



## Women's Center for Education and Career Advancement

### Unemployment Insurance Facts That Every Worker Should Know!

**Unemployment Insurance (UI):** New York State UI provides up to 26 weeks worth of income to unemployed workers who have lost their jobs through no fault of their own or quit for good cause. To be eligible, you must currently be unemployed and looking for work. The weekly benefit amount is about half of your weekly wages, with a maximum benefit of \$405/week.

**Emergency UI: You may be eligible for a NEW 13-week extension of unemployment benefits!** You must meet the requirements for regular UI (be able, willing and ready to work, etc.), and have already received all of your regular UI benefits. Emergency benefits will be available for the week starting February 22, 2009 and through the week ending May 30, 2010. You must claim your first week of emergency benefits by the week ending December 27, 2009. Note: This is an additional 13 weeks of federally funded emergency benefits, for a total of 33 weeks of emergency benefits.

Many people don't apply for UI because they incorrectly assume they won't be eligible. Below are the key facts about UI to help clarify eligibility.

**FACT #1: There is no minimum amount of time you have to work at a single job to receive UI.**

You could work for a week at a job and still qualify for UI if you have the required earnings from other jobs.

**FACT #2: Many people who are fired get UI.**

You must have been fired for "misconduct" to be ineligible for UI. Misconduct DOES NOT include poor performance, carelessness, making a mistake or your boss not liking you, although your employer may call that "misconduct." Misconduct means intentionally ignoring your employer's rules or interests. If you believe that your firing was not justified, you should apply for UI and talk with a Legal Services lawyer if you are denied UI.

**FACT #3: You may be eligible for UI even if you quit, as long as you quit for "good cause."**

Examples of possible good cause include: your employer was breaking the law by not paying minimum wage and/or overtime, you were being sexually harassed at your workplace, a change in your work shift meant you couldn't get child care for your kids and your employer refused to work it out with you. *Leaving your job because of domestic violence/abuse is "good cause."*

**FACT #4: You do not have to be a U.S. citizen to collect UI.**

You can collect UI if you are a legal permanent resident (green card holder), refugee, parolee, battered spouse under VAWA or many other categories of immigrants. In order to be eligible for UI, you must have legal authorization to work in the United States, and your work authorization cannot be tied to a specific employer.

**FACT #5: You can still get UI if you were working "off the books/ under the table."**

Although it may not be easy, you can receive UI as long as you are legally authorized to work and you can prove your earnings through check stubs, receipts, bank statements and/or a sworn affidavit.



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## **FACT #6: You can earn very little and have sporadic earnings and still be eligible for UI.**

For example, even earning minimum wage and working only 20 hours/week could make you eligible for UI. If you are unsure of whether you have enough earnings, you should go ahead and apply.

When you apply for UI, the Department of Labor looks at the income you have earned in the last one and one half years, divided into calendar quarters (periods of 3 months). To qualify, you must have:

- earned wages in at least 2 calendar quarters, **AND**
- earned at least \$1,600 in pre-tax earnings in 1 calendar quarter, **AND**
- earned at least half the amount of your high quarter earnings in the other 3 quarters *combined* (Note: If your high quarter earnings are \$8,910 or higher, your other three quarters only need to add up to \$4,455).

The Department of Labor will look first at your earnings in the “Basic Base Period,” which is made up of the earliest four of the five most recent calendar quarters. See the example below:

Basic Base Period				(Quarter not considered)	Filing Quarter
OCT-NOV-DEC	JAN-FEB-MAR	APR-MAY-JUN	JUL-AUG-SEP	OCT-NOV-DEC	JAN-FEB-MAR
\$1600 <i>(high quarter)</i>	\$1200	\$400	\$400	\$400	Lost job - applying for UI <b>Eligible using Basic Base Period</b>

If you are denied UI based on the Basic Period calculation, the UI office should automatically reevaluate your eligibility based on the Alternate Base Period--the four most recently completed calendar quarters. If you are denied benefits, make sure that you have also been evaluated based on the Alternate Period shown period.

(Quarter not considered)	Alternate Base Period				Filing Quarter
OCT-NOV-DEC	JAN-FEB-MAR	APR-MAY-JUN	JUL-AUG-SEP	OCT-NOV-DEC	JAN-FEB-MAR
\$200	\$300	\$200	\$800	\$1600 <i>(high quarter)</i>	Lost job - applying for UI <b>Ineligible using Basic Base Period. Eligible using Alternate Base Period</b>

## **FACT #7: There is no deadline to apply for unemployment insurance.**

It is best to apply as soon as you lose your job, but you can apply anytime after you become unemployed as long as you are still unemployed and seeking work. If you realize six months or even eight months AFTER losing your job that you may be eligible, and you are still unemployed, you CAN still apply and receive up to 26 weeks worth of UI. However, as the chart above shows, your income eligibility is calculated by past quarters of work. If you don't file within one year of losing your job, you will not have income left in your base periods to establish a claim.

**To Apply**, go to <https://ui.labor.state.ny.us/UBC/home.do> or call 888-209-8124. Hearing impaired individuals can call 800-662-1220 and have the operator call the NYS Labor Dept. at 888-783-1370.

**For FREE legal assistance with your UI claim, call the LSNY UI Helpline at: (646) 442-3332.**

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