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Q: What employment do I need to qualify for benefits?

A: You must have worked and been paid wages for work in at least two calendar quarters in your base period,

AND

You must have been paid at least \$1,900 in wages in one of the calendar quarters in your base period,

. AND

The total wages paid to you in your base period must be one and one-half times your high quarter wages.

We use no more than \$9,460 of your high quarter earnings to determine if you qualify. You must have earned at least half that amount (\$4,730) in the other base period quarters.

If you qualify using the Basic base period, we use that period to establish your claim.

1. If you do not qualify in the Basic base period, we will calculate using the Alternate base period.
2. If you qualify under the Basic base period, you may think that using the Alternate base period would give you a higher benefit rate. You can ask us to recalculate your rate using the Alternate base period. You have 10 days from the date of the initial notice to make the request.
3. If you do not qualify using either base period

AND

You received Workers' Compensation payments

OR

Volunteer Firefighters' benefits during the Basic base period,

THEN

We may extend the Basic base period back up to 2 calendar quarters. This will depend on how many base period quarters you received these benefits.

4. If you do not qualify in any of these base periods,

AND

You worked for pay in the calendar quarter when you filed,

AND

You are still unemployed after that quarter ends,

AND

You think that you may qualify using the latest work,

THEN

You should apply again for benefits after this calendar quarter ends.

Please note:

1. Once you use wages to establish a claim, they are void for the next claim. You cannot use them again. This may affect your entitlement to a later claim.
2. If you were fired for misconduct or a criminal act, you may not use any wages paid to you for that work to establish a claim or to calculate your benefit rate.
3. If you are filing a repeat unemployment insurance claim, you must have earned new wages of at least ten times your benefit rate in the benefit year to qualify for a new claim.

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Q: How do I know if I may file a claim?

A: By law, the unemployment insurance program provides benefits to people who:

- Have enough employment to establish a claim
- Have lost employment through no fault of their own
- Are ready, willing and able to work and
- Are actively seeking work

If you worked in New York State within the last 18 months, you have the right to file a claim for benefits.

You **must** meet the qualifying conditions set by law to qualify for benefits. (See list above.)

We can only determine your eligibility to benefits after you file a claim and we have all the required information. We determine your eligibility based upon the New York State Unemployment Insurance Law and precedents of the Law as set by court decisions.

You may be eligible for benefits if:

- You lost your job due to lack of work
- The temporary or seasonal employment ended
- Your job was eliminated
- There was an involuntary reduction in force
- The company downsized or shut down
- The company restructured or reorganized
- There was a lack of company operating funds/orders
- You were out of work for any other business reason that you did not choose or control
- Your employer discharged or fired you because you could not meet their performance or production standards, or their qualifications for the job

You may be denied benefits if you:

- Were fired because you violated a company policy, rule or procedure, such as absenteeism or insubordination
- Quit your job without good cause, such as a compelling personal reason
- Are out of work because of a work stoppage (except for lockouts) in the last 49 days that violated an existing collective bargaining agreement where you worked

(You need not actually take part in the strike, only be out of work because of it.)

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Q: When should I file a claim?

A: File your claim during your first week of total or partial unemployment. If you wait, you may lose benefits. You may not file for a week when you work four or more days or earn more than \$430 gross pay between Monday and Sunday. You must wait until the next Monday to file, if you are still unemployed.

To request credit for a period for which you did not file a valid claim, **write** to:

New York State Department of Labor
Central Support Unit
P.O. Box 15130
Albany, New York 12212

Your letter should include your:

- Name
- Address
- Phone number
- Social Security number
- Dates for which you request credit
- Reason why you did not file a claim at that time

We will investigate and decide if you qualify for benefits.

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Q: How do I apply for Unemployment Insurance?

A: See [How to File a Claim \(http://labor.ny.gov/ui/how_to_file_claim.shtm\)](http://labor.ny.gov/ui/how_to_file_claim.shtm) for instructions.

If you are hearing-impaired and another person is helping you:

- Call the Telephone Claim Center at (888) 783-1370

If you use Telephone Device for the Deaf (TTY/TDD) equipment:

- First call the relay operator at (800) 662-1220 and ask the operator to call the Telephone Claim Center at (888) 783-1370

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Q: What do I need to have when I file?

A: See [How to File a Claim \(http://labor.ny.gov/ui/how_to_file_claim.shtm\)](http://labor.ny.gov/ui/how_to_file_claim.shtm) for instructions.

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Q: What if I forgot my PIN?

A: If you filed a UI claim within the last 3 years, the system will remember your Personal Identification Number (PIN).

