

# Unemployment Insurance: Questions and Answers

## 1. I lost my job. Am I eligible for unemployment insurance?

Generally, you are entitled to unemployment insurance (UI) if: (1) you are totally or (in some cases) partially unemployed; (2) you are separated from employment through no fault of your own; (3) you have earned at least \$3,500 and worked approximately 15 weeks in roughly the prior 15 months; and (4) you are capable of, available for and actively seeking work.

## 2. 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**. Calls may be made between the hours of 8:30 a.m. to 6:30 p.m. Monday through Friday and 8:00 a.m. to 1:30 p.m. on Saturdays. To reach a DUA agent quickly, call on Monday if the last digit of your social security number (SSN) is 0,1 or 2; Tuesday for SSN 3,4 or 5; Wednesday for SSN 6 or 7; Thursday 8 or 9; any last digit Friday or Saturday. The state's 35 career centers also provide UI walk-in center services, including multilingual in-person orientation. For same day service, make sure you arrive at the career center no later than 8:30 a.m. For a list of the career centers and other useful information, some in other languages, go to [www.mass.gov/dua](http://www.mass.gov/dua). When you apply, be sure to have your social security number, the names and addresses of your employers for the last 15 months and the social security numbers 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 includes all your wages accurately.

## 3. How is the decision made?

If you meet the basic guidelines, DUA will notify 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, UI benefits start after a one-week waiting period. If any employer during your last eight weeks of work protests your claim, DUA will contact both the employee and employer and then a claims adjuster will make a decision on the claim, generally within 30 days.

## 4. Is DUA's decision to grant or deny unemployment insurance final?

You and your employer have **ten days** (up to 30 days if DUA determines there is good cause for the delay) 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 of a DUA decision within a year of the first determination and/or seek a waiver of any overpayment owed. Call legal aid for assistance (for a directory of legal services programs, go to [www.masslegalhelp.org](http://www.masslegalhelp.org).)

## 5. How much will my unemployment check be?

You should receive 50% of your average weekly gross pay, based on wages earned in the two highest quarters in the prior year, up to the maximum (now \$628 per week, adjusted annually). To calculate your actual UI go to [www.mass.gov/dua](http://www.mass.gov/dua), select "claimants" and "how your benefits are determined." The amount may be increasing soon. Under the federal economic stimulus package that became law in February 2009, the state can be reimbursed by the federal government for paying unemployed claimants an extra \$25 a week. These extra payments will be payable after the state enters into an

agreement with the federal government and will last until June 30, 2010. You may also receive an allowance of \$25 per dependent child (including children in your custody pending adoption) for whom you provide over 50% of the child's support. 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. This dependency allowance is capped at 50% of your benefit rate (so if you are receiving \$100 per week in UI and have three dependents, your allowance is capped at \$50). You will have to serve a one week waiting period and you should start receiving checks within 3 to 4 weeks of your claim.

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

You will need to certify that you are **able, available and actively seeking work**. **You will need to do this even if you are initially denied UI**. This can be done by calling DUA at the numbers listed in Q. 2 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](http://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 call or go to the local office, do so on the days suggested in Q.. 2.)

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

Regular 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 enable you to participate in training (see Q. 15). Recently the high unemployment rate triggered federal extended UI, which allows additional weeks of benefits beyond the usual limit of 30 (see Q. 21).

**8. How is the unemployment program funded?**

A tax is levied on every employer covered by the law. The tax rate for each employer is calculated using several factors, including the number of employees and the number of employees who became unemployed in the past year. Nonprofits and governmental employers can self-insure.

**9. 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 collect only until you are **available** for work again.

**10. 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.

**11. 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 against the employee or the employee's dependent child or due to the need to address the physical, psychological and legal effects of domestic violence.

**12. I was fired. Am I disqualified from receiving UI?**

Only if the employer demonstrates that you were fired for a disqualifying reason, including: (1) deliberate misconduct in willful disregard of the employer's interest; (2) 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 (3) 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.

