Texas Workforce Commission

Unemployment Benefits Handbook

ui.texasworkforce.org

Register as a job seeker at WorkInTexas.com

BI-99E/S (06/16)

Texas Workforce Solutions: Help for Job Seekers

Texas Workforce Solutions is a statewide network of one-stop centers that offer free job services. The address of the nearest office is on the letter we sent with this handbook.

Staff at these offices can help you:

- Find the best jobs by providing job search assistance, career counseling, and advice on writing résumés, job preparation, and interviewing skills.
- Find Job Fairs and Workshops to find employers who are hiring.
- By providing internet access, phones, printers, fax machines, local newspapers, and other resources.
- Use the computers to **register as a job seeker on WorkInTexas.com**, search for Texas jobs, and connect to nationwide job banks. Remember, unless you are exempt from work search requirements, you must **register as a job seeker within three business days** of the day you applied for unemployment benefits, and keep your registration active.
- By providing TWC brochures on unemployment benefits and payment options.

Commission-Approved Training Opportunities

If you are in Commission-approved training, TWC may exempt you from work search and other requirements. Contact Workforce Solutions staff to determine whether your training meets the criteria.

Helpful Numbers

Tele-Center, CSR Help Line: (M-F, 8 A.M. to 6 P.M.)	800-939-6631
Tele-Serv, Automated Phone (general information 24 hours a day) Check the status of your claim, request a payment and other options daily, 7 A.M. to 6 P.M.	800-558-8321
Debit Card Help: U.S. Bank Customer Service	800-657-6343
Appeals Fax:	Appeal Tribunal 512-475-1135
	Commission Appeal 512-475-2044
	Online: ui.texasworkforce.org
Appeals Mailing Address:	Texas Workforce Commission 101 E. 15th St., Room 410 Austin, TX 78778-0001
Discrimination Complaints	
TWC Civil Rights Division	888-452-4778
Equal Opportunity and Compliance	512-463-2400
U.S Equal Employment Opportunity Commission	800-669-4000
	(TTY) 800-669-6820
Fraud Reporting	800-252-3642
Hearing Impaired	Dial 711 for RelayTexas

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Unemployment Benefits Handbook. This Texas Workforce Commission (TWC) Unemployment Handbook explains your rights and responsibilities. You are responsible for knowing the information. Read it carefully and refer to it when you have questions.

What Is TUCA? The Texas Unemployment Compensation Act (TUCA), Title 4, Subtitle A of the Texas Labor Code, governs how TWC administers unemployment benefits. Read about TUCA and other laws at www.texasworkforce.org.

Read all of the information TWC sends you and respond promptly by telephone or in person, as requested.

Frequently Asked Questions

Q. I lost my job. What do I do now?
The most important thing is to find another job. Start by registering as a job seeker on WorkInTexas.com. See Help for Job Seekers, page 2, and Work Search Requirements, page 8.

Help for Job Seekers on the Web
WorkInTexas.com
ui.texasworkforce.org
www.texasworkforce.org

Q. Will I get unemployment benefits?
Not everyone who applies gets benefits. You must have enough past wages, a qualifying job separation, and meet ongoing requirements. You can appeal any decision against you. See Qualifying for Unemployment Benefits, pages 5-8.

Q. What can I do online?
Use ui.texasworkforce.org to request a payment, view claim and payment status, view appeal status, submit an appeal, change payment option, print a work search log, and more.

Q. How do I request payments or review my claim and payment history?
Go to ui.texasworkforce.org or call 800-558-8321. See page 9.

Q. When will I get my first benefit payment?
Approximately four weeks after you apply. See Investigating Your Claim, page 9.

Q. Why is my first payment for only one week?
See Waiting Week, page 11.

Q. How do I stop my unemployment after I find full-time work?
Report you returned to full-time work at **ui.texasworkforce.org** or by calling Tele-Serv at 800-558-8321. See Waiting Week, page 11.

Q. Did I pay unemployment taxes when I was working?
No. In Texas, employers pay for your benefits. It is against the law for employers to deduct unemployment taxes from your wages.

Truth In Filing

All information you give must be true and complete to the best of your knowledge. There are penalties for withholding information or giving false information, including penalties for perjury in regard to citizenship or immigration status. If the information is incorrect, you may not be able to receive benefits and/or you may be charged with fraud.

