

ALABAMA UNEMPLOYMENT COMPENSATION

BENEFIT RIGHTS AND RESPONSIBILITIES



A HANDBOOK FOR ALABAMA UNEMPLOYMENT COMPENSATION CLAIMANTS



An Equal Opportunity Employer/Program

**Auxiliary aids and services
available upon request to individuals with disabilities.**

**IMPORTANT INFORMATION
PLEASE READ AND KEEP FOR FUTURE REFERENCE**

Introduction

This guide provides important information about your Unemployment Insurance (UI) Benefits. (See the Glossary on page 31 for definitions of all underlined terms.) You must read all the information in this guide. If you don't understand something or have questions, please contact our agency for help at 1-800-361-4524.

Please note that the information in this guide doesn't take the place of Alabama Unemployment Compensation Law.

Nondiscrimination Notice

The Alabama Department of Workforce Unemployment Compensation Division does not discriminate on the basis of a disability in the provision of services or employment. If you need this material interpreted, in a different form, or if you need assistance in using our service, please contact us.

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PART ONE: UNEMPLOYMENT COMPENSATION BASICS

WHAT IS UNEMPLOYMENT INSURANCE?

Unemployment insurance is a weekly benefit paid to workers who are either unemployed or working reduced hours, through no fault of their own. Not everyone who applies for unemployment benefits will qualify. Claimants (people claiming unemployment insurance benefits) have to meet certain condition to be considered eligible; and must stay eligible, to receive benefits. If you meet all conditions for eligibility, your claim is approved.

HOW IS THE UI PROGRAM FUNDED?

Unemployment benefits are funded by employer taxes. Qualifying employers pay taxes on the first \$8000.00 of each employee's gross earnings during a tax year- these are called **insured wages**. Quarterly state tax payments are deposited into the Unemployment Compensation Trust Fund and used only to provide unemployment compensation benefits to eligible claimants.

Not all employers are required to pay the unemployment compensation tax, and employees don't pay any unemployment compensation taxes on wages they earn.

YOUR SOCIAL SECURITY NUMBER

We can only process your claim if you provide your Social Security Number. We use your Social Security Number to verify your identity, locate your employer(s) and your wages, determine other income, determine eligibility, keep records of your benefit payments, and gather statistics. The authority to require your social security number is found under the Internal Revenue Code of 1954, and the Code of Alabama, 1975.

INCOME TAX WITHHOLDING

Unemployment benefits are considered taxable income. Each year, all your unemployment benefit payments are reported to the Internal Revenue Service (IRS).

You can request to have federal income taxes withheld from your unemployment benefit payments. If you choose to have federal tax withheld, your weekly benefits will be reduced by 10 percent (10%), which is the current federal income tax rate. You have the option to change your withholding status only once during your claim year.

We will mail a Statement of Benefits, *Form 1099-G*, to your last address of record no later than January 31st of each year. You can also find a copy of your 1099-G on our website at www.labor.alabama.gov.

BENEFIT PAYMENT OPTIONS

You have two options for receiving unemployment benefit payments:

- 1) Direct Deposit: To set up direct deposit and have your benefit payments automatically deposited into your checking or savings account, you'll need to provide your bank routing number and account number when you file your claim. You can find the nine-digit bank routing number on the bottom left of your check. If your claim is eligible, funds are deposited into your checking or savings account within two business days.
- 2) The AL Vantage Prepaid Benefits Card: The AL Vantage Card is a prepaid debit card serviced by Comerica Bank- you can use it anywhere you'd use another debit card. There are fees associated with certain activities, and the service card provider is subject to change. Your AL Vantage Card will not be mailed until your claim has been approved, which could delay receipt of your first payment by up to 10 days. Additional information about the AL Vantage Card is available online at www.goprogram.com.

AL VANTAGE CUSTOMER SERVICE

If your AL Vantage card is lost or stolen call 833-888-2779, right away. Any other problems with your AL Vantage Card should be addressed with cardholder services at this same number.

You can also access your AL Vantage account information online at www.goprogram.com.

PART TWO: FILING A UI CLAIM

FILING A CLAIM APPLICATION

Before you can receive benefits, you'll need to file a claim application. This application requires you to provide personal information about your previous employer(s), and information about your dependents, among other things. Most claimants take about 45 minutes to complete their initial application.

You can file your claim application online at www.labor.alabama.gov, or call 866-234-5382. Phone applications can be filed Monday-Friday from 7:00am-5:00pm CST.

Filing a claim application does one of the following:

- 1) Starts a new 52-week benefit year if you have never filed for unemployment before.
- 2) Starts a new 52-week benefit year if your benefit year from an earlier claim has ended.
- 3) Reactivates or reopens a benefit year that has not yet ended. If your claim is reactivated, your benefit amount and total balance available will continue from the claim with the benefit year that has not ended.

PREPARING TO FILE YOUR CLAIM

Before you begin your initial claim application, have the following information available:

- Your Social Security Number.
- Your Driver's License or Alabama ID number.
- Your Alien Registration Card, if applicable.
- Full information for your last two employers. (names, complete addresses, telephone numbers, and the dates you began and ended work)
- Information and related documents for any federal civilian employment, military service, or work performed in another state in the past 18 months.
- Your bank routing number and checking or savings account number, if you would like to have your unemployment payment deposited directly into your bank account.

We'll use this information to determine whether you're eligible for benefits.

Please provide complete, accurate answers for all application questions. The law provides penalties for making false statements or providing incorrect information to get benefits.

FILING ONLINE

To file your claim online, go to www.labor.alabama.gov, click on “I am a” and select “Claimant”. Click on the login button for Claimant Portal. The first time you login, you will have to complete the registration for your claimant portal account. Once completed, you will then be able to log into your account using your Social Security Number and email address you provided during registration. From your account home page, you can file an application for a claim, file weekly certifications, update your personal information (address, telephone number, email address), see active claim information, and view the last five benefit payments made to you.

FILING BY PHONE

To file by phone, call **866-234-5382, (800-548-2546 (TTY), 711 (Voice), or www.alabamarelay.com**). You will be connected to a claims specialist who will help you to complete your application. If possible, call from a landline to prevent your call from dropping and your application information from being lost.

