

Benefit Rights

Introduction

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 and refer to it as needed. If there is anything you do not understand, be sure to ask a member of the North Carolina Department of Commerce, Division of Employment Security (DES) staff for an explanation.

Objective

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

Privacy Act Statement

Your Social Security number is used (1) to verify your eligibility for unemployment insurance benefits, (2) to process your claim, (3) for statistical reporting purposes, and (4) to report any benefits paid to you to the U.S. Internal Revenue Service and the N.C. Department of Revenue.

Your Social Security number is requested under the authority of the Internal Revenue Code of 1954 (26 U.S.C. 85, 6011(a), 6050B, and 6109(a)). Disclosure of your Social Security number is mandatory to establish an unemployment insurance claim. Your Social Security number must be entered on any forms you submit to claim benefits. Your claim cannot be processed if you refuse to disclose your Social Security number.

Penalties for Fraud

All questions about your claim must be answered truthfully and completely. You must report any information that may affect your eligibility for benefits. You must also report any work you perform and wages earned during each week you claim benefits. Be sure to report wages when earned, not when received. Keep a record of the wages that you report.

If you knowingly make a false statement or withhold a material fact while filing claims, you will be disqualified for benefits for one year and you may be prosecuted. The penalties are severe.

Special Types of Claims

Certain types of claims require special processing. If one or more of the following circumstances apply to you, you will receive an on-line message advising you to contact the Remote Services Center to complete your claim or you will be scheduled at the end of the interview to complete your claim.

- worked in a state other than North Carolina;
- worked in two or more states;
- worked as a civilian employee of the Federal government;
- served in the Armed Forces of the United States; or,
- worked for an employer who let you go due to competition with foreign goods.

Base Period

Both the amount and duration of 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 base period is the first four of the last five completed calendar quarters prior to the quarter in which you file a new claim. The following table shows how to determine your base period.

BASE PERIOD IS					NEW CLAIM EFFECTIVE DATE			
OCT	JAN	APRIL	JULY		JAN			
NOV	FEB	MAY	AUG		FEB			
DEC	MAR	JUNE	SEPT		MAR			
YEAR BEFORE LAST	JAN	APRIL	JULY	OCT		APRIL		
	FEB	MAY	AUG	NOV		MAY		
	MAR	JUNE	SEPT	DEC		JUNE		
		APRIL	JULY	OCT		JAN	JULY	
		MAY	AUG	NOV	FEB	AUG		
		JUNE	SEPT	DEC	MAR	SEPT		
			JULY	OCT	JAN	APRIL		OCT
			AUG	NOV	FEB	MAY		NOV
			SEPT	DEC	MAR	JUNE		DEC
	LAST				THIS			
	YEAR				YEAR			

Note: If you fail to establish a monetarily eligible claim using the table above, you will be automatically moved to an alternative base period (the last four completed calendar quarters prior to the quarter in which you filed your claim).

Benefit Year, Amount, and Duration

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

Weekly benefit amount is the dollar amount of benefits you may receive each week. You can work and earn twenty percent of your weekly benefit amount without penalty. Earnings over this amount are deducted dollar for dollar from your weekly benefits.

Duration is the number of weeks you may receive full benefits. Duration ranges between 5 and 20 weeks.

Both weekly benefit amount and duration are based on the wages you were paid and the amount of time you worked during your base period.

After your new claim is processed, Form NCUI 550, Wage Transcript and Monetary Determination, will be mailed to you. This form shows:

1. all employers who have reported wages paid to you during your base period;
2. the wages you were paid during each quarter;
3. your weekly benefit amount;
4. your duration (the number of weeks payable); and,
5. if you are not monetarily eligible, the reason(s) why.

If any of the information on this form is not correct, or if all your employers are not listed, notify the Remote Services Center within ten days.

Denial of Benefits

Any person who quits a job, is discharged for cause from a job, is unemployed due to an ongoing labor dispute, refuses a referral to a job, refuses an offer of suitable work, refuses to enter Approved Division Training when directed to do so, or fails to complete Approved Division Training may be disqualified from receiving benefits.