Qualifying for Unemployment Benefits

Unemployment benefits provide temporary income to qualified workers. You must qualify in all of these areas to receive unemployment benefits:

1. Base-period wages
2. Work search requirements
3. Job separations
4. Able and available requirements

Employers pay for this program; employees do not contribute to unemployment taxes.

1. Base-Period Wages

We send a *Statement of Wages and Potential Benefit Amounts* (benefit statement) that shows whether you have enough wages during your **base period** (the first four of the last five completed calendar quarters before the start date of your claim) to qualify for benefits. See the base-period chart, page 6.

The benefit statement includes your weekly benefit amount (WBA), the maximum benefit amount (MBA) you could receive during your benefit year, which is the 12 months your claim is in effect, and how TWC calculated your benefit amounts.

If you worked for the federal government, the military, or in other states, your first benefit statement will ***not*** include those wages. We send a new statement if we receive additional wage information.

Call us immediately if your benefit statement has the wrong Social Security number or if your wages are incorrect.

Alternate Base Period. If you were out of work for at least seven weeks during your base period because of a medically verifiable illness, injury, disability, or pregnancy that began within 24 months from your claim start date, ask if you can use an alternate base period.

Not a U.S. Citizen?

We can pay benefits only to U.S. citizens and noncitizens working legally in the United States. If you are not a citizen, we must verify your Alien Registration number with U.S. Citizenship and Immigration Services (USCIS). If you worked here illegally, we cannot use your wages to calculate benefits.

Base-Period Chart

How to Figure Your Base Period

Your base period is the first four of the last five completed calendar quarters before the start date of your claim. Your claim starts on Sunday of the week you apply for benefits. Find the month you filed your claim in the **white** boxes. The quarters in the **blue** boxes on the same line make up your base period. A new quarter begins on the first Sunday in January, April, July and October.

OCT NOV DEC	JAN FEB MAR	APR MAY JUN	JUL AUG SEP	←	JAN FEB MAR			This Year
	JAN FEB MAR	APR MAY JUN	JUL AUG SEP	OCT NOV DEC	←	APR MAY JUN		
		APR MAY JUN	JUL AUG SEP	OCT NOV DEC	JAN FEB MAR	←	JUL AUG SEP	
Last Year			JUL AUG SEP	OCT NOV DEC	JAN FEB MAR	APR MAY JUN	←	OCT NOV DEC

How TWC Calculates Your Benefit Amounts

We calculate your weekly benefit amount (WBA) by finding the base-period quarter with the highest total wages. Divide that number by 25 and round to the nearest dollar. It cannot exceed the maximum allowed by law, which is on your benefit statement.

Your maximum benefit amount (MBA) is the lesser of 26 times your weekly amount **or** 27 percent of all your wages in the base period.

To qualify:

- Your total base-period wages must equal 37 times your WBA.
- You must have wages in at least two of the four quarters.
- If you qualified on a prior claim, you must have earned six times your new WBA since your last claim.

2. Job Separations

To qualify for benefits, you must be either unemployed or working reduced hours through no fault of your own, such as a layoff, a reduction in hours not related to misconduct, or fired for reasons other than misconduct.

Quitting Your Job

Most people who quit do not receive benefits.

- If you quit for a good work-related reason, such as not being paid, you must have proof of that reason, and that you tried to correct the problem with your employer before quitting.
- If you quit for a personal reason, such as staying home with your children or starting your own business, we cannot pay benefits.

We might be able to pay you if you:

- Had a medically documented illness that prevented you from working, but you are now able to work.
- Quit to move with your spouse. Texas reduces the number of weeks and benefits you can receive. That reduction does not apply to most military spouses.
- Have a documented case of sexual assault, family violence, or stalking.
- Were fired **without** work-related misconduct. Examples of misconduct include, but are not limited to, 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.

Temporary Help Agency

If you last worked for a temporary help agency, that agency has three business days after your last assignment ends to offer a new assignment. If you apply without seeking immediate reassignment or before three business days have passed, we cannot pay benefits.

Professional Employer Organization (staff leasing firm)

If you last worked for a Professional Employer Organization,you must contact that company immediately for a new assignment before you apply.

