

Your Unemployment Benefit Rights and Responsibilities [1]

Si necesita ayuda para entender este documento en español, puede solicitarlo sin costo adicional llamando a nuestro Centro de Contacto con el Cliente al 1-866-832-2363.

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. You have received this correspondence because you have filed a claim for unemployment benefits in Virginia. This information summarizes your rights and responsibilities while filing for unemployment insurance benefits and will help you avoid problems, delays, or improper payments on your claim. This correspondence does not take the place of the Virginia Unemployment Compensation Law. Your responsibility for meeting the Virginia unemployment compensation benefit requirements begins when your claim is filed. Each claim is different, and you should not depend on information from your employer, friends, family, or co-workers. You should always consult the VEC if you have any questions regarding your unemployment claim.

What is Unemployment Insurance?

The intent of Unemployment Insurance is to pay benefits to eligible claimants during times of unemployment when suitable work is not available. Unemployment Insurance is a temporary income program intended to help workers who are unemployed through no fault of their own. Unemployment benefits are funded through taxes paid by employers covered under the Virginia Unemployment Compensation Act. There are no deductions from your wages to fund the Unemployment Insurance Program.

Confidentiality of Records

Your social security number is required to file an unemployment claim. The VEC has an agreement with various state and federal agencies to share data. Please be advised that when you file your claim for unemployment benefits, we may request information from other agencies as well as share common data we have on file. Furthermore, your name, social security number, and date of birth will be verified with the Social Security Administration and the Virginia Department of Motor Vehicles to authenticate your identity.

Online Account

The VEC encourages all claimants to create an online account using the Virginia Unemployment Insurance System at <https://uidirect.vec.virginia.gov/CSS> [2]. You can retrieve correspondence sent to you, complete requested information, view payment history, change your address or contact information, as well as other services, at this online account.

Work Search Requirements

Information is contained in this text which provides general information about Work Search Requirements. When an initial or additional claim is submitted, the correspondence "Unemployment Benefits Rights and Responsibilities" is mailed to each claimant containing information specific to the type of claim filed. You can also view this document by accessing it in your CSS account.

Frequently Asked Questions about Unemployment Insurance

1. Will my former employer be contacted if I file a claim for unemployment?

Yes. Employers are automatically notified when an individual files a claim and are given the opportunity to respond with information concerning the reason for separation.

2. Will I be paid for the first week of my claim?

No. The first payable week of your claim is considered to be a waiting period, by law. Although

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you still must file your weekly claim for benefits, you will not be paid for the waiting period week.

3. **When will I receive my payment?**

Once you file your weekly claim for benefits AND a payment is processed, it takes two (2) business days for your funds to be deposited into your account. You will not always receive your payment on the same day of the week since payments may be delayed for reasons such as state holidays, computer failures, or your failure to respond to a request from the VEC. If there are issues on your claim that are being investigated, you will not receive a payment while the issue resolution is pending or in progress.

4. **How is my payment made?**

Unemployment benefits will be paid according to the payment method you selected when you filed your claim for benefits, either by direct deposit or Virginia Debit MasterCard. If you wish to change your payment method, login to your account at <https://css.vec.virginia.gov/CSS> [3] or call the Voice Response System at 1-800-897-5630.

5. **When do I file my weekly claim for benefits?**

You must file weekly claims in order to receive benefits. A week begins on Sunday at 12:01 a.m. and ends on Saturday at midnight. You cannot file a weekly claim until after the week is over. You should file your weekly claim on Sunday for the previous week. If you file your weekly claim for benefits twenty-one (21) or more calendar days after the week has ended, it will be considered as untimely and in most cases will not be paid. If you do not file your weekly claim for benefits and you are found eligible for benefits, you will not receive unemployment benefits for those back weeks.

6. **Will I have to look for work?**

Yes. The VEC requirements are that you be diligently searching for work by making a minimum of two job contacts per week in an attempt to secure employment. You must search for work each week beginning with the first week you establish your unemployment claim and you are responsible for maintaining a record of those work search contacts.

