

UI

District of Columbia
UNEMPLOYMENT INSURANCE

Claimant's Rights and Responsibilities

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INTRODUCTION

Unemployment Insurance is a program operated by the District of Columbia to pay benefits to workers who are unemployed through no fault of their own, who are ready, willing, and able to work, and who are otherwise eligible for benefits. The program is administered by the Department of Employment Services. It is financed through taxes paid by employers doing business in the District of Columbia; no deductions are taken from a worker's paycheck.

This booklet is designed to help you understand the Unemployment Insurance Program and to inform you of your basic rights and responsibilities. The statements contained herein are for information purposes and do not have the effect of law or regulation.

WAGE REQUIREMENTS

To be eligible for unemployment insurance benefits, you must meet certain wage requirements within a 12-month period called the base period. The base period is determined by the date you file your initial claim for benefits:

| If the first full week of your claim is in the month of: | Your base period is the 12 month period ending the previous: |
|--|--|
| January, February, or March | September 30th |
| April, May, or June | December 31st |
| July, August, or September | March 31st |
| October, November, or December | June 30th |

The wage requirements you must meet are the following:

- You must have at least \$1,300 in wages in one quarter of the base period;
- You must have wages in at least two quarters of the base period;
- You must have at least \$1,950 in wages for the entire base period;
- Your total base period wages must be at least one and one half times the wages in your highest quarter, or be within \$70 of that amount.

Base period wages may be from District employers, the District Government, the Federal Government, the U.S. Military, or from employers in other states.

The following additional wage requirement must be met in cases where you are filing back-to-back initial claims:

- Between the date you filed your first claim and the date you filed your second claim, you must have been paid wages equal to at least ten (10) times the weekly benefit amount of the first claim you filed. For example, if you filed your first claim on April 15 and your second claim on April 17 of the following year, and the weekly benefit amount of your first claim was \$200, you must have been paid wages of at least \$2,000 between these two dates.
- These wages must be in covered employment; that is, you must have worked for an employer covered by the unemployment compensation program.

ALTERNATIVE BASE PERIOD

If an individual is not monetarily eligible for benefits under the base period described above, the Department will then determine if the individual is monetarily eligible under an "alternative base period." This consists of the four (4) most recently completed calendar quarters prior to the date you first file your claim for benefits. To determine the alternative base period of your claim, use the following chart:

| If the first full week of your claim is in the month of: | Your base period is the 12 month period ending the previous: |
|--|--|
| January, February, or March | December 31st |
| April, May, or June | March 31st |
| July, August, or September | June 30th |
| October, November, or December | September 30th |

AMOUNT OF BENEFITS

Your weekly benefit amount is determined by the amount of wages in the quarter of the base period in which your earnings were the highest.

Your maximum benefit amount is the lesser of twenty six (26) times your weekly benefit amount or one half of your total base period wages.

BENEFIT YEAR

You may collect benefits up to your maximum benefit amount for weeks that fall within your benefit year. This is the fifty-two (52) week period that begins with the Sunday of the week in which you first filed your claim for benefits. You may not file a new unemployment claim against the District of Columbia until your current benefit year is ended. However, if you exhaust your benefits before your benefit year is over, you may be able to file a new claim against another state other than the District of Columbia if you have worked in that state and you meet that state's requirements for filing a claim.

NOTICE OF MONETARY DETERMINATION

Within a week after you file your initial claim, you should receive in the mail a Notice of Monetary Determination. This will indicate your weekly benefit amount, your maximum benefit amount, the date your benefit year ends, the base period of your claim, and the wages used to calculate your claim. If you are not eligible, the notice will indicate the monetary requirement that you did not meet.

If you worked during the base period outside of the District of Columbia, or for the federal government, or if you were in the military service, wages from such employment may not be shown on your initial Monetary Determination. In order for these wages to be added, you must advise the DOES that you worked outside of the District of Columbia, or for the federal government, or if you were in the military service, so the DOES can request your wages be transferred to the District. Your claim will be re-determined when these wages are received, and a revised Notice of Monetary Determination will be mailed to you. Carefully review every Notice of

Monetary Determination that you receive.

If your Monetary Determination includes wages which are not yours, or if part or all of your wages in the base period are missing, you should report to your American Job Center and request a reconsideration. Requests for reconsideration must be filed within fifteen (15) calendar days of the date the notice was mailed to you. The last day for filing a timely appeal is indicated at the bottom of the Notice of Monetary Determination.

