

WorkForce West Virginia

Unemployment Compensation for the State of West Virginia

Claimant Handbook

An Explanation of your rights and duties under the West Virginia Unemployment Compensation Law

February 9, 2016

(Keep this handbook for future reference)

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Important

We have prepared this booklet to explain your rights and responsibilities while claiming benefits under the West Virginia Unemployment Compensation Law. This material does not have the effect of law or regulation. However, it will answer many questions you may have regarding unemployment. Retain the handbook and keep it for future study and reference.

Please read this booklet carefully. It is your responsibility to be read the handbook to become familiar with its contents. If you do not file properly, you may face delays in benefit payments or overpayment penalties.

Do not rely on advice from friends or acquaintances. If you do not understand something, or have a problem with your claim that does not appear to be covered in this booklet, contact the unemployment office where you filed your claim. The personnel in that office will be available to assist you.

The telephone numbers, mailing and physical addresses, and hours of operation for all West Virginia local offices can be obtained by calling 1-800-379-1032 and pressing option five (5), or by going online at uc.workforcewv.org and selecting, "For local claim office location and hours".

Please be advised that when you file an unemployment claim you are assigned a unique Claimant Identification Number (CID) that is used on correspondence mailed to you, instead of your Social Security Number.

Privacy Act Statement

The Privacy Act of 1974 requires that we provide this statement because you are being asked to furnish your Social Security Account Number on the application form we give you. Your Social Security number is solicited under the authority of the Internal Revenue Code of 1954 (26 U.S.C. 85, 601 [a] 6050B and 6109 [a]). Disclosure is MANDATORY and must be entered on the forms you submit to claim unemployment compensation.

Your Social Security number will be used to report your unemployment compensation to the Internal Revenue Service as income that is potentially taxable. It also will be used as a record index for processing your claim for statistical purposes and to verify your eligibility for unemployment compensation and other public assistance benefits. If you decline to disclose your Social Security number, your claim for unemployment compensation cannot be processed.

Income Eligibility and Verification System

Federal law (Public Law 98-369) mandates the exchange of information between WorkForce West Virginia and the West Virginia Division of Human Services as Agencies administering Unemployment Compensation, Aid to Families with Dependent Children (AFDC), Medicaid, Supplemental Nutritional Assistance Program (SNAP), Supplemental Security Income (SSI), and certain programs approved under the Social Security Act. Information about your

claim for benefits and employer wage records are subject to disclosure by this Agency to the West Virginia Division of Human Services upon request. In addition, state law allows disclosure of certain information to other state agencies for stated purposes. The confidentiality of this information will be protected against unauthorized disclosure. This Agency also is allowed to obtain information from the Social Security Administration (such as verification of your Social Security number, receipt of disability, etc.) to verify your eligibility for unemployment compensation.

Equal Opportunity Is The Law:

WorkForce West Virginia endorses and promotes equal opportunity in all its endeavors as a public service agency and, as such, strives to provide all services and benefits without regard to race, color, religion, sex, national origin, age, disability, citizenship, political affiliation or belief.

WorkForce West Virginia is an Equal Opportunity/Affirmative Action Employer. Applications from women, individuals with disabilities, and people from diverse cultural backgrounds are encouraged.

As a recipient of Federal funds, the Agency is obliged to establish and maintain a complaint procedure that will comply with Federal legislation. This legislation includes Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the WorkForce Innovation and Opportunities Act (WIOA), which repealed and replaced the Workforce Investment Act of 1998, Title IX of the Education Amendments of 1972, U.S. Department of Labor regulation 29CFR 34, and the Americans with Disabilities Act of 1990.

It is against the law for this recipient of Federal financial assistance to discriminate on the following basis:

- Against any individual in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief; and
- Against any beneficiary of programs under Title I of the WorkForce Innovations and Opportunity Act (WIOA), on the basis of the beneficiary's

citizenship, or his/her participation in any WIOA Title I-financially assisted program or activity.

The recipient must not discriminate in any of the following areas:

- Deciding who will be admitted, or have access, to any WIOA Title I-financially assisted program or activity;
- Providing opportunities in, or treating any person with regard to, such a program or activity; or
- Making employment decisions in the administration of, or in connection with, such program or activity.

What to do if you believe you have experienced discrimination:

If you think that you have been subjected to discrimination under a WIOA Title I-financially assisted program or activity, you may file a complaint within one hundred eighty days (180) days from the date of the alleged violation. Complaint information forms may be obtained from the Job Service/WorkForce West Virginia Center manager. Staff members will assist with the completion of the forms upon request. Complainants have the option of filing discrimination complaints with the Recipient (WorkForce West Virginia) or with the U.S. Department of Labor’s Civil Rights Center. Completed complaint forms should be filed with either:

<p><u>Recipient:</u> Equal Opportunity Officer (5901) WorkForce West Virginia 112 California Avenue Charleston WV 25305- 0004 Telephone:(304)558-1600 TDD: (304) 558-1549 Or WV Relay 7-1-1</p>	<p><u>Federal:</u> Director, Civil Rights Center (CRC) U.S. Department of Labor 200 Constitution Avenue, NW, Room N-4123 Washington, DC 20210-0001 Telephone: (202) 693-6502 TTY: (202) 693-6515</p>
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If you file your complaint with the recipient, you must wait until either the recipient issues a written Notice of Final Action or until ninety (90) days have passed (whichever is sooner), before filing with the CRC (see address above).

