Your Unemployment Benefit Rights and Responsibilities

Please carefully read the information below.

The Virginia Employment Commission (VEC) administers the unemployment insurance program that provides temporary financial assistance to individuals who become unemployed through no fault of their own. Benefits are paid through taxes on employers covered under the Virginia Unemployment Compensation Act. No part of the cost of your unemployment benefits is deducted from your earnings. **Your name and social security number will be cross-matched with the Social Security Administration to verify your identity**. **To receive benefits you must meet each of the following:**

Monetary qualification;
Separation qualification; and
Weekly eligibility requirements.

This document explains these requirements and will assist you in filing for benefits. Read it carefully and retain it for your records. Note: if you reside in another state and filed your claim against Virginia, you are subject to Virginia's unemployment laws, rules, regulations, and the requirements contained in this document.

Monetary qualification—In a separate mailing you will receive your monetary determination. Review it carefully. Based on the wages earned during the regular base period, this determination will indicate the benefit amount you qualify for each week and the number of weeks you may receive benefits. The **regular base period** consists of the first four of the last five completed calendar quarters prior to the effective date of your claim. If you feel the wages shown on the determination are incorrect, call **1-866-832-2363** or you must report to the nearest field office with proof of correct wages. If you live outside Virginia, contact the office where you filed your claim or call **1-866-832-2363**. If you do not have enough wages to qualify for benefits during the regular base period, you may monetarily qualify under the **alternate base period** that includes wages from the last four completed calendar quarters at the time your claim is filed.

The base period is set by law and will not change during the life of your

unemployment claim. **Your base period earnings determine the number of weeks ranging from 12 to 26 that you may receive benefits.** If you qualify monetarily, your claim remains in effect for one year. This period is called a **benefit year.**

Separation qualification—Even though you may have enough earnings to qualify, there are circumstances that may prevent you from receiving unemployment benefits. If you are separated for any reason other than lack of work, it will be necessary to gather facts from you and your employer concerning your separation. Your employer will be sent a questionnaire requesting information concerning your employment and separation. You will be called by a VEC deputy and be given an opportunity to present your information and review that of your employer. The deputy will make a determination regarding your qualification based on the separation information presented. You will be disqualified if the deputy determines that you quit your job without good cause, or you were fired from your job for misconduct in connection with your work. You and your employer have the right to appeal the deputy's determination if either of you disagrees with the results.
Weekly Request—To receive a payment for benefits, you must file a weekly request for each week you wish to claim. You must meet the weekly eligibility requirements listed below.

Your **benefit week** begins on Sunday and ends at midnight on Saturday. You cannot claim the week until it is completely over. The first week you meet the weekly eligibility requirements will be your **waiting period** week. **You will not receive a benefit payment for the waiting period week.** Note: If your eligibility for benefits must be determined by a deputy, it is very important that you call to file your weekly claim as soon as possible and not wait for the deputy's decision. **If you file an appeal, you must continue to meet the weekly eligibility requirements (explained below) and file your weekly claim within 28 days (explained below).**

<u>Weekly Eligibility Requirements</u>

1. To avoid denial of benefits, **you must file your first weekly claim within 28 days** of the date you filed your initial/new claim. For example, if you filed your claim on January 2, your first weekly claim must be filed by January 30. Subsequent weekly claims for benefits must be filed within 28 days of the Saturday date of the week claimed. For example, if your last week claimed ended on Saturday, February 4, then your subsequent weekly claim must be filed no later than March 4. **The Voice Response System and the Internet will not allow you to claim benefits for**

weeks that are more than 28 days old.

2. **You must be able to work and be available to work**. Most claimants are required to make an **active search for work**. If directed to make an active search for work, **you must register online at www.vawc.virginia.gov the VEC or a workforce services agency where you live** if you live outside Virginia. If the VEC has directed you to look for work, you must contact several employers each week in your effort to find work. **Note: Responses to blind ads to employers are not acceptable as job contacts. You must maintain complete and accurate records of your work search contacts for one year, for auditing purposes. You must provide the VEC, when requested, the following information that is subject to verification**:

   - Month, day, year of contact;
   - Complete name of employer contacted;
   - Complete address (street, P.O. box number, city, state, zip code) of employer contacted;
   - First and last name of the individual for the employer/company with whom you talked;
   - Telephone number of the employer; fax number; and e-mail or web address;
   - Type of work or position for which you applied; and
   - Result of contact.