Telephones and computers are available for use at a local Alabama Career Center. To find the center nearest you, visit www.alabamaworks.alabama.gov and choose the contact us link, or see the inside back cover of this booklet.

For general information, and questions about previously filed claims, please schedule a callback with the *UC Claimant Inquiry Line*, at **800-361-4524** (for TTY **800-548-2546**), or visit www.labor.alabama.gov.

CLAIM PROCESSING TIME

Once you’ve filed your initial claim, you’ll most likely get your first benefit payment within three weeks, provided you filed your application correctly and have met all eligibility requirements.

Providing incorrect or incomplete information on your claim application can delay payment of benefits.

CHANGE OF ADDRESS

If your address changes after you file your claim, call the UC Claimant Inquiry Line at 800-361-4524 (TTY 800-548-2546) to update your address. Call as soon as your address changes so that payments, and other correspondence are sent to your correct address. You can also change your address in the Claimant Portal.

You should always notify your nearest U. S. Post Office of your change of address. It is your responsibility to keep the Unemployment Compensation Division informed of your correct mailing address.

WHAT TO DO IF YOU RETURN TO WORK AND BECOME UNEMPLOYED AGAIN

If you become unemployed again after returning to work, reopen your claim. You can do this, either online at www.labor.alabama.gov or by calling the claims line at 866-234-5382 (TTY 800-548-2546).

Please reopen your claim as soon as you become unemployed. Don't wait until you receive your last paycheck. Your claim will not be backdated, so it's important for you to file right away. We'll notify your most recent employer that you filed a claim and will ask them to provide information about why you're no longer working.

DISCLOSURE OF INFORMATION AND REQUESTS FOR YOUR INFORMATION

Your claim information is considered confidential. The law and various regulations allow us to report your unemployment income to the Internal Revenue Service, the Alabama Department of Revenue, and other governmental agencies.

If you'd like to request written information about your unemployment claim, please do the following.

- Complete a written, notarized request using the Individual Confidential Information Request Form (Form 480) located at <https://labor.alabama.gov>. After going to the claimant page, click the "Learn More:" button under Request/Provide Claim Information and then select "Request written information on your unemployment claim".
- Include a \$10.00 money order (price subject to change).

- Mail your request and money order to the following address:

ATTN: Central Cashier
ADOW
649 Monroe Street, Room 2684
Montgomery, Alabama 36131-0001

PART THREE: QUALIFYING FOR BENEFITS

QUALIFYING FOR UI BENEFITS

Our agency will review your claim to determine if you qualify for benefits. We ask the three following questions:

1. Did you work in the last 12-18 months before filing a claim?

You must have earned a certain amount of wages in the 12 to 18 months before you file a claim. If you did not earn enough wages, you will not be eligible for benefits. The decision regarding whether you earned enough wages during your base period is call a **monetary determination**.

2. Why are you no longer working for your most recent employer?

The reason you are no longer working helps determine whether you can get UI benefits. Below are some examples of separation reasons that may qualify or disqualify you from receiving benefits.

You may receive benefits if you:

- Were laid off or your hours were reduced because your employer didn't have enough work for you
- Left your last job because of unsafe working conditions
- Are unemployed because you or your child were a victim of domestic violence, stalking, or sexual assault

You may not receive benefits if you:

- Left your job for personal reasons unrelated to work.
- Were fired for wrongdoing.
- Are not legally authorized to work in the United States.
- Are self-employed full time.

- Are currently receiving workers' compensation for an on-the-job injury.

The decision regarding whether you separated from your job for an approved reason is called a separation determination. You can find more information about separation determinations in Part Four of this handbook.

3. Are you able and available to work?

To qualify for UI benefits, you must be:

- actively looking for work
- mentally and physically able to work
- legally able to work in the United States, and
- available to start new work (for example you do not have barriers that would prevent you from working).

COMPUTING MONETARY ELIGIBILITY

You must have insured wages in at least two quarters of your base period in order to qualify for unemployment benefits. The base period is the window of time used to determine UI benefit eligibility. At the time an initial claim for benefits is filed, wages from the first four of the last five completed calendar quarters are considered the base year.

The following information will help you understand which wages are used on your claim, and provide general information about weekly and maximum benefit amounts:

CALENDAR QUARTERS: The four calendar quarters of the year are as follows:

- 1st quarter: January, February, March
- 2nd quarter: April, May, June
- 3rd quarter: July, August, September
- 4th quarter: October, November, December

Calendar quarters begin the first Sunday in the new quarter.

BASE PERIOD: The base period is the first four of the last five completed calendar quarters before the week you call to file your initial claim. We look at the

wages from your base period to determine whether you earned enough to qualify for a claim and to calculate the amount of benefits that can be paid to you.

The chart below will help you understand how the calendar quarters in a base period are determined.

To determine your base period, look at the far-left column of the table and find the month when your benefit year starts. The four shaded quarters in the same row (moving across to the right) are the base period quarters of your claim. Your benefit year begins the Sunday of the week during which you file your initial claim.

If claim filed after 1 st Sunday in:	Then your BASE PERIOD is:			
JAN.	OCT.	JAN.	APR.	JUL.
FEB.	NOV.	FEB.	MAY	AUG.
MAR.	DEC.	MAR.	JUN.	SEP.
APR.	JAN.	APR.	JUL.	OCT.
MAY	FEB.	MAY	AUG.	NOV.
JUNE	MAR.	JUN.	SEP.	DEC.
JULY	APR.	JUL.	OCT.	JAN.
AUG.	MAY	AUG.	NOV.	FEB.
SEPT.	JUN.	SEP.	DEC.	MAR.
OCT.	JUL.	OCT.	JAN.	APR.
NOV.	AUG.	NOV.	FEB.	MAY
DEC.	SEP.	DEC.	MAR.	JUN.

HIGH QUARTER: Your high quarter is the base period quarter during which you were paid the highest dollar amount of wages from covered employment. The average earnings of your two highest base period quarters must be equal to at least the minimum amount specified by law. Your total base period wages must equal or exceed 1½ times your high quarter earnings in order for you to be eligible for unemployment benefits.

MINIMUM AND MAXIMUM BENEFIT

Benefits range from a minimum of \$45 to a maximum of \$275 calculated using your base period earnings. Your monetary determination letter will show your base period wages by employer as well as, the total weekly amount of benefits and the maximum amount of benefits that could be paid on your claim.

