

Benefit Rights and Responsibilities

The following information is a summary of the legal requirements and your rights and responsibilities while filing a claim for unemployment insurance benefits. Read all of this information carefully. If there is anything you do not understand, please contact our Customer Call Center at 1.888.737.0259 or visit our website at des.nc.gov

The Division of Employment Security's objective is to pay unemployment insurance benefits to eligible workers who lose jobs through no fault of their own.

Your unemployment insurance benefits are based on the wages that you were paid during a specific time called the base period. In North Carolina, the regular base period is the first four of the last five completed calendar quarters prior to the quarter in which you file a new claim.

If you fail to establish a monetarily eligible regular base period, you will be automatically moved to an alternative base period which is the last four completed calendar quarters prior to the quarter in which you filed your claim.

A benefit year is the 52-week period beginning with the effective date of your valid claim. The effective date of your claim will be the Sunday prior to the date you complete your claim.

The weekly benefit amount is the dollar amount of benefits you may receive each week. You can work and earn 20% of your weekly benefit amount without penalty. Earnings over this amount are deducted dollar for dollar from your weekly benefits. Earnings are to be reported during week earned, not received.

The duration is the number of weeks you may receive full benefits.

For new claims, Form NC CLM 550, Wage Transcript and Monetary Determination, will be provided to you. If any information on this form is not correct, or if all your employers are not listed, you may protest by logging in and clicking on the Determination History Tab or by notifying the Customer Call Center within ten (10) days.

Any individual who quits a job, is discharged from a job, refuses a referral to a job, refuses a job, refuses to enter Approved Division Training or fails to complete Approved Commission Training may be denied Unemployment Insurance Benefits. You will be notified of any determinations.

Benefits may not be paid to any individual who fails to meet the weekly eligibility conditions.

To be eligible for unemployment insurance benefits (including the waiting period week), you must:

1. be unemployed through no fault of your own
2. be physically able to work
3. be actively looking for work each week
4. have no restrictions which would keep you from accepting suitable work

Unemployment Insurance benefits are paid by debit card, unless you elect direct deposit. Your debit card will be mailed to your last known address once payment is issued.

When filing your claim for benefits, your employer is mailed a notice requesting information about the reason for separation. Payment is not made until your employer has had time to respond and if needed, a determination made.

Unemployment Insurance benefits are subject to the income tax provisions of the North Carolina Department of Revenue and the United States Internal Revenue Service. Options to change your withholding status are available. At the end of the calendar year, you will be mailed a Form 1099 showing the total amount of unemployment insurance benefits paid to you and taxes withheld during the year. However, for income tax purposes, it is your responsibility to keep a record of all benefits received.

Responsibilities

Important Step 1: Register for work with NCWorks Online (North Carolina residents).

- Visit www.NCWorks.gov
- Create an online account by clicking on the 'Registered' link
- Select 'Individual' under Option 3 -Create a User Account
- Your registration must be updated after 90 days to reactivate
- Failing to register for work or failing maintain an active account, can cause your benefits to be delayed or denied.
- If you live outside of North Carolina, you must register for work in your state of residence.

Important Step #2: Begin documenting your work search efforts immediately.

You must keep a written record of all work search contacts for review by DES. Options to record contacts are available by using Form [NC CLM 506E, Work Search Record](#) or maintaining your personal record. You must document the information listed below for each of your contacts for each week that you claim. For audit purposes, retain these records for five years regardless if your claim has ended or if you have returned to work.

- **Date of Contact**
- **Employer's Name: Address, Website, E-mail Address or Name & Title of Person Contacted**
- **Contact Method (in person, resume, etc.)**
- **Type of work applied for**

You may search for work in person, by telephone, through resume submission, with your union, or through the internet. Email confirmations from any internet searches should be retained. If you use a blind ad (ad from a newspaper), please include a copy with your record. If you use a recruiter, please list the name of the recruiter's agent and not the individual recruiter. Do not repeat contacts. Contact with the same employer is only allowed when applying for different positions.

You will be required to show documentation of your work search efforts while you are receiving UI benefits. You will also be asked to provide photo identification during a scheduled in-person appointment. Acceptable forms of photo identification include a driver's license, passport, or other government-issued identification.

Important Step #3: File Weekly Certification

Once you have filed a claim for benefits, you must file a weekly certification for each week you wish to claim unemployment insurance benefits. The first eligible week of each claim filed during a benefit year must be used for the one-week waiting period as required by Law. The fastest and most efficient way to file your weekly certification is to file online des.nc.gov.

To file your weekly certification online, simply go to Customer Menu and select the File Weekly Certification smart link. If you have difficulty with this application, you may file over the phone by calling 1.888.372.3453. DES encourages you to file online.

N. C. Unemployment benefits are claimed on a calendar week basis beginning on Sunday and ending on Saturday. You must file your weekly certification within fourteen (14) days from the Saturday of the week that you are claiming. Your first weekly certification will be for the 7-day period ending midnight of the first Saturday after the effective date. All Claims are effective on a Sunday regardless of the entry date of your claim. If you attempt to file your weekly certification more than fourteen (14) days after the week ending date, you will be required to reopen your claim and serve a waiting period week. Please note, you will not be allowed to file a weekly certification until you register for NC Works.

Important Step 4:

Attend all DES appointments, timely respond to all DES correspondence and inquiries. Failure to do so could result in a delay or denial of benefits.

Important Step 5: Returning to Work

If you return to work, or for any reason want to stop filing for benefits, notify the Customer Call Center at 1.888.737.0259 or email at esc.ui.customerservice@nccommerce.com and stop filing your claim.

Overpayments Established on Appeals Reversal (G.S. §96-18(g)(2))

Please be aware that when a claimant receiving benefits has his/her claim reversed on appeal, the benefits received will be an overpayment subject to repayment to the Division. The Law requires all persons who have received benefits to which they are not entitled "for any reason" to be liable to repay the benefits received, including when decisions at any Division or judicial level have been reversed on appeal. G.S. §96-18(g) (2).