To reset your PIN, call the [Telephone Claim Center \(http://www.labor.ny.gov/ui/claimantinfo/ContactInfo.shtm#TCC\)](http://www.labor.ny.gov/ui/claimantinfo/ContactInfo.shtm#TCC) at (888) 209-8124 and follow the menu options to change your PIN.

You must have the PIN to file your claim for benefits. You will use it to inquire about your claim on the phone with the Telephone Claim Center. **Never tell anyone your PIN or write your PIN down where others may see it.**

You are responsible and liable for your claim. Your PIN is your electronic signature. It protects against another person certifying for your benefits and obtaining payments or information on your claim. You will use your PIN every time you access the claims processing system.

If you claim Unemployment Insurance fraudulently or let someone obtain benefits or access to your claim using your PIN, it is a serious offense. It can lead to severe penalties, including criminal prosecution and imprisonment.

You could lose up to 20 weeks of benefits if you let another person use your PIN.

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Q: If I live in New York State, but worked in another state, where do I apply for benefits?

A: If you live in New York State, but all your work in the past 18 months was in another state, file your claim with the state where you worked. See [details and filing instructions in other states \(http://www.servicelocator.org/ui_filing_assistance.asp\)](http://www.servicelocator.org/ui_filing_assistance.asp).

If you worked in 2 or more states in the past 18 months, you must file your claim with one of the states where you worked, no matter where you live. You may be able to combine wages from all the states where you worked in the past 18 months. OR, you may use only the wages earned in the filing state. File your claim in a state where you worked, then that state will tell you all your filing options to receive the highest benefit amount. See [details and filing instructions in other states \(http://www.servicelocator.org/ui_filing_assistance.asp\)](http://www.servicelocator.org/ui_filing_assistance.asp).

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Q: What if I work part-time?

A: If you work less than four days in a week and earn \$430 or less, you may receive partial benefits. Each day or part of a day of work causes your weekly benefit rate to drop by one-quarter. For example, if your weekly benefit rate is \$100 and you work three days and earn less than \$430, you may receive \$25 in benefits. If you work two days, you may receive \$50 in benefits. If you work one day, you may receive \$75 in benefits.

If you receive partial benefits, it extends the length of time you may collect benefits. If you earn over \$430 in any week, no matter how many days you worked, you cannot receive benefits for that week.

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Q: Can I file a claim if I lost my full-time work, but still work part-time?

A: Yes, if you work less than four days in a week and earn \$430 or less, you may receive partial benefits. When you file your UI claim:

- You will be asked to enter the date of your last day worked. Enter the last day you physically reported to work, regardless of whether this was your part-time or full-time work.
- You will also be asked to enter information about your last or most recent employer. The last or most recent employer is where you most recently reported to work, regardless of whether this was your part-time or full-time employer. If it was your part-time employer, and you will continue to work part-time, enter "lack of work" as the reason for separation.

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Q: If I have a claim with another state, how do I register with NYS?

A: If you filed a claim in another state, but have since moved to New York State, the other state may require you to register and receive reemployment services with New York State. To register with New York State, please go to the nearest New York State Career Center office (<http://labor.ny.gov/workforcenypartners/osview.asp>) and ask them to register you for reemployment services.

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Q: How is my weekly benefit rate determined?

A: We calculate your original benefit rate based on your actual high calendar quarter* wages. Your weekly benefit rate is 1/26 of the high quarter wages paid to you in your base period.

Exception: if your high quarter wages are \$3,575 or less, your weekly benefit rate is 1/25 of your high quarter wages. For claims effective 1/6/14 and later, if you only have two or three quarters of earnings in your base period and your high quarter is greater than \$4,000, your high quarter wages will be calculated based on the average of your two highest quarters.

The rate applies wages to the quarter when your former employer paid them (not when you earned them). The current maximum weekly benefit rate is \$430.

We establish your entitlement and benefit rate with information that your employers report to the New York State Wage Reporting system. We will send you an initial Monetary Determination based on this.

If you qualify, the Monetary Determination will show your weekly benefit rate.

If you do **not** qualify, the Monetary Determination will explain why. It will also tell you what to do if the wages on the form are wrong or if your employment and earnings are missing.

We must reduce your weekly benefit payment by one-quarter for each day you work or are not eligible. If you earn over \$430 in any week, no matter how many days you worked, you cannot receive benefits for that week.

* A calendar quarter is the 3 month period beginning with January, April, July, and October.

1st calendar quarter: January 1 through March 31

2nd calendar quarter: April 1 through June 30

3rd calendar quarter: July 1 through September 30

4th calendar quarter: October 1 through December 31

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Q: What is the maximum amount of benefits I can receive?