ADDITIONAL TRAINING BENEFITS

If you filed your claim on or after January 1, 2020, you may qualify for an additional five (5) weeks of benefits if you're participating in **approved training**. These additional weeks will mean that five times your regular weekly benefit amount is added to your maximum benefit amount. These training weeks will not be paid for any benefit weeks ending after your benefit year has ended. Once your claim benefit balance reaches \$0, if the training benefits are applicable to you, you will receive a letter explaining how to sign up for the training extension weeks.

COVERED AND INSURED EMPLOYMENT

Covered employment is work you do for an employer who is subject to the Alabama Unemployment Compensation Law. When we determine your monetary eligibility, we only look at wages paid from covered employment. Some work can be excluded (or not covered) by law, even when performed for a covered employer. If you have wages from another state, military wages, federal wages, school related wages, or if some of your Alabama wages are missing or need further investigation, you may be issued another monetary determination after these additional wages are recorded. You cannot receive benefits from more than one state for the same period of time.

BENEFIT YEAR: A benefit year is the 52-week period during which you can claim benefits, beginning with the week you file your initial claim. The maximum benefit amount that you will be able to receive during that year is based on your wages in the base period, and the unemployment rate.

Your benefit year will expire one year from the date of your initial claim. Once your unemployment benefits are exhausted or your benefit year has ended, you cannot receive any more benefits from that claim.

WAITING WEEK: A waiting week is a one-week period that benefits will not be paid on your claim. The waiting week will not be deducted from the maximum benefit amount. It is simply a week we review your documentation and make sure everything is in order. For all claims filed on or after August 1, 2012, the waiting week is the first week of a claim. Although no benefits will be paid, you must file a weekly certification for the benefit week to be counted as the waiting week.

WORK DONE IN OTHER STATES

If you have earned wages in other U.S. states or territories during your base period, you may use these wages in combination with your Alabama wages to determine your eligibility. If you worked in another state, the District of Columbia, Puerto Rico or the U.S. Virgin Islands during the base period, let the claims specialist know when you're filing your claim via the phone. You can also call the UC Claimant Inquiry Line at 800-361-4524 for additional help. If you file your claim online, you'll be asked specific questions about the work you did outside of Alabama.

If you need to file a new claim, or if you've filed a claim against the U.S. Virgin Islands within the last 12 months, Alabama will notify the state or territory to reopen your claim or start a new one, unless your benefits from that territory are exhausted or terminated (and you don't meet requirements for requalification).

The state or territory where your wages were earned and where you file your claim will decide whether you qualify for unemployment benefits. In other words, even if you qualify in one state, you may not qualify in another. This is because each state's unemployment compensation law and procedure for filing may be different.

PART FOUR: CONDITIONS FOR ELIGIBILITY

WHAT IS AN ELIGIBILITY ISSUE?

An eligibility issue is any information or circumstances, discovered during or after your benefit year, that can raise a legal question about whether you should be paid unemployment benefits.

There are two types of eligibility issues: **separation** and **non-separation** eligibility issue. In other words, these issues relate to the reason you're no longer working, and all other issues related to your ability and availability to work. If we discover a potential eligibility issue before or while you're receiving benefits, we'll need to investigate it. One part of the investigation is a fact-finding interview, which we'll conduct with you to learn more about whether you're eligible for benefits. Under the Alabama Unemployment Compensation Law, an eligibility issue can cause your benefits to be reduced, suspended, or denied.

SEPARATION ELIGIBILITY ISSUES

When you file a claim for unemployment benefits, we ask both you and your employer to describe why you're no longer working. If there are any discrepancies between these descriptions, we may need to contact you to gather more information about your separation. Before we can make a decision about your claim, we need to understand how and why you became unemployed. The reason you're no longer working with your last employer can affect whether you're eligible for benefits.

Under Alabama Law, you may be disqualified for benefits (or have delayed benefits) if:

1. You voluntarily quit your job without a good cause connected to your work.

Quitting your job for a personal reason – e.g. lack of transportation, moving farther from your workplace, and so on – is not considered a work-connected cause.

2. You were fired from your job for work-related misconduct.

The seriousness of the misconduct, whether you received any prior warnings, and/or if steps were taken to correct the behavior prior to the discharge will affect benefits.

Example: If an individual is fired from a job for committing a criminal act, the disqualification would require wages reported by that employer to be removed from the individual's base period wage file.

3. You become unemployed due to a work stoppage resulting from a labor dispute. A work stoppage is similar to a strike. In general, individuals are disqualified for the week(s) they are unemployed due to a work stoppage resulting from a labor dispute.

NON-SEPARATION ELIGIBILITY ISSUES

Non-separation eligibility issues are those related to anything other than the reason you're no longer working. You must meet the following requirements to stay eligible for unemployment benefits (If you don't, you may face a non-separation eligibility issue).

1. You must be available for work during each week that you apply to receive benefits. You must be able to work, available to go to work, and

actively looking for work in your trade or industry. You're not eligible to file a claim if you live outside the United States.

2. **You must be able to work to qualify for benefits.** If sickness or injury prevents you from working, you'll remain ineligible for benefits until you can provide proof that you're able to work.
3. **You must participate in or report to fact-finding interviews, profile interviews, eligibility reviews, and register with the Employment Service, as instructed.** If you don't participate in or report to appointments or interviews, benefits may be denied. While receiving unemployment benefits, you may be asked to participate in an eligibility review interview. When you make your telephone call or go online to file your weekly certification, you may be instructed to answer eligibility questions. This eligibility review interview will be conducted prior to filing your weekly certification.
4. **You must actively look for work each week that you apply for benefits.** Review the Work Search Requirements section of this handbook for more details about what we consider actively searching for work.
5. **You cannot turn down job offers.** Benefits can be delayed if you don't respond to a call-in notice from the Alabama Career Center regarding a possible job referral. If you refuse a referral, don't keep an appointment with a prospective employer, or turn down suitable work, benefits may be delayed or denied. We determine job suitability based on your past training and experience, the details of the job, and the local labor market. Report any job referrals or refusals to the *UC Claimant Inquiry Line* right away.
6. **You must immediately report all income to us.** Follow the instructions discussed further in the *"How to File Your Weekly Certification"* section of this handbook. Certain types of payments such as wages, vacation pay, holiday pay, workers' compensation pay, sick pay, and others may disqualify you from getting benefits.
7. **If you are not a United States citizen, you must provide your alien registration number as documentation of your permission to work in the United States.** We'll verify your alien registration number with the U.S. Citizenship and Immigration Service (USCIS). If the USCIS indicates that you're not authorized to work in the United States, we cannot pay you unemployment benefits. An unemployment claim cannot be established using any wages you earned before you had authorization to work.
8. **If you attend GED classes, college, or a vocational school, you may be able to receive benefits as long as you make yourself available for suitable**

work. This may mean you change the hours of your classes or quit school. If you are a regular, full-time student attending high school, you are not eligible for benefits.