7. **Do I have to register for work?**

Yes. The VEC will automatically register you with the Virginia Workforce Connection. You may want to add a resume and/or update information at www.VAWC.Virginia.gov [4] in an effort to obtain employment.

8. **How long will my claim last?**

Your claim is good for a one year period called a Benefit Year. This means that you will have one year to collect your maximum benefit amount. You are responsible for tracking the balance on your claim since you may exhaust your maximum benefit amount before that one-year period ends.

9. **How do I change my address or contact information?**

If you change your address or contact information, or if the address shown on VEC correspondence is incorrect, you may update this information by logging in to your account at <https://uidirect.vec.virginia.gov/CSS> [2]. If they do not have access to the portal they can send the request in writing by mail or fax. The request must include name, SSN, old address (if they have it), new address, signature, date, a copy of their photo ID and SS Card. Mail- PO Box 27887 Richmond VA, 23261 or Fax-804-786-6434. If an appeal is pending, report the address change even if you are no longer receiving benefits. The US Postal Service will NOT forward mail from the VEC. **Even if you are no longer claiming benefits, but you move within two (2) years from the date of your claim, you must notify the agency of your address change. This is important to ensure that you receive any adjustment payments, tax statements, determinations, or informational notices that may be mailed to you.**

10. **How do I reactivate my claim during my benefit year?**

If you stop filing for benefits for twenty-one (21) days or more, your claim will become inactive. You can reactivate your claim online at <https://css.vec.virginia.gov/CSS> or by calling 1-866-832-2363. The effective date of this claim will be the Sunday of the week in which you reactivate it and previous weeks cannot be claimed. If you have provided the VEC with a return to work date that has now passed, you will also need to reactivate your claim.

11. **What do I do when I go back to work?**

If you return to work, you must notify the VEC. Do not continue to file weekly claims, as this is a

FRAUDULENT activity. See page 7 of this document under **Fraud and Misrepresentation** for more legal penalties.

12. **Are Unemployment Benefits Taxable?**

Unemployment Insurance benefits are subject to federal income tax and must be reported as income when you file your taxes. By January 31st of each year, the VEC will send you a form 1099-G with the amount of unemployment benefits you received the prior year. ***If you have a change of address, notify the VEC by December 27th to ensure proper delivery of your 1099-G.*** Your 1099-G will be mailed to your address on file and will NOT be forwarded. If you want to change your federal withholding status, login to your account at <https://uidirect.vec.virginia.gov/CSS> [2].

Potential Entitlement

How much money will I be eligible to receive?

After you file an initial claim for unemployment benefits, you will receive a **Statement of Wages and Potential Entitlement**. This statement is a decision based on the wages you earned in covered employment during the Base Period and states the benefit amount you may qualify for each week and the number of weeks you may receive benefits. It is your responsibility to read the **Statement of Wages and Potential Entitlement** and ensure all employers and base period wages have been reported correctly.

What is the Base Period?