If the recipient does not give you a written Notice of Final Action within ninety (90) days of the day on which you filed your complaint, you do not have to wait for the recipient to issue that Notice before filing a complaint with the CRC. However, you must file your CRC complaint within thirty (30) days of the ninety (90) day deadline (in other words, within one hundred twenty (120) days after the day on which you filed your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with the CRC. You must file your CRC complaint within thirty (30) days of the date on which you received the Notice of Final Action.

Limited English/Proficiency and Sign Language Interpreters

If a language translator or sign language interpreter is needed, or should you require assistance due to a disability as defined by the Americans with Disabilities Act (ADA), please contact your local WorkForce West Virginia Center, “a proud partner of the American Job Center network”, immediately. The TTD telephone number is (304) 558-1549.

Disability Disclosure and Rights

During the intake process, if you disclose as having a disability, follow-up effort on your disclosure will be made to assure that the best and most appropriate resources are mobilized to benefit you, the customer. If you disclose that you are a person with a disability, you may choose to request and receive a reasonable accommodation, reasonable modification, and/or auxiliary aids and services during the intake process. **ISCLOSURE IS VOLUNTARY** and information regarding a disability will be kept confidential and maintained in a separate file.

Explanation of Unemployment Benefits

Unemployment Compensation (UC) is an insurance program designed to provide benefits to eligible persons who are temporarily unemployed through no fault of their own, and who would be employed full time if suitable jobs were available. Unlike public welfare, financial need for assistance is not a factor that can be considered.

UC is, in many ways, similar in operation to other forms of insurance. In all states, employers pay a tax (the "premium") to cover their workers against involuntary unemployment. Most employers are required to pay this tax. When you work for such employers, you are in "covered employment," and your wages are "covered wages".

The West Virginia Unemployment Compensation Law is your unemployment insurance policy. It specifies the terms and conditions under which you may receive benefits when you become unemployed. Just as your homeowner's insurance will not compensate you if you suffer a loss that is not covered by your policy, we cannot pay unemployment benefits if you do not meet the requirements set by law.

What You Need to Know Before You Apply

Before you can receive unemployment compensation benefits, you must first file an initial application for benefits and meet these basic requirements.

- You must be either totally or partially unemployed as defined in the law.
- You must have sufficient wages in covered employment per state or federal unemployment compensation law.
- You must be able to work full time, available for full-time work, and seeking full-time work.
- The reason why you are totally unemployed or partially unemployed (working part-time hours) must be considered. Generally, you must be unemployed through no fault of your own.

Explanation of Total and Partial Unemployment

TOTAL: You are totally unemployed when you are totally separated from employment, earning no wages, and performing no services. You must tell us if you are employed part time, self-employed or working for a commission, even if you are not making any money. You must tell us if you are an officer of a corporation or a partner in any business enterprise. Also, you must tell us if you are doing any kind of work without pay.

If you quit or are discharged from any job, including part-time or odd job work, you must let us know immediately as a decision may be required on the separation. Quitting or being discharged from a job, even if the employment is only part-time or odd job work, could lead to a denial of unemployment benefits.

If you are totally unemployed, or working part-time hours, **failure** to do any of the following could lead to a denial of benefits:

- Make an active search for full-time work during each week benefits are being claimed.
- Register for work with a West Virginia Job Service/ WorkForce West Virginia Center office prior to filing your sixth week of benefits. If you live outside the state of West Virginia, register with your American Job Center network. You must keep your registration active by contacting your Job Service/WorkForce West Virginia Center or American Job Center office at least every 90 days.
- Participate in all reemployment services provided by the Job Service/WorkForce West Virginia Center or American Job Center.
- Report any earnings or other income you have while claiming benefits.
- Inform us if a Job Service/WorkForce West Virginia Center or American Job Center asked you to see an employer about work, or if anyone offered you a job and you refused.
- Inform us immediately if you filed for, or started receiving, Social Security Disability.
- Properly file your weekly claim certification within the time frame allowed.
- Inform us if you file for or receive a pension/retirement.
- Report to the local office when requested to do so and/or provide any information requested.
- Respond to any telephone calls or forms received in the mail within the deadline given.
- Fill out all forms as completely and accurately as possible.
- Keep any appointments when scheduled or, if unable to appear, contact the local office to reschedule your appointment prior to the appointment.
- Advise us when attending, or planning to attend, school or training.

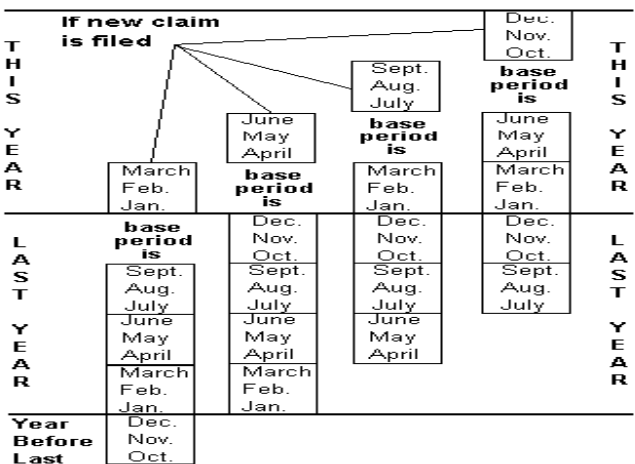
PARTIAL: You are partially unemployed when you are hired as a full-time employee, you are still on your employer's payroll, and that employer cannot give you full-time work. Your regular hours and earnings are reduced because

of circumstances over which you have no control (lack of work). Employers can offer a Low Earnings Report (LER) to their employees during the weeks in which full-time work is not available. Once work is again available on a full-time basis, you must be able and available to work when called back by the employer. You must also be able and available for full-time work each week in which your employer provides a LER.

