

Your guide to Texas


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Unemployment Insurance Benefits Information

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- **It is your responsibility to read and follow this booklet and all instructions** the Texas Workforce Commission (TWC) sends to you. **Failure to do so may prevent you from receiving benefits.**
- Keep this booklet and all your related records during the 12-month period your claim is in effect (your "benefit year").
- Questions about your work search can come up at anytime during the year, so be sure to keep complete, detailed records.

Để yêu cầu có tập sách này bằng tiếng Việt, xin gọi Tele-Center.
Xem mặt sau của tập sách này để biết các số điện thoại.

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ONGOING ELIGIBILITY REQUIREMENTS

Once you apply for unemployment insurance (UI) benefits, there are certain things you must do to receive payments. For explanations of and details about the requirements summarized below for quick reference, see pages 9-12.

Make an Active Search for Work

Your most important focus right now is to find another job as soon as you can.

- Start your job search immediately.
- Failure to look for, apply for, or accept suitable work may result in you having to repay money received.
- TWC verifies work search efforts, and may check your Work Search Log anytime during your benefit year. Keep detailed up-to-date contact records!

Register for Work Search on the Internet or With a Workforce Center

- You are required to complete a work search registration within 3 business days of filing a UI claim, through TWC's website at www.texasworkforce.org, or at your local workforce center.
- If you do not successfully register for work search on TWC's website or at a workforce center, your payment will be delayed or denied.

Be Available to TWC

- You must respond to all letters, cards, notices, and phone calls from both the Unemployment Insurance Tele-Centers and the workforce centers. Failure to respond will result in delay or denial of benefits.
- Notify a TWC Tele-Center if your address changes.

Request Payment for Weeks of Unemployment

- To receive payment, you must file a claim certification every two weeks. Call Tele-Serv and select Option 1 "To Request Payment for Weeks of Unemployment," or if you have been instructed to file paper certification forms, you must mail/fax paper claim forms every two weeks.
- Failure to call on your scheduled day or request payment within the scheduled week may cause your payment to be delayed or denied. You must report all hours and earnings each time you work during a week for which you request a benefits payment.

Be Able and Available for Work

- To qualify for payments, you must be physically able to work, available, and willing to accept full-time work.

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Equal Opportunity Policy

TWC does not discriminate in the filing of UI claims, adjudication, or payment of UI benefits, on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief. If you think that you have been subjected to discrimination by TWC, please call the Equal Opportunity and Compliance office within 180 days, at 512-463-2400.

Auxiliary aids and services are available, upon request, to individuals with disabilities. (Relay Texas for TDD users: 800-735-2989)

Unemployment Insurance Information

What Is Unemployment Insurance (UI)?

Unemployment Insurance (UI) is an employer-paid insurance program that helps workers who are unemployed through no fault of their own. It provides temporary financial help to qualified individuals, based on their previous earnings, while they are looking for other work. Employer taxes and reimbursements support the Unemployment Trust Fund. Employers cannot deduct any money from employees' paychecks to pay for this program.

The law governing UI benefits in Texas is the Texas Unemployment Compensation Act, which is Title 4, Subtitle A of the Texas Labor Code. From here on, we will refer to that law as "the Act," to save space. The Act is available online at www.texasworkforce.org (choose the link for *Job Seekers and Employees*; then *Employee Rights and Laws*), and it is also in the Vernon's law book series found at most public libraries.

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How Do I Qualify?

The law sets qualifying requirements in three main areas: your past wages, your job separation, and ongoing availability and work search. You must meet all of the requirements to receive benefits.

1. Your past wages

To establish a payable claim, you must have received enough wages to meet the requirements. We use the wages paid to you during a recent 12-month period, called the *base period*, to calculate your benefit amounts. The base period is the first four of the last five completed calendar quarters before you filed your claim. (Calendar quarters are three-month periods beginning with January, April, July, or October.) This means that when we calculate benefits we can't use earnings in the calendar quarter in which you filed your claim, or the quarter just before that. We base your *weekly benefit amount* on the highest quarter earnings in your base period. We divide that high quarter's total earnings by 25 to get your weekly benefit amount. We may have to change this amount to be inside the allowed range of benefit amounts in Texas. Your maximum, or total, benefit amount is the smaller of 26 times the weekly amount, or 27% of all your wages in the base period.

To have a payable claim, the law requires that:

- A) You have wages in at least two of the four base period calendar quarters being used, **and**

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- B) Your total base period wages are at least 37 times your weekly benefit amount, **and**
- C) If you qualified for benefits on a prior claim, you must have earned 6 times your new weekly benefit amount since that time.

If you were out of work for a prolonged time during the base period because of a medically verifiable illness, injury, disability, or pregnancy, tell TWC, because you may be able to use an *alternate base period*. If you meet the requirements, the alternate base period could use wages you received before your illness or injury. If you qualify under both base periods, you decide which base period to use.

2. Your separation from your last work

You must be unemployed or partially unemployed through no fault of your own to receive benefits. Examples of qualifying reasons are:

- You were **laid off** due to lack of work.
- You are still working but the **employer reduced your hours. (Your reduction in hours must not be the result of a disciplinary action.)**
- You were **fired** without work-related misconduct. Examples of misconduct are: a violation of company policy; violation of law; neglect or mismanagement of your position; or failure to perform your work acceptably if you are capable of doing so.
- You **quit** your job for a good work-related or medical reason. TWC may rule *good cause* if the work situation would cause a person who truly wants to keep the job to leave it. Examples of possible good cause are: unsafe working conditions; significant changes in hiring agreement; or not receiving payment for your work. You should also have tried to correct the problem before quitting. Examples of medical reasons are: quitting on your doctor's advice, or quitting to care for a minor child if required for a documented medical reason.
- You **quit** to protect yourself from family violence or stalking, evidenced by an active or recently issued protective order, a police record documenting family violence or stalking directed against you, **and** medical documentation of family violence against you.

If you **quit to move with your husband or wife**, you may be able to receive benefits after a disqualification of 6 to 25 weeks. This is a disqualification of both time and money, because we must subtract the number of disqualified weeks from your total benefits.

