunting skills.

(5) Interviewing with possible employers.

(6) Applying for employment with former employer(s).

(7) Registering with and checking in with private employment agencies, placement services, unions, and placement offices of schools, colleges or universities, and/or professional organizations.

(8) Using the telephone, business directories, internet, or online job-matching systems to search for jobs, get leads, request referrals, or make appointments for job interviews.

(9) Applying and/or registering for and taking Civil Service Examination(s) for government job openings.

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

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

Department of Labor
PO Box 15130
Albany, NY 12212-5130
www.labor.ny.gov

# Unemployment Insurance Request for Reconsideration

**IMPORTANT!**
This form must be received within 30 calendar days from the Date Mailed of your last Monetary Benefit Determination. **Please print clearly. If you do not, we cannot process this form.**

**Please print clearly**

Last Name:_____ First Name: _____ Middle Initial:_____

Address:_____

City:_____ State:_____ Zip Code:_____

Claim Effective/Start Date:_____/_____/_____ Social Security number: XXX-XX-_____ _____ _____ _____

**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-2s, 1099s, vouchers, checks, tips, bonuses, meals, lodging, commissions, vacation pay and records of employment and/or payment.
- Do not send originals; photocopy all supporting documentation onto 8½ x 11 single-sided paper.
- Write your name, the last four digits of your Social Security number and your phone number on each attachment.
- If you received worker's compensation, include a copy of your most recent Subsequent Report of Injury (SROI) filing.
- This completed form and all attachments must be received within the time frame noted above in the IMPORTANT! message. Please print clearly. **If you do not, we cannot process this form.**

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

**Certification**

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

_____ _____ _____
Signature (Required) Date Area code Telephone number

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

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

OR

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

Claim weekly benefits at www.labor.ny.gov or call Tel-Service at 888-581-5812.

For more information visit: www.labor.ny.gov.

For help, see the claimant handbook at www.labor.ny.gov/uihandbook.

Department of Labor
PO Box 15130
Albany, NY 12212-5130
www.labor.ny.gov

**IMPORTANT!**
This form must be received within ten calendar days from the Date Mailed of your last Monetary Benefit Determination. **Please print clearly. If you do not, we cannot process this form.**

# UNEMPLOYMENT INSURANCE
# Request for Alternate Base Period

**Please print clearly**

LAST NAME:_____ FIRST NAME:_____ MIDDLE INITIAL: _____

ADDRESS:_____

CITY: _____ STATE: _____ ZIP CODE:_____

CLAIM EFFECTIVE/START DATE: ____/____/____ SOCIAL SECURITY #: XXX – XX - __ __ __ __

**Form requirements**

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

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

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

**Step 1 Last Calendar Quarter Information**

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

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

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

**Step 2 Wage Information**

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

EMPLOYER NAME:_____QUARTERLY GROSS WAGES $_____
EMPLOYER ADDRESS: _____
CITY:_____STATE:_____ZIP:_____ If work was performed outside New York State, indicate state _____

EMPLOYER NAME:_____QUARTERLY GROSS WAGES $_____
EMPLOYER ADDRESS: _____
CITY:_____STATE:_____ZIP:_____ If work was performed outside New York State, indicate state _____

EMPLOYER NAME:_____QUARTERLY GROSS WAGES $_____
EMPLOYER ADDRESS: _____
CITY:_____STATE:_____ZIP:_____ If work was performed outside New York State, indicate state _____

**Step 3 Acknowledgement**

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

_____ _____ _____ - _____ - _____
Signature Required Date Area Code Telephone Number

**Step 4 Return Instructions**

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

**FAX:** 518-457-9378
This notice is your cover page.
Indicate total # 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 1-888-457-8560.

For additional information visit our website: www.labor.ny.gov

For assistance, review your claimant handbook.

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

# Request for Rate Based on Weeks of Employment

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

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

_____**Please print clearly**_____

Last Name: _____First name:_____Middle Initial:_____

Address:_____

City:_____State:_____Zip:_____

Social Security Number: XXX – XX - __ __ __ __

**Base Period: From _____ Through _____**
(Enter these dates from the previously issued T402, Monetary Benefit Determination)

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

**G. Recomputation Formula:**

1. Divide the total wages by the total weeks (the lesser of **E** or **F**) to calculate the average weekly wage ……$ _____
2. Divide the average weekly wage by 2 to arrive at your proposed rate based on weeks and wages. The rate cannot exceed $430……$ _____
3. Enter your current benefit rate from your last T402 Monetary Benefit Determination form …… $ _____
4. Subtract line 3 from line 2. The amount must be $5 or more to receive the recomputed rate based on weeks and wages…… $ _____