Bring with you any evidence of missing Wages, such as W-2 forms, or paycheck stubs. Your request for reconsideration will be processed, and you will be notified by letter or by a revised Notice of Monetary Determination of the findings. If you disagree with these findings you have the right to appeal. Instructions on appealing are included in the letter or Notice of Monetary Determination you receive.

EX-MILITARY PERSONNEL

If your Unemployment Insurance is based on federal military service, you must provide the "Member Requests Copy 4" of your form DD-214, "Certificate of Release or Discharge from Active Duty."

OTHER ELIGIBILITY REQUIREMENTS

In addition to wage requirements, you must also meet the following requirements:

- You must be unemployed through no fault of your own;
- You must be available for work. This means that you must be ready and willing to accept work considered suitable for you because of your past training, education, or experience;

- You must make at least two job contacts each week;
- You must make a personal and continuing effort each week to attain gainful employment using methods that are customary for your occupation. Periodically, you may be required to report to an American Job Center to demonstrate your work search activities. You should, therefore, keep a record of your work activities;
- You must be physically able to work. You cannot collect benefits while you are sick, injured, or disabled;
- You must not be receiving or seeking unemployment benefits from another state;
- You must report as directed. This includes reporting for eligibility reviews and Benefit Accuracy Measurement interviews, submitting mail claims as instructed, and submitting documents required to establish eligibility for benefit, such as legal alien status and proof of wages.

Failure to meet these requirements may disqualify you from receiving benefits.

NOTIFICATION TO LAST EMPLOYER

Once a claim is filed, notification is sent to your last thirty (30) work day employer, requesting separation information.

A Claims Examiner may contact you by telephone to secure information about the circumstances of your separation from your last thirty (30) work day employer, your physical ability to work, or your availability for work.

DISQUALIFICATIONS AND INELIGIBILITIES

You may be disqualified from receiving benefits or held ineligible for any of the following reasons:

- Voluntarily leaving your last thirty (30) work day employer without good cause connected with the work;
- Being discharged by your last thirty (30) work day employer for gross misconduct;
- Being discharged by your last thirty (30) work day employer for misconduct other than gross misconduct;
- Refusing to apply for or accept suitable work without good cause;
- Participating in a labor dispute other than a lockout;
- Being unable to work or unavailable for work;
- Failing to report as directed;
- Failing to participate in designated reemployment services;
- Failing to attend a training course recommended by the Department of Employment Services;
- Not being authorized to work, if you are not a citizen of the United States.

If you are an employee of an educational institution, you may also be held ineligible during the period between successive academic years or terms and during holiday breaks if you have been given a reasonable assurance of returning to employment when school resumes.

If you are a member of a professional sports team, you may also be held ineligible for the period between sport seasons if you have received a reasonable assurance of continuing employment the next season.

SEPARATION FROM EMPLOYMENT DUE TO DOMESTIC VIOLENCE

An individual who either voluntarily left his or her last employer or was discharged by his or her last employer because of circumstances related to domestic violence may be eligible for benefits if one of the following is submitted to support the claim of domestic violence:

- A police report or record;
- A government agency or court record;
- A written statement from a shelter official, social worker, counselor, therapist, attorney, medical doctor, or clergy member.

SEPARATION FROM EMPLOYMENT DUE TO RELOCATION OF SPOUSE OR DOMESTIC PARTNER

An individual who either voluntarily left his or her last employer or was discharged by his or her last employer because he or she accompanied his or her spouse or domestic partner to a place from which it is impractical to commute to the place of employment shall not be denied compensation benefits, so long as he or she is otherwise eligible.

SEPARATION FROM EMPLOYMENT TO CARE FOR ILL OR DISABLED FAMILY MEMBER

An individual who either voluntarily left his or her last employer or was discharged by his or her last employer because he or she had to care for an ill or disabled family member shall not be denied compensation benefits so long as he or she is otherwise eligible.

NOTIFICATION OF DISQUALIFICATION/ INELIGIBILITY AND RIGHT TO APPEAL

If you are disqualified or held ineligible to receive benefits, you will receive in the mail a written Notice of Determination from a claims examiner that advises you why you were disqualified or held ineligible and the period covered by the determination.