If the employer offers an individual work, even part-time work and the work offer is refused, our Agency will be notified. A stop payment will be placed on the claim for benefits, and a statement will be required as to why the work was turned down. A claims Deputy will then determine if you will be penalized for turning down the work. Special filing procedures are necessary when you are partially unemployed. See "Filing for partial unemployment" for more information.

Determining the Claim Base Period

The base period is a twelve-month period that is determined by the beginning date of your new claim. To establish a benefit year, you must have sufficient covered wages to be *MONETARILY ELIGIBLE*. During your base period, you must have been paid wages of at least \$2,200 in covered employment. In addition, you must have been paid wages in at least two quarters of your base period. (A quarter is a three-month period beginning in January, April, July or October.)



When you first apply for benefits, you are filing a NEW CLAIM. This claim will be used to determine if you had sufficient earnings in covered employment to establish a benefit year. A benefit year is the 52-week period during which unemployment benefits are available to you. **This, however, does not mean that you will receive 52 weeks of benefits.** **Note:** Benefit years that begin on the first day of a calendar quarter run fifty-three (53) weeks.

Your benefit year starts the Sunday of the week you applied for unemployment benefits. This specific Sunday is called the *EFFECTIVE DATE* (or beginning date) of your new claim. This date is always a Sunday. However, if your new claim is for partial unemployment, your benefit year begins with the first week for which your employer gives you a Low Earnings Report (see "Filing for Partial Unemployment"). If you are unemployed because of a labor dispute, see "Filing Labor Dispute Claims" to determine when your new claim is effective

When you file an initial application for benefits, the Agency must make several initial decisions about whether or not you are entitled to receive unemployment.

The Agency will determine if you have sufficient wages to qualify you for a weekly benefit amount. You will receive Form WVUC-B-14B/T4, 'DEPUTY'S DECISION AND NOTICE OF CHARGES.' This is your NOTICE OF MONETARY ELIGIBILITY, which shows the following:

The 12-month base period used for your claim and determines your weekly benefit amount.

- ❖ The covered employers who paid you wages in your base period.
- ❖ Your total covered base period wages.
- ❖ The beginning and ending dates of your benefit year.
- ❖ If you are eligible, the monetary weekly and maximum benefit amounts you can receive during your benefit year.

When you receive this notice of monetary eligibility, you should review and verify the information on the form is correct. Is your name spelled correctly? Did you work for each of the employers listed? If you don't have enough wages, the word "INELIGIBLE" will be checked. If you had wages that are

being transferred from another state, wages from federal employment, or wages from military service, these wages **WILL NOT** appear on the first monetary determination you **receive**. They will be shown on a "revised" monetary determination that will be mailed to you after we receive the relevant wages. (See "Filing combined wage claims", "Filing for Benefits based on Federal Civilian Employment (UCFE)", and "Filing for Military Benefits (UCX)").

If all your base period wages are correctly listed on the form and the word "INELIGIBLE" is marked on the form, this means you cannot receive benefits at this time on a REGULAR BASE PERIOD. If you are ineligible using a regular base period, (the first four of the last five completed calendar quarters immediately preceding the first day of the individual's benefit year), you may be eligible using the ALTERNATE BASE PERIOD (the last four completed calendar quarters immediately preceding the first day of the individual's benefit year). **You do not have a choice which base period is used.** The alternative base period will be automatically explored if you are ineligible in the regular base period. If you are still monetarily ineligible, you have the right to file another new claim application if you are unemployed in a later quarter.

If "ELIGIBLE" is checked, you have sufficient wages. The weekly benefit shown on the form is based on the table accompanying this booklet.

If "ELIGIBLE" is checked on the monetary determination, this means that you had sufficient earnings for your application to receive further consideration. **It does not mean that you have final approval to receive benefits.** You must meet all the other requirements explained in this booklet before you can receive benefits.

If your wages appear to be in error, remember the wages were credited to your account when your paychecks were written, not when you earned the money. This means that wages you earned near the end of one quarter may have been reported in the next quarter. If you believe that wages on your monetary determination are listed incorrectly, or if wages are missing, gather your check stubs, W-2 statements or other proof of wages, and report to your local office and request a *REDETERMINATION*. (A redetermination is a formal recheck of the wages in question). Continue to file your weekly claim certifications as instructed while your wages are being investigated. You cannot be paid benefits for any week you fail to claim properly. Important: You must notify us immediately if any employers you did not work for appear

on your determination. These wages must be removed from your claim. You are responsible for repaying any overpayment caused by such incorrect wages.

- The Agency will determine if you meet the basic eligibility requirements for benefits, such as your ability and availability for work. This determination may create an issue on your claim and require a written decision as to whether you meet all the requirements to be eligible for benefits. When a decision has to be made on your claim for benefits, it has to go through the adjudication process.
- The Agency will determine if there is anything regarding your separation from employment that would create an issue on your claim, such as a voluntary quit or a discharge. All cases involving a quit or a discharge will be investigated by a claims Deputy to determine if benefits can be paid.

Able and Available for Work

Being able and available for work means that you must be able to work and available for full-time work for which you are fitted by prior training or experience. You must meet these requirements when you apply for a claim and during each week you claim while you are unemployed.

You are able to work when you are physically and mentally able to do your usual work.

You are available for work when you are willing to work full time, are making an honest effort to find work that you are qualified to do, and there is nothing preventing you from taking a full-time job.

You must be able to get to and from work. You must be willing to accept work in the labor market area where you live. (The labor market area consists of any towns and surrounding areas where people in your occupation would normally travel to work). You cannot set restrictions that rule out much of the work in your field. An example of an unreasonable restriction is demanding more pay than people normally receive for the same kind of work in the area where you are seeking employment. Another example is not being available to work a shift that is common in your occupation.

