Handbook on Unemployment Benefits

The Unemployment Insurance (UI) program, administered by the UI Division of the State Department of Labor and Industrial Relations, provides temporary financial support to qualified workers who are unemployed through no fault of their own and meet the requirements of the law. Employers pay ***all*** UI costs through a tax on their payrolls or on a reimbursable basis. Workers do not contribute to the UI program.

Filing an Application for Unemployment Insurance

How Do I File for UI Benefits?

To file a new application or to reactivate an unexpired UI claim for benefits, go to: http://uiclaims.hawaii.gov and "Login as a Claimant." If this is the first time you are accessing this Web site, you will first need to create a personal account. Your claim is effective from the week that you file -- ***not*** from when you became unemployed. If you do not have Internet access or need assistance, go to your local claims office to use the computer kiosks or ask for help. A listing of the various offices may be found on the last page of this handbook.

After logging onto the system, select "File an Initial Claim" for a new application or "Reactivation" to restart an unexpired claim for benefits. File between 6:30 a.m. to 11:00 p.m. (HST), Monday to Friday or between 9:00 a.m. to 11:00 p.m. (HST) on weekends and holidays. Print your confirmation page at the end and download applicable forms to submit to the department as required. Failure to submit the required forms may affect your UI payments.

If you are in another state, Washington D.C., Puerto Rico, the Virgin Islands, or Canada, file your application online at http://uiclaims.hawaii.gov. Do ***not*** file an application from anywhere else.

Establishing a Valid Claim

How Can I Qualify for UI Benefits? You need:

1. Wages paid for insured work in at least two calendar quarters in your **base period**.
2. Wages paid for insured work of least 26 times your **weekly benefit amount** (**WBA**) in your base period.
3. Wages paid of at least five times your WBA for work during the prior claim if filing a new claim immediately after a prior claim expires.

   NOTE: You can combine out-of-state wages with your Hawaii wages to qualify for a valid claim or to increase your weekly benefit amount if you worked in several states during the 18 months prior to filing your Hawaii claim.

What is My Base Period?

The **base period** is the first four of the last five completed calendar quarters from the effective date of your new application for benefits. Under certain conditions, an **alternate base period**, consisting of the most recent four completed quarters, may be used. To find your base period:

If the effective date of your claim is in this quarter:	Lag Qtr.	Your standard base period is:			
	5th Qtr	4th Qtr	3rd Qtr	2nd Qtr	1st Qtr
January February March	Oct Nov Dec	Jul Aug Sept	Apr May Jun	Jan Feb Mar	Oct Nov Dec
April May June	Jan Feb Mar	Oct Nov Dec	Jul Aug Sept	Apr May Jun	Jan Feb Mar
July August September	Apr May Jun	Jan Feb Mar	Oct Nov Dec	Jul Aug Sept	Apr May Jun
October November December	Jul Aug Sept	Apr May Jun	Jan Feb Mar	Oct Nov Dec	Jul Aug Sept

Current year
Prior year
Year before prior year

EXAMPLE: UI Claim filed effective: 4/6/2014
Base Period: 1/1/13 to 12/31/13 (first four of the last five quarters)
Alternative Base Period: 4/1/13 to 3/31/14 (last four quarters)

How Much Will I Receive?

You will get an "Unemployment Determination of Insured Status" form with the following information:

- Wages paid by each employer in the four quarters and the total wages paid in the base period.
- Your **benefit year** -- the 52-week period starting from the week you filed your initial application.
- Your **WBA** -- highest quarter of wages in your base period divided by 21 provided that it does not exceed the maximum WBA for the calendar year. To find the current maximum WBA go to: http://labor.hawaii.gov/ui/tax-rates-and-weekly-benefit-amount/.
- Your **maximum benefit amount (MBA)** -- total amount of benefits that you can receive during your benefit year which equals 26 x WBA.

If you receive an ***invalid*** "Unemployment Determination of Insured Status," you may request a reconsideration of the determination by providing proof of earnings or see if you qualify using the alternative base period method.

Am I Eligible for UI Benefits? You must meet the following eligibility conditions to collect UI benefits:

1) **Be Totally or Partially Unemployed.** You must be totally separated from a regular job or still be attached to an employer but work less than full-time hours and earn less than your WBA. *(See Partial/Part-Total Claims.)*

2) **File an Application to Establish a UI claim** that is effective the week of filing, ***not*** when you became unemployed.