If you disagree with a determination, you have the right to file an appeal with the Office of Administrative Hearings (OAH). Your request for an appeal hearing may be filed either by mail or in person at the following address:

Office of Administrative Hearings
One Judiciary Square
441 4th Street, NW
Washington, D.C. 20001-2714

You must include a copy of the determination you are appealing, if mailing. You must bring with you a copy of the determination you are appealing, if filing in person.

To file by fax, send fax to 202-442-9451. You must attach a copy of the determination you are appealing.

If you submit your request for appeal by mail, it must be postmarked by the U.S. Postal Service, within fifteen (15) calendar days (including weekends and holidays) of the mailing date of the determination that you are appealing. If you report in person to file your appeal, you must similarly do so within the same 15 calendar days.

Free legal representation is available through the Claimant Advocacy Program of the Metropolitan Washington Council, AFL-CIO. Their telephone number is 202-974-8150.

DURATION OF DISQUALIFICATION/ INELIGIBILITY

If you are disqualified for voluntarily leaving, gross misconduct, or for refusing suitable work, the disqualification is for the duration of your unemployment. To requalify you must return to work for ten (10) weeks, earn at least ten (10) times the weekly benefit amount of your claim, and become unemployed through no fault of your own. Earnings must be from an employer covered by the Unemployment Insurance Program. For example: If your weekly benefit amount is \$100, you must have earnings of at least \$1,000 covering at least ten (10) weeks of work. Weeks of work do not have to be consecutive. You must provide documentation for such employment. A W-2 form, pay stub, or a letter from your employer is acceptable.

For misconduct other than gross misconduct, the disqualification covers eight (8) weeks of your claim and the total amount of your benefits is reduced by eight (8) times your weekly benefit amount.

If you are disqualified because of a labor dispute, the disqualification continues for the duration of the labor dispute.

If you are held ineligible because you are not able to work or not available for work, the ineligibility covers the week or weeks that you were not physically able to work or not available for work.

If you are held ineligible because you have a reasonable assurance of continuing employment, the period of ineligibility covers the period between school terms, holiday breaks, or the period between sport seasons.

REDUCTION OF WEEKLY BENEFIT AMOUNT

Your weekly benefit amount may be reduced for the following reasons:

Receipt of Pension

If you are receiving a pension to which you have made no financial contribution, we will calculate your weekly pension amount and reduce your weekly benefit by this amount. If the weekly pension amount is equal to or greater than your weekly benefit amount, you will receive no benefits.

Note: If you contributed financially to your pension (as, for example, would be the case if you are receiving a social security pension), then there will be no reduction to your weekly benefit amount.

Severance Pay

If severance pay is made in installments, you will be ineligible for the period for which such payments are made. If severance pay is made in a lump sum but attributable to a specific period, you will be ineligible for that specific period. If severance pay is made in a lump sum and not attributable to any specific period, you will be ineligible for the week in which the lump sum payment is made.

Child Support Obligation

If you owe child support, a deduction of at least twenty five (25) percent of your weekly benefit amount may be made. The amount deducted will be applied to your child support obligation.

Earnings

All earnings from work, including self-employment, must be reported on your weekly claim for benefits. You must report gross earnings (before any deductions for taxes, health benefits, etc). Earnings must be reported for the week in which the work was actually done, regardless of when you are paid.

If you do not know the actual amount of your wages, provide an estimate by multiplying your hourly wage by the number of hours worked each week. If after receiving your pay check, you discover that your estimate was incorrect, contact our Call Center at 202-724-7000.

Use the following formula to determine what weekly benefit amount you will receive if you are working part time:

- A. Add \$20 to your weekly benefit amount**
- B. Subtract eighty (80) percent of your gross weekly wages.**

The remainder, rounded down, is your reduced weekly benefit amount.

For example: your weekly benefit amount is \$200, and your gross earnings for the week are \$100. Add \$20 to your weekly benefit amount ($\$200 + \$20 = \$220$). Subtract eighty (80) percent of your \$100 in gross earnings, which is \$80. The remainder is \$140 ($\$220 - \$80 = \$140$). Your reduced weekly benefit amount is \$140.

Note: If you are working full-time, you are not unemployed. Therefore, you are not eligible for benefits, regardless of the amount of your gross weekly earnings.

Failure to report your wages may result in a disqualification and an overpayment and could result in criminal prosecution and/or possible incarceration.

OVERPAYMENTS

If you receive benefits to which you are not entitled, you have been overpaid. You will receive a written determination which will explain the amount overpaid and the reason for the overpayment.