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3. Ongoing availability and work search requirements

During each week you claim benefits, you must:

- Make an active search for full-time work
- Be physically able to work
- Be available for full-time work
- Apply for and accept suitable work
- Be registered for work search online at www.texasworkforce.org, (click on WorkInTexas), or with the nearest workforce center
- Call TWC, or call or report to a workforce center, as instructed

Is My Claim Confidential?

Only authorized parties can receive information about your claim. We share some information with federal and other state government agencies and local workforce boards upon their request, as we are legally required to do so. These agencies use this information for other programs such as Medicaid, Temporary Assistance to Needy Families, Food Stamps, and Child Support. They also are responsible for keeping your claim information private. TWC also mails a written notice of your claim to your last employer. TWC may communicate with any base period or current employers about your claim.

When Will I Know My Benefit Amounts?

A *Statement of Benefits*, which was mailed to you the same day this packet was mailed, tells you:

- The base period used for your claim
- The wages your employers reported paying you during each quarter of the base period
- Whether you are eligible for benefit amounts based on those wages

If you are eligible, it tells you the 12-month period your claim will be in effect, which is your *benefit year*. Your benefit year stays in effect for those dates even if you were disqualified or you have drawn all of your benefits. In other words, the money may run out before the year is over, and no more benefits will be available until the next benefit year. The statement also tells you your potential benefit amounts. The *weekly benefit amount* is the amount we can pay you for one full

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week of unemployment. Your *maximum benefit amount* is the total amount we can pay during your benefit year.

Check to make sure that the social security number on the *Statement of Benefits* matches the number on your social security card. Look at the employer(s) and the wages listed for your base period, and check to see if all your wages for that period are included. As you check the wages, keep the following tips in mind:

- The wages are listed in the quarter in which they were paid to you, regardless of when you earned the money.
- The law does not allow us to use some types of wages to establish claims. Some examples are:
 - work as an elected official
 - work for a foreign government
 - work for a church
 - work for your son, daughter, husband, or wife
 - most work as an insurance agent or real estate broker
- The first *Statement of Benefits* usually does not include wages received from work for the Federal government, military service, or work in other states. We will send you an adjusted *Statement of Benefits* when we receive records for those wages.

What If Wages Are Missing or Wrong?

You should call us if you believe there are any mistakes on the wages. The phone number is on the front of the *Statement of Benefits*. Mistakes might include missing wages, the wrong amount of wages, or wages that are not yours. Contact us quickly so we pay you the right amount of benefits—no less and no more than due. If you receive benefits based on incorrect wages or wages that aren't yours, you will have to repay any overpayments. You may request that we correct your wages at any time during your benefit year.

Once we determine your correct wages, we will send you a new *Statement of Benefits*. If you disagree with the new determination of your wages, you can appeal. Instructions for appealing a determination begin on page 18.

When Will I Know If I Can Receive Benefits?

It can take three to four weeks after you file to know if you can receive benefits. The amount of time depends on things such as whether we need more information

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about your job separation or eligibility issues. Remember, to receive payment you must continue to meet the ongoing requirements listed on pages 9-12, beginning on the date you filed your claim, and also file your payment requests as instructed when you filed your claim.

Qualification Based on Job Separation: When you filed your claim for UI benefits, TWC notified your last employer in writing of the reason you gave for no longer working there. If the employer gives us new information that could prevent you from qualifying for benefits, we will tell you what the employer said and ask you to tell us in your words what happened. We will use information from both you and the employer to determine whether you are qualified.

If you quit your last job or your employer fired you, we will send you a decision in writing once we determine whether you are qualified based on your job separation. The written decision is on a *Determination on Payment of Unemployment Benefits* form.

If your employer laid you off or you are working reduced hours, we will send you a written decision only if your employer contacts us to confirm your layoff. Your employer has 14 days to send a response. If your employer laid you off but does not respond to the notice we sent, the employer's lack of response would not prevent you from receiving benefits; in that situation, you will not get a written decision about your qualification based on your job separation.

Other Eligibility Issues: When you first apply for UI benefits, and at any time during your benefit year, there may be eligibility issues on your claim related to the ongoing ability, availability, and work search requirements. If so, TWC will investigate as necessary, and we will mail a written *Determination on Payment* once we determine whether you are eligible based on the result of each investigation.

What Does the *Determination* Form Tell Me?

The *Determination on Payment* form will tell you if we can pay you based on the specific issue named on that form. You may have more than one issue on your claim, and you will receive a separate *Determination* for each issue. To be paid benefits, **all** the *Determinations* you receive must say we can pay you benefits for the period you are claiming. If even one *Determination* says that we cannot pay you, then you will not receive benefits for that period. (Appeal information is given below, in #3.) You may check the status of your claim through Tele-Serv, TWC's automated system that is described on page 16.

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Each *Determination* form has the following parts:

1. The “Decision” section tells you the issue, the decision, our reasoning, and the law supporting the decision. The beginning and ending dates tell you the dates this decision is in effect. If there is a beginning date but no ending date, the decision will stay in effect until your situation changes; however, you will not receive a notice for each week you file.
2. The section titled “Determination of Potential Chargeback for the Employer” tells if we will charge your last employer for your benefits. **The chargeback decision does not affect your claim.**
3. The section titled “If You Disagree With This Decision” tells the last day you can file an appeal to the determination. It also gives you the address and fax number of the Appeals Department. There is more information about appealing a determination on the back of the form. The section in this booklet about appeals begins on page 18.

When Will I Receive My First Check?

If you are eligible, we will issue your first payment during the third or fourth week following your initial claim. The first payment will be for the second payable week. The Act requires us to hold the payment for the first payable week as the “waiting period week.” We will pay you for the waiting week once we have paid you three times your weekly benefit amount for other benefit weeks. If you have no earnings or deductions, and remain eligible for each two-week period, your payments will be like this:

1. File for the first and second weeks and be paid for one week.
2. File for the third and fourth weeks and be paid for three weeks.
3. File for other two-week periods and be paid for the two weeks.