- 9. If you are currently enrolled in Department approved training, you must stay enrolled and make progress toward completing your training.** As long as you stay enrolled and make good progress, your benefits won't be impacted. You can ask about available training courses and enrollment qualifications at a local Alabama Career Center.

Generally, if you don't meet the requirements listed above, benefits will be denied. We are required to provide written notice to you when benefits are denied. In some cases, however, like when wages you earned during the week are deducted from your weekly benefit payment, no written notice is required. You have the right to protest or request redetermination of any reduction or denial of benefits.

ALABAMA CAREER CENTER SYSTEM REGISTRATION

If you are an Alabama resident, you **must** register with the Alabama Career Center. You can do this in person (see the list of Career Center locations on the inside of the back cover) or online at **alabamaworks.alabama.gov**.

Your Career Center application will remain active for 90 days; after 90 days, you'll need to renew your registration. Your Career Center application must be active during the weeks you draw unemployment benefits. You can update or get information about your Career Center application online at **alabamaworks.alabama.gov**.

If you are an Alabama claimant living and looking for work in another state, you must register for work and maintain an active registration with the Employment Service or American Job Center office in your local area.

WORK SEARCH REQUIREMENTS

To stay eligible for benefits, you must actively look for work unless you have been notified the work search requirement has been waived. You'll be asked to provide work search contact information as part of each weekly certification you submit.

Please follow these guidelines as you look for work:

- Apply to employers who hire people with your experience, training, or skills. Contact former employers if you think you may be rehired.

- Contact employers during hours of the day and days of the week when hiring is normally done.
- Contact potential employers using best practices within your field or occupation (e.g. if employers in your field prefer in-person contacts, visit potential employers in person).
- Apply to the person who has authority to hire. Complete a job application whenever you have the chance. Online applications are acceptable.
- Apply for work for which you are qualified-within the normal commuting distance from your home.
- Log in to Alabama Works or visit a local Alabama Career Center at least once a week while you are claiming unemployment benefits to log your work-search activities.

PART FIVE: WEEKLY CERTIFICATIONS

A weekly certification is a request you make for benefits each week. You can file your weekly certifications online at www.labor.alabama.gov or by phone. A full list of local phone numbers appears at the end of this handbook.

You may file your weekly certification 12:01 AM Sunday through 5:00 PM Friday (Central Time). **Please note that you must file your weekly certification no later than 5:00 PM each Friday for it to be considered timely.** If you file after 5:00 PM, your certification is late.

FILING YOUR WEEKLY CERTIFICATION

To stay eligible for benefits, you must file certifications every week as instructed. If you file by phone, you will need two pieces of information to file your weekly certification: your Social Security number, and the PIN you created when you filed your unemployment claim. Don't share your PIN with anyone! It's your electronic signature and is legally valid and enforceable.

If you file by internet, you will log into your claimant portal account and choose the 'weekly certification' button on your portal homepage to complete the questions.

If you provide false information on your weekly certification or file a weekly certification for someone else, you may be prosecuted.

TIPS FOR FILING YOUR WEEKLY CERTIFICATION

The process of filing a weekly certification is straightforward. To make the process even smoother, follow these tips.

- Remember all questions are about the week (Sunday-Saturday) prior to your call or online filing.
- Answer questions honestly and review your answers before moving to the next question.
- Once you've entered and verified your information, you'll receive a message that your certification has been accepted and is being processed. **Please wait for this response to make sure your answers are recorded by our system.**
- If we need more information about any of the answers you provide, we'll ask you to call the UC Claimant Inquiry Line. Please call as soon as possible.

NOTE: Your electronic pin is acknowledgment that you have given true and accurate information and understand that there are penalties for giving false information to get unemployment benefits.

If you stop filing weekly certifications for any reason, your claim becomes inactive. If you make your weekly call and the system detects that your claim is inactive, you will receive a message informing you that you have had a break in your claim series. Please follow the instructions provided to prevent a loss of benefits.

If our system detects that you haven't called in for two weeks (or more), you will be instructed to reopen your claim by calling the Claims Line at 866-234-5382 (TTY; 800-548-2546). Your claim will be reopened effective the week that you make contact with the Claims Line.

REPORTING EARNINGS ON YOUR WEEKLY CERTIFICATION

You must report your weekly gross (pre-tax) wages earned while filing for unemployment benefits. The wages must be reported on your weekly certification form. Wages should be reported for the week they are earned, not when you get paid. **You must report all pay for each week, including any cash payments,**

even if you haven't been paid yet. This amount should include any pay for work performed, wages paid while on a temporary layoff, and wages paid while on a scheduled break under a contract. **If you have multiple employers, include wages from all jobs.** Failure to correctly report your earnings could result in an overpayment of unemployment benefits.

WHAT TO DO IF YOU MOVE OR GO OUT OF TOWN

If you move to another state, call the UC Claimant Inquiry Line at 1-800-361-4524 (TTY 800-548-2546) to share your new address, or update your address on the Claimant Portal. If you are temporarily away from Alabama, you may file your weekly certifications online or by calling the weekly certification number. You still have to meet all eligibility requirements while out of town.

WEEKLY CERTIFICATION LOCAL NUMBERS

(for TTY, see back cover)

Birmingham (205) 458-2282

Montgomery (334) 954-4094

Not in a local area: (800) 752-7389

To file a weekly certification online, visit:

www.labor.alabama.gov

PART SIX: SPECIAL PROGRAM CLAIMS

MILITARY EMPLOYMENT

You may file a claim based on your separation or release from active military duty. To file a claim, you'll need to provide your Social Security number and your DD-214, Member 4 copy, so we can determine your eligibility.