You Must Register for Work with a Job Service/WorkForce West Virginia Center or American Job Center network

WorkForce West Virginia offers a number of services to the public in addition to the Unemployment Compensation Program. One of our other services is a statewide system of public employment offices to help jobseekers. A Job Service/WorkForce West Virginia Center office often is located in the same building as your unemployment claims office.

The primary function of a Job Service/WorkForce West Virginia Center or American Job Center network office is to help employers who are seeking workers and applicants who are seeking employment. Many local employers list their openings with one of these centers to bring available jobs and applicants together. The Job Service/WorkForce West Virginia Center offers job-seeker services consisting of referrals to job opportunities, vocational counseling, resume preparation and other special services, for which there no charge.

Unless you belong to a union hiring hall that has a business agent who looks for work for you, are partially unemployed and filing with a Low Earnings Report, have a return-to-work date within four (4) weeks which is verified by your local office, in approved training, or on jury duty, you must register with your nearest Job Service/WorkForce West Virginia Center or American Job Center network office prior to filing for your sixth week of benefits. Failure to do so may result in a denial of benefits.

You Must Actively Seek Full-Time Work Each Week

According to West Virginia Unemployment Compensation Law, you are eligible to receive benefits only if you are doing that which a reasonably prudent person in the same circumstances would do in seeking work. Each week, you must make an active job search to find work. The number of weekly contacts you should make depends upon your occupation and the condition of the labor market. As your length of unemployment increases, you must be willing to expand your work search. This means you may have to consider taking work outside your preferred field, and be willing to accept other jobs for which you are qualified. You also may have to be willing to accept a lower wage than you wanted when you first became unemployed.

You may use the methods of seeking work that are customary in your occupation. However, to increase the likelihood of being successful in obtaining employment, you should undertake a variety of methods in seeking work. In certain professions, submitting resumes is the usual and customary means of obtaining work. If you work in such an occupation, this is a satisfactory method of showing that you are actively seeking work. If you belong to a union with a business agent that finds work for you, you must be a member in good standing and do what your union requires to be subject to call when jobs are available.

Contacting employers by telephone who may reasonably be expected to have openings in work in which you are qualified to perform is an acceptable job contact. However, these contacts should involve, when possible, contact with persons with the apparent authority to hire. Generally as a rule, calling an employer on the telephone simply to inquire if s/he is hiring is not a good method to secure leads for employment. Potential leads for employment should be followed up with the employer using their preferred method of application (such as a resume, email, written application, etc.).

Checking want ads, using Internet based employment searches, and attending job fairs are acceptable methods for seeking work. To count as a work contact, you must make an independent effort to talk to the person or firm that placed the ad and/or submit an application or resume. When submitting applications or resumes by mail, fax or via the Internet, document all relevant information pertaining to the search, such as address, position sought, name and title of employer, date mailed, web address, fax numbers, etc. Save emails or confirmation faxes for your records.

Failure to make required job contacts and/or failure to register timely, by the deadline provided, will result in a denial of benefits. You are required to keep a written record of your weekly job contacts and be prepared to furnish this record should your claim be randomly selected for review. The back of this handbook provides a sample form for documenting your job contacts. This form is not exclusive of the types of information you should be recording; you should add all pertinent information you feel would be useful if your claim is randomly selected for review.

If you are in a training program that has been approved by our Agency, or on jury duty, the work search policy may be suspended. (See "How Attendance

of School or Training Affects a Claim”). If you are claiming Extended Benefits, there are additional requirements that will be explained when you apply for benefits under that program.

Tips on Seeking Work

The best method to use in seeking work depends, to some extent, on the kind of work you do. The following suggestions apply to most occupations. Apply in person, whenever possible. Ask to speak to the person who does the hiring. Have a neat, clean appearance. Avoid seeking work during the lunch hour, or near quitting time. Take a written record of your past employment so that you can complete an application, if required. Complete an application and leave it, or a current resume, if the company will accept it. Do not expect an employer to consider hiring you if you call on the telephone and ask about work. Most employers will not offer work to people they have never seen. Do not contact the same employer every week if you are told that the employer is not hiring. Make repeat contacts only if an employer encourages you to check back later.

Tips on Handling a Job Interview

If you want to make a good impression at a job interview, be prompt. Do not take others with you to the interview. For many jobs, your personal appearance is important. Be neat, clean, and as a rule, be dressed as though you were to start work immediately. Avoid nervous mannerisms, such as chewing gum or jingling coins in your pocket. Many office buildings are smoke-free workplaces, so do not use tobacco, electronic cigarettes, or vaporizers during your interview. Be business-like. Answer questions honestly. Be ready to talk about the kinds of work you have done and the skills you have to offer. Be realistic when discussing wages. Be prepared to furnish names and addresses of former employers, the dates you worked for each, your references, and any permits or licenses you have.

Calculating a Weekly Benefit Amount

During your benefit year, you are entitled to a *WEEKLY BENEFIT AMOUNT* (WBA) for weeks you are either totally or partially unemployed and meet all

requirements. Your weekly benefit amount is based on the total covered wages you were paid during a twelve-month base period. You may determine your weekly benefit amount by contacting your local office or by visiting our website at uc.workforcewv.org and accessing the option, "For the amount of benefits you may be paid per week". This online calculation does not include out-of-state wages, federal employment, or military wages.

Length of Payments

If you are eligible for benefits, you could receive up to **twenty-six** (26) times your weekly benefit amount, which is often called your Maximum Benefit Amount (MBA), over the course of your benefit year. A benefit year is one year, or fifty-two (52) weeks, starting with the week your claim was made effective. Once you are paid your maximum benefit amount, you cannot file a new West Virginia claim until your benefit year expires.