Are UI Benefits Taxable?

Yes, benefits are taxable. The Internal Revenue Service (IRS) requires you to report your UI benefits as income. TWC mails statements in January that tell the total amount of benefits paid to you during the calendar year. You can also call Tele-Serv for the amount. We report this amount directly to the IRS. You may choose to have a portion of your benefits payment withheld for your taxes. If you wish to do so, then complete and return the tax withholding form we send to you by mail.

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What Are My Ongoing Requirements?

Once you apply for UI benefits, there are certain things you must do:

1. Make an Active Search for Work

Your most important focus right now is to find another job as soon as you can. We can pay you only for weeks in which you actively seek a job. You must look diligently for work and also register for work online at www.texasworkforce.org, (click on WorkInTexas), or with the nearest workforce center within 3 business days of filing a UI claim.

Make your work search your full-time job! **You will be assigned a minimum number of work search contacts you must make each week to be eligible for UI benefits. If you are uncertain about your minimum number of required weekly work search contacts, call a UI Tele-Center.** You will, of course, want to make as many contacts as it takes to get a job. Try to get at least one in-person interview each day. Make thorough, well-planned contacts to get the results you want—a job! Use the following tips in your work search plan:

- Learn as much as you can about finding a job: Your local workforce center offers a full array of employment and training services to assist you. Services and resources offered through the center may include: job listings and referrals; job search assistance; a career research library and labor market information; access to telephones, fax machines, copiers, and computers including Internet access, online job banks and résumé writing software; job search/job club workshops and seminars; as well as information on education and training services. You may also access a variety of information and resources through TWC's website at www.texasworkforce.org.
- Prepare in advance: Make a list of your background and experience. This list can help you fill out job applications, prepare résumés, or provide information during job interviews.
- Search out job leads: Ask friends and relatives if they know of job openings. Most job leads come from word-of-mouth referrals. Check newspaper ads, employment and temporary agencies, libraries, career centers, colleges or schools, and community organizations. Follow up quickly on leads.
- Organize your time: Make a daily "to do" list of job search activities.

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- Sell yourself: First impressions are important. Arrive on time for interviews. Dress appropriately for all interviews and employer contacts, even if you may only pick up a job application. Go alone.

Make job contacts that count—for your claim and for success.

- Review the *Guidelines For A Productive Work Search* mailed under separate cover, or access at www.texasworkforce.org.
- Complete an application or provide a résumé if the employer requires this as the first step in the hiring process.
- Call the employer for information about the proper way or place to apply. Don't just ask if they are hiring. You must follow up on any instructions the employer gives you.
- As your period of unemployment lengthens, consider accepting lower wages or alternative suitable work. To remain eligible for UI benefits, you may be required to lower your wage demand and look for work in other occupations or areas in which you qualify.

Keep good records! Failure to look for, apply for, or accept suitable work will keep you from receiving benefits. Protect your eligibility by writing down details about all the contacts you make with employers. **TWC verifies work search contacts.** We may ask for evidence of your work search efforts. Questions about your work search can come up at anytime during your benefit year, so be sure to keep good records. **If you cannot provide TWC evidence of work search efforts, which includes sufficient details that TWC can verify, you will be held ineligible for payment and asked to refund any benefits received.** Work search record details depend on the type of contact, but should include what you did, how you did it, the date you did it, where you went, and the name and phone number of any person contacted. If you called an employer you should include the phone number; if visited in person include an address; if sent an e-mail or fax include the address or fax number; if made an Internet contact, give the Web address. Be detailed and specific. If you do not have all of these details you should explain why the information is not available. If you respond to a “blind ad” with no employer details, you should specify, “blind ad,” and give contact information. **If you do not provide your log when requested, or if an employer or other contact you listed disputes your report of a contact, your eligibility to receive benefits may be affected and you would be required to repay any benefits paid to you.**

To record detailed information about your job contacts, you may use the TWC Work Search Log enclosed with this booklet, making copies as needed. An additional copy of the log form will be included with each UI benefits check mailed.

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You may download a copy at www.texasworkforce.org, or you may choose to keep your detailed records in some other format, but it must contain the same information TWC's log form requests. In addition to providing information you may need for TWC, your work search record can be useful in planning your follow-up contacts with employers.

2. Be Available for Work

TWC considers individuals available for work if they are ready, willing, and able to accept any suitable full-time work. To be available for work, you must:

- Have adequate transportation and child care arranged
- Be available for job interviews
- Be willing and able to work all the days and hours required for the type of work you are seeking
- Be willing to accept the usual rate of pay for a person of your qualifications and experience

3. Be Able to Work

You must be physically able to work full-time.

4. Register for Work Search with TWC

You must register for work search either through the Internet or with your nearest workforce center. Registering for work search is separate and distinct from filing a claim for UI benefits. If you do not complete work search registration within 3 business days of filing a UI claim, you will be held ineligible for benefits and asked to refund any benefits received. TWC may give you permission not to register if any of the following applies:

- You are on temporary layoff and will return to work soon
- You are an active member in good standing of a union with a hiring hall
- You are on a shared work program (see page 25)

NOTE: You can complete a work search registration and search for jobs through TWC's website, at www.texasworkforce.org (click on **WorkInTexas**). The work search registration process involves completing an online job application.

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5. Be Available to TWC

Contact TWC or your local workforce center as instructed. You must respond to requests regarding both Unemployment Insurance and reemployment services. Failure to respond will result in delay or denial of benefits.

6. Request Payment for Weeks of Unemployment

You request payment by filing a claim certification. If you have been instructed to file by calling Tele-Serv (TWC's automated system, described on page 16), you will call Tele-Serv to request payments every two weeks, on your scheduled day, and file a claim certification by selecting Option 1, "to request payment for weeks of unemployment." If you miss your scheduled filing date, you should call Tele-Serv on Thursday or Friday of the same week. Failure to call within your scheduled week and request payment will cause your payment to be delayed or denied. If you have been instructed to file paper certification forms, you must mail or fax paper claim forms every two weeks. Sending the claim form early or late will cause your payment to be delayed or denied.