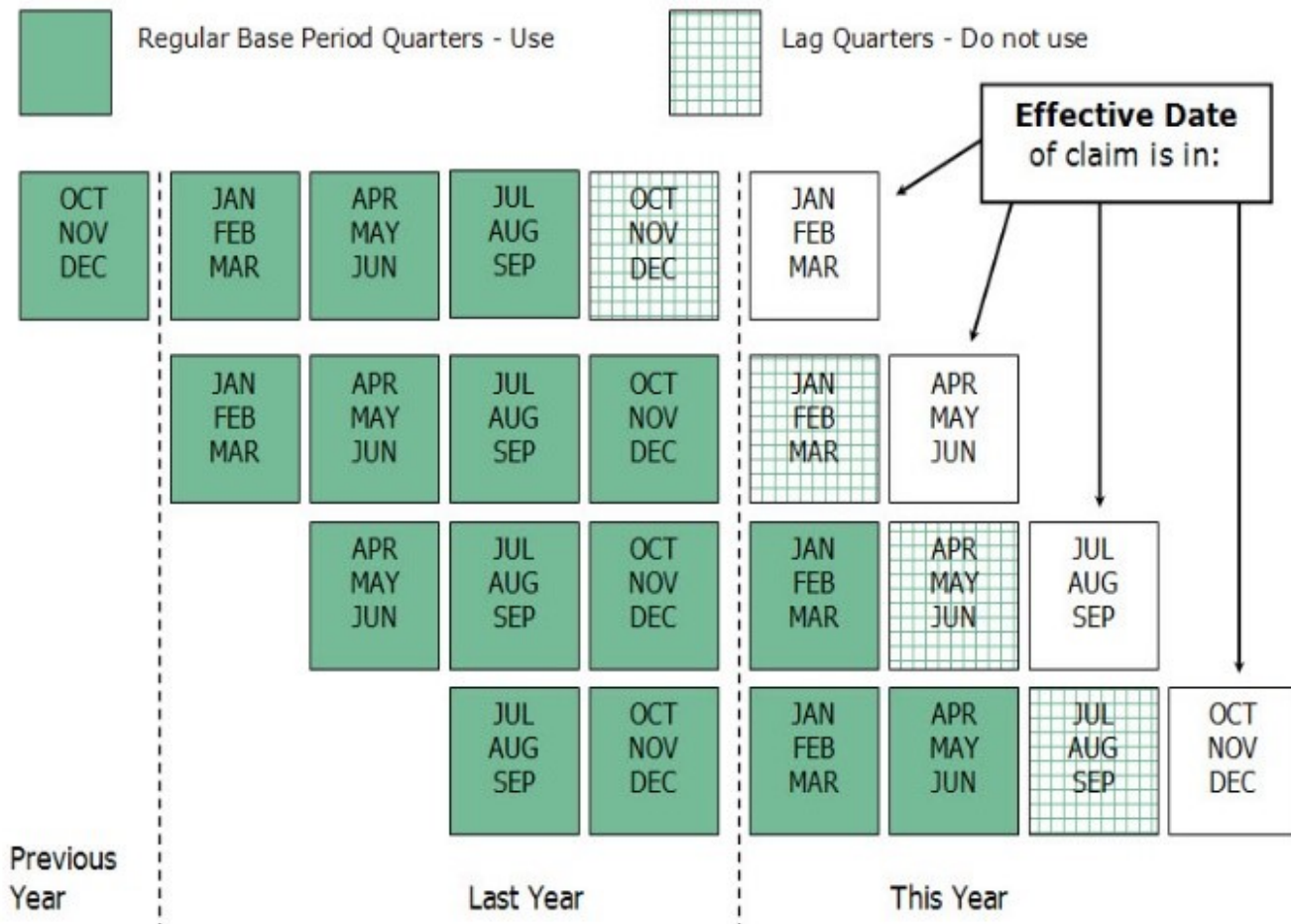
The Base Period is the first four of the last five completed calendar quarters prior to the effective date of your claim. The effective date of your claim is the Sunday of the week in which you file your claim for benefits. If you do not qualify for benefits under the Regular Base Period, it is possible to qualify under an Alternate Base Period. You cannot choose under which Base Period you qualify.

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Regular Base Period

Regular Base Period is the first four of the last five completed calendar quarters