If you file your claim certification each week, and receive the full weekly benefit amount for each week, you will exhaust the balance in your account after twenty-six (26) weeks, or six months, and you would have no benefits available to you for the remainder of your benefit year.

The weekly benefit will be reduced if you have earnings from part-time work, self-employment, or deductible income, See ("You Must Report any Earnings or Other Income"). If you work part-time hours, you may file and receive payments until your benefit year expires or you exhaust your benefit balance, whichever comes first. Working part-time while you continue to seek full-time work does have some advantages. Any week in which you receive a reduced benefit payment due to excessive earnings extends the length of payments to longer than 26 full weeks. The deduction from your weekly benefit payment remains in your account for later use during your benefit year.

Gross earnings over \$60.00 are deducted on a dollar-for-dollar basis; for example if your gross earnings are \$75.00, we would deduct \$15.00 from your weekly benefit payment. That \$15.00 would remain in your account balance to potentially be paid at a later time within the benefit year. Working part-time will also assist you in requalifying for another claim once your benefit year is exhausted. (See "Requalifying for Benefits When Benefit Year Has Expired").

If you exhaust the balance on your West Virginia claim before your benefit year ends, and have wages from working in another state, contact your local office to see if it is possible to file against the other state. Although each state has specific requirements, your local unemployment office may offer you contact information for the other state.

Requalifying for Benefits When Benefit Year Has Expired

If you have an expired West Virginia claim, you must requalify on a new claim in order to receive benefits. To do so, you must have worked and earned wages equaling at least eight (8) times the weekly benefit amount on your previous claim. The earnings must be in covered employment. It is your responsibility to advise the Agency and provide documentation showing you have requalified on a new claim.

For example, if the weekly benefit amount on your previous claim was \$200, you must have earned at least \$1,600 in covered employment since the beginning date of that claim to requalify. Benefits cannot be paid on a new claim until you meet this requirement.

If you fail to requalify, we will send you a written notice, called a Deputy's Decision. The decision will use the term SUBSEQUENT BENEFIT YEAR to refer to your second benefit year (the one you are filing now).

One-Week Unpaid Waiting Period

You will not begin receiving benefits until you serve a one-week unpaid waiting period. There is only one such waiting period during each benefit year. You will not have to serve another waiting period if you have additional periods of unemployment within the same benefit year. You should not confuse the waiting period with a week that is "held back" to be paid later. You can never receive payment for the waiting period. You cannot serve the waiting period before you apply for unemployment benefits. This is one reason why you should always file for unemployment benefits as soon as you are either separated from your job or working less than full-time hours. In addition, you cannot serve the waiting period during any week for which you are denied benefits. Should your gross earnings during the week in which you initially filed be excessive, meaning greater than your weekly benefit

amount plus \$60, the week cannot be used as your waiting period. The waiting period is the first week in your benefit year during which you meet all requirements to receive a payment.

When to Expect Benefit Payments

If you meet all requirements under West Virginia Unemployment Law, payments will begin approximately two weeks after you file your first weekly continued claim certification. You can expect to have your benefit loaded onto your electronic payment card within two (2) to three (3) business days after your continued weekly claim certification has been processed. Payment via direct deposit may take two (2) to four (4) business days depending on your financial institution.

No deposits are issued on weekends, or state and federal holidays. If you feel a payment has not been loaded to your account, we suggest you first log on to our website at uc.workforcewv.org and choose the option requesting specific information about your claim. You will be able to view the last six weeks of your payment history. **NOTE: the web address does not contain a prefix; “www” or “https://” is not part of the address and is not required.**

If there is an issue on your claim that requires investigation and/or a Deputy's Decision; benefits cannot be paid until the issue is resolved. **However, it is important that you file your weekly claim certifications timely for each week during this process.** If you are granted benefits, you would be paid for the weeks that were filed timely, provided all other requirements have been met to receive unemployment. Benefits will not be paid for weeks that were not filed.

Payment by Electronic Payment Card (EPC)

The very first time you apply for unemployment benefits, regardless of whether it is a total or partial unemployment claim, you will automatically be mailed an unemployment Electronic Payment Card (EPC). The card is the default method of payment. Receipt of the card does not guarantee that you have been awarded benefits.

Your card should arrive within five (5) to seven (7) business days following entry of your claim into our computer system. Business days do not include weekends and holidays. The month and year expiration date will show on the front of your card, and you should keep the card even if you stop filing for benefits and/or enroll for direct deposit.

For security purposes, this card will arrive in a plain envelope. As soon as you receive your electronic payment card in the mail, activate the card for security purposes. During the activation process, you must also assign yourself a four (4) digit PIN. If you forget your PIN, you have the option to reset it by calling the EPC provider number provided to you at the time you filed your initial application and following the prompts on the automated system.

IMPORTANT: Refer to the information contained with the card you receive concerning penalties and fee charges associated with using the card at out-of-network ATMs.

In the event your card is lost, stolen, or expired, you must request a new card from the EPC provider.

Payment by Direct Deposit

You may choose to receive benefits through direct deposit instead of the electronic payment card. To do so, you must go to our website at uc.workforcewv.org and enroll yourself. You will need your bank account and bank routing information to enroll or change direct deposit information. Use a check to obtain this information; do not use a deposit slip. You must enroll for direct deposit before 4:00 p.m. Eastern Standard Time (EST) for your enrollment to be effective the same day. Please note that not all Credit Unions participate in direct deposit (Electronic Fund Transfers).