7. Participate in Required Reemployment Activities

Federal law requires states to determine which new claimants are most likely to exhaust their unemployment insurance benefits. TWC uses a statistical model to identify individuals who may need additional reemployment services. Federal law also requires TWC to deny benefits to claimants who are offered reemployment services but fail to participate. Your local workforce office will contact you if you are identified as a candidate for particular required services.

What Happens If I Refuse a Job?

If you refuse to apply for or accept a suitable job, we will not be able to pay you UI benefits. Some of the factors TWC considers in determining whether work is suitable are:

- Your experience, qualifications, and training
- The working conditions and pay for similar work in your area
- Any risks to your health, safety, or morals
- The distance to work from your home and local commuting patterns
- The length of your unemployment

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How Can I End a Disqualification?

If you received a disqualification for a job separation or work refusal, you may be able to end the disqualification through work or earnings. A disqualification period may end only after you do all of the following:

- Enter employment after your disqualification begins
- Earn wages equal to six times your weekly benefit amount *or* work at least 30 hours a week for six weeks
- Become unemployed through no fault of your own, or continue a part-time job
- Give TWC proof of your work or earnings and request that we close the disqualification

TWC cannot pay you benefits for the time between the beginning of the disqualification and the time that you meet the requirements to end the disqualification.

You can use work or wages from most types of employment for this purpose. You cannot use types of work the Act excludes from its definition of "employment." Some examples of work you cannot use are: work performed for your son, daughter, or spouse; work for a church; work as an insurance agent for commission only; or most self-employment.

How Do I Request Payment For Weeks of Unemployment?

You request payment by filing a claim certification. You will receive filing instructions by mail, under separate cover. Each payment request covers a two-week period that comes after your initial application for UI benefits. You must have been at least partially unemployed during one of the two weeks in order to claim benefits. Wait until the two-week period has ended to request payment and file a claim certification, because you must certify that you met all the requirements for payment during each week.

After you request payment by filing a claim certification, TWC mails to you a *Statement of Account*. This statement explains any payments and deductions, or the reason for no payment. If you are eligible for payment, we mail your check the first working day after we process your payment request. (How long it takes TWC to process a payment request depends upon the type of benefits, as well as how and when the request was submitted.) Delivery usually takes up to five business days.

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How Do I Report My Hours Worked and Earnings?

If you work at all during any week for which you request a benefits payment, you must report your hours and total wages before any deductions for that week. **If you do not accurately report all of your work and earnings, you may have to repay benefits, may lose the rights to any other benefits in your benefit year, and may be prosecuted for fraud.** The workweek for reporting hours and earnings begins on Sunday and ends on Saturday.

1. Report the total number of hours worked for each week you worked. You must report your hours and earnings **each time** you work whether from full-time, part-time, or temporary work, including “contract labor,” commissions, tips, or self-employment profits.
2. **Report all earnings for the week in which you earn them**, not necessarily when the employer pays you.
3. Report your **total earnings** before deductions (gross pay), **not** your “take home” pay.
4. Report all your earnings in whole dollars, dropping any cents. For example, if you earn \$100.75, report \$100.
5. If you are self-employed, report your profits. This is the net amount you make above your expenses. **NOTE:** When requesting payment via Tele-Serv (the automated telephone system described on page 16), the system will ask “Did you work or earn wages of any kind during the claim period?” If you worked but do not have profits to report, answer “Yes” and report zero dollars (\$0) earned. Tele-Serv will then ask if you were employed in commission sales or self-employment. Answer “Yes.”

How Will Part-Time Work Affect My Payments?

If you work part-time, you may be able to receive some benefits. Your *Statement of Benefits* (described on page 5) tells you your weekly benefit amount and your *weekly earnings allowance*. Your earnings allowance is one and one quarter times (125% of) your weekly benefit amount. If your actual weekly earnings are less than your earnings allowance, TWC will pay you the difference between the amounts as long as you meet all other requirements, including looking for full-time work. You can receive 25% more income from part-time work and partial unemployment combined, than from unemployment alone. Your benefits also may last longer. If you are working the full-time customary hours for your occupation

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then you are not eligible to receive UI benefits, even if your earnings are less than 125% of your weekly benefit amount.

IMPORTANT: Separation from part-time work can affect your unemployment insurance benefits. If your part-time employer fires you or you quit your part-time job, TWC will have to review your job separation reason. We will then decide whether you can still receive benefits.

Note: If you work for a temporary agency or staff leasing company, failure to contact that agency or company when you complete a job assignment as specified in your hiring agreement may affect your ability to receive UI benefits.

What Are the Penalties for Fraud?

Fraud is knowingly giving false information, or failing to give information, to obtain or increase a benefit. This is a Class A misdemeanor. TWC requires individuals to repay any payments made improperly, and cancels all remaining benefits when there is a fraudulent act. TWC can place a lien on your property and/or pursue criminal prosecution of fraudulent acts. Those convicted of fraud in criminal court can receive fines and imprisonment as prescribed in the Texas Penal Code.

What Does the Statement on the Back of My Check Mean?

When you sign or cash your UI benefits check, you are certifying that you have properly reported your earnings and are eligible for payment. Signing the back of the check puts on record that you understand there are penalties for not telling the truth. You sign your checks under the following statement:

“This warrant will not be honored if it has been altered, reported as lost or stolen by the named payee, or if any endorsement is missing or forged. By negotiating this warrant, I certify that I met all eligibility requirements for the claim period(s) covered, have not reported this warrant as lost or stolen, and have properly reported all relevant earnings or income. I understand the law provides penalties for making false statements in connection with my claim for Unemployment Insurance.”

IMPORTANT: Because there is not much space on the back of the check, the certification statement is printed only in English. If you speak another language, this booklet is your notice of the check certification statement. [Note: The preceding statement is seen or heard in other languages in translations of this booklet.]

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What Is Tele-Serv and What Does It Offer Me?

