

Constituent Questions on Unemployment

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I lost my job. Am I eligible for unemployment?

Generally, you are entitled to state unemployment insurance (UI) if: you are totally or (in some cases) partially unemployed; you lost your job through no fault of your own; you have earned at least \$3,500 and worked approximately 15 weeks in roughly the prior 15 months; and you are capable of, available for and actively seeking work.

How do I apply?

You can file a claim or check the status of your claim with the Department of Unemployment Assistance (DUA). Call **617-626-6800** or in area code 351, 413, 508, 774 or 978 toll-free at **1-877-626-6800**. Call from 7:30 a.m.-6:30 p.m. Monday-Thursday, 7:30 a.m.-4:30 p.m. Friday, and 8:00 a.m.-1:00 p.m. Saturday. **To reach an agent quickly**, call on Monday if the last digit of your social security number (SSN) is 0,1 or 2; Tuesday for 3,4 or 5; Wednesday for 6 or 7; Thursday 8 or 9; any last digit Friday or Saturday. The state's 32 career centers also provide UI walk-in services. For same day service, make sure you arrive at the career center before 8:30 a.m. Go to www.mass.gov/dua for a list of career centers and their hours. When you apply, be sure to have your SSN, the names and addresses of your employers for the last 15 months and the SSNs of your dependent children. If you are a non-citizen, have your A# handy. If you are monetarily eligible, you will receive a Benefit Determination Notice. Make sure it lists all your wages accurately.

How is the decision made?

DUA will contact all your employers from the last 15 months. The most recent employer must respond within 10 days. If any employer during your last eight weeks of work protests your claim, DUA will contact both you and your employer, and a claims adjuster will make a decision, generally within 30 days.

Is DUA's decision to grant or deny unemployment final?

You have **10 days** to appeal the decision (up to **30** if the delay is for good cause). If your English is limited, you have up to 60 days, or if your appeal was delayed because no information was presented in your primary language, there may be no limit. DUA then holds a hearing. If you lose, you have 30 days to appeal at the Board of Review, after which you may appeal in District Court. You can also request a reconsideration within a year of the first determination and/or seek a waiver of any overpayment owed. Being represented greatly increases your chances at DUA hearings. Call legal aid for assistance.

How much will my unemployment check be?

You should receive 50% of your average weekly gross, based on the two highest quarters in the prior year's wages, up to the maximum (currently \$653 per week). You may also receive an allowance, capped at 50% of your benefit rate, of \$25 per dependent child (including children in your custody pending adoption). Children can be up to 18 years old, 24 for full-time students, or any age if incapable of earning wages due to mental or physical disabilities.

Once the checks start, do I need to do anything?

You must certify weekly that you are actively seeking work **even if you are initially denied UI**. Do this by calling DUA at the above numbers or online at www.mass.gov/dua/webcert Monday-Saturday, 7:00 a.m.-7:00 p.m. and Sunday 7:00 a.m.-10:00 p.m., for the current week only. You may also have to go to a career center seminar. If you fail to do so, your UI check may be delayed or stopped.

How long will I be able to collect unemployment if I can't find a job?

Regular benefits currently last up to 26 weeks, but if your pay fluctuated or you worked less than a year you may receive far less. If you worked the equivalent of 20 weeks, you may be eligible for up to 60 extra weeks after your regular benefits are used up. First, you can get up to 20 weeks (Tier 1) of federal **Emergency Unemployment Compensation (EUC)** if you exhausted regular UI by 2/25/12. After that, you can get Tier 2 (up to 14 weeks) and Tier 3 (up to 13 weeks) if you exhausted the prior Tier by 3/3/12. EUC payments end on 8/11/12.

After exhausting EUC, you may receive up to 13 more weeks of federal/state **Extended Benefits (EB)** if you file by 3/25/12. The last payable week is 3/31/12. Benefits may also be extended up to **26 weeks** to participate in **DUA-approved training**. You must apply for training within the first 15 weeks of an approved claim, although this period is suspended when federal benefits are paid.