Some of the most common reasons for overpayments are:

- Failure to report earnings;
- Incorrectly reporting earnings. For example, reporting "take home" pay, instead of gross pay;
- Back pay award. If you are restored to work with back pay, you would be overpaid if your back pay included any weeks for which you previously received unemployment benefits;

- Decision by an Administrative Law Judge in the Office of Administrative Hearings which overturns an earlier ruling that you were entitled to benefits;
- Continuing to file for benefits after returning to full-time work.

DETECTION OF OVERPAYMENTS

A number of detection techniques are employed to identify individuals who received benefits to which they were not entitled.

These include:

- Random audits of claims;
- Investigation of information received from employers;
- Computerized cross matches of wages reported by local employers every quarter;
- Computerized cross matches of wages reported by employers in neighboring states, such as Maryland and Virginia.

REPAYMENT OF OVERPAYMENTS

Individuals who are overpaid are liable to make full repayment. Repayment may be made either in a lump sum or in agreed-upon installments. Future unemployment benefits due may also be withheld to satisfy an outstanding overpayment. *If repayment is not made, legal action may be taken to collect.*

District income tax refunds may be intercepted and applied to unemployment overpayments.

If you are a District government employee, your wages may be attached to recover the overpayment.

PENALTY FOR FRAUD

If you knowingly make false statements or withhold important facts in order to obtain or increase benefits, you may be disqualified for as long as one year beyond your benefit year ending date. You may also be subject to criminal prosecution and possible incarceration.

FILING WEEKLY BENEFITS

You may file your weekly claim for benefits over the Internet at www.jobs.dc.gov. You may also file your weekly claim over the telephone at 202-724-7000. In either case, you will need to use the password that you created or that we mailed to you when you filed your initial claim. If you do not know your password, you may contact the Department's Call Center at 202-724-7000.

Filing your weekly claim form over the internet or over the phone is the fastest and most efficient way to certify for benefits.

If you are unable to file over the internet or over the telephone, you may file your weekly claim by mail.

Shortly after you file your initial claim application, you should receive in the mail your first claim form. If you do not receive this form within seven (7) days of the date you submitted your claim application, you should report to your American Job Center or contact the Call Center.

The earliest you can file your weekly claim is the Sunday following the week ending date on the form.

To assure prompt payment, you are advised to file your weekly claim on either the Sunday or the Monday following the week ending date on the claim form.

The latest you should file your claim is seven (7) calendar days after the week ending date on the form.

If you fail to file your weekly claim within seven (7) calendar days after the week ending date on the form, you may be held ineligible for failure to follow reporting instructions.

INSTRUCTIONS FOR COMPLETING THE CLAIM FORM

Please follow these instructions carefully:

- Answer each question for each week. If you are filing over the internet, select the appropriate radial button, if you are filing over the telephone, say "yes" or "no" to each question, if you are filing by mail, make an "X" in the appropriate YES or NO box beside the question;
- If you answer "Yes" to Question Number 2, you must enter the gross earnings amount before any deductions;
- If you answer "Yes" to Question Number 3, you must enter the weekly amount of severance pay;

For mail claims:

- Sign and date your claim;
- Mail your claim no earlier than the Sunday following the week ending date and no later than seven (7) days after the week ending

date. Mail to the address printed on the mail claim. Please indicate your return address on the envelope;

- Put a stamp on your envelope.

Please follow these instructions carefully. Forms with unanswered questions, forms mailed early, and forms without signatures will be returned and this will delay payment of benefits. Forms mailed late may cause you to lose benefits for the week(s) affected.

After mailing your claim form, you should receive within a seven (7) day period another mail claim for the next week with your check attached or a notice telling you why benefits cannot be paid. If you do not receive your mail claim within that time, you should either report in person to your American Job Center or contact the Call Center at 202-724-7000. The Call Center's telephone lines are open from 8:30 a.m. until 4:30 p.m. every business day.

Note: Failure to certify for benefits or call within the specified time to advise DOES that you were unable to certify may result in loss of benefits for the weeks affected.

PAYMENT OF BENEFITS

Signing up for Direct Deposit is the fastest most efficient way to receive your benefits. Signing up for Direct Deposit is easy.

If you are unable to sign up for Direct Deposit, you may receive your benefits via a paper check.

If you are paid by check, please note that the check must be cashed within 30 calendar days from the date of issuance. Any check presented for payment after 30 calendar days from the date of issuance will

be returned as NOT PAYABLE by DOES. You will be liable for any fees associated with cashing a check that is over 30 days old.