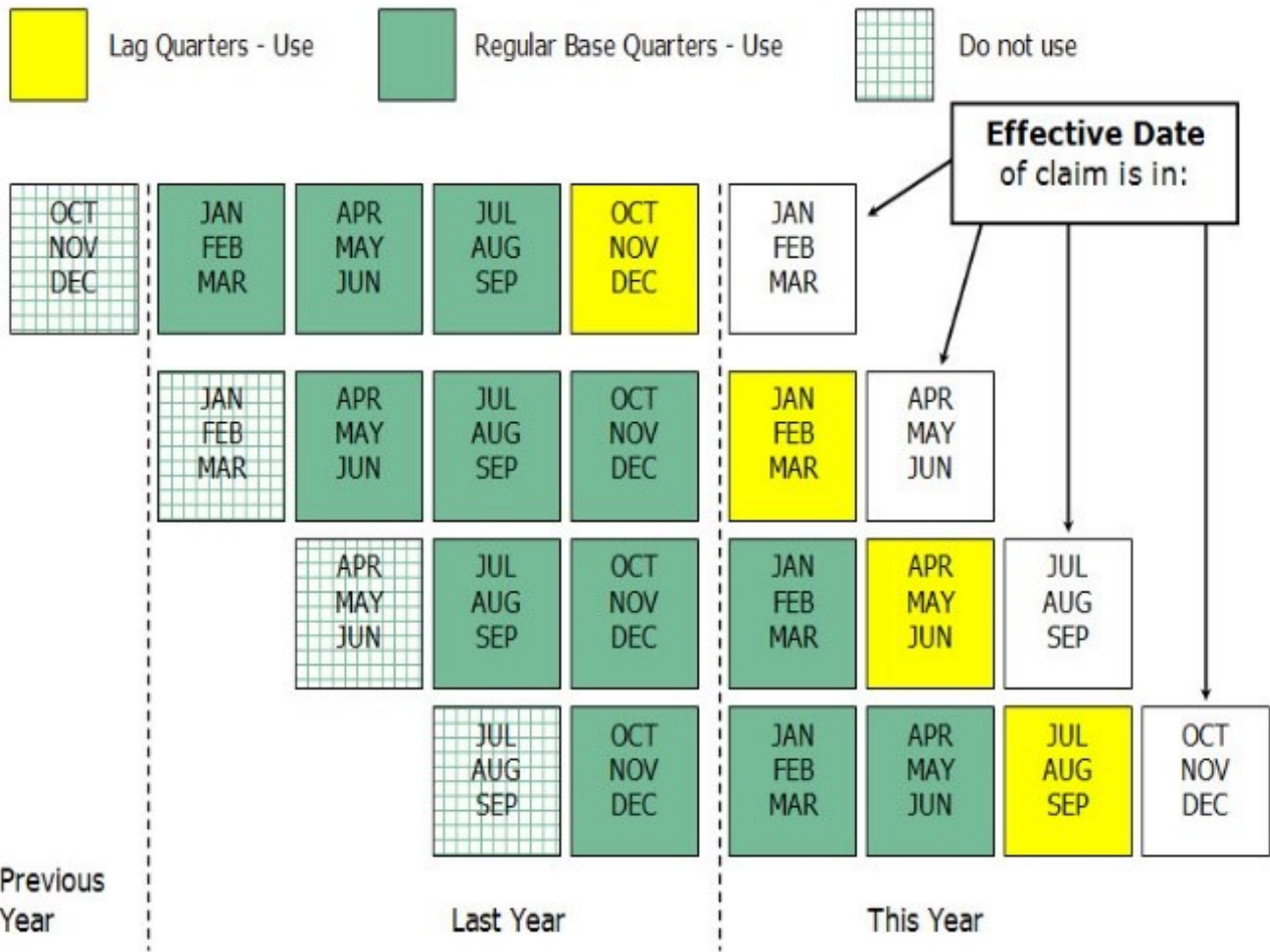


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Alternate Base Period

Alternate Base Period is the last four completed calendar quarters.



How is my weekly and maximum benefit amount calculated?

In order to receive benefits, you must have earned a minimum of \$3,000.00 in your two highest quarters AND have total wages of at least \$3,000.00 during your Base Period. Your Weekly Benefit Amount (WBA) is the amount you may receive weekly and is calculated based on wages in your two highest quarters in the Base Period, not to exceed the maximum weekly benefit amount allowed by Virginia law. Your Maximum Benefit Amount (MBA) is the maximum amount you may receive during your benefit year and is calculated based on your total wages in the Base Period, not to exceed the Maximum Benefit Amount allowed by Virginia law.

How are my wages used to calculate unemployment benefits?