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I had to leave work when my childcare fell through. Can I collect?

Leaving work for compelling personal reasons, such as to care for an ill parent or deal with a child care crisis, may not disqualify you. However, you will need to show you took reasonable steps to preserve your job, such as requesting a leave of absence or change of hours, and you can only collect when you are available for work again.

My supervisor swore at me constantly and I finally **quit my job** to save my sanity. Am I eligible?

Yes, if you can prove that you quit your job for good cause attributable to the employer, but again you may need to show that you took reasonable steps to preserve your job, such as bringing the problem to your employer's attention.

I left my job to get away from my **abusive partner**. Am I eligible?

Yes, you are eligible for UI if you left or were terminated from a job due to domestic violence on yourself or a dependent child or due to the need to address the physical, psychological and legal effects of domestic violence on you or your family.

I was fired. Am I disqualified from receiving UI?

Only if the employer demonstrates that you were fired for deliberate misconduct in willful disregard of the employer's interest, a knowing violation of the employer's reasonable and uniformly enforced rule or policy; or conviction of a crime. For the first two reasons, the employer must show that the conduct was intentional and not due to your incompetence and that you knew you were doing something wrong.

Can I get benefits after completing a job through a **temp agency**?

Yes, but you must first contact the temp agency to see if they have any more suitable jobs for you. Call your legal aid program or 617-603-1810 for help.

I've been working in the U.S. for many years, but I'm **not a citizen**. Am I eligible for UI?

Non-citizens with work authorization are eligible, including individuals with Temporary Protected Status (TPS), Deferred Enforcement of Departure (DED) and many other immigration statuses. UI receipt will not interfere with obtaining permanent status. If you are denied UI due to immigration status call 617-603-1810.

I am collecting UI and have been offered a **part time job**. If I accept will I lose my whole UI check?

You must report all earnings, but you can earn up to a third of your weekly benefit rate without reducing your UI check; earnings above this amount are deducted dollar for dollar from the UI check, but this will not reduce the total amount of benefits you can collect. Note that if you later leave your part-time job for a disqualifying reason, deductions will continue to be made from your check.

Can I **participate in training** while receiving UI?

Yes, you can participate in training approved by DUA if you are permanently separated from your employer, you are unlikely to get a suitable job with your current skills and you need training to get work. DUA will approve full-time programs for up to two years for vocational/technical or three years if training includes basic skills or ESOL. You can get up to **26 weeks of extended UI benefits** during the training. For information about training, go to <http://web.detma.org/JobQuest/Training.aspx>. Unemployed workers now also receive special consideration for **Pell Grants that cover up to \$5,350** in education and training. See: www.opportunity.gov.

How can I get **health insurance** while I'm unemployed?

For workers receiving UI with incomes up to 400% of the federal poverty line, the Massachusetts Medical Security Program (MSP) pays up to 80% of COBRA premiums. If your opportunity to continue health insurance has passed, or the cost is still too high, you may be entitled to participate in a direct coverage plan that includes family members. Complete your MSP application now to get covered as soon as possible. Call 1-800-908-8801.

Is UI **taxable, and does it count as "earnings" for EITC**?

UI is taxable, but it does not count as "earnings" for the Earned Income Tax Credit programs. You can choose to have taxes withheld from your UI check. If you do not withhold, you will be responsible for taxes owed at tax time.

How is the unemployment program **funded**?

Most employers pay a tax based on the first \$14,000 of wages paid, the number of workers and the number separated from employment in the past year. Non-profits and governmental employers may self-insure.

*This information is general in nature and not intended as legal advice. Generally the income eligibility limit for legal aid is 125% of the federal poverty line (or \$554 per week for a family of four in 2012), although there are exceptions (e.g. elders). Federal poverty guidelines are revised each year. **Because their funding is limited, legal aid programs cannot serve all eligible callers.***

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