3. Work Search Requirements

Unless exempt, you must **register as a job seeker within three business days** of applying for benefits or you might not be paid. Register on WorkInTexas.com or at a Texas Workforce Solutions office if you live in Texas or regularly commute to Texas for work from a border state. If you live in or move to another state, you must register at a public workforce office in that state and keep your registration active. To be paid, you must meet your minimum work search requirements each week. Your work search requirements are in the letter we sent with this handbook. If you work part time, you must continue to look for full-time work each week. Benefits could be denied if you do not keep good records of your work search.

4. Able and Available Requirements

To be paid, you must be **able, available, and actively** seeking full-time work each week you request payment. This means you:

- are physically and mentally able to work the days and hours required of the job you are seeking
- are available for suitable work, if offered
- are not in jail
- have transportation and child care
- would accept the customary wages for your qualifications and experience
- lowered your wage request to **75 percent of your normal wage** by the 8th week of unemployment

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Fraud Warnings

Unemployment fraud is a serious crime that TWC aggressively pursues. If you commit fraud, you lose all remaining benefits on your claim and must repay the benefits you were not entitled to receive, plus a 15 percent penalty on benefits you fraudulently received. If convicted of fraud, you face fines or jail time, or both. Fraud includes:

- Not reporting **all** hours worked and gross earnings each time you work
- Intentionally giving TWC false information
- Using another person's identity to apply for or receive benefits

You must report your gross earnings and the hours you worked each time you request payment. There are **no exceptions**. See Working and Reporting Income, page 11. We compare your answers with state and federal hiring and wage databases. **If you do not correctly report hours and income**, you face fraud charges and possible jail time.

Investigating Your Claim

It can take about **four weeks** to determine whether you qualify. We must notify your last employer and investigate your job separation and other issues that may affect your eligibility. When we complete the investigation:

- You receive benefits if you have enough base period wages, no disqualifying job separations or eligibility decisions, and submit your payment requests on time.
- TWC mails you a decision on each issue telling you whether we can pay you benefits. All decisions must say you are eligible to receive benefits. If you disagree with a decision, you can appeal the decision. See page 17.

Ending a Disqualification

If TWC disqualifies you because of your job separation or other reasons, you can request that we end the disqualification if you return to work and:

- Work at least 30 hours each week for six weeks **or** earn wages equal to six times your weekly benefit amount.
- Provide TWC with proof of your work or earnings **and** request that we end the disqualification.

To receive benefits after ending a disqualification, you must have a qualifying separation from your **last job**. You can also fulfill the work or earnings requirements while you work part time.

See **Learning the result of your application for benefits** on www.texasworkforce.org/unemploymentbenefits.

Requesting Payment

We mailed instructions for requesting payment every two weeks. Call Tele-Serv at **800-558-8321** on your scheduled day or use **ui.texasworkforce.org** any day of your claim week. Request payment every two weeks even if you have not received a decision or you might not be paid. Your payment should be in your direct-deposit or debit-card account within three days of TWC processing your payment. **If you request payment online after 6 P.M., allow two additional business days for processing**.

Payment Options

If you previously signed up for direct deposit or debit card, we use the account information from the prior claim and send payment to the same debit card or bank account unless you select a different option or change your account information. Follow the instructions below to sign up or change your payment method.

1. Direct Deposit

To sign up, review, or change prior account information, use ui.texasworkforce.org, or call Tele-Serv and select **Payment Option**. Enter the nine-digit routing number, account number, and account type of your checking or savings account from a U.S. bank or credit union. Find that information on a check, not a deposit slip. It takes up to eight days to verify direct deposit information. If you request payment during the eight-day verification period, we pay you by check.

2. U.S. Bank Debit Card

If you **do not select** direct deposit, TWC sends your payment to a TWC Visa® debit card from U.S. Bank, called the Reliacard®. Contact ReliaCard customer service at 800-657-6343 if you have questions or need a replacement card.

If you have never received benefits by debit card, your card and instruction packet will arrive five to seven days after we send your first payment to U.S. Bank. When you receive the packet:

- Read and follow all of the instructions.
- Call 800-657-6343 or go to www.usbankreliacard.com ***immediately*** and follow the prompts to activate your card and select a Personal Identification Number (PIN). **If you do not activate your card, your benefits revert to the state after one year and cannot be reissued.**

Keep It A Secret

You are responsible for payments requested with your Social Security number, PIN, and password, so don't give that information to anyone.