3) **File Claim Certifications** on a weekly/bi-weekly basis to request payment of benefits while unemployed. *(See Filing Weekly or Bi-Weekly Claim Certifications.)*

4) **Register for Work with the State Workforce Development Division (WDD).** Post an online resume in HireNet Hawaii within seven calendar days after you applied for UI benefits at http://www.hirenethawaii.com/. The WDD offices are listed at http://hawaii.gov/labor/wdd.

   Registration for work with WDD may be waived for some union members or if you are partially unemployed. Your union must complete Form UC-226, "Verification of Registration With A Referring Union" and it must be submitted to your local claims office. Find Form UC-226 at: http://labor.hawaii.gov/ui/files/2012/12/UC-226-rev-11-15.pdf.

5) **Participate in Reemployment Services (Worker Profiling)** if you are selected for referral to WDD or another service provider for orientation, assessment, job placement, or other similar services.

6) **Be Physically and Mentally Able to Work.** If you become ill/disabled after filing an application for UI benefits, a medical waiver may apply if your condition is certified by a doctor and you do not refuse suitable work because of your illness/disability. Continue to file your claim certifications and ask your local office for more information.

7) **Be ready and willing to Seek and Accept Work** that you are reasonably fitted for by training or experience without any undue restrictions.

   Make three or more work search contacts every week. Keep a record of all your work search contacts on Form UC-253, "Record of Contacts Made for Work," and submit when requested. Go to http://labor.hawaii.gov/ui/files/2012/12/UC-253_Record_of_Job_Contacts.pdf to download Form UC-253.

   You must notify your local claims office of any changes in your availability for work such as loss of child care, going to school, taking a trip, illness, performing self-employment, etc. Changes in your availability for work may affect your eligibility to benefits.

   Members in good standing of referring unions must be on the union's out-of-work list and comply with all union reporting requirements. You must notify the local claims office if: 1) you refuse work referrals, 2) the union will not refer you to jobs, or 3) you otherwise change your union status in which you may be required to register for work with WDD (see number 4 above).

8) **Serve a One-Week Waiting Period** which is the first eligible week on your UI claim. You must file a claim certification for the waiting period week even though no benefits will be paid to you.

9) **Report for Required Interviews** -- Respond immediately whenever the department contacts you regarding your claim or report as scheduled by UI or WDD.

   Fact-finding Interviews -- Whenever possible, information will be obtained by telephone for an issue regarding your claim. If a telephone message is left for you to provide more information on an issue and you do not respond as directed, a decision will be made based on available information. Your failure to respond may affect payment of your benefits.

   Eligibility Review Interview (ERI) or Reemployment and Eligibility Assessment (REA) -- Periodically scheduled to enhance job search efforts and review continued eligibility for work.

   Quality Control Audits -- Randomly selected claims for intensive review of job separations, current and past eligibility status, wages used to establish your claim, and any determinations rendered. The job contacts listed on your claim certifications will be personally verified.

Disqualifications

You may be disqualified from receiving UI benefits for the following reasons:

1) **Voluntary Quit Without Good Cause.** If you leave your job, you must show that you had compelling reasons and tried reasonable alternatives before quitting.

2) **Discharge or Suspension for Misconduct Connected with Work**. If you are terminated by your employer, the employer must show evidence of misconduct connected with work.

3) **Failure to Accept Suitable Work without Good Cause.** If you refuse a bona fide job offer of suitable work, you must show that you had compelling reasons to do so.

4) **Not Able and/or Not Available for Work.** If you are not physically able to work and the medical waiver does not apply or not available for work, you are not entitled to receive benefits until these conditions no longer exist. If you are attached to an employer (*partial or part-total claims*), you may be denied benefits if you decline to accept all work offered by your employer or requested time off.

5) **Labor Dispute.** If there is a labor dispute in your workplace that directly affects you, payment of UI benefits will depend on whether or not there is evidence of work stoppage.

6) **Other Unemployment Benefits.** You may not collect UI benefits concurrently under more than one state or federal law.

7) **Fraud.** Knowingly making false statements or omitting material facts to obtain benefits may result in a two-year disqualification and repayment of all overpaid UI benefits plus a 15% penalty. **Depending on the seriousness of the offense, you may be subject to CRIMINAL PROSECUTION. If convicted, you can be fined up to $10,000 or imprisoned up to five years or both.**

Appeal Rights

If you are denied benefits and disagree with the "Notice of Decision on Unemployment Insurance Claim," you may request reconsideration and/or file an appeal to the Employment Security Appeals Referees' Office (ESARO) within 10 calendar days after the determination or redetermination was mailed to you. The appeal period may be extended to 30 calendar days for good cause by ESARO. <u>If you file an appeal or request reconsideration, do not stop filing your claim certifications</u>.