Tele-Serv is a system that allows you to use a touch-tone telephone to communicate with TWC's computer, making your claim filing easier. Tele-Serv allows you to file your required biweekly payment requests (claim certifications) by phone, obtain the status of your claim or UI benefits check, obtain general information about Unemployment Insurance, and set or change your Personal Identification Number (PIN). The Tele-Serv phone numbers are listed on the back of this booklet. The following table lists the main Tele-Serv menu options.

Tele-Serv Main Menu Options	
Choose Options:	Then...
<p>1</p> <p>To Request Payment (Claim Filing)</p> <p>(Requires PIN)</p>	<p><i>Use your phone's buttons to:</i> Answer claim questions covering a two-week period, then hear whether your <i>payment request</i> is accepted, and either when to file your next two-week <i>payment request</i>, or that you need to give TWC more information.</p>
<p>2</p> <p>To Check Claim Status</p> <p>(Requires PIN)</p>	<p><i>Press a number to make a selection and hear:</i></p> <ol style="list-style-type: none"> 1. Information about the last four weeks on file <ul style="list-style-type: none"> • check amounts and date check mailed • reason check amount reduced • reason check was not issued 2. Weekly and maximum benefit amounts and balance remaining in claim account 3. Amount of UI benefits to report to the IRS
<p>3</p> <p>To Get General Information about Unemployment Insurance</p> <p>(Does <u>not</u> require PIN)</p>	<p><i>Press a number to make a selection and hear:</i></p> <ol style="list-style-type: none"> 1. How to file a new application for Unemployment Insurance benefits 2. Basic eligibility requirements <ul style="list-style-type: none"> • if laid off • if fired • if quit 3. How to calculate benefit amounts 4. How part-time work affects a claim 5. How and where to appeal a claim decision and how the appeal process works 6. How to end certain disqualifications 7. How to file claims if you move out of state

Unemployment Insurance Information

Tele-Serv Main Menu Options	
Choose Option:	Then...
4	<i>Use your phone's buttons to:</i>
To Create or change PIN	<ul style="list-style-type: none">• Establish a new PIN (Does not require a PIN)• Change your current PIN (Requires a PIN)

What Is a PIN?

A "PIN" is a four-digit Personal Identification Number that only you should know. It protects your privacy because no one can call Tele-Serv about your claim without that PIN. You set up your own PIN to use with Tele-Serv, and you will need to remember the PIN you choose.

Your PIN has the same legal authority as your signature on a paper document. Keep your PIN a secret! Do not give your PIN to anyone, not even a member of your family or a TWC employee. You are responsible for any claim certifications filed under your SSN and PIN.

How Do I Set Up My PIN?

If you did not already establish your PIN in the process of filing your initial claim by phone or on the Internet, call Tele-Serv right away to do so. You need to establish your PIN only once. You need to do it before you can get information about your claim or request payments. Use the following steps to set up your PIN:

1. Call the Tele-Serv number. Press 1 for English, or 2 for Spanish.
2. Press 4, "To establish or change your Personal Identification Number."
3. Enter your social security number (SSN) using the telephone buttons. Tele-Serv will repeat the SSN. Press 1 to confirm it, or 2 to re-enter it.
4. Enter the four-digit PIN you want. Do not use the * or # buttons. When Tele-Serv repeats the PIN, press 1 to confirm it, or 2 to re-enter it.
5. Wait for the message "Your new PIN has been accepted."

If you have a problem with your PIN, call the TWC Unemployment Insurance Tele-Center for help. If Tele-Serv tells you to call TWC because of a problem related to your PIN, you must call before you can use Tele-Serv again.

Your Rights and Responsibilities

How Do I File an Appeal?

An appeal is a written disagreement to a determination or decision issued by TWC. **The first appeal is a request for a hearing, and you do not need to send any evidence with it. The hearing notice mailed to you will include instructions about submitting documents.** You or your employer may appeal a decision about your claim. You must file your signed appeal in writing. You can get assistance in filing an appeal at your nearest workforce center, or you can appeal by writing a letter to the Appeals Department. The TWC Appeals Department address and fax number are on your *Determination on Payment of Unemployment Benefits* form. Your appeal letter should include the following information:

- Your name and Social Security number
- Your current address
- The date TWC mailed you the *Determination on Payment*
- A copy of the *Determination* form, if possible

If you or one of your witnesses does not speak English, state on the appeal that you need an interpreter and for which language. **Also, if you and/or your witness(es) need to use equipment such as a telephone, speakerphone, or fax machine, please indicate so in your appeal.**

You have fourteen days from the date TWC mails you the *Determination of Payment* to file a timely appeal. The last day for a timely appeal is at the bottom of your *Determination* form. If the fourteenth day is on a state holiday, we extend the last day.

If you appeal a determination after the fourteenth day, the Appeals Tribunal must decide whether they have jurisdiction over the case. If the Appeals Tribunal cannot hear the case because it was not timely, TWC will issue that decision in written form and mail it to you.

Continue to request payments by filing a claim certification every two weeks while you appeal, unless you return to full-time work. Even if the appeal decision is in your favor, TWC can pay you only for weeks in which you filed claim certifications and met all other requirements. If you move, be sure to notify TWC of your change of address.

IMPORTANT: If you are using written materials as evidence, you must mail the materials to your hearing officer and the employer so everyone has copies before

Unemployment Insurance Information

the hearing begins. TWC mails copies of the information we have to all hearing participants. We mail this information along with the hearing notice. The packet contains the following:

- The date we notified your last employer that you applied for unemployment insurance benefits (We include this information only if it is relevant to your appeal.)
- Any protests to your claim
- Any information we received in response to your claim
- Any fact-finding statements we took while investigating the issue(s) on appeal
- The appeal itself (either a letter or an appeal form)

How Does the Appeal Process Work?

There are three appeal levels.

1. The first step is an *Appeal to the Appeals Tribunal*.

You and the employer receive a written notice of the date and time for the hearing. The hearing notice explains the law, and gives instructions for participating in the hearing by telephone. You, the employer, and any witnesses give testimony during the hearing. It is very important that you take part in your appeal hearing because the hearing officer makes the decision on your claim based entirely on the evidence given at the appeal hearing. The hearing officer prepares a written decision and mails it to you and the employer.