WorkForce does not verify the accuracy of your bank information. You are responsible for any payment errors arising from your registration for direct deposit. Should your account or routing number change or your account be closed, you must immediately update your information online to continue direct deposit payments.

Once your registration is effective, future payments will be made by this method through the remainder of your benefit year. However, if you decide at some point to terminate direct deposit and begin receiving your benefits on the unemployment electronic payment card, you will need to contact your local office and ask a staff member to change your payment method. Please be aware, however, that if you file a subsequent claim once your benefit year ends, you will have to re-enroll for direct deposit.

IMPORTANT: If your payment is unable to be deposited, for any reason, WorkForce West Virginia will change your method of payment back to the electronic payment card. If the payment is returned to WorkForce West Virginia, we would reissue a one-time payment to you by check. A check must be missing five days after the date of issuance before it can be reported as lost.



Note: Some financial institutions use different routing numbers for direct deposit than what is shown on checks. You should contact your Financial Institution to verify your account information before enrolling for this service.

Unemployment Compensation and Income Taxes

All unemployment compensation benefits you receive are subject to federal and state income tax. When you file your initial claim you may elect to have the Unemployment Compensation Division withhold and send federal income

taxes in the amount of ten percent (10%) of your gross weekly benefit payment to the Internal Revenue Service on your behalf. We are unable to withhold state income tax from benefits paid.

If you change your mind during your benefit year regarding the withholding of taxes, you may call or report to the local office to request a change in the withholding of your taxes. A change to the tax withholding choice can only be made ONCE per claim year.

If your claim was opened using a Low Earnings Report, Form WVUC-D-128, *Authorization to Start/Stop Tax Withholding*, is sent to you in the mail. This form also permits you to assign a four (4) digit Personal Identification Number (PIN) on your unemployment claim so that you may go online at uc.workforcewv.org to access your payment history, along with other claim information. **DO NOT USE THE LAST FOUR OF YOUR SSN OR BIRTH YEAR.** Select a PIN and return this form even if you do not want taxes withheld.

Each year, on or before January 31, the West Virginia Unemployment Compensation Division will mail you Form 1099-G, *Statement for Recipients of Certain Government Payments*. This form is also sent to the Internal Revenue Service.

This form contains the total gross benefits received in the prior tax year. If you chose to have taxes withheld, your 1099-G will include the amount withheld during the preceding calendar year. Form 1099-G is mailed to the last address we have on file for you. **It is important that you notify us of any address change, even if you stop filing for benefits.** If you do not receive your statement by the second week of February, contact our Benefit Payment Control office at 304-558-3306 and request a duplicate form.

For more tax information consult Internal Revenue Service publication 505, "Tax Withholding and Estimated Tax," the West Virginia Department of Tax and Revenue, or your tax consultant.

When to File Your Application for Unemployment

An unemployment claim is effective the week you file the initial unemployment compensation application or, if filing by a Low Earnings Report, the week for which the employer completed the form. Therefore, you should file for unemployment as soon as possible after your last day of work or after your hours have been reduced to less than full-time work. If you fail

to apply promptly, you may lose credit for any weeks you were off work before you filed your claim.

Documentation Needed to File a Claim

When you file your initial application for unemployment, bring:

- Social Security Card (Note: The social security number provided will be compared with the records of the Social Security Administration. If the information does not verify, you may be asked to provide additional information to prove your identity, such as a marriage certificate, divorce decree, or birth certificate).
- Name and addresses of all employers for whom you worked during the last eighteen (18) months. Be prepared to furnish the dates you worked and the reason you left each employer. You will be required to complete an 'Initial Unemployment Compensation Application'. This form may be printed from our website at uc.workforcewv.org and completed.
- Photo ID, such as a driver's license or state-issued identification card.
- If you are a union hall member: a valid member card and contact information for the union. (Note: union membership will be verified by contacting the union.)
- If you served in the military: the DD214 Member 4 copy, or certified copy of the Member 2 or 8 form.
- If you were separated from the Federal government: the SF-8 form (*Notice to Federal Employee About Unemployment Insurance*), along with proof of wages (pay stubs and/or W-2).
- If you were separated from the Federal Emergency Management Agency (FEMA): the SF-8 form **and** the SF-50 form (*Notice of Personnel Action*), along with proof of your wages (pay stubs and/or W2). The SF-50 that was provided to you by the employer will list your "**Official Duty Station**", **and** your application for unemployment benefits must be filed with the state indicated as your "Official Duty Station" on this form. Only if the location listed is a city in West Virginia, can you file for unemployment benefits through West Virginia.
- If you are not a U.S. citizen: a form issued by the U.S. Citizenship and Immigration Service (USCIS), which must contain your ID number, country that issued the card, and expiration date.

Applying for Benefits

If you are living outside of West Virginia, you can file your application for unemployment benefits online at uc.workforcewv.org by completing the questions, or by calling 1-800-379-1032 and speaking with an interviewer.

However, if you reside in West Virginia, your claim must be filed in person at your nearest claims office or itinerant office the first day it is open. You need to report about 30 minutes prior to the group meeting time at the local claims office. To locate the local claims office nearest you and find out the group meeting times, you can go online to our website at uc.workforcewv.org and select, "For local claim office location and hours", or you may call 1-800-379-1032 and press option five (5). Some of these offices offer itinerant service to nearby areas. Itinerant offices hours are very limited. Contact your local office for the dates and times of the itinerant offices in your area.