Benefits may not be paid to any individual who fails to meet the weekly eligibility conditions. This denial may be time certain (applied only to the week or weeks in which the condition/restriction existed) or indefinite (applied to each week until the condition/restriction is removed.)

Eligibility Requirements

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

1. be unemployed;
2. be physically able to work;
3. be actively looking for work each week; and,
4. have no restrictions which would keep you from accepting suitable work;

Filing Weekly Certifications

Once you have filed an initial 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. If you have difficulty with this application, you may file over the phone by calling 1-888-372-3453 . Call Monday & Wednesday through Saturday if your social security number ends in an odd number. If your social security number ends in an even number, you may call Tuesday through Saturday.

Late Filing

Your weekly certification must be filed within fourteen (14) days of the week ending date for the week that you are attempting to claim. For unemployment insurance purposes, the week begins on Sunday and ends on Saturday. This means that you must file a weekly certification for benefits within 14 days of the Saturday of the week you wish to claim. If you fail to file a weekly certification within fourteen (14) days, you must reopen your claim and serve a waiting period week.

Payment of Benefits

Unemployment insurance benefits are paid by debit card or by direct deposit. Your debit card will be mailed to your last known address. If you sign up for direct deposit, your payment will be deposited into your bank account.

When you file a claim for benefits, your employer is mailed a notice requesting information about the reason for separation. Your employer is allowed 14 days to respond to the notice of separation. Payment of benefits may not be made until notice is returned of the 14 day time period has passed.

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).

Unemployment insurance benefits are subject to the income tax provisions of the N.C. Department of Revenue and the U.S. Internal Revenue Service. You may request that State and Federal income taxes be withheld from your unemployment insurance benefits by filling out a tax withholding form. The tax withholding form will be mailed to you when your new claim is processed or you may complete this form on-line. At the end of the calendar year, you will be mailed a form 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.

Returning to Work

If you return to work, or for any reason want to stop filing for benefits, notify the Remote Services Center at 1-888-737-0259 or esc.ui.customerservice@nccommerce.com and stop filing your claim.

When filing your claim, you must Always:

- Report any job offers you receive.
- Keep a written record of all job contacts made each week. Your written record must include the name and address of each business contacted, the date of your contact, the method by which your contact was made, and the result of your contacts.

Discrimination is Against the Law

The Division of Employment Security is a recipient of Federal funds and subject to Federal non-discrimination laws. As such, the United States Department of Labor regulations implementing Title VI of the Civil Rights Act of 1964, As Amended, at Title 29 CFR Part 31, and Section 504 of the Rehabilitation Act of 1973, as amended, at Title 29 CFR Part 32, mandate the following listed procedures for processing complaints of discrimination be established by the North Carolina Division of Employment Security.

If you believe that the Division of Employment Security has discriminated against you on the basis of race, color, national origin, age, sex, religion, political affiliation or belief, citizenship (staff excluded), or participation in training programs, you may file a complaint within 180 days of the alleged discriminatory act(s) directly with the:

Directorate of Civil Rights

Room N-4123

200 Constitution Avenue

Washington, D.C. 20210

If you believe that the Division of Employment Security has discriminated against you on the basis of a handicap, you may file a complaint within 180 days of the alleged incident(s) with the:

Division of Employment Security

EEO Office

700 Wade Avenue

Raleigh, North Carolina 27611

Telephone No.: (919) 707-1622

The Division of Employment Security has 60 days to process handicap complaints. If you are not satisfied with the results of the decision, you have 30 days from the receipt of the decision or 90 days from the filing of the complaint, whichever comes first, to file an appeal with the:

Directorate of Civil Rights

Room N-4123

200 Constitution Avenue

Washington, D.C. 20210

However, if you desire, you may file handicap type complaints within 180 days of the alleged discriminatory act(s) with the Directorate of Civil Rights.

If you need information or assistance in filing a complaint, contact your local Division of Employment Security office.