IMPORTANT: TWC provides access to telephones, speakerphones, and fax machines for individuals involved in an appeal hearing. If you do not have a private phone, need a fax machine to send information, or need a speakerphone to present witnesses' testimony, let us know. If you need help operating the equipment, we have staff available to assist you. We try to provide you as much privacy as possible for your hearing.

When you receive the hearing notice and if you and/or your witness(es) need access to any equipment, and you did not request an accommodation in your appeal, please do the following:

- Contact the TWC UI Tele-Center handling your claim (Tele-Center telephone numbers are listed on the back of this booklet.)
- Explain that you are scheduled for an appeal hearing

Your Rights and Responsibilities

- Give the specific time and date of your hearing
- Indicate the specific accommodation you need

If you cannot participate in the hearing for any reason, call the hearing officer promptly. Usually, hearing officers do not grant postponements. Instead, if you do not participate and the decision is against you, you may request that the case be reopened. Your request to reopen must be in writing, signed, and filed within fourteen days after the date TWC mailed the Appeals Tribunal decision to you. TWC may reopen the case and grant a new hearing if you can show good cause for not participating in the first scheduled hearing.

2. The second step is an **Appeal to the Commission**.

If you disagree with the results from the Appeals Tribunal, you may appeal to the Commission. There is no new hearing because this level of appeal is a review process only. The three commissioners of the Texas Workforce Commission decide your case based on the tape-recorded testimony and other evidence taken at the Appeals Tribunal hearing.

3. If you disagree with the Commission's decision, you have two options:

- A. You may **request a rehearing** by the Commission within 14 days of the date TWC mailed you the decision. TWC will grant the Motion for Rehearing only if you can show all three of these things:
 - 1) Important new information about your case
 - 2) A good reason you didn't present this information earlier
 - 3) Why you think this information could change the decision
- B. You may **appeal to a civil court** between 15 and 28 days after the date TWC mailed you the decision. Before appealing to a civil court, you must have completed all the appeal steps available through TWC, except the optional Motion for Rehearing.

SPECIAL CIRCUMSTANCES THAT MAY APPLY TO YOU

If You Are Overpaid Benefits

If TWC pays you UI benefits before learning you were not eligible, you must pay back the benefits. This is true even if the overpayment was not your fault. You are legally responsible for any benefits we pay you.

Unemployment Insurance Information

If you are overpaid benefits, TWC will mail to you a *Determination on Payment* that tells why you were overpaid, what weeks were overpaid, and the amount you need to repay. Refund the money immediately. If you can't pay the overpayment in a lump sum, you may be able to set up an installment agreement with TWC. If you are eligible for UI benefits for future weeks, TWC will withhold your payments to repay your overpayment. There are two important reasons to repay any overpayment of benefits:

1. An overpayment will stay on record until you have repaid it. If you don't repay an overpayment and need UI benefits again in the future, your payments will go toward the overpayment instead of to you.
2. TWC has the authority to file a civil suit against you in court to recover the money.

NOTE: Under the Interstate Reciprocal Overpayment Agreement, if you have been overpaid UI benefits in another state, TWC can recover that overpayment from any weeks of benefits for which you may be eligible in Texas. Likewise, if you have been overpaid in Texas and you receive UI benefits from another state, we can ask that state to recover your overpayment for TWC.

If You Receive a Retirement Pension

If you receive a pension based on your former work, we will mail you a written decision on whether it is deductible. If it is deductible, we will deduct the weekly amount dollar for dollar from your UI benefits. Here are the rules about pensions:

1. Social Security benefits and Railroad Retirement are **not** deductible.
2. Pensions, retirement pay, annuities, and other similar periodic payments, are deductible if based on wages earned from a base period employer. A pension from an employer that did not pay you wages during the base period is not deductible.

If You Receive Worker's Compensation

Worker's Compensation for an on-the-job illness or injury may prevent you from drawing UI benefits. TWC makes the decision based on the disability payment type and mails you a determination. If you receive Impairment Income Benefits, you may receive UI benefits. If you receive Temporary Income Benefits, Supplement Income Benefits, or Lifetime Income Benefits, TWC cannot pay you UI benefits.

Your Rights and Responsibilities

If You Are Not a U. S. Citizen

If you are not a citizen of the United States, we verify your Alien Registration number with U.S. Citizenship and Immigration Services (CIS). If CIS cannot confirm your registration number, we ask you for copies of your documents and TWC sends them to CIS. If CIS indicates that you do not have permission to work in the United States, we cannot pay you UI benefits.

TWC also checks whether you had legal authorization to work when you earned your base period wages. TWC cannot establish your claim using wages earned before you had authorization to work. If TWC removes any wages from your claim, you will receive a new *Statement of Benefits*.

If You Served in the Military

You can use base period military wages to establish your claim if you separated under at least honorable conditions and completed your first full term of service. If you did not complete your first full term of service, you must have separated early for a reason specified by Congress as an exception to the full term requirement. Reservists and members of the National Guard may be eligible if they served at least 90 days continuous active service and received a Form DD-214 when separated.

TWC calculates military wages by using the information on your pay grade at the time of separation. TWC may need a copy of the Member 4 version DD-214 to add your wages. We cannot use the Member 1 version (the short version) because it does not have all the required facts.

If you don't have your copy of the DD-214, we will try to get a copy for you. It may take up to two months for the military to respond to that request. We cannot pay you benefits based on your military wages without a DD-214.

If the information on your DD-214 prevents us from using your military wages, you can appeal to your branch of service to change the DD-214 information. You use a Department of Defense DD Form 149, Request for Correction of Military Records, to request this change. You can obtain that form from the nearest workforce center or a veterans' service office. If you appeal to the military, keep filing your claim certifications if you remain out of work. If you have questions about a military appeal, ask your branch of service.