The amount of unemployment that you are eligible for is based on the wages earned in covered employment during your Base Period. Covered employment is work performed for an employer who is subject to the Virginia unemployment tax laws. Work performed for an employer that is not covered employment cannot be used on your claim. For example, work performed for some religious

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organizations, nonprofit organizations, commissions earned as a real estate agent or insurance agent and wages earned from agricultural labor, from a family member, or as elected government officials is not covered employment.

Can I Use Wages from Other States, Military, or the Federal Government?

Yes. These wages may be used provided they were subject to unemployment tax, were earned in the Base Period, have not been used to establish a previous unemployment claim, and are in accordance with other unemployment compensation laws.

IMPORTANT

If the wages on your **Statement of Wages and Potential Entitlement** are listed incorrectly, if wages are missing, or if there are employers listed that you did not work for, **contact the VEC immediately**.

You may be instructed to provide your check stubs or W-2 statements to show your correct wages. You cannot receive unemployment benefits on wages reported by an employer that you did not work for and you will be required to repay any benefits paid to you from incorrectly reported wages.

You must continue to file weekly claims while your wages are being investigated.

Work Search Requirements

The Virginia Unemployment Compensation Act provides, in part, that an unemployed individual shall be eligible to receive benefits or credit for the waiting period week, with respect to any week that an individual is able, available, and actively seeking suitable employment at a pay rate generally available in their area of the state in keeping with his/her work experience, education or training. You received specific work search instructions at the time you filed your unemployment claim and are required to keep a record of the contacts you make with employers. You must diligently search for work by making a minimum of two job contacts per week in an attempt to secure employment. You must search for work each week beginning with the first week you establish your unemployment claim.

- Work search contacts must be made within the week for which benefits are being claimed.
- You must contact a minimum of two different employers each week to meet the minimum work search requirement.
- In-person and telephone contacts should be made with an individual in the company who has hiring authority.
- Job contacts should be for work you are willing and qualified to perform, pay that you are willing to accept, and in the area that you are willing to work.
- Job contacts cannot be repeated with the same employer unless you are applying for different job openings with that employer.
- All work search contacts are subject to verification. Your claim may be selected for an audit.
- Failure to make the required number of work searches each week could result in a denial of benefits and possible overpayment.
- It is your responsibility to submit your written job contacts to the VEC.
 - Online weekly claim filers will submit this information as each weekly claim is filed.
 - Telephone weekly claim filers will submit basic information by phone and then detailed written information every four weeks using the **Work Search Record** form provided to you by the VEC. Retain your work search records for at least one year following your benefit year begin date.
- Union members who obtain work through a hiring hall, approved by the VEC, must contact the hiring hall each week. If you do not have an approved hiring hall, you must make a minimum of two job contacts each week with different employers.

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- If you file an unemployment insurance claim and do not live in Virginia, you will be required to register for employment with the state in which you reside. (If you are a member of a trade or labor union or if you are on a temporary layoff with a definite return to work date within six (6) weeks of your last day of work, you may be exempt from registering for employment with your state of residence.)

Non-Monetary Decision

When you file an unemployment claim, an **Employers Report of Separation & Wage Information** will be mailed to your last 30 day/240 hour and any subsequent employer(s) requesting information regarding why you are no longer employed by them. The VEC will review all information surrounding your separation and if there are conflicting statements, both parties may be contacted by mail, telephone, or email to gather additional information. It is important that you provide this information because it will be used in determining your eligibility for benefits. ***Failure to respond to any request for additional information may result in a denial of benefits.*** Based on the facts presented, the VEC will apply state laws and issue a non-monetary decision. This will be mailed to the interested parties. If either party disagrees with the decision they have the right to appeal. The appeal rights are explained on the decision. The decision must be appealed within thirty (30) calendar days of the mailing date.

Appeals Information

Appealing a Decision

When a decision regarding your benefits is made, you will receive a decision by mail that will explain that benefits were allowed or denied. If you do not understand the decision, contact the VEC at 1-866-832-2363. If you **do not agree** with the decision, you have thirty (30) calendar days from the mail date to file an appeal. Other interested parties, such as your employer(s) may also appeal the same decision. The appeal must be in writing and should set forth the grounds upon which the appeal is sought. If an appeal is filed, you should continue to file your weekly claim each week.