The Waiting Week

Texas law requires us to hold your benefits for the first payable week as the "waiting week." You will be paid for the waiting week after you have received two times your weekly benefit amount ***and*** returned to full-time work ***or*** exhausted your unemployment benefits.

Tell Us You're Hired

When you find a full-time job, go to ui.texasworkforce.org, and select Request your Waiting Week; or call 800-558-8321 and select Option 2, then Option 4; or call a Tele-Center at 800-939-6631 to speak to a customer service staff.

Intentionally giving false information when requesting payment of the waiting week is fraud and you must repay the benefits you were not entitled to receive. See page 8.

Working and Receiving Benefits

If you work part time, you can earn up to 25 percent of your weekly benefit amount (WBA) before TWC reduces your benefit payment. For example, if your WBA is $160, you may earn $40 without a reduction. If you earn $50, we reduce your WBA for the week to $150. In both cases your benefits plus your earnings equal $200. If you earn more than $200, we cannot pay you benefits for that week. If you are working the customary full-time hours for your occupation, we cannot pay you benefits, even if your earnings are below your allowed amount.

We investigate any **job separation** you have while receiving benefits to determine whether you can continue to receive benefits. See page 7.

Working and Reporting Income

You must report all of your hours worked and gross earnings each time you request payment. Work is any kind of service for pay, including, but not limited to full-time, part-time, reduced hours, temporary, contract, casual or day labor, side jobs, commission-only, tips, paid training/orientation, and self-employment. **There are no exceptions**. Unreported and underreported earnings may be considered fraud. Unreported earnings cause overpayments that you must repay. See page 14.

Report your total gross earnings in the week you **earned them**, not when you are paid. The workweek for reporting begins on Sunday and ends on Saturday. You must report:

- Your total number of hours worked each week. Include your hours and gross earnings for all your work.
- Total gross earnings before deductions, not "take-home" pay.
- Earnings in whole dollars. For example, if you earned $100.75, report $100 and drop the 75 cents.
- Your net profit, which is the amount above your expenses, if you are self-employed. You must report hours worked each week, even if you have no net profit.

Not yet paid?

If your employer has not yet paid you, calculate your gross earnings by multiplying the number of hours you worked by your hourly pay, and report that amount to TWC when requesting payment.

Paying Taxes on Your Benefits

Your benefits are income you must report to the Internal Revenue Service (IRS). We will withhold 10 percent of your benefits for taxes if you complete and return the Voluntary Withholding form. TWC sends you and the IRS a Form 1099-G in January with the benefits amount paid in the previous calendar year. You can find that amount on Tele-Serv or ui.texasworkforce.org.

Receiving Correspondence

You can choose how TWC sends unemployment benefits documents to you. You will receive all documents and notices by U.S. mail unless you sign up to receive correspondence electronically on ui.texasworkforce.org.

- If you choose electronic correspondence, an e-mail will notify you when new correspondence is posted. You must then log in to ui.texasworkforce.org to view your correspondence.
- Some documents require a response.
- If you do not respond on time, you might not receive benefits.
- You must keep your U.S. mail or e-mail address current. Update your address at ui.texasworkforce.org. Select *Contact Information,* or call a Tele-Center at 800-939-6631. If you move out of state, you must register for work at a public workforce office in that state, unless you commute to work to Texas from a border state.

Staying Eligible for Benefits

To remain eligible, you must request payment as scheduled; respond when contacted; be able, available, and actively seeking full-time work; and meet your **work search requirements and keep good records of your work search activities**.

You are no longer eligible when your benefits run out or you return to full-time work.

Be aware of these additional requirements:

- **Special Reemployment Activities**

  TWC requires you to participate in special reemployment activities if you are likely to run out of benefits before you find work. If selected, your Workforce Solutions office sends a letter, and you must participate as instructed.

- **Keep a Work Search Log**

  Keep a detailed work search log because we may request copies to verify your activities at any time during your benefit year. We enclosed a sample log with this handbook. Get more copies at ui.texasworkforce.org or make your own, provided it contains the same details that are on our log. Review the *Unemployment Benefits Work Search Guidelines* we sent or find them on www.texasworkforce.org/unemploymentbenefits. Your unemployment claim may be audited at any time so keep your work search records for at least one year after filing your claim.