Unemployment Insurance Information

If You Worked for the Federal Government

Most people who have worked for the federal government can use their federal wages to establish a claim. The federal government does not report wages to the states each quarter as other employers do, so TWC requests wage information from your former federal employer by mail. You can begin your claim with a documented estimate of your wages until the agency replies. Other rules are the same as for regular UI benefits.

If you give us an estimate of your federal wages, TWC needs proof of your federal employment before adding the estimated wages to your claim. The most common proof is a Standard Form SF-50, Notice of Personnel Action, or equivalent. A W-2 form or pay stub is also acceptable. Proof should have your name, Social Security Number, and the employing agency name, and clearly indicate that you were an employee. You cannot use Standard Form SF8 as proof because it doesn't have any personal identification. The wage estimate requires your signature and a copy of the proof of federal employment.

We cannot use some types of federal work to establish a claim. If you worked under contract and received an IRS 1099 instead of a W-2, you may not be able to use those wages on your claim. The federal agency tells us whether the work you did was "federal civilian employment" for claim purposes. If you disagree with the information, we will request that agency to reconsider their findings about your wages and/or separation reason. If you disagree with their reconsidered report, you can file an appeal. The TWC hearing officer can make an independent ruling on your wages and reason for separation.

If You Worked for a School

If you work for a school or educational institution and file a claim during a holiday break or between school terms, you may not be able to draw UI benefits based on your school wages. If you have reasonable assurance of going back to work when school starts again, TWC cannot use **any** school wages, even from a different school, to establish your claim. Reasonable assurance does not have to be in writing. You probably have reasonable assurance if you and your employer expect you to go back to work when school starts again. If the school does not put you back to work when school starts, we will reconsider your school wages in setting your benefit amount.

Your Rights and Responsibilities

If You Have Wages in More Than One State

If you worked in more than one state during your base period, you can combine all of your wages in a single UI benefits claim. One state is the “paying state” and your claim follows the rules of that state. The paying state asks the other states to transfer your wage credits to the paying state. Because you filed this claim against Texas, Texas is your paying state unless you don’t have enough wages to qualify under Texas law. Your other choice is to file against only one state using only the wages in that state. If you choose to use only wages in one state, your claim will follow the rules of that state.

If You Worked in Texas but Live in Another State

If you earned all your base period wages in Texas but live in another state, you can still file a new application for UI benefits or continue an existing claim with Texas. Texas pays the benefits and makes the decisions about payment. You must register for work with the nearest workforce center in the state where you live.

You can file for UI benefits from any of the United States, Puerto Rico, the District of Columbia, the Virgin Islands or Canada. Texas law does not permit claims from any foreign country other than Canada.

If you have any questions regarding your claim, call Tele-Serv and select option 2, “Check information or the status of your claim.” If you need further information or assistance, you may call the Interstate Unit at 1-888-872-8417 between 8:00 a.m. and 5:00 p.m., Central Time.

If You Lost Your Job Because of Foreign Trade

If you lost your job as a result of increased foreign imports or shifts in production to foreign countries, you may be eligible for Trade Adjustment Assistance (TAA). **You should ask your local workforce staff about eligibility for TAA within two business days of receiving this booklet or as soon as possible thereafter, because there are time limits on eligibility, training, and benefits.** TAA benefits may include retraining, Health Coverage Tax Credit (HCTC), job search and relocation allowances, and weekly benefits called a Trade Readjustment Allowance (TRA). If eligible, you may request TRA benefit payments only after you receive all of your regular unemployment insurance benefits in a benefit year.

Unemployment Insurance Information

Once you meet the eligibility for TAA benefits, you may be eligible for the Health Coverage Tax Credit. HCTC is a federal tax credit that pays 65% of the qualified health insurance premiums paid by eligible individuals. As noted above, it is important to ask about your TAA eligibility right away, because time limits on training and benefits apply. Start your training quickly to finish as much training as you can while you still have benefits to help pay living expenses. Depending on the date a Trade petition is filed, the maximum benefit you can receive under these programs and regular unemployment combined is 78-104 weeks. If remedial training is needed, your TRA benefits might be extended up to an additional 26 weeks.

Designation of “trade affected” status requires U.S. Department of Labor certification of a petition filed by the former employer, group of affected workers, or workforce center staff. Your local workforce center can tell you whether your company is certified or provide you with petition forms.

Alternative Trade Adjustment Assistance (ATAA) is a new program for trade affected workers age 50 or older covered by a Trade petition that has been certified as ATAA eligible. This program became effective with Trade petitions filed after August 6, 2003. Affected workers may have an option for a wage subsidy if they find a job within 26 weeks of their job separation. Please contact your local workforce center for eligibility information.

If Your Employer Has a Shared Work Program

Texas employers can participate in a Shared Work program to keep their workforce together. They share the work among workers rather than laying off workers. Participating workers may receive partial UI benefits based on their reduced hours. If TWC has approved a plan for your employer, your employer will help you file your claim.

To receive Shared Work benefits, you must accept any work that your Shared Work employer has for you. You do not have to look for or accept work with any other employer or register for work with TWC. If your work hours are reduced less than 10% or more than 40% for any week, you will not be eligible for Shared Work benefits. To file a claim for regular UI benefits, contact a Tele-Center; all of the rules for regular UI benefits will apply.

Your Rights and Responsibilities

If You Are Involved in a Labor Dispute

If you stop work because of a labor dispute, you may not draw UI benefits while the labor dispute continues. The Act requires a disqualification for any week in which you or your class of workers participates in, finances, or is directly interested in the labor dispute. This does not apply to a “lock-out” where the workers are willing to work but the employer won’t let them. The disqualification for a labor dispute continues until you no longer have any part in the dispute. It does not matter if you are a member of a labor union. It is not possible to requalify for benefits by working elsewhere. A labor dispute disqualification continues until one of the following happens:

- The dispute is settled **and** you report to the employer to go back to work. We do not automatically close labor dispute disqualifications when the labor dispute ends, because you must report back to work.
- You make an “unconditional offer” to return to work during the labor dispute, even if it involves crossing a picket line. If the employer does not put you back to work, you are no longer involved in the labor dispute.
- If you formally resign during the labor dispute, we can end your disqualification for the labor dispute but we may have to disqualify you for quitting your last work without good cause.