If you're a spouse of an active-duty member of the military, you may be eligible for unemployment benefits if you leave your job due to the permanent relocation of your military spouse. You'll be required to submit proof of the permanent relocation and your spousal relationship. You will also need to meet other conditions to be considered eligible for benefits.

FEDERAL EMPLOYMENT

You may file a claim based on separation from federal civilian employment. To do so, you'll need to provide Form SF-8, Form SF-50, or your earning/leave statements.

EDUCATIONAL EMPLOYMENT

If you're a school employee who will most likely be reemployed during the next school year, you will likely not be eligible to receive benefits during regularly scheduled breaks.

People with educational employment get two separate monetary determinations:

- A) One containing all wages reported during the base period, including school wages,
- B) One containing all wages reported during the base period, without school wages

If you earned enough wages from non-school employers during the base period, you may be eligible to receive a reduced benefit amount.

TRADE ACT PROGRAM

If you were laid off because of competition from imported products or services, you may be eligible for Trade Readjustment Allowance (TRA) and other benefits under the Trade Adjustment Assistance Extension Act of 2011 and Trade Adjustment Assistance Reauthorization Act of 2015.

If your company is eligible for Trade Adjustment Assistance (TAA), we'll send you a letter to let you know. You can file your TAA claim as soon as you get this letter however, weekly Trade Readjustment Allowance (TRA) benefits cannot be paid until you've exhausted your regular unemployment benefits. To file for TRA, call the Claims Line at 866-234-5382 (for TTY, 800-548-2546).

Benefits may include relocation and job search allowances, training assistance, employment services, Health Coverage Tax Credit (HCTC) and TRA. To receive TRA benefits, you must enroll in approved training, or a training waiver must be granted within 26 weeks after the petition certification date or 26 weeks after your last qualifying separation. If your petition number allows you to receive TRA benefits and you are not in training, you will be required to register with the

Alabama Career Center System every four (4) weeks. The Alabama Career Center will assist you with your training waiver. A waiver of training participation can only be granted for a limited period of time, and if enrollment for the training in which you will be placed is not immediately available, if there is no training available, or if there is a health issue (which may impact your benefits).

REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE (RTAA) PROGRAM

The Trade Adjustment Assistance Reauthorization Act of 2015 established the RTAA program as a wage supplement program for reemployed older workers certified eligible to apply for Trade Adjustment Assistance. The Act requires that petitioners who request that workers be certified for the RTAA program must do so at the time the petition is filed.

The Reemployment Trade Adjustment Assistance program (RTAA program) provides eligible workers with a wage subsidy to bridge the gap between their former and new employment. To be considered for the RTAA program, a person must meet the following criteria:

- They must be Trade Adjustment Assistance (TAA) eligible and certified
- They must be part of an eligible worker group
- They must be at least 50 years old
- They must have found new full-time employment that pays less than their previous employment

Eligible participants may receive up to half of the difference between their old and new wages. The wage subsidy may be paid up to a maximum of \$10,000 during a two-year eligibility period.

To be eligible for the RTAA program, workers may not earn more than \$50,000 per year from their new employment. Workers who begin receiving payments under the RTAA program may be eligible to receive other TAA benefits and services.

HEALTH COVERAGE TAX CREDIT (HCTC) The Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA) has reinstated the Health Coverage Tax Credit (HCTC) for eligible TAA, RTAA, and ATAA recipients.

The TAA program provides two options for an eligible individual to receive the benefit: end of year tax credit or monthly credit.

- The Health Coverage Tax Credit (HCTC) program allows eligible taxpayers to file for an end of year tax credit with their tax return. The HCTC credit is 72.5% of the amount paid for qualified health insurance.
- The advance credit option provides the 72.5% of the payable premium for a qualified health insurance plan as a monthly credit. If an individual qualifies for the credit, the IRS will forward 72.5% of the premium to the person's health insurance plan, and the individual will pay the remaining 27.5% of the premium on a monthly basis. Until the advance tax credit option is implemented, taxpayers must continue to pay 100% of the payable premium for qualified health insurance.

Only the IRS can determine whether you qualify for HCTC. Please visit the HCTC website for more information on how to apply for this credit.

If you have questions regarding HCTC or need additional information, contact the IRS at www.irs.gov/HCTC

DISASTER UNEMPLOYMENT ASSISTANCE (DUA) BENEFIT RIGHTS AND RESPONSIBILITIES

The Disaster Unemployment Assistance (DUA) program helps people who have lost a job (or had their job interrupted) because of a major disaster. A major disaster is defined as any hurricane, tornado, storm, flood, high water, tidal wave, wind-driven water, earthquake, drought, ice or fire conditions, or other catastrophes declared as such by the president.

If you've filed a claim for Disaster Unemployment Assistance (DUA) a determination of your eligibility will be made and mailed to you.

GENERAL DUA ELIGIBILITY REQUIREMENTS

To be eligible for DUA, you must meet the following eligibility requirements:

- You need to file your DUA application within 30 days of the date disaster assistance is announced.
- Your unemployment must be caused directly by a major disaster declared by the President of the United States.

- The wages used to calculate your weekly benefit amount must meet the state unemployment benefit criteria.
- If you're self-employed, you must provide additional documentation including the last completed year's income tax records within 21 days of filing.

CONDITIONS OF UNEMPLOYMENT RELATED TO THE DISASTER

To qualify for DUA, you must meet one or more of the following conditions that directly result from a major disaster.

- You no longer have a job.
- You can't reach your workplace.
- You were supposed to start work in the area affected by the disaster, but your job no longer exists, or you can't reach your workplace/job site.
- You became the breadwinner or major supporter of your family because the head of household died.
- You can't work because of an injury caused by the disaster.

If you are not a citizen of the United States, you cannot be paid DUA benefits based on your work unless you were legally authorized to work in the United States at the time you completed that service.