- **Accept Suitable Work**

  TWC cannot pay benefits if you refuse to apply for or accept suitable work without good cause. We determine suitable work by reviewing:
  - your experience, qualifications, and training
  - working conditions and pay for similar work in your area
  - risks to your health, safety, or morals
  - distance to work from your home and local commuting patterns
  - how long you have been unemployed
  - whether you have considered jobs that pay 75 percent of your normal wage by the eighth week of unemployment

Repaying Overpayments

You must repay any overpayments before we can pay you benefits. TWC sends a letter explaining why you owe us money.

If you are filing for benefits and are eligible, we apply each weekly payment toward reducing your overpayment. If you were overpaid benefits in another state and are eligible in Texas, we send your benefits to the other state until the overpayment is paid. If you are eligible in another state, we ask that state to recover the money for us.

If you are not filing for benefits **and** are unable to repay the entire amount, call 512-936-3338 or e-mail special.colloverpay@twc.state.tx.us about setting up a repayment plan.

Overpayments stay on your record until repaid. We cannot pay you benefits if you owe us money.

If your overpayment is past due, TWC may intercept all or some of your IRS refund to repay the overpayment.

Learn more about **Overpayment of Unemployment Benefits** on texasworkforce.org/unemploymentbenefits.

Protecting Your Privacy

Your claim is confidential. However, we share some information with government agencies and contractors that administer and enforce laws, including verifying eligibility for public assistance, supporting law enforcement, and other purposes permitted by law.

We disclose information to entities that manage Social Security, Medicaid, nutrition assistance, child support, and other programs. We mail a notice of your claim to your last employer and may communicate with other former employers.

If we pay you by debit card, we share information with U.S. Bank. U.S. Bank and government agencies must agree to comply with confidentiality laws.

The information also may be used for statistical analysis, research, and evaluation.

Other Issues That May Affect Your Eligibility . . .

Find more information at www.texasworkforce.org/unemploymentbenefits.

Foreign Trade

If you lost your job because of issues related to foreign competition, you may be eligible for Trade Adjustment Assistance (TAA), which includes job retraining, job search and relocation aid, and weekly Trade Readjustment Allowance (TRA) benefits.

Trade-affected workers age 50 or older may be eligible for a wage subsidy program.

Working in Other States

If you worked in more than one state during your base period, you can combine all of your wage credits into a single claim administered by one "paying state." The paying state uses your wage credits from the other states to calculate your benefits. You may apply for benefits in only **one** state where you worked. Register for work search with the nearest public workforce office in the state you are located.

Military Wages

You can use military wages to qualify for benefits if you left the service honorably and completed your first full term of service. If you did not complete your first full term, you must have separated early due to an exception specified by Congress. Reservists and National Guard members may be eligible if they served at least 180 days continuous active service and received a Form DD-214, *Report of Separation*, when separated. If we are unable to use your military wages, you can appeal to your branch of service with a Form DD-149, *Request for Correction of Military Records*.

Pensions

We reduce your weekly benefit amounts by any pensions, retirement pay, annuities, or other payments you receive from an employer that paid you wages in the base period. We do not deduct Social Security or Railroad Retirement income.

Additional Payment

You may be eligible if you signed a legal release for an additional payment. You may not receive benefits for the weeks you received an additional payment, such as severance pay or wages instead of notice of layorr. However, you should apply for benefits. You get no money during this period, but you will have served your waiting week.

School Employees

If you worked for a school, we cannot use your school wages to calculate your benefits if you have **reasonable assurance** of going back to work after a break in the academic year. If you lost your job for a qualifying reason or **do not have** reasonable assurance of returning to work, we may be able to pay you benefits.

Workers' Compensation/Disability

If you receive Workers' Compensation, you may not be eligible for unemployment benefits. TWC makes that decision based on the type of disability payment you receive.

- If you receive Impairment Income Benefits, you may receive unemployment benefits. If you receive some kinds of Temporary Income Benefits, Supplement Income Benefits, or Lifetime Income Benefits, TWC cannot pay you unemployment benefits.
- If you have a permanent disability and receive Social Security Disability Insurance (SSDI), you may be eligible for benefits even if you can only work part time.