If You Lost Your Job as a Direct Result of Disaster

Disaster Unemployment Assistance (DUA) provides financial assistance if your employment or self-employment has been lost or interrupted as a direct result of a major disaster declared by the President of the United States. Before you can be determined eligible for DUA, it must be established that you are not eligible for regular UI benefits (under any state or federal law). DUA may be available if you:

- worked or were self-employed in, or were scheduled to begin work or self-employment in, an area declared as a federal disaster area; **and**
- can no longer work or perform services because of physical damage or destruction to the place of employment as a direct result of a disaster; **or** cannot perform work or self-employment because of an injury or because you were incapacitated as a direct result of the disaster; **or** cannot work or perform self-employment due to closure of a facility by the federal government; **or** lose a majority of income or revenue because the employer or self-employed business was damaged, destroyed, or closed by the federal government; **or** became the breadwinner or major support of a household because of the death of the head of the household as a direct result of the disaster; **and**

Unemployment Insurance Information

- establish that the work or self-employment that you can no longer perform (or that the deceased head of household previously performed) was your primary source of income.

Suffering a monetary loss due to damage of property or crops does not automatically entitle an individual to Disaster Unemployment Assistance.

You must file a claim for DUA within 30 days of the date TWC announces the availability of DUA benefits. Within 21 days of the date you filed your claim for DUA benefits, you must provide proof to substantiate employment or self-employment, or proof to substantiate work was to begin on or after the date of the disaster. If you do not submit this documentation within the 21 days, you will be ineligible for DUA, any benefits already paid will be considered overpaid, and you will have to repay that money. Acceptable proof of employment may include: recent pay stubs/vouchers, trip tickets, crop elevator receipts/credits, bank records, title/deed of business, etc.

DUA is a federal program and the federal government establishes the period during which we may pay DUA benefits. DUA benefits are based on wages from employment or self-employment during the most recently completed tax year. You will be asked to provide proof of your wages. Acceptable proof of wages may include income tax returns; IRS Schedule SE, C or F; Form 1099; pay stubs, etc.

What If I Change My Address?

Contact the Tele-Center handling your claim and update your mailing address. Call as soon as possible. We mail checks, IRS 1099 forms, appeal status information, and other private information to the last address on file. It is especially important to keep your mailing address up to date with TWC if you have an appeal pending or an outstanding overpayment. For a complete listing of Tele-Center telephone numbers see the back of this booklet.

How Can I Get More Information?

You can get more information online at TWC's website, www.texasworkforce.org.

LOST YOUR JOB DUE TO FOREIGN IMPORTS?

If you are a **trade affected worker** as certified by the Department of Labor, depending on individual eligibility, you may qualify for one or more of the following:

- **Job retraining** – Up to 104 weeks of approved training, including:
 - Classroom training
 - On-the-job training
 - Employer-based training
 - Basic or remedial education (including literacy training and English as a Second Language)
- **Additional weekly Trade Readjustment Allowances (TRA)** – Up to 104 weeks of cash payments for eligible workers enrolled in full-time training
- **Job search allowances** – For costs of a job search outside of the local area
- **Relocation allowances:** – For costs of relocating to a job outside of the local area
- **Alternative Trade Adjustment Assistance (ATAA)** – A program for trade affected workers age 50 or older covered by a Trade petition that has been certified as ATAA eligible. You may have an option for a wage subsidy if you find a job within 26 weeks of your job separation.
- **Health Coverage Tax Credit (HCTC)** – Advance health coverage payments of 65% of your qualified health insurance premiums or end-of-year tax credit

For specific information on qualified health insurance for HCTC:

- Call toll free 1-866-628-4282
- Go to the website www.irs.gov and use HCTC as the keyword

If you have been laid off due to increased foreign imports or a move in production to foreign countries, you should **take the following steps to determine your eligibility** for the services listed above:

1. Contact your local workforce center for specific information, **and**
2. Call your Tele-Center to file a Trade claim.

It is important to ask about your eligibility right away after losing your job, due to time limits on eligibility, training, and benefits. Check with workforce center staff within two days of receiving this booklet, or as soon as possible thereafter.

QUICK REFERENCE

Tele-Serv Telephone Numbers

Austin	(512) 477-0999
Dallas	(214) 688-7088
El Paso	(915) 533-5259
Fort Worth	(817) 334-0360
Houston	(281) 933-9393
McAllen	(956) 668-0788
San Antonio	(210) 227-7939
Toll Free	(800) 558-8321

Tele-Serv Hours of Operation

General Information available anytime

Claim Status & Payment Request options available:

Sunday	8AM-6PM Central Time
El Paso	7AM-5PM Mountain Time
Monday-Friday	7AM-6PM Central Time
El Paso	6AM-5PM Mountain Time

Tele-Serv Main Menu Options

Press 1 To Request Payment for Weeks of Unemployment (Claim Certification)

Press 2 For Check Information or the Status of Your Claim

Press 3 For General Information

Press 4 To Establish or Change Your PIN

Press 8 To Return to the Main Menu

Press 9 To End the Call

Tele-Center Telephone Numbers

Austin	(512) 340-4300
Dallas	(214) 252-1200
El Paso	(915) 832-6400
Fort Worth	(817) 420-1600
Houston	(281) 983-1100
McAllen	(956) 984-4700
San Antonio	(210) 258-6600
Toll Free	(800) 939-6631

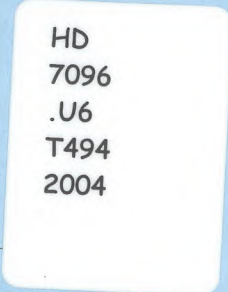
Tele-Center Hours of Operation

Monday-Friday	8AM-5PM Central Time
El Paso Local Area	8AM-5PM Mountain Time

Appeals Status

(512) 463-2807 Monday-Friday 8AM-5PM Central Time

TDD users can communicate with TWC by using Relay Texas at (800) 735-2989.



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