A: Although your claim lasts one year (your benefit year), during that time **you can only receive 26 times your full weekly rate**. The same amount of money applies for weeks of partial unemployment.

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Q: Can I use military service to establish a claim?

A: Yes. To qualify you must meet these conditions:

1. You completed the first full term of enlistment, except where discharge or early release was for:
 - Government convenience under an early release program
 - Medical disqualification, pregnancy, parenthood, or any service-incurred injury or disability
 - Hardship
 - Personality disorder or inaptitude (but only with a year of continuous service)

OR

2. 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.

AND

3. You received your discharge under honorable conditions. If you were an officer, you did not resign for the good of the service.

We will base your weekly benefit rate on your high quarter earnings in your base period. We base your earnings in military service on a Federal schedule that takes into account the base pay in your last grade, plus allowances for food and clothing.

Please have your most recent separation (Form DD214, Member 4) with you when you file your claim. Mail a copy of this form to the Telephone Claim Center (<http://www.labor.ny.gov/ui/claimantinfo/ContactInfo.shtm#TCC>) to process your claim.

Note: The Wage Reporting Systems does not show wages earned with the Federal Government, a branch of military service, or on work done outside of New York State. Thus, the initial Monetary Determination may not list them. Follow the instructions on the Monetary Determination for missing employment and earnings, so we can use those wages to calculate your correct benefit rate.

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Q: What if I work for a school system?

A: Employees of educational institutions who have a contract or believe they have work in the next academic year or term cannot receive UI benefits if they file:

- Between academic years or terms
- During customary vacation or holiday recesses
- Immediately following the vacation period or holiday recess

If you are denied benefits

OR

Your benefits are reduced between academic years or terms

AND

You were not offered a chance to perform services for the educational institution

AND

You continued to certify for benefits

THEN

You may be eligible for retroactive payments of benefits.

This only applies if you did not work in an instructional, research or principal administrative capacity.

If you have enough earnings with employers other than educational institutions, you may establish a claim based on the other employment.

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Q: What if I worked in New York State, but live in another state?

A: If you currently live in another state, but all of your work in the past 18 months was in New York State, you must file your claim with New York State. See [How to File a Claim \(http://labor.ny.gov/ui/how_to_file_claim.shtm\)](http://labor.ny.gov/ui/how_to_file_claim.shtm) for instructions.

If you worked in 2 or more states in the past 18 months, you must file your claim with one of the states where you worked, no matter where you live. You may be able to combine wages from all the states where you worked in the past 18 months. OR you may use only the wages earned in the filing state. File your claim in a state where you worked, then that state will tell you all your filing options

to receive the highest benefit amount. See [details and filing instructions in other states \(http://www.servicelocator.org/ui_filing_assistance.asp\)](http://www.servicelocator.org/ui_filing_assistance.asp).

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

A: If you are looking for work outside of New York State or plan to move, you must contact the [Telephone Claim Center \(http://www.labor.ny.gov/ui/claimantinfo/ContactInfo.shtm#TCC\)](http://www.labor.ny.gov/ui/claimantinfo/ContactInfo.shtm#TCC). They will tell you how to transfer your claim.

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Q: Does receiving Social Security affect my benefits?

A: We do not reduce your unemployment benefits because you collect Social Security. You must be able to work and be looking for work with no restrictions when you receive Social Security.

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Q: Does receiving a pension affect my benefits?

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

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

However, your weekly benefit rate may be reduced by 100% of the weekly equivalent of the prorated amount of the pension you are receiving from a base period employer even if you did not contribute to the pension. If you were the sole contributor to the pension then your benefit rate will not be reduced. The Telephone Claim Center will make a determination of any reduction in your weekly unemployment benefit rate. As with other determinations you may request a hearing if you disagree with the reduction.

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

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Q: Does receiving workers' compensation affect my benefits?

A: If you receive workers' compensation, but you are available and physically able to work, you may

call the Telephone Claims Center (<http://www.labor.ny.gov/ui/claimantinfo/ContactInfo.shtm#TCC>) and give all the details before you claim benefits.

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Q: What if I'm out of work due to a strike?

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

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

The Department of Labor (DOL) advises anyone with doubts about eligibility to collect UI benefits to file a claim for benefits.

For more details, see our related fact sheet (<http://www.labor.ny.gov/formsdocs/factsheets/pdfs/p835.pdf>).

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Q: What if I want to help a friend or relative?

A: We may consider you employed on any day or any part of a day when you perform even minor duties or "favors" for a friend's or relative's business. It does not matter whether you get paid or not. Call the Telephone Claim Center (<http://www.labor.ny.gov/ui/claimantinfo/ContactInfo.shtm#TCC>) and give all the details before you claim benefits.

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