Federal Employees

If you are a former federal employee, TWC requests your wage information from your federal employer. To ensure prompt benefit payment, TWC asks you to estimate your base period wages and provide a Standard Form SF-50, *Notice of Personnel Action*, or a W-2 or pay stub as proof of employment.

Labor Disputes (Strikes)

If you stopped working because of a labor dispute, you cannot collect benefits during the dispute. This does not apply to a "lock-out." A disqualification continues until you no longer have any part in the labor dispute. It does not matter whether you are a union member. It is generally not possible to requalify for benefits by working elsewhere.

Disaster Aid

If you lost your job or business as a direct result of a major disaster declared by the President of the United States, you may be eligible for Disaster Unemployment Assistance (DUA). If you are eligible for regular unemployment benefits, you must exhaust them before receiving DUA. When you apply for DUA, we send you a packet of DUA rules with forms to complete and return.

Understanding Your Appeal Rights

If TWC sends a letter stating we cannot pay benefits, you may appeal that decision by:

- Submitting an online appeal form at www.texasworkforce.org/uiappeal
- Mailing or faxing a signed letter to the Appeals Department at the address or fax number on the letter
- Submitting an appeal in person at your nearest Workforce Solutions Office.

For your appeal to be timely, you must file your appeal within 14 calendar days from the date TWC mails the letter. The deadline is on the letter.

If you complete and submit an appeal online, TWC must receive it no later than 11:59 p.m. on the deadline date.

If you mail your appeal, it must be postmarked on or before the deadline.

If you fax your appeal, TWC must receive the fax no later than 11:59 p.m. on the deadline date. You may use the fax machines free of charge at a Workforce Solutions office in Texas or workforce office in another state. Ask for and keep your confirmation page as proof of transmission.

Review online appeal information to:

- **Learn how to prepare for or submit documents for your hearing.**
- **View your Appeal Status.**
- **Learn how and when to call in for your hearing.**

If you don't have Internet access, you may use the computers at any Texas Workforce Solutions office.

Your appeal should include:

- your name and Social Security number
- your current address
- the date TWC mailed you the decision
- a copy of the notice, if possible
- any dates you are not able to participate in a hearing
- the reason you are appealing the decision

You or your employer can appeal any decision on your claim. The first level of the appeal process is a telephone hearing with the Appeal Tribunal. Your employer may participate in your hearing.

We will mail you a hearing notice packet with the date and time of your hearing and instructions on submitting additional documents you may wish to present. When submitting documents, you should mail or fax copies to your employer and TWC as soon as possible. It may take six to eight weeks to receive the hearing packet. You must receive the hearing notice packet to participate in the appeal and should have it available during your appeal.

Take part in the hearing. The hearing officer makes a decision based entirely on evidence given at the hearing. If you cannot participate, call the hearing officer at the number listed on the hearing notice or register online before the scheduled hearing date.

You may request accommodations. If you or any of your witnesses do not speak English, write on your appeal that you need an interpreter and for what languages. If you or your witnesses need special services, such as for hearing-impaired participants, request those as well.

Read the Appeal Tribunal decision. If you disagree with the decision, you may appeal to the three-member Commission within 14 calendar days of the mail date on the decision. The Commission decides your case after reviewing the Appeal Tribunal decision and listening to the recorded hearing.

If you disagree with the Commission Appeals decision, you may file a Motion for Rehearing within 14 calendar days of the mail date on the decision. The Commission may grant the motion if you can show all of the following:

- important new information
- why you think the information could change the decision
- a compelling reason why you didn't present the information earlier

You may appeal to a civil court between 15 and 28 days after the date TWC mailed the Commission Appeal decision. Before appealing to a civil court, you must complete all of the appeals through TWC, except the Motion for Rehearing.

IMPORTANT! If you submit an appeal after the deadline, you must explain in detail why you filed the appeal late. If TWC decides not to hear the case because your appeal was late, we will mail you a letter explaining the decision. You can also appeal that decision.

You can appeal **online** at **www.texasworkforce.org/uiappeal**.

Reminder
Request payment every two weeks while your appeal is pending unless you return to full-time work.