

Maintaining UI Eligibility Select Sections from UI Claimant Handbook

Do I have to look for work?

- To be eligible for benefits you must be available for work and demonstrate that availability by actively seeking employment while you are claiming benefits.
- You must keep a written record of all your efforts to find employment.
- Looking for self-employment only does not satisfy the search for work requirement.
- You may be denied benefits if you fail to look for suitable work.

What kind of work do I have to look for?

- Suitable work is work for which you are reasonably fitted by training and/or experience. This means that you have to look for work in all your recent occupations, especially if the prospect of obtaining work in your primary skill area is not good.
- After 13 full weeks of benefits are claimed, suitable work will also include any work that you are capable of performing whether or not you have any experience or training in such work, unless you obtain employment through a union hiring hall or have a definite date to return to work. Such work must pay the prevailing wage for similar work in the locality and pay you at least 80% of your high quarter wages.
- You must also be willing to travel a reasonable distance to obtain employment. As a general rule, travel of one hour by private transportation or one and one half hours by public transportation is considered reasonable.

What if I refuse a job because of wages?

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

You can find prevailing wage information on the Internet at:

<http://www.labor.ny.gov/stats/uiwages.shtm>

What if I work part-time?

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

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

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

If you are unable to work, the amount of benefits you are paid is determined on the same basis. Receiving partial benefits extends the length of time you may collect benefits until you receive your maximum benefit amount or until your benefit year ends, whichever comes first. You are not eligible to receive benefits for any week in which you earn over \$405 (gross wages) regardless of the number of days worked.

What is considered work?

You must report all the work that you perform, whether it is for yourself, a friend, a relative or an employer. **You are considered employed on any day when you perform any services -even an hour or less- in self-employment, on a free-lance basis or for someone else.** It makes no difference whether this work is in covered employment or whether you get paid for that day. For example, work on a straight commission basis is employment even though you may not receive the commission until some time later or even though no sales are made nor any compensation received. If you are involved in free-lance work, self-employment, starting a business or doing "favors" for another business, you should call the Telephone Claims Center and give all details **BEFORE** claiming benefits.

What if I am called in for an appointment?

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

What if I do not have childcare?

A lack of suitable childcare that prevents you from accepting a job, or attending an interview, may result in the denial of your benefits.

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

You must be physically able to work in order to be eligible for unemployment insurance. Persons who cannot work because of sickness or an accident outside of working hours may be eligible to collect state disability benefits. If you become ill or disabled while receiving unemployment benefits, you must contact the Telephone Claims Center. If you receive Workers' Compensation benefits because of a work-related injury, but are physically able to perform other work, you should contact the TCC for instructions. You may be eligible for unemployment benefits. See page 13 for more information on receiving Workers' Compensation benefits.

What if I leave the area?

- If you leave your normal labor market to travel to another area within New York or another state, you must call the Telephone Claims Center before leaving. You will be told whether your benefit rights can be protected while you are away. Failure to advise the TCC before you leave could result in a denial of benefits.
- If you move, you must update your mailing address and telephone number by contacting the TCC at 1-888-209-8124 (1-877-358-5306 for Out-of-State residents). On the telephone system, after you enter your Social Security Number and PIN on the touch tone pad and both are confirmed, you will be given the option, "to change your name, address or phone number, press 1".
 - For Direct Deposit users: once you change your address on our system, you should contact your financial institution to update your new contact information.
 - For Direct Payment Card users: once you change your address on our system, you must contact Chase Customer Service at 1 -877-221 -1634 to update your new contact information.

What if I am called for jury duty?

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

What if I want to start my own business?

Notify the Telephone Claims Center before you take any steps to start a business. Unless you are enrolled in the Self Employment Assistance Program (SEAP), these activities may result in the loss of unemployment insurance benefits. You are considered to be employed if you are engaged in operating or starting a business either by yourself, with a partner or in a corporate arrangement. Time spent during the day or evening or on weekends preparing to start or actually operating a business may be considered **employment even though no sales are made nor any compensation received.**

Denial of Benefits

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

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

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