File your appeal online at <u>http://uiclaims.hawaii.gov</u> or submit your appeal directly to ESARO. You could also use the appeal form at your local claims office or write your own letter to submit to your local claims office. Attach a copy of the decision(s) which you disagree with. The address for ESARO is 830 Punchbowl Street, Room 429, Honolulu, HI 96813.

Filing Weekly or Bi-Weekly Claim Certifications

How Do I File My Weekly or Bi-Weekly Claim Certifications?

File your weekly or bi-weekly claim certifications online at http://uiclaims.hawaii.gov. If you do not have Internet connection, go to your local claims office to use the computer kiosks or visit any public library and request to use their Internet computers to access the UI claims filing Web site.

What Weekending Date(s) Do I File For?

Unless otherwise specified, a "week" means a calendar week that starts on Sunday and ends on Saturday. A week claimed is referred to by the week ending date or the Saturday of that week.

Once you file a new claim or reactivate an unexpired claim, you must certify weekly or biweekly to request UI payments. Your confirmation page or e-mail confirmation will have a link to download your weekly/biweekly filing schedule. Check the "Claim Inquiry" feature or "My Claim Status" to verify your prior claim certification(s) and when the claim certification(s) are due. Record your claim certifications filed and payments on a calendar.

Note: If you stop filing claims for two or more consecutive weeks, you must reactivate your claim to resume filing (exception: partial claims). Only claims filed after the reactivation are properly filed so any prior weeks may be denied. *(See Additional Claim or Reopened Claim.)*

When Do I File?

For weekly filing, you certify for the past Sunday to Saturday period. The claim must be filed **within seven days** from the end of the certification period or benefits may be denied for late filing.

Example A: You are filing for the one week period ending on Saturday, 8/23 (week began on Sunday, 8/17). You have seven days, 8/24 through 8/30 (shown in gray) to timely file your claim certification.

Sun	Mon	Tue	Wed	Thu	Fri	Sat
17	18	19	20	21	22	23
24	25	26	27	28	29	30

When filing biweekly, you are certifying for the prior two weeks that started on Sunday in the first week and ends on Saturday in the second week. The claim must be filed **within seven days** from the end of the two week period or benefits may be denied for late filing.

Example B: You are filing for the two-week period from Sunday, 8/10 thru Saturday, 8/23. You have seven days, 8/24 through 8/30 (shown in gray) to timely file your bi-weekly claim certification.

Sun	Mon	Tue	Wed	Thu	Fri	Sat
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

IMPORTANT: When you file for a bi-weekly period, you must file for each week separately. You should start with the first week, answer all questions relating to the first week, and submit. Continue the same process for the second week. **You must file for both the first week *and* the second week to get paid for two weeks.**

How Soon Can I Expect My First Check?

You can receive your first check in about three weeks after you file your new claim if claim certifications are filed timely, all eligibility requirements are met, and no disqualification is in effect. Conversely, any situations that raise conflicts with the law will delay payment pending a fact-finding investigation. If your claim is denied, you will not be paid.

Week	Action
1st Week	New claim application filed.
2nd Week	Certify for the 1st week – the waiting period. No benefits will be paid for the waiting period week.
3rd Week	Certify for the 2nd week. If there are no issues, receive a check for the second week.

What If I Leave the State?

If you go out-of-state to look for work, you can file courtesy claim certifications online at http://uiclaims.hawaii.gov for two consecutive weeks. When the online filing system asks you to share your location, respond immediately as benefits may be delayed or denied for improper filing. Transfer your claim if you are permanently relocating or staying more than two weeks. (See *Liable Interstate Benefits.)* NOTE: filing from a foreign country or leaving the state for other personal reasons will raise an issue which must be investigated.

What If I Return to Work?