In-person applicants must complete and sign an 'Unemployment Compensation Initial Application'. Although you may obtain the form at your local claims office, it is recommended you print and complete it from our website at www.workforcewv.org prior to arriving at the local unemployment office. Answer all questions as completely and honestly as possible. Your employers will be asked to verify certain information you furnish. How quickly your application is processed depends, to a large extent, on the accuracy of the information you give us on your first visit.

When you file your initial application for unemployment compensation benefits, you will be asked to select a four-digit Personal Identification Number (PIN). **DO NOT USE THE LAST FOUR OF YOUR SSN OR BIRTH YEAR.** This PIN is very important as it allows you to access your claim information and permits you to file your weekly claim certifications for benefits. Choose a PIN number that no one else would be able to guess and do not give the number out. You are responsible for all activity that takes place on your claim with this PIN number. **Should you forget your PIN, you must authenticate your identity.**

To further protect your identity, your claim will be assigned a nine (9) digit alternate identification number referred to as your Claimant Identification Number (CID). This number will be used on all correspondence issued to you by this Agency.

Filing for Partial Unemployment

You are partially unemployed when you are hired as a full-time employee, are still on your employer's payroll but that employer cannot give you full-time work. When filing partial claims, you will use an 'Initial Claim/Low Earnings Report' (LER), **which is provided by your employer.** While filing with a LER, you are not required to look for another job or take a job offered by another employer. However, you are required to be available for all work your employer has to offer. In all other respects, total and partial unemployment are the same.

When the employer issues the Low Earnings Report, that employer certifies that the worker's low earnings are due to lack of work and includes applicable remarks relating to an employee's failure to work all available hours.

If your employer refuses to issue a LER, and you are a full-time employee that has been on the payroll at least seven (7) days and are working reduced hours due to lack of work, you should report to your local office to advise that the employer possibly is not carrying out its responsibilities for issuing reports of low earnings. The local office will take a claim following established procedures.

Whenever possible, you should file a new claim in person, especially if this is your first experience with the unemployment compensation program. Thereafter, you may file your partial claim by mail to the address for your local office which is listed on the back of the form. The completed LER form must be submitted to your local office within ten (10) days following the day you received it. If you delay in submitting the completed form, you may lose your right to benefits. **(NOTE: The Low Earnings Report cannot be filed by telephone or via the Internet. You may not file the form prior to the week ending date(s) listed on the form.**

An unemployment claim established by submitting a LER from your employer is effective the Sunday of the first week listed by the employer on your LER form. Your employer thereafter gives you a LER for any subsequent week(s) that full-time work was not available. The LER may be issued for either one or two weeks of partial unemployment at a time.

Your employer is to issue a LER no later than the pay day for the week(s) contained on the form. The employer will complete the employer's portion of the form, and you will complete the bottom part of the LER. You are responsible for the accuracy of all information on a Low Earnings Report. Examine each LER carefully before you file it. You are liable to repay any overpayment of benefits that result from incorrect information on a Low Earnings Report.

You should NEVER make the corrections on the portion of the form that is completed by the employer. If your employer listed your earnings incorrectly or did not include other payments made during the week(s) on the report, do not file your claim until the employer corrects the error. Also, make certain that your name and Social Security Number is shown correctly, and that the employer properly signed and dated the form.

If you become totally separated from the employment while filing with a LER, you may change the filing process from LER to total unemployment by reporting to your local claims office to switch to a total claim. You would then be required to seek full-time work each week for which you claim benefits. If your claim was set up as a total claim for benefits and then you returned back to work, your employer could potentially provide you a LER. If this occurs, complete your portion of the LER and submit it for processing and payment.

You must report any work you had with other employers during the week(s) on your LER. You also must report any self-employment and any other income not shown on the LER. If you are a corporate officer or have other business interests, you must report such activities when you file.

Your benefit payment will be reduced by earnings or any other deductible income you had, in the same manner as if you were filing for total unemployment. (See "How Earnings Affect a Claim and Benefits").

NOTE: If either of the two following situations apply to your claim, you must file a new claim **in person** because you will not receive credit for such employment unless you bring the necessary information to your local office.

- If you worked outside West Virginia during any part of the base period, you may need to file an Interstate or Combined Wage Claim. (See "Filing combined wage claims" and "Filing interstate claims".)

- If you were on active military duty or worked for the federal government during any part of the base period. (See "Filing for benefits based on federal civilian employment (UCFE)" or "Filing for military benefits (UCX)").

Filing Combined Wage Claims (CWC)

A claim based on work in two or more states is called a Combined Wage Claim (CWC).

If you have employment and wages in West Virginia and in any other state during the base period for your claim, you have the option of filing a West Virginia claim or a claim with one of the other states as long as you (1) have wages in that state's base period and (2) you qualify for unemployment compensation in that state using the combined employment and wages. If you wish to explore your options with other states, your local office will provide you with information as to how to contact the state(s) where you have had employment and wages.

If you worked both in West Virginia and in any other state during the base period, you can ask us to use your out-of-state wages to increase your weekly benefit amount. The other state(s) will transfer your wage credits to West Virginia. For claim purposes, these wages will be treated as though they were earned in this state.

Out-of-state base period wages also can be used to qualify you for benefits if you do not have sufficient wages in West Virginia alone.

NOTE: Once wages have been used in another state, the wages cannot be transferred to West Virginia for a combined wage claim. It requires some time to transfer wages earned in other states. Therefore, the first monetary notice we mail you will not show out-of-state wages. We will send you a revised monetary notice as wages are received from other states. Once all wages are received from the other states, your final revised monetary notice should show your correct weekly benefit.

If you believe there is an error in the amount of wages transferred by another state, visit your local office as soon as possible to ask for a REDETERMINATION on your claim. (See "Redeterminations").

wages have been transferred, we may determine that you qualify for benefits in another state.