DUA REPORTING AND FILING REQUIREMENTS

To be eligible for any week of DUA, you need to meet the following conditions:

- You must be living in the disaster area, work in the disaster area, or travel to work through the disaster area.
- You need to be partially or totally unemployed because of the disaster.
- You can't be eligible for regular Unemployment Insurance (from the State of Alabama or any other state), unless you're disqualified because of a disaster related injury.
- You must file a weekly certification each week.
- You must be able and available for full-time work each day of your claim week. This means that you must be ready, willing, and able to accept work, and there can't be anything preventing you from taking a full-time job. If you are an unemployed self-employed claimant, you'll still be considered available for work if you're only taking steps to restart your self-employment.

- You need to report all work you've done, even if you haven't been paid yet. You need to report any gross earnings before deductions (including all tips, room, and meals). Certain types of payments such as wages, vacation pay, holiday pay, workers' compensation pay, sick pay, etc., may be disqualifying or deductible.
- You must share your updated address with us if you move.

Knowingly giving false information to get benefits is considered fraud. For more information about fraud, see Part Seven of this handbook.

If you've been found ineligible for DUA benefits and disagree with the decision, you can file an appeal. You are allowed 60 days from the date of determination to file an appeal. Please see Part Eight: Appeals, for appeal filing instructions for the first level of appeal.

The hearing officer will make a decision and mail it to you. If you disagree with that decision from the first level of appeal, a second appeal must be filed within 15 days of that decision to the Regional Administrator. The decision made by the Regional Administrator is the final decision and cannot be appealed.

Send your appeal request to the Regional Administrator by writing to:

ATTN: Regional Administrator
 U.S. Department of Labor
 Employment and Training Administration
 61 Forsyth Street SW, Room 6M12
 Atlanta, GA 30303

If you have appealed a decision denying DUA benefits, continue to file weekly certifications for benefits until the appeal is decided. If the decision finds you eligible to receive DUA benefits, you will only be paid for the weeks you filed timely weekly certifications.

DUA BASE PERIOD AND WEEKLY BENEFIT AMOUNT

The most recent tax year will be considered as the base period to calculate the DUA weekly benefit amount (WBA). We'll use the standard unemployment compensation (UC) formula to compute your WBA and earnings allowance. All individuals who worked full-time but didn't earn enough wages to compute a WBA,

or individuals whose DUA WBA is less than 50 percent of the average weekly UC amount, will be eligible for 50 per cent of the average weekly UC amount.

DISASTER ASSISTANCE PERIOD (DAP)

A disaster assistance period (DAP) begins the first week following the date the major disaster began. The DAP ends the last week that begins prior to 26 weeks after the date the major disaster was declared. DUA benefits will not be paid for any unemployment that takes place before or after the DAP.

EXTENDED BENEFITS

Alabama Law provides for extended benefits for claimants who have used up their benefits during periods of high unemployment. The Department will make public announcements to all news media of the beginning and ending dates of any extended benefits period.

EMPLOYER FILED CLAIMS

Your employer may file a partial claim for benefits for any week that you worked and earned less than your weekly unemployment benefit amount. To be valid, your employer must file the partial claim after the end of the payable week, but within 14 days following the week claimed. If your employer isn't going to file the partial claim for you within that time period, it is your responsibility to file your claim application while you are unemployed.

PART SEVEN: FRAUD AND OVERPAYMENTS

To report fraud, call 1-800-392-8019, or visit www.labor.alabama.gov/Fraud/.

WHAT IS FRAUD?

Fraud includes the following actions:

- Intentionally withholding (not reporting) information that impacts your eligibility to receive benefits.

- Providing false information on your claim application or weekly certifications.
- Using another person's identity to file a claim.

Fraud includes any intentional misrepresentation or withholding of information about your eligibility while you're claiming benefits; this is the case even if you don't receive benefits as a result of fraudulent actions.

FRAUD DETECTION PROGRAMS

Alabama and other states have multiple methods of detecting fraud, including the following:

- Reviewing employer wage records.
- Conducting benefit payment audits.
- Conducting quality assurance audits.
- Taking reports through the Fraud Hotline.
- Taking reports through the State and National New Hire programs.

PENALTIES FOR FRAUD

If a claimant commits fraud, a fraud penalty assessment may be made against their current or future unemployment compensation claim(s). The fraud penalty will be automatically deducted from their current and/or future maximum benefit amount(s).

- The first offense of an act of fraud will result in a benefits disqualification for a 52-week period, beginning immediately following the final date of the fraud determination.
- Each subsequent act determined as fraud will result in a disqualification for a period of 104-weeks, immediately following the final date of determination of fraud.
- **All fraudulently received payments must be repaid in full** (with verified funds or cash) before a person will be able to qualify for future benefits.
- All fraudulent overpayment balances are subject to a minimum 15 percent penalty and will accumulate interest at the rate of two percent (2%) per month. These amounts will be added to the debt balance.

Committing unemployment fraud is punishable by prosecution from a Class B Felony to a Class A Misdemeanor. An arrest warrant may be issued against a

person who commits fraud. Each week a person makes a fraudulent claim is considered a separate offense. If a person is convicted, they can be:

- Sentenced to a maximum of up to 20 years in jail for each Class B Felony.
- Sentenced to a maximum of up to 10 years in jail for a Class C Felony.
- Sentenced to up to one year in jail for a Class A Misdemeanor.

OVERPAYMENT OF BENEFITS

An overpayment of benefits occurs when you have received benefits that you are later found not eligible for which may result from the following:

- Not accurately reporting your earnings.
- Not reporting a condition or situation that may make you unable or unavailable for work.
- Receiving benefits initially but you are later found not eligible following an employer appeal and/or other actions required on your claim per Unemployment Claims Law.

If you are overpaid, you will receive a Notice of Determination of Overpayment mailed to your address on file, advising you of the amount and cause of the overpayment.

You may make payments to satisfy your overpayment online at www.labor.alabama.gov or by personal check, money order, certified check, or a cashier's check made payable to the Alabama Department of Workforce. **Please do not send cash in the mail. Remember to clearly print your name with the last four digits of your social security number or your claimant id number on all money orders and personal checks and sign before mailing.**

Unpaid overpayments may be offset from your state or federal income tax refund. Offset from federal refunds is limited solely to overpayments due to instances of unreported earnings and/or overpayments determined to be the result of fraud.