As soon as you are back to work, report your employment, including hours worked and **gross earnings** for the week (even if not yet paid) on your next claim certification. If you earn less than your WBA during the week that you return to work (provided you did not work full-time hours), UI payment will be your WBA minus your gross earnings that is more than $150. **A fraud determination can be made if you do not report gross earnings from work in the same week that you collect UI benefits.**

Additional Claim or Reopened Claim

If you stopped filing claim certifications because you returned to work and were separated within your unexpired benefit year, file an **additional claim** to reestablish your eligibility for benefits. You must also file an additional claim if you have a partial or part-total claim and become separated from that employer. **Reopen** your claim if you stop filing claim certifications for two or more consecutive weeks for reasons other than employment. To file an additional or reopen a claim, go to http:/ui/claims.hawaii.gov and login as a claimant. Select "Reactivate Claim" from the menu or task list. An additional or reopened claim is reactivated effective from the week in which it is filed and any weeks filed prior to the reactivation may be denied.

Partial Claims

If you are still attached to your regular employer, worked less than your full-time hours, and earned less than your weekly benefit amount during a week, you may be eligible for partial unemployment benefits which can be backdated up to 28 calendar days to a week of less than full-time employment.

After filing your application, you must provide your employer with **Form UC-348, "Verification of Partial Unemployment Status,"** to complete. The employer must verify that you have a definite return to work date or is maintaining your medical insurance plan or sick leave/vacation credits to qualify for partial unemployment status. Your confirmation page and e-mail confirmation have links to the form for downloading and printing. Also visit http://labor.hawaii.gov/ui/files/2012/12/UI-UC-348_PartialUI_Info.pdf to download and print the form for your employer.

You must accept all work offered by the employer and file your weekly claim certifications online, for periods of no work or less than full-time work, within 28 days from the week ending date. In addition to filing weekly claim certifications, your employer must report your hours and earnings, employment status, and availability for work offered by going online to http://uiclaims.hawaii.gov.

Part-total Claims

If you are working on-call, part-time or on an intermittent basis while seeking full-time work, you may be eligible for part-total unemployment benefits. You must be registered for work (WDD or a referring union), be able and available for work, and make work search contacts for each week you claim benefits.

You file claim certifications on a weekly and/or biweekly basis which are due within seven calendar days *(See Filing Weekly or Bi-Weekly Claim Certifications).* You must report your hours and gross earnings for each week you claim benefits even if you have not been paid. In addition to filing your claim certifications, your employer must report your hours and earnings, employment status, and availability for work each week by going online to http://uiclaims.hawaii.gov.

Payment of Benefits

Are Earnings From Employment Deducted From My UI Benefits?

Yes. Gross earnings (before taxes) from all employment, including part-time, intermittent, or on-call **that do not exceed** your UI WBA are deductible from your UI benefits. You and your employer are responsible for correctly reporting your gross earnings for each week that you certify for benefits even if you have not yet been paid. The first $150 in wages is disregarded and will not affect your UI payment.

Example A: UI WBA = $400. Gross earnings for the week = $250. Only $100 is deductible from $400 ($250 - $150 earnings disregard = $100).

Your UI benefit payment = $300 benefits + $250 earnings = total weekly income of $550.

Example B: UI WBA = $400. Earnings from working 25 hours for the week = $450. Since your earnings exceed the UI WBA, you are considered not unemployed and ineligible for UI benefits.

Are UI Benefits Taxable?

Yes. You may elect to withhold 10% federal taxes and 5% Hawaii state taxes from your UI benefits. Form 1099-G is mailed every January showing the total benefits paid and any federal or state income taxes withheld in the calendar year. As no adjustment is made for repayments for overpaid benefits, you need to keep receipts of the repayment for tax returns. Make any address change(s) on your UI online account to receive your Form 1099-G.

Can Child Support be Deducted From UI?

Yes. The Child Support Enforcement Agency (CSEA) enforces child support obligations and can intercept UI benefits. The amount deducted is based on an order or orders for income withholding. The deductions may be limited to the maximum allowable under federal law.

For questions regarding the payment of child support, call CSEA:

Oahu.....692-8265
Neighbor Island and Out-of-State .....(toll-free) 1-888-317-9081

Liable Interstate Benefits

Hawaii may pay your UI benefits even if you relocate to another state (including Puerto Rico, Canada, Virgin Islands, or Washington D.C.). Statutory requirements and responsibilities apply similarly to in-state and out-of-state claimants alike. To apply online, go to http://uiclaims.hawaii.gov and login as a claimant. For new claims, select "File an Initial Claim" from the menu or task list. If you have an existing Hawaii claim before moving, report your address change first by selecting address change from the menu. Then return to the main menu and select reactivation and complete the process. If you have questions regarding your interstate claim, contact the Hawaii Liable Interstate Unit at (808) 586-8960 or e-mail dlir.ui.honolulu@hawaii.gov.