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

Signature: _____ Date: ____/____/_____ Telephone No.: _____

## Concurrency Worksheet
## Record of Concurrent Employment in Base Period

SS# XXX – XX - __ __ __ __ NAME: _____ Base Period: From ___/___/_____ Thru ___/___/_____

| Weeks → Employer ↓ | * | | |

# Instructions for Request for Rate Based on Weeks of Employment

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

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

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

On the reverse side is an example of a completed Request for Rate Based on Weeks of Employment form. The example assumes a benefit claim filed in the 4th quarter 2013 and wages employers reported to the New York State Wage Reporting system within the basic base period July 1, 2012 through June 30, 2013.

| Employer | Wages | | | | Base Period |
|---|---|---|---|---|---|
| | 2/2013 | 1/2013 | 4/2012 | 3/2012 | |
| Good Construction, Inc. | $5,000 | $6,594 | $7,812 | $1,375 | $20,781 |
| Better Construction, Inc. | $640 | | | | $640 |
| Best Construction, Inc. | | | | $6,440 | $6,440 |
| Total | $5,640 | $6,594 | $7,812 | $7,815 | $27,861 |

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

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

**NOTE**: If you worked for more than one employer in the same week for one or more weeks, you must first complete the Concurrency 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 Example**

1. Divide the total wages by the total weeks (the lesser of line **E** or **F**) to calculate the average weekly wage ……$ 619.13
2. Divide the average weekly wage by 2 to arrive at your proposed rate based on weeks and wages. The rate cannot exceed $430……$ 309.57
3. Enter your current benefit rate from your last T402 Monetary Benefit Determination form……$300.00
4. Subtract line 3 from line 2. The amount **must** be $5 or more to receive the recomputed rate based on weeks and wages……$ 9.57

**Example**

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | * | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Weeks →** **Employer ↓** | 7/01/12 | 7/08/12 | 7/15/12 | 7/22/12 | 7/29/12 | 8/05/12 | 8/12/12 | 8/19/12 | 8/26/12 | | 4/01/12 | 4/08/12 | 4/15/12 | 4/22/12 | 4/29/12 | 5/06/12 | 5/13/12 | 5/20/12 | 5/27/12 | 6/03/12 | 6/10/12 | 6/17/12 | 6/24/12 |
| **A** | | | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| **B** | | | | | | | | | | | | | | | | | | | | ✓ | ✓ | | |
| **C** | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | | | | | | | | | | | | |
| **Etc.** | | | | | | | | | | | | | | | | | | | | | | | |
| | | | X | | | | | | | | | | | | X | X | | | | | | | |

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

| | |
|---|---|
| Gross Weeks | 53 |
| Concurrent Weeks | 8 |
| Net Weeks | 45 |

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

# Claimant Request for Hearing

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

Your Name (print): _____

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

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

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

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

_____

_____

_____

_____

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

_____

_____

Last Employer's Name: _____

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

_____
Street City State Zip Code

Work Phone Number: (_____) _____

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

If yes, what language and dialect? _____

Dates you are unavailable for a hearing: _____

Email: _____ Phone: (_____) _____

Mailing Address: _____ Apt/Floor: _____

City: _____ State: _____ Zip: _____

Signature _____ Date _____

For information about the UI Claimant Advocate Office and to view a video on how to prepare for a hearing, visit our website at http://labor.ny.gov/ui/claimantinfo/claimant-advocate.shtm

# Instructions for Voter Registration Form

1. Fill out the Voter Registration form that immediately follows this instruction sheet.

2. Carefully tear it out of this booklet and put it in an envelope. Be sure to include your return address and correct postage.

3. Mail to the County Board of Elections in the county in which you live (see list at bottom of this page). ***Do not mail this form to the Department of Labor! We cannot process it and will have to return it to you. This will delay your registration.***