Overpayment amounts are due and payable to the Alabama Department of Workforce 30 days after the date the decision becomes final. If you are unable to repay the balance of the overpayment, you may be eligible to set up a repayment plan per agency guidelines. All repayment agreements must be on the agency's approved form. **If you have questions about your overpayment or need more**

information regarding your repayment options, please contact Benefit Payment Control at (334) 956-4000. (TTY 800-548-2546)

Please mail payments to the following address:

Alabama Department of Workforce
Benefit Payment Control, Room 3430
649 Monroe Street
Montgomery, AL 36131

WAIVER OF REPAYMENT OF OVERPAYMENT

If you are overpaid, you may be eligible for a waiver of repayment of the overpayment. Waivers are not granted in instances of fraud or unreported earnings or if you are found to be at fault for the overpayment. Requests for waiver of overpayments are reviewed and presented before a committee for consideration and final decision.

You may request a waiver application by contacting the Alabama Department of Workforce by mail or phone at the following:

Alabama Department of Workforce
Benefit Payment Control, Room 3430
649 Monroe Street
Montgomery, Alabama 36131
FAX: (334) 956-4024 or Phone: (334) 956-4000
(TTY 800-548-2546)

PART EIGHT: APPEALS

If you disagree with an examiner's determination, you can file an appeal of that decision. This appeal is your first level of administrative appeal. If you want to file an appeal, you must do so within 15 calendar days of the mailing date of the original decision, or seven (7) calendar days if the decision was delivered in person. If the last day to file falls on a weekend or a state holiday, the deadline to file an appeal will be the next business day after the weekend or holiday.

You must make your appeal request in writing. You can mail, fax, or hand deliver the appeal to the address below, or file the appeal online at www.labor.alabama.gov.

**Alabama Department of Workforce
Hearing and Appeals Division, Room 4677
649 Monroe Street
Montgomery, Alabama 36131
FAX: (334)956-5891
TELEPHONE: (800)321-9323
(TTY 800-548-2546)**

Please follow these guidelines when filing your appeal:

- Sign your appeal and then print your full legal name under your signature
- Include in your appeal the reason you don't agree with the decision on your claim
- Include the last four digits of your Social Security Number
- Mail, fax, or deliver your appeal within the timeframe listed above

Either party involved in an appeal may be represented by any competent person of their choosing including an attorney. You're not required to work with an attorney though.

Continue to file your weekly certifications during the appeals process. If the appeal decision is made in your favor, you will only be paid for eligible back weeks you filed timely weekly certifications.

NOTICE OF HEARING

Appeals are processed in the order we receive them. Once we receive your appeal request, we will schedule a telephone appeal hearing. We will mail the **Notice of Unemployment Compensation Telephone Hearing** to your address of record informing you of the date and time of your phone hearing, the issue (s) to be discussed, and the hearing officer's name. Please promptly report a change of mailing address to the Unemployment Compensation Division so all appeal information can be mailed to the proper address.

Please read the hearing notice carefully and follow all instructions. All interested parties to the appeal will be notified in writing at their address of record. If your

appeal is related to why you're no longer working; your employer will be notified to participate in the hearing.

HEARING PROCEDURE

The hearing officer will conduct the hearing and will also record the hearing. No one other than the hearing officer may record the hearing. All participants will need to take an oath before they provide testimony.

EVIDENCE AND AFFIDAVITS

If you have documents supporting your case, mail them to the address provided, or fax copies to 334-956-5882 before your hearing date. Please only share documents that are relevant to your case (other documentation won't be considered). If you or your witnesses can't attend the hearing, you may submit an affidavit. The affidavit should list all facts in chronological order, giving dates, places, and names. Affidavits must be received by the hearing officer before the hearing. Please note that affidavits carry less weight than testimony under oath during a hearing so its in your best interest to attend your hearing, if possible.

ATTENDANCE OF WITNESSES AND SUBPOENAS

You may have witnesses participate in the hearing on your behalf. If a witness refuses to appear voluntarily, you may request that the individual be subpoenaed. Documents may also be subpoenaed. Requests for subpoenas should be made by contacting the Hearings and Appeals Division as far in advance of the hearing as possible to allow for preparation, mailing, and delivery. You must provide the Department with the residential address of the person you wish to subpoena.

THE APPEALS DECISION

The hearing officer will make a written decision and mail it to all interested parties within a reasonable time after the hearing. If you have questions about the hearing or the decision, please contact the Hearings and Appeals Division.

If either party disagrees with the hearing officer's decision, an appeal may be filed to the Board of Appeals.

THE BOARD OF APPEALS

If either party disagrees with the hearing officer's decision, an appeal may be filed to the Board of Appeals. This is the second level of administrative appeal. The Board of Appeals is a three-member body appointed by the Governor. Board of Appeals hearings are only conducted by telephone.

If you're filing an appeal to the Board of Appeals, it must be received **within fifteen (15) calendar days after the mailing date of the hearing officer's decision**. Your appeal should include your name, Social Security number, and the reason you disagree with the decision made on your claim.

Send your appeal to the Board of Appeals by writing to:

Alabama Department of Workforce
Board of Appeals Office, Room 2206
649 Monroe Street
Montgomery, Alabama 36131
FAX 334-956-7494

You can also submit your appeal request online at www.labor.alabama.gov/boa or by email at boardofappelas@labor.alabama.gov.

The Board of Appeals may grant or deny your application for appeal. In order for the appeal to be granted, the request for appeal must be complete and address specific points that were not thoroughly covered in the appeal with the hearing officer. If your application for an appeal with the Board of Appeals is denied, the Board will notify you of the denial by certified mail. If your application for appeal is granted, the Board may decide the case based on the record or may schedule a hearing. You will be notified of the time of the hearing. **The decision of the Board of Appeals becomes final 10 days after the date the decision is mailed.**

CIRCUIT COURT

If either party is dissatisfied with the decision of the Board of Appeals, they may file an appeal to the circuit court in the county of the claimant's residence. If you live outside the state of Alabama, you must file your appeal to the circuit court in the Alabama County in which you last worked or lived. ***You have 30 days from the date the decision of the Board of Appeals becomes final to appeal to the circuit court.*** Appealing to the circuit court does not require the services of an attorney. Decisions of the circuit court may be appealed to the Alabama Court of Civil Appeals.