Failure to provide requested information may result in a denial of benefits and could result in overpaid benefits to which you must repay to the Commission.

3. You must be willing to **accept suitable work** if offered and **apply for suitable work** when referred to a job by the VEC or your workforce services agency if you live outside Virginia. The term **suitable work** takes into account many factors such as previous work experience, physical and mental fitness, risk to your health, safety, or morals, and the distance from your home. Conditions of the work offered, such as wages and hours, are also considered. If you refuse a job or a VEC/workforce services agency referral to a job, the deputy will review the suitability of the work and your reason(s) for refusing it before issuing a determination on your continuing eligibility.

4. You must **report all wages earned for any work, including temporary, part-time, and self-employment, for the week they are earned (not when paid).** If you work

and your **gross income** for the week is less than your weekly benefit amount, that gross amount less $50 will be deducted from your weekly benefit amount. If your gross earnings equal or exceed your weekly benefit amount, you will not receive benefits for that week. **Report your return to full time work when you file your weekly continued claim for benefits. Be sure to report your earnings right away, regardless of when you get paid, or you may receive benefits which you have to repay.**

5. You must report the receipt of **holiday, vacation, and severance pay**. **Holiday or vacation pay** must be reported for the week in which it applies and will be deducted like wages from your weekly benefit amount. The deputy may issue a determination based on information provided by you and your employer concerning the effect of **severance pay** on your weekly benefit amount.

6. If you receive a **pension, retirement, or other annuity**, it will be deducted from your weekly benefit amount if it is paid by your most recent employer of 30 days or 240 hours or more, or from any employer in the base period of your claim (as shown on your monetary determination). These payments will be deducted dollar-for-dollar from your weekly benefit amount. If your weekly **pension, retirement or annuity** equals or exceeds your weekly benefit amount, you will be ineligible for unemployment benefits for that week.

7. You may receive benefits if enrolled in **training or school** depending upon the course of study and the required attendance each week. If you desire to attend training or school to improve your employment possibilities, you must request approval in advance through the VEC. The VEC will determine if your training is approved and advise you about work search requirements while you are in school or training. **Training approval may be requested by contacting the VEC office where your claim was filed or by calling 1-866-832-2363 .**

8. If you are advised to **call or report to the VEC**, you must report as directed. **Respond to all VEC letters**, including those advising you of potential job openings, within the period indicated in the letter. If there is a question about your claim, you will be asked to call or report to a VEC field office. **Failure to report or call as directed may result in the denial of benefits.**

PIN number

After you file your claim, **you will receive a six-digit Personal Identification Number**

(PIN) through the mail. This number is important and should be carefully guarded. **The PIN and your Social Security number will be required every time you claim weekly benefits or to inquire about the status of your claim.** If you lose your PIN, contact the VEC immediately to request a copy of your PIN, and it will be mailed to you.

Address change

If you change your address or telephone number, or the address or telephone number shown on VEC documents is incorrect, you may correct this information by calling 1-866-832-2363, by providing your Social Security number and PIN. If an appeal is pending, report the address change even if you are no longer receiving benefits. If changing your address by letter, you must include your Social Security number **and signature**.

Waiting period week

Your first payment, if you are qualified, will be issued to you after you have **served your waiting week and are eligible to receive benefits for the second week claimed.** All Virginia claimants must serve a one-week waiting period. **Benefits are not paid for a waiting week.**

Electronic Payments

You have selected either direct deposit or a Virginia Debit MasterCard as your payment method. It takes two (2) business days for your funds to be deposited into your account after your weekly claim has been processed. You can change your method of payment by calling the VRS at **1-800-897-5630** or online at www.VaEmploy.Com.

Correspondence

Always include your Social Security number in your correspondence with the VEC.

Receipt of benefits to which you are NOT entitled

If you receive benefits to which you are not entitled, you will be required by law to repay them along with any costs, fees, and interest associated with collection. This includes amounts paid while an appeal by your former employer is pending prior to a decision being rendered against you, and amounts paid because you did not notify us of information which would have reduced or eliminated your benefit entitlement. You are also required to repay any benefits paid to you in error.

False statements to obtain benefits

Always provide complete information and answer all questions truthfully. Do not make

false statements to obtain benefits. If you knowingly make a false statement or misrepresentation, or have knowingly failed to disclose a material fact, to obtain or increase benefits, you may be subject to a fine and/or imprisonment and be prevented from receiving future benefits for 52 weeks (or longer if the overpayment is not repaid in full).