**13. 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 immigration status categories. UI receipt will not interfere with an individual's efforts to obtain permanent status. The legal aid number to call if you are denied UI due to immigration status is 617-603-1810.

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

It depends on your earnings. Earnings up to a third of your weekly benefit rate are disregarded; 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 as if you were still working at the part-time job.

**15. 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 full-time training programs for up to a year for vocational, technical or for 18 months if the training includes basic skills or English for Speakers of Other Languages (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.

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

While collecting UI, Massachusetts residents whose family income is 400% or less of the federal poverty level can get up to 80% of the cost of premiums paid to continue their workplace health insurance, currently \$1080 for a family plan and \$440 for an individual plan. If your opportunity to continue health insurance has passed, or the 20% contribution is unaffordable, you may be entitled to participate in a direct coverage plan that includes family members. Call **1-800-908-8801** and complete your application now to get coverage as soon possible as coverage starts retroactive to the date that the application is received.

**17. Will my eligibility for Social Security benefits affect my receipt of UI?**

No. Due to a 2006 change in the law, the social security benefits you receive will not be deducted from your UI check.

**18. Will severance pay affect my ability to collect UI?**

It depends. Under ordinary circumstances, severance payments are treated as continuing wages, so your UI checks don't start until the number of weeks representing the severance have elapsed. For example, if you got a one month severance package, your UI checks would start after 5 weeks (1 week waiting period, and 4 weeks of severance). However, if your severance pay is in exchange for a "release of all claims," i.e., you agree not to sue your employer, then your UI payments can start after the one week waiting period.

**19. 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. Call your legal aid program or 617-603-1810 if you have been denied after finishing a temp job.

**20. Is UI taxable?**

Yes. However, under the recent federal economic stimulus bill, the first \$2,400 of UI benefits will not be subject to federal income taxes for 2009. There is no similar state

income tax break. You can choose to have taxes withheld from your UI benefits. If you do not withhold, you will be responsible for income taxes owed at tax time.

## **21. Am I eligible for federal extended UI benefits?**

If you have used up or “exhausted” your regular UI, and you are not eligible for any other state, federal or Canadian UI, you may be eligible to receive federal extended UI. The only difference in monetary eligibility requirements for state and federal UI is that you need to have worked approximately 20 weeks (federal) rather than 15 weeks (state) to be eligible. Congress passed the Emergency Unemployment Compensation (EUC) Act of 2008 which provided that anyone who had filed a regular claim after May 7, 2006 and remained unemployed as of July 7, 2008 was eligible for the first federal extended benefits. At this writing, additional extensions now provide Massachusetts unemployed workers with a total of 33 weeks of federal extended UI. Individuals can apply for federal extended UI until December 31, 2009 and can collect on this claim until May 31, 2010. The \$25 extra weekly benefit funded by the federal government (see Q. 5) will apply to extended benefits as well.

Under state law, whenever there is a program of federal extended UI, regular UI is capped at 26 weeks (instead of the maximum of 30 weeks). Therefore, individuals will be able to collect up to 26 weeks of regular UI and up to 33 weeks of federal extended UI for a maximum total of 59 weeks. DUA’s toll-free hotline # for federal extended benefits is **1-888-998-8418** (with Spanish and Portuguese prompts).

## **22. What is the Worksharing Program?**

In situations where a contributory employer (an employer who pays into the UI system) needs to reduce payroll costs because of a temporary decline in funds, the employer can apply to participate in DUA’s Worksharing Program (WP). If the employer’s WP application is approved by the worksite union where one exists and by DUA, an employee working newly reduced hours will be able to collect UI along with the reduced wages, generally for up to 26 weeks. For example, if an employee works 80% of her regular workweek, she receives 80% of her wages and 20% of her regular UI benefit rate (plus 20% of her dependency allowance if applicable). If that worker also works another part time job, the first \$188 of weekly gross earnings are disregarded before the part time wages are deducted from her UI check.

***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 \$530 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. For representation, contact your legal services office – information is available at [www.legalhelp.org](http://www.legalhelp.org)***

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