PART NINE: EQUAL OPPORTUNITY IS THE LAW

It is against the law for the recipient of Federal financial assistance to discriminate on the basis of the following:

- Race
- Color
- Religion
- Sex (includes pregnancy, childbirth, and related medical condition, sex stereotyping, transgender status, and gender identity)
- National origin (includes Limited English Proficiency)
- Age
- Disability status
- Political affiliation of belief
- It is also illegal to discriminate against any beneficiary of, applicant to, or participants in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act (WIOA), on the basis of the individual's citizenship status or participation in any WIOA Title I financially assisted program or activity.

ADOW must not discriminate in any of the following areas:

- Deciding who will be admitted, or have access, to any WIOA Title I - financially assisted program or activity.
- Providing opportunities in, or treating any person with regard to, such program or activity.
- Making employment decisions in the administration of, or in connection with, such a program or activity.

Recipients of Federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.

WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION

If you think that you have experienced discrimination under a WIOA Title I – financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with ADOW or with the Civil Rights Center (CRC).

For Employment Service and Unemployment Insurance Programs and Activities:

Tonya D. Scott
Equal Employment Opportunity Manager
EEO and Grievance Section
Alabama Department of Workforce (ADOW)
649 Monroe Street
Montgomery, Alabama 36131
(334) 956-5835
Alabama Relay: 711 (TTY or Voice)

or

Director
Civil Rights Center (CRC)
U. S. Department of Labor
200 Constitution Avenue, NW, Room N-4123
Washington, D.C. 20210

or electronically as directed on the CRC website at www.dol.gov/crc

If you file a complaint with ADOW, you must wait either until ADOW issues a written *Notice of Final Action*, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If ADOW does not give you a written *Notice of Final Action* within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before you receive the Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with ADOW).

If ADOW does give you a written *Notice of Final Action* on your complaint, but you disagree with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the *Notice of Final Action*.

Reference: 29 CFR §38.35

GLOSSARY OF KEY TERMS

Appeal - A process for requesting a formal review of a prior UI decision.

Appeal Hearing - A meeting to consider an Unemployment Insurance benefit appeal. Each party (you and the employer, in most cases) can tell an impartial hearing officer what they believe the relevant facts are related to the issue on appeal. You may have witnesses testify. You may ask questions of the other party. All testimony is given under oath.

Base Period - The window of time used to determine UI benefit eligibility. At the time an initial claim for benefits is filed, wages from the first four of the last five completed calendar quarters are reviewed to determine UI benefit eligibility. Your Weekly Benefit Amount (WBA) is also based on how much you earned during this time.

Benefit Week - A seven-day period during which you have an active claim. The benefit week begins on Sunday and ends at midnight the following Saturday.

Benefit Year Also referred to as a Claim Year, this is the 52 weeks from the Claim Effective Date to the Claim End Date.

Benefits - The money given to eligible individuals.

Claim - An application for UI benefits.

Claim Effective Date - The Sunday of the week in which your initial claim for benefits is filed.

Claim End Date - Also referred to as a Benefit Year End (BYE), this is the last Saturday of a Benefit Year. This falls 52 weeks after the Claim Effective Date.

Fraud - Knowingly claiming or accepting UI benefits illegally. Fraud is a crime.

Full-time Work - Working 40 or more hours per 7 week.

Gross Earnings - The amount of money you get for work before taxes and deductions are taken out.

Net Earnings - Your take-home pay, after taxes and deductions are taken out.

Maximum Benefit Amount (MBA) - The maximum amount of benefits you may receive during a benefit year. This amount is based on the wages earned in the Base Period of a claim multiplied by the number of benefit weeks you are eligible for within the Claim Year. This amount is listed in your Monetary Determination notice.

Misconduct - Careless or deliberate behavior that results in being fired or suspended from your job. Examples include dishonesty related to employment, unexcused absences, or violation of a company policy.

Monetary Determination - A form mailed to you after you file an initial claim for UI benefits. It explains if you are eligible for UI benefits, how much your payment will be each week, the Maximum Benefit Amount (MBA), and other details for that Claim Year. This form lists all employers you worked for during the Base Period and the wages each employer reported each quarter. Be sure to check it for accuracy and notify [insert agency name] of any errors at [insert phone number].

Overpayment - UI benefits you received, but were not entitled to, under state law.

Separation - When you or your employer end the working relationship. This can be due to a quit, discharge, leave of absence, suspension, or layoff.

UI - Unemployment Insurance, which is the benefit program for workers who become unemployed through no fault of their own.

Union Attached - An active union member who gets work through a union hiring hall. If you are on the out-of-work list, as verified by your union, you may be eligible for UI benefits by remaining available for work through your union.

Weekly Benefit Amount (WBA) - The maximum amount of money you may be eligible to receive for one week. This amount is listed in your Monetary Determination notice.

HOURS OF OPERATION AND CONTACT INFORMATION:

**TO FILE A NEW CLAIM APPLICATION
OR TO REOPEN AN EXISTING CLAIM**

TOLL FREE

866-2 FILE UC (866-234-5382)

**8:00 AM – 4:30 PM CENTRAL TIME
MONDAY THROUGH FRIDAY**

VIA THE INTERNET

**www.labor.alabama.gov
SUNDAY-FRIDAY**

**UC CLAIMANT INQUIRY LINE
TO OBTAIN INFORMATION, ASSISTANCE,
OR TALK TO A CLAIMS SPECIALIST**

TOLL FREE

800-361-4524

**NEXT-DAY APPOINTMENT ONLY
SCHEDULING OPENS AT 5PM
SUNDAY-THURSDAY**

**DEAF, HARD-OF-HEARING, SPEECH –IMPAIRED, OR DEAF-BLIND
CUSTOMERS MAY CONTACT**

WWW.ALABAMARELAY.COM

800-548-2546 (TTY)

OR DIAL 711 (Voice)

**DEBIT CARD CUSTOMER SERVICE
TO ACTIVATE A CARD OR OBTAIN DEBIT CARD ASSISTANCE,
INCLUDING REPORTING A CARD LOST OR STOLEN**

833-888-2779 (TOLL FREE)

or

www.goprogram.com