Appeals should be filed through one of the following methods:

Internet

[vec.virginia.gov](https://www.vec.virginia.gov)

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- You must continue to file your weekly claim during the appeal process to protect your rights to benefits.
- During the appeal process, you will continue to receive payments to which you are entitled as long as you file your weekly claim.
- Be aware that employers have the same appeal rights.
- Your claim will be considered overpaid for any benefits you received if the decision results in a denial of benefits.
- It is important that you participate in the hearing on the employer's appeal so you may present your side of the case.

Denial of Benefits

You may be monetarily eligible for unemployment benefits and still be denied benefits for other reasons. Any situation that may keep you from receiving benefits is called an **ISSUE**. You may be asked to provide information concerning your separation, your ability to work, or any activities or conditions which could keep you from seeking or accepting work.

You may be denied benefits if you:

- Were discharged, fired, or suspended from your last job due to misconduct
- Voluntarily quit your last job without good cause connected to the work
- Are a union member involved in a strike
- Are self-employed
- Were employed by an educational institution (certain conditions apply)
- Receive a pension, retirement pay, or annuity
- Receive severance, vacation, holiday, or other pay
- Receive Workers' Compensation
- Are not a U.S. citizen and not authorized to work in the U.S.
- Are not able and available to seek and accept work
- Have limited the wages, hours, days or areas of a job you will accept
- Refuse a job offer for suitable work or refuse a referral to suitable work
- Fail to search for or accept work
- Fail to participate in Reemployment Services
- Work full-time

Other Reasons your Benefits may be Reduced or Denied

Deduction for working while receiving benefits

Any employment including full-time, part-time, temporary assignments, short term contracts, volunteer work, training, or cash-in hand jobs such as mowing lawns & babysitting **MUST** be reported when you are filing for unemployment benefits. You must report the **GROSS TOTAL** amount you earned before any deductions, whether or not you actually received payment during the week.

Work is anything you do for wages, including self-employment, during the seven days of the week you are claiming Unemployment Insurance benefits.

Remember, you must report ALL gross earnings. Failure to report all gross earnings will result in an overpayment and may be considered fraudulent activity.

You must also report income from other sources such as retirement, pensions, disability funds, self-employment, education, or training allowances. ALL income from ANY source must be reported. If you obtain full-time employment, discontinue filing for benefits.

Deduction for Pension, Retirement Pay, and Annuity

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Pension, retirement pay, annuity, or any other similar periodic payment (such as 401K) under a plan maintained or contributed to by a Base Period or chargeable employer based on previous work may reduce your weekly benefit amount and in some cases could make you totally ineligible to receive benefits. You must advise the VEC if you are receiving, have applied for, or have a change in any pension, retirement pay, or annuity. Your weekly benefit amount will be reduced dollar-for-dollar by your deductible weekly pension amount. If you receive a lump-sum distribution from a retirement plan, the payment will be deductible in the week in which you receive the payment.

Deduction for Severance, Vacation, Holiday, Other Pay, or Workers' Compensation

Severance pay, vacation pay, holiday pay, and other pay such as bonuses or wages in lieu of notice must be reported. Payments of this type may be considered deductible income and may be deducted from your weekly benefit amount. If you have applied for or are receiving Workers' Compensation benefits, you will be asked to provide a medical statement about your ability to work.

Distribution of Child Support Withholding

The Division of Child Support Enforcement (DCSE) will notify the VEC of a child support withholding to be made for back child support. If you do not agree with the amount, you must contact the Division of Child Support Enforcement, since the VEC cannot remove or reduce the amount of the distribution.

Distribution of Federal Tax Withholding


If you elected to have federal taxes withheld from your weekly unemployment benefits, the VEC will send your withholding amount to the IRS as each payment is processed.

