

Questions and Answers on Unemployment

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A Legal Aid Primer

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I lost my job. **Am I eligible** for unemployment?

Generally, you are entitled to unemployment insurance (UI) if: you are totally or (in some cases) partially unemployed; you are separated from employment through no fault of your own; you have earned at least \$3,000 and worked approximately 15 weeks in roughly the prior year; 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 Massachusetts Division of Unemployment Assistance (DUA). Call **617-626-6800** or, if you're in area code 351, 413, 508, 774 or 978, call toll-free **1-877-626-6800**. Local walk-in centers are required to provide multilingual in-person orientation. For useful information, some in other languages, go to www.mass.gov/dua.

How will I know if I'm eligible?

If you meet the basic guidelines, you will receive a notice of your benefit amount. Check to make sure the notice lists all your wages accurately. DUA notifies all your employers from the last 15 months. The most recent employer must respond within 10 days. If the employer checks "layoff" on the form, benefits start after a one-week period. If any employer during your last eight weeks of work protests the claim, DUA will contact both you and the employer, and a claims adjuster will make a decision usually within 30 days.

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

You will need to certify that you are actively seeking work **even if you are initially denied UI**. This can be done by calling DUA at the above numbers Monday through Friday, 8:30 a.m. to 4:30 p.m. or by signing up online (English or Spanish) at www.mass.gov/dua/webcert Sunday through Friday, 7:00 a.m.-7:00 p.m. for the current week only. You may also be required to go to a career center seminar. If you fail to do so, your check may be delayed or stopped. Call your local legal aid program or 617-603-1810 if this happens.

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

You and your employer have **ten days** (up to 30 if good cause for the delay is shown) to appeal the decision. DUA then holds a hearing. If DUA decides against you, you have 30 days to file an appeal at the Board of Review, after which you may appeal in District Court. Claimants who are represented greatly increase their chances for success at DUA Hearings. You can also request a reconsideration within a year of the first determination and/or seek a waiver of any overpayment owed. Call legal aid for assistance as soon as you learn that you have been denied UI.

How much will my unemployment check be?

Qualified workers are generally paid 50% of their average weekly gross wages up to the maximum (currently \$600 per week) plus an allowance of \$25 per dependent child (capped at 50% of the benefit rate). In most cases, your weekly check will be about half of your average weekly wage computed generally on the two highest quarters in the prior year. The maximum is adjusted annually by October 1st.

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

Benefits may last up to 30 weeks, but if your work income fluctuated or you worked less than a year you may receive far less. Benefits may be extended to get training or when a high unemployment rate triggers federal extended benefits.

How is the unemployment program **funded?**

A tax is levied on every employer covered by the law. The tax rate is based on the taxable wage base, the number of employees and the number separated from employment in the past year. Nonprofits and governmental employers can self-insure.

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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 family member or deal with a child care crisis, may not disqualify you. However, you can only collect once you are available for work again. Employers are not charged when an employee leaves work for a non work-related reason (unless they are self-insured).

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. However, generally, you will need to show that you took reasonable steps to preserve your job.

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

Yes, domestic violence survivors are eligible for UI if they left or were terminated from a job due to domestic violence or the need to address the physical, psychological and legal effects of domestic violence.

I was fired. Am I disqualified from receiving UI?

Only if the employer demonstrates that you were fired for a disqualifying reason, including: deliberate misconduct in willful disregard of the employer's interest; knowing violation of the employer's reasonable and uniformly enforced rule or policy, except where the violation was due to the employee's incompetence; or conviction of a felony or misdemeanor. For the first two reasons, disqualifying conduct must be intentional and your state of mind at the time of the conduct is an important factor.

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

Non-citizens with work authorization are eligible. This includes legal permanent residents and many other categories of immigration status. UI receipt will not interfere with an individual's efforts to obtain permanent status. The legal aid number to call if you've been denied UI due to immigration status is 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?

This depends on your earnings. Earnings up to a third of the weekly benefit rate are disregarded, while earnings above this amount are deducted dollar for dollar from the UI check. You must report your earnings. Note that if you quit 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 previous employer; you are unlikely to get a suitable job based on your current skills; and you need training to become re-employed. DUA generally approves vocational or technical training programs for up to a year or for up to 18 months if the training includes basic skills or ESOL. If you submit an application for approved training within the first **15 weeks** of a new or continued claim, you will be eligible to receive up to **18 weeks of extended UI benefits** during the training.

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

While collecting UI, Massachusetts residents who meet financial guidelines can get up to 80% of the cost of premiums paid to continue their workplace health insurance or may be entitled to participate in a direct coverage plan that includes family members. To apply, call **1-800-908-8801**. Call right away and complete your application to get coverage as soon possible.

Is UI **taxable**?

Yes. If you choose to withhold, 15% of your weekly benefit will be withheld for federal taxes and 5.95% for state taxes. If you do not withhold, you will be responsible for taxes owed at tax time.

Can I get benefits after I've completed a job through a **temp agency**?

Yes, however, you must first contact the temp agency to see if they have any more suitable jobs for you. This is a change in the law; call your legal aid program or 617-603-1810 if you have been denied after finishing a temp job.

*This information is general in nature and not intended as legal advice. The income eligibility limit for legal aid is 125% of the federal poverty line (or \$496 per week for a family of four), 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.***