Federal Unemployment Benefits

Unemployment Compensation for Federal Employees (UCFE). Civilian employees for the federal government will base their UI claim on federal wages as reported on **Standard Form (SF) 8** and **SF 50**. In general, the location of your last duty station in federal civilian service determines the statutory requirements of the claim. To apply online go to http://uiclaims.hawaii.gov and login as a claimant.

Unemployment Compensation for Ex-Service members (UCX). Claims for ex-military service members depend on the character of service and completion of the first full term of service. If you were released before completing your first full term of active service, you may still be eligible if the narrative reason for separation is on the acceptable list provided by the U.S. Department of Defense (DOD). Active duty National Guard members may be eligible with at least 90 consecutive days of service. As an ex-service member, you may file your claim in any state (including Puerto Rico, Canada, Virgin Islands, or Washington D.C.). Your state of residence when you file your initial claim not your duty station determines which state pays your UI benefits.

When you file your initial claim application online, you must submit your **Member 4**, **Form DD-214 Report of Transfer or Discharge**, to your local claims office. If you do not have Form DD-214, obtain one from the National Personnel Records Center at www.archives.gov/research_room/index.html.

Discrimination

The UI Division is committed to fair and equal treatment to all individuals without regard to race, color, religion, sex, sexual orientation, age, national origin, ancestry, disability, marital status, or arrest/court record. If you feel that you have not been treated equitably in the UI process, contact the local claims office manager. If you feel your job separation was due to discrimination, you may file a complaint with the Hawaii Civil Rights Commission (HCRC) in addition to filing your UI claim. For contact information for HCRC, go to http://labor.hawaii.gov/hcrc/contact/.

Unemployment Insurance Claims Offices http://labor.hawaii.gov/ui

Honolulu Claims Office, 830 Punchbowl Street, Room 110, P.O. Box 4090, Honolulu, HI 96812-4090
Ph: (808) 586-8970 or 586-8971, Fax: (808) 586-8980
E-mail: dlir.ui.honolulu@hawaii.gov

Kaneohe Claims Unit, 830 Punchbowl Street, Room 110, P.O. Box 4090, Honolulu, HI 96812-4090
Ph: (808) 586-8970 or 586-8971, Fax: (808) 586-8980
E-mail: dlir.ui.honolulu@hawaii.gov

Waipahu Claims Office, 94-275 Mokuola Street, Room 301, Waipahu, HI 96797-3369
Ph: (808) 675-0030, Fax: (808) 675-0025
E-mail: dlir.ui.waipahu@hawaii.gov

Hilo Claims Office, 1990 Kinoole Street, Room 101, Hilo, HI 96720-5293
Ph: (808) 974-4086, Fax: (808) 974-4085
E-mail: dlir.ui.hilo@hawaii.gov

Kona Claims Office, Ashikawa Building, 81-990 Halekii Street, Room 2090, P.O. Box 167, Kealakekua, HI 96750-0167
Ph: (808) 322-4822, Fax: (808) 322-4828
E-mail: dlir.ui.kona@hawaii.gov

Maui Claims Office, 54 South High Street, Room 201, Wailuku, HI 96793-2198
Ph: (808) 984-8400, Fax: (808) 984-8444
E-mail: dlir.ui.maui@hawaii.gov

Molokai Claims Office, 55 Makaena Street, Room 4, P.O. Box 1858, Kaunakakai, HI 96748-1858
Ph: (808) 553-1750, Fax: (808) 553-1753
E-mail: dlir.ui.maui@hawaii.gov

Kauai Claims Office, 4370 Kukui Grove Street, Suite 3-214, Lihue, HI 96766
Ph: (808) 274-3043, Fax: (808) 274-3046
E-mail: dlir.ui.kauai@hawaii.gov

Liable Interstate Unit, P.O. Box 4090, Honolulu, HI 96812-4090
Ph: (808) 586-8960, Fax: (808) 586-8980
E-mail: dlir.ui.honolulu@hawaii.gov

Employment Security Appeals Referees' Office
830 Punchbowl Street, Room 429
Honolulu, HI 96813-5080
Ph: (808) 586-8930, Fax: (808) 586-8944
E-mail: dlir.esaro@hawaii.gov