Distribution of Overpayment

Benefits may not be paid on a regular Unemployment Insurance claim until any outstanding overpayment has been recovered. The VEC may recover an overpayment by distributing it from any benefits you may be eligible to receive on a current or future unemployment claim.


Filing Weekly Claims for Benefits

You may file your weekly claim for benefits online or by telephone. You must file weekly claims in order to receive benefits. A week begins on Sunday at 12:01 a.m. and ends on Saturday at midnight. You cannot file a weekly claim until after the week is over. You should file your weekly claim on Sunday for the previous week. If you file your weekly claim for benefits twenty-one (21) or more calendar days after the week has ended, it will be considered as untimely and in most cases will not be paid.

Online	Telephone
	

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<p>Virginia Unemployment Insurance System https://css.vec.virginia.gov/CSS [3]</p>	 <p>Voice Response System 1-800-897-5630</p>
Available 24 hours a day, 7 days a week	Sunday through Saturday, 6am-6pm
Instructions <ul style="list-style-type: none">• Need your User ID/password• Need your job contacts	Instructions <ul style="list-style-type: none">• Must use a touchtone phone• Need your SSN/Claimant ID• Need your VEC PIN• Need your job contacts
Available in English and Spanish	Available in English and Spanish
Available Services <ul style="list-style-type: none">• File an Initial Claim• Reactivate a Claim• File Weekly Claim for benefits• Detailed Payment Information• Change Address/Contact information• Complete Requests for information• Update Employment Information• Change Payment Method• Change Election of Federal Taxes Withheld from Unemployment Benefits• View/Print Documents mailed to you• File an Appeal• Details about an Appeal• General Unemployment Information	Available Services <ul style="list-style-type: none">• File an Initial Claim• Reactivate a Claim• File Weekly Claim for benefits• General Payment Information• General Unemployment Information

If you are Overpaid Benefits

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The VEC discovers improper payments to claimants in a number of ways including:

- *New Hire Information received from employers*
- *Audits*
- *Cross-Matches*
- *Tips Received to include from the State Fraud Hotline*

If you receive benefits to which you are not entitled, you will be liable for repayment of those benefits along with any costs, fees, and interest associated with collection. If someone else made the mistake that caused the incorrect payment, you will still be liable for repayment.

Most frequent reasons of overpayments:

- Failing to correctly report the gross amount of earnings before deductions or deductible income.
- Continuing to receive unemployment benefits after returning to work. You must report your gross earnings in the week you earned them, NOT the week you receive your payment.
- Failing to report ALL gross earnings from work while claiming benefits.
- Failing to provide information that could affect your claim.
- Being paid unemployment benefits and later a decision being made to not allow benefits.

When an overpayment is established, you will receive a written decision explaining why you are overpaid. If you disagree with the reason you are being overpaid, you have 30 days from the date the decision is issued to file an appeal.

Fraud and Misrepresentation

Fraud, for Unemployment Insurance purposes, is knowingly making a false statement, misrepresenting a material fact, or withholding information to obtain unemployment benefits. Any statement you make in order to obtain unemployment benefits will be verified. You will be required to repay the benefits. All fraud cases are subject to possible criminal prosecution, fines, and imprisonment. The VEC is responsible for protecting the Unemployment Insurance Trust Fund and has a full-time fraud detection unit to identify and recommend criminal prosecution for those who commit fraud.

Examples of fraud include:

- Failure to properly report a job separation
- Failure to properly report gross earnings
- Failure to disclose that you are not able and available for work
- Failure to report ALL gross earnings from any source
- Divulging your Personal Information Number (PIN) to anyone
- Allowing another person to file your weekly claim

Penalties for fraud include:

- Denial of unemployment benefits for 52 weeks
- Repayment of the amount of benefits received as a direct result of fraud plus a 15 percent penalty
- Criminal prosecution under federal or state law
- Imprisonment

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Overpayment Repayments

If you have an overpayment, you can repay it in one lump sum or under an installment payment plan; however, the VEC must approve such plans.