WAITING PERIOD

Under District law there is a one week waiting period before benefits are paid. The waiting period is the first week for which you would otherwise be eligible. Generally, this is the first week of your claim. No payment is made for the waiting period.

EXCHANGE OF INFORMATION WITH OTHER AGENCIES

This department is required by federal law to provide information from our files upon request to state and local government agencies for the purpose of verifying eligibility for Temporary Assistance to Needy Families (TANF), Medicaid, Food Stamps, Housing Assistance, and Social Security Assistance Programs. Information may also be exchanged with Child Support Enforcement Agencies.

TAXATION OF BENEFITS

Unemployment Insurance benefits is considered taxable income. Individuals receiving benefits are required to make estimated quarterly tax payments. These payments are due January 15, April 15, July 15, and October 15. Additional information about estimated taxes may be found in publication 505, "Tax Withholding and Estimated Tax," issued by the Internal Revenue Service.

You have the option of having part of your weekly unemployment compensation benefits withheld in order to satisfy your federal tax obligation. If you agree to this option, ten (10) percent of your weekly benefits will be withheld and forwarded to the Internal Revenue Service.

If you are a District of Columbia resident, you may also request withholding for your District income tax obligation. The withholding will be at five (5) percent.

By January 30, the Department of Employment Services will mail to you Form 1099-UC, which records the total amount of benefits paid to you during the previous calendar year. If you authorized withholding, Form 1099-UI will indicate the total amount withheld. You may also view Form 1099-UI data under your claimant account webpage (www.jobs.dc.gov). You may also get 1099 information over the telephone at 202-724-7000.

EQUAL OPPORTUNITY IS THE LAW

Unemployment Insurance services are provided on a nondiscriminatory basis in compliance With Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; The Workforce Investment Act (WIA); the Age Discrimination Act of 1975; and Americans with Disabilities Act of 1992.

If you believe that you are being discriminated against on the grounds of race, color, national origin, age, sex, religion, disability, political affiliation or belief, participation in WIA, or citizenship, you may file a complaint within 180 calendar days from the date of the alleged violation with the Department of Employment Services' Equal Employment Opportunity Officer at the following address:

4058 Minnesota Avenue, N.E.
Washington, D.C. 20019

You may alternatively file a complaint directly with the Director, Directorate of Civil Rights (DCR), at the following address:

U.S. Department of Labor,
200 Constitution Avenue, N.W.
Room N-4123,
Washington, D.C. 20210

If you elect to file your complaint with the Department of Employment Services, you must wait until we issue a decision or until sixty (60) calendar days have passed, whichever is sooner, before filing with DCR. If we have not provided you with a written decision within (60) calendar days of filing the complaint, do not wait for a decision to be issued, but file a complaint directly with DCR within thirty (30) calendar days of the expiration of the sixty (60) calendar-day period. If you are dissatisfied with our resolution of your complaint, you may file a complaint with DCR. The complaint must be filed within thirty (30) calendar days of the date you received our notice of proposed resolution.

Upon request, services are available for the hearing-impaired and customers who do not speak English. Hearing-impaired customers may notify the Department of Employment Services via the D.C. Relay System by calling 202-727-3323.

NOTICE OF NON-DISCRIMINATION

In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code Section 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based

on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.



American Job Centers Locations:

American Job Center - Northwest

Frank D. Reeves Municipal Center
2000 14th and U Streets, N.W., 3rd Floor
Washington, DC 20009

American Job Center - Northeast

CCDC - Bertie Backus Campus
5171 South Dakota Avenue, N.E., 2nd Floor
Washington, DC 20017

American Job Center - Southeast

3720 Martin Luther King, Jr. Avenue, S.E.
Washington, DC 20032

American Job Center – DOES Headquarters

4058 Minnesota Avenue, N.E.
Washington, DC 20019

Hours of Operation:

Monday - Thursday 8:30 a.m. - 4:30 p.m.
Friday 9:30 a.m. - 4:30 p.m.

For UI Services:

Monday - Thursday 8:30 a.m. - 4:00 p.m.
Friday 9:30 a.m. - 4:00 p.m.

Please visit our website:
www.does.dc.gov

Or

Call our American Job Center hotline:
(202) 727-WORK (9675)



Government of the District of Columbia
Vincent C. Gray, Mayor

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