Cancellation of benefits request

If you wish to cancel your initial claim and not file for benefits, your cancellation request must be made in writing within 30 days after your claim is filed. The final date for the cancellation request is the same as the final date for appeal shown on your monetary determination. You cannot cancel your claim if 1) you have been paid benefits or 2) a non-monetary determination has been rendered by a deputy based on your reason for separation from employment.

Filing Your Weekly Claim for Benefits

You may file your continued weekly claim over the Internet at www.VaEmploy.Com (or www.vec.virginia .gov) or through the automated **Voice Response System (VRS) at 1-800-897-5630.** The VRS can also be used to obtain specific information about your benefit account, such as the date your benefit payment was processed. It can also be used to obtain information about an appeal to which you are a party. Information about VEC office and phone numbers, as well as general information about unemployment insurance claims, is also available through the Internet and VRS.

TTY users please note

To file continued weekly claims by phone, TTY users should call Virginia Relay at 711 and instruct the operator to dial 1-866-241-9978. Out-of-state TTY users may use the same procedure.

You must use a touchtone phone to utilize the Voice Response System.

The VRS is available:

Sunday (9 a.m. - Midnight)
Monday (4:30 a.m. - 7:30 p.m.)
Tuesday (7:30 a.m. - 7:30 p.m.)
Wednesday (7:30 a.m. - 5:30 p.m.)

Thursday (7:30 a.m. - 7:30 p.m.)
Friday (7:30 a.m. - 5:30 p.m.)
Saturday & Holidays (9:30 a.m. - 4:30 p.m.)

Before calling to file your weekly claim, have your Social Security number, PIN, and job contacts ready. If you choose not to file over the Internet, you must file your weekly claim telephonically using the VRS. The VRS number is **1(800) 897-5630**. The questions you will be asked, and the available responses, are listed below:

To hear instructions in English, Press [1] or **Spanish, Press** [2]

To reach claim and benefits,

Press [1]

To file your weekly claim for benefits,

Press [2]

Enter your Social Security number
Enter your 6-digit PIN

You will be asked to provide the following information for the week for which you are claiming benefits. If you are advised by the VRS that you do not have an "open week," call the nearest VEC field office to report the problem.

Were you able and available to work during the week?

Press [1] Yes [9] No

Were you actively seeking work as directed by the Commission during the week?

Press [1] Yes [9] No

Enter the number of contacts you made for work, followed by the # key. For example, if you made three job contacts,

Enter [3] [#]

If you made contacts for work, you may be asked to say the names of the employers you contacted for work. Speak clearly. For example, for 3 contacts, Say, "ABC Company; Food Shopping Warehouse; and Video Electronics."

Did you refuse any work or any offers of work during the week?

Press [1] Yes [9] No

Did you fail to obtain work due to a positive drug test?

Press [1] Yes [9] No

Did you enter or discontinue school or a training program during the week?

Press [1] Yes [9] No

Did you begin receiving or change the amount of any type of pension during the week?

Press 1 Yes 9 No

Did you receive holiday, vacation, or Worker's Compensation during the week?

Press 1 Yes 9 No

Did you begin receiving or change the amount of any severance pay during the week?

Press 1 Yes 9 No

Did you do any work (including self-employment) during the week?

Press 1 Yes 9 No

If your response is 1 Yes, you will be asked to enter the amount you earned before any deductions were made in dollars and cents, followed by the # key. You must enter cents, even if zeros. For example, to report earnings of $135,

Enter 1 3 5 0 0 #

During the week, did you return to full-time employment?

Press 1 Yes 9 No

If your response is 1 Yes, then you will be asked to enter the date you started working. For example, if you returned to work on June 23, 2005,

Enter 0 6 2 3 0 5

After you answer all questions, you will be informed whether your claim can be processed for payment. If an answer to any of the questions results in an eligibility issue on your claim, no payment can be made until the issue is resolved. You will be contacted in the near future concerning the issue by a VEC staff person.

Important—Stay on the line until the VRS tells you it is okay to hang up.

If you wish to obtain specific information about your benefit account, such as the payment date, press 1.
Enter your Social Security number.
Enter your 6-digit PIN.

If you wish to change your electronic payment method, press 3.

For details about an appeal to which you are a party, press 4.
Enter your Social Security number.
Enter the Appeal Docket Number (found on your Notice of Appeal).

To locate the VEC office in your area, press 5.
Enter your 5-digit zip code.

For general information on unemployment insurance claims, press 6.