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

**Albany**
32 North Russell Road
Albany, NY 12206
(518) 487-5060

**Allegany**
6 Schuyler St.
Belmont, NY 14813
(585) 268-9294

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

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

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

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

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

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

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

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

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

**Delaware**
3 Gallant Ave.
Delhi, NY 13753
(607) 746-2315

**Dutchess**
47 Cannon St.
Poughkeepsie, NY
12601
(845) 486-2473

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

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

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

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

**Genesee**
County Building #1
15 Main St.
Batavia, NY 14021
(585) 344-2550

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

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

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

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

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

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

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

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

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

**Nassau**
240 Old Country Rd.
5th Fl.
Mineola, NY 11501
(516) 571-2411

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

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

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

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

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

**Orleans**
14012 State Rte. 31
Albion, NY 14411
(585) 589-3274

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

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

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

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

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

**St. Lawrence**
48 Court St.
Canton, NY 13617
(315) 379-2202

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

**Schenectady**
388 Broadway, Ste. E
Schenectady, NY
12305
(518) 377-2469

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# NYS Agency-Based Voter Registration Form

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

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

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

Signature _____ Date ___ / ___ / ___

Please Print Name _____

**Important!**

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

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

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

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

한국어: 한국어 한국어 양식을 원하시면 1-800-367-8683 으로 전화 하십시오.

যদি আপনি এই ফর্মটি ইংরেজীতে পেতে চান তাহলে 1-800-367-8683 নম্বরে ফোন করুন

Rev. 2/2015

## VOTER REGISTRATION APPLICATION (instructions on back)

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

| | | | | |
|---|---|---|---|---|
| 1 | **Are you a U.S. citizen?** ☐ **YES** ☐ **NO** If you answered **NO**, do not complete this form | 2 | **Will you be 18 years old on or before election day?** ☐ **YES** ☐ **NO** If you answered **NO**, do not complete this form unless you will be 18 by the end of the year | **For Board Use Only** |
| 3 | Last Name / First Name / Middle Initial / Suffix | | | |
| 4 | Address where you live (do not give P.O. box) / Apt. No. / City/Town/Village / Zip Code / County | | | |
| 5 | Address where you get your mail (if different than above) / P.O. Box, Star Route, etc. / Post Office / Zip Code | | | |
| 6 | Date of Birth | 7 | Sex ☐ **M** ☐ **F** | 8 Telephone (optional) / Email (optional) |
| 10 | The last year you voted / Your address was (give house number, street and city) / In county/state / Under the name (if different from your name now) | 9 | **ID Number** (Check the applicable box and provide your number) ☐ New York State DMV number ☐ Last four digits of your Social Security number ☐ I do not have a New York State DMV or Social Security number | |
| 11 | **Political Party** | 12 | **Affidavit: I swear or affirm that** | |

**I wish to enroll in a political party**

- ☐ Democratic party
- ☐ Republican party
- ☐ Conservative party
- ☐ Green party
- ☐ Working Families party
- ☐ Independence party
- ☐ Women's Equality party
- ☐ Reform party
- ☐ Other _____

**I do not wish to enroll in a political party**

- ☐ No party

**Affidavit: I swear or affirm that**

- I am a citizen of the United States.
- I will have lived in the county, city or village for at least 30 days before the election.
- I will meet all requirements to register to vote in New York State.
- This is my signature or mark on the line below.
- The above information is true, I understand that if it is not true, I can be convicted and fined up to $5,000 and/or jailed for up to four years.

Signature or Mark in ink _____ Date ___ / ___ / ___

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

| | | |
|---|---|---|
| Last Name | | |
| First Name | Middle Initial | Suffix |
| Address | | |
| Apt Number / City/Town/Village | | Zip Code |
| Birth Date | Sex ☐ M ☐ F | |
| Eye Color | Height Ft. In. | |

**By signing below, you certify that you are:**

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

DONATE LIFE New York State

Signature _____ Date ___ / ___ / ___

**Qualifications for Registration**

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 December 31 of the year in which you file this form (note: You must be 18 years old by the date of the general, primary, or other election in which you want to vote.);
- be a resident of the County, or of the City of New York at least 30 days before an election;
- not be in jail or on parole for a felony conviction; and
- not claim the right to vote elsewhere.

**Important!**

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

NYS Board of Elections
40 North Pearl St, Suite 5
Albany, NY 12207-2729
Telephone: 1-800-469-6872;
TDD/TTY users contact the New York State Relay at 711;
or visit our web site - www.elections.ny.gov

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

## Verifying your identity

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

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

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

## To complete this form:

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

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

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

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

# EQUAL OPPORTUNITY is THE LAW

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

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

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

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

NEW YORK STATE OF OPPORTUNITY. | Department of Labor

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

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

or you may file a complaint directly with:

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

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

DEOD 310.1 (05/16)

Equal Opportunity Employer/Program.
Auxiliary aids and services are available upon request to individuals with disabilities.

NEW YORK
STATE OF
OPPORTUNITY.

Department
of Labor