Other methods of recovery of overpayments include:

- State income tax refund intercept
- Federal income tax refund intercept
- Collection Agency
- Bankruptcy Court
- Deduction from current unemployment benefits

Benefits may not be paid on an unemployment insurance claim until outstanding overpayment(s) have been recovered.

Other Important Information

Personal Identification Number (PIN)

If you file your initial claim for benefits by telephone through the VEC's Customer Contact Center, a PIN will be created and mailed to you. Use the VEC PIN to file your weekly claim for benefits and to check the status of your benefits by telephone. This PIN will provide private access to personal information, so it is important that you remember and safeguard it. If you create an on-line account, the PIN is not required to access that account.

Attending School or a Training Program

Make sure you report any classes you are taking during weeks claimed. You may receive benefits while attending school depending upon the course of study and the required attendance each week. If you wish to attend school or a training program to improve your employment possibilities, you need to request approval in advance from the VEC.

Approved Training

When you lose your job, you may be recommended for possible training or education. Your work skills and experience will be evaluated to match current job openings in your field. If training or schooling is recommended and it meets requirements outlined in Virginia law, it could be considered approved training. You should contact your local Workforce Center for information regarding approved training.

Double Dip Claim

If you received benefits during a prior Benefit Year and have NOT performed services for 30 additional days or 240 hours for at least one covered employer since the beginning of the prior Benefit Year, you may monetarily qualify for a new Benefit Year, but you will not be eligible to be paid for those benefits. You must have 30 additional days or 240 hours of covered employment and be subsequently unemployed through no fault of your own to be eligible to be paid.

Trade Claim

Federal Trade Adjustment Assistance (TAA) pays benefits to workers who lose their jobs or their working hours are reduced as a result of increased imports. If you worked for an adversely affected employer that has been impacted by foreign trade, you will receive notification of potential eligibility for the program.

Reemployment Services

Local Workforce Centers provide services which include referrals to job search assistance and job placement services such as counseling, testing, assessment, job search workshops, orientation, referrals to employers, or other reemployment services. All unemployment claims are screened to determine

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those most likely needing reemployment services to return to the workforce. The selection criteria has been established utilizing federal guidelines. If you are selected to participate in a reemployment program and cannot attend, you must contact the local Workforce Center to reschedule. Failure to participate as instructed will result in a loss of benefits.

Refusing a Job Offer or VEC Referral

If you refuse a job offer, you will be contacted by the VEC to provide additional information. The VEC then will determine if the work was suitable, and if so whether you had good cause to refuse the job offer. If the job was suitable and you did not have good cause to refuse it, you may be denied benefits beginning with the Sunday of the week in which such refusal occurred. If you fail, without good cause, to apply for suitable work when referred by the VEC, you may be denied benefits starting with the Sunday of the week in which the refusal occurred. The VEC determines whether the referral was for suitable work.

Claim Cancellation

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 **Statement of Wages and Potential Benefit Entitlement** decision. You cannot cancel your claim if 1) you have been paid benefits, or 2) a decision has been rendered by a deputy based on your reason for separation from employment. If you cancel your claim, it will be deleted from the Virginia Employment Commission system and you will have to reapply if you later decide to pursue a claim.

You are required to notify the VEC if you:

- refused a job referral from the VEC
- refused a job offer
- are self-employed or working on commission, even if you are not being paid
- are enrolled in or plan to enroll in school or training
- for any reason are not able and available to seek and accept employment
- change your address or telephone number. VEC mail will NOT be forwarded
- make an error while filing your weekly claim
- receive correspondence requesting you to contact a VEC representative
- need instructions on how to continue filing for benefits if you move to another state

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Links:

- [1] <https://www.vec.virginia.gov/unemployed/resources/your-unemployment-benefit-rights-and-responsibilities>
- [2] <https://uidirect.vec.virginia.gov/CSS>
- [3] <https://css.vec.virginia.gov/CSS>
- [4] <http://www.VAWC.Virginia.gov>

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function googleTranslateElementInit() {new google.translate.TranslateElement({pageLanguage:
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