If this happens, you will receive what is known as a CWC Choice Letter, which allows you the option of withdrawing from the combined wage claim and filing against the other state.

Filing Interstate Claims

If you live outside the State of West Virginia, but worked for and were separated from a West Virginia employer, you will file an out-of-state claim, commonly referred to as an Interstate claim, for unemployment benefits.

If you worked in more than one state during the past eighteen (18) months, you may qualify for benefits in one of those states or you may qualify for a combined wage claim. Every state has its own wage requirements and not all states use the same base period as West Virginia. If you want to file an interstate claim with the Virgin Islands, we may be able to take your application and forward it to the interstate unit of this territory.

NOTE: Most states use either an Interactive Voice Response (IVR) system or Interactive Web Response (IWR) system and require claimants to file for benefits using the telephone or internet. Your local office will tell you if the state you are filing against is one of these states and can provide you with contact information to use when claiming benefits. Our Agency utilizes an IVR/IWR system that allows an out-of-state resident to file an Interstate claim with West Virginia. (See [“Overview of the IVR/IWR Systems”](#)).

If you have a West Virginia claim and then move out of state, you must notify the Agency of your change of address and restart your claim. Your records will be transferred from your former West Virginia local office to our Interstate office in Charleston, and thereafter that is your assigned local office. You should direct any questions to the Interstate office.

Filing for Benefits Based on Federal Civilian Employment (UCFE)

If you worked for a federal agency during your base period, you may be entitled to benefits from that employment. Federal wages are not reported to a state unemployment compensation agency until you file a new claim. Your federal wages will be "assigned" to West Virginia if your last duty station was either in this state or outside the United States, or if you had covered employment in this state after leaving federal service. Note: If you worked for the Federal Emergency Management Agency (FEMA), your wages will be assigned to the state shown as your last official duty station on Form SF-50, *Notice of Personnel Action for those employed by FEMA*. (See "Filing Combined Wage Claims").

When you file a new claim following a period of federal employment, bring with you all forms the federal agency furnished when you left their employment. These include the SF-8, *Notice to Federal Employee About Unemployment Insurance*, and the SF-50, *Notice of Personnel Action for those employed by FEMA*. Also bring proof of your federal wages, such as pay stubs and/or your W-2.

NOTE: Certain services for the federal government are not covered by unemployment compensation. The agency you worked for must certify that your services were covered under the UCFE program.

Information from a federal agency regarding the location of your duty station, your wages, and whether your employment was covered are final and binding. If you disagree with any of this information, you have the right to ask the federal agency to reconsider its findings. We can help you complete the proper forms to make such a request.

Filing For Military Benefits (UCX)

If you were on active duty with a branch of the U.S. military during any part of the base period for your claim, you may be entitled to unemployment benefits based on that service. When you first file a new claim, your military wages are assigned to the state that sets up a "benefit year" after your separation from active duty. To qualify, you must meet the following requirements:

- **You must have been separated under honorable conditions.**

- **You must have completed a full term of service, or if you were released early, it must have been for a qualifying reason.**
- **If you served on active duty in reserve status as a member of a National Guard or Reserve component, that duty must have been continuous for ninety (90) or more days.**

You must present your Form DD-214 member (four) 4 copy when you apply for a new claim. However, a certified copy of the Member 2 or Member 8 form can also be used.

UCX benefits are paid under the same conditions as benefits based on other employment. However, your military wages, for claims purposes, are determined by your pay grade at time of separation. We do not use the actual wages you were paid while in service. Instead, we use a wage table furnished by the federal government. This table shows the equivalent civilian wage for each military pay grade.

We are required to accept information the military furnishes us about your length of service and the reason you were separated as final and binding. If you believe any of this information is incorrect on your Form DD 214, or any other military documents we use, it is your responsibility to contact your branch of service to have the mistake corrected. The military determines if you are eligible for unemployment benefits. If the military finds you are not eligible for benefits, the military branch you served under will not send your wages to us and you would not be monetary eligible for Unemployment benefits.

Military benefits cannot be paid for any weeks for which you receive allowances from the Veterans Administration under Chapters 31 or 35 of Title 38 of the U.S. Code. (The cited chapters provide subsistence allowances for vocational rehabilitation and educational assistance, allowances to war orphans and widows, or, in some cases, children and spouses of veterans with permanent total disabilities.)

You may have reemployment rights with a pre-service employer. Our Job Service/WorkForce West Virginia Center veteran's representative can advise you about these rights.

Filing a Claim if You Are Not a Citizen

If you are not a citizen of the United States, you must show proof that you have permission to work in this country. When you file a new claim for unemployment benefits, **you must present a form issued by the U. S. Citizenship and Immigration Service (USCIS)**, which was formerly known as Immigration and Naturalization (INS). Either USCIS Form I-151 or I-551 (sometimes called a "green card") is acceptable. If you were not issued one of these forms, we can accept a Form I-94, Arrival-Departure Record, if the form bears an USCIS endorsement to permit employment in the U.S. Other Employment Authorization Documents (EADS) that are acceptable include I-766 and the I-6888, both of which are issued to aliens who are authorized to work temporarily in the United States.

Base period wages used for your claim must have been paid while you were in legal alien status. Also, you must have authorization to work in the U.S. at the time you claim benefits.

Filing a Claim if You Are a School Employee

School employees (regular, part-time, or substitute) may not be entitled to unemployment benefits based on school wages during a period of paid sabbatical or educational leave. Also, benefits based on school wages may not be payable during customary school vacation or holiday periods, and during periods between terms or school years.

If you are a school employee, your status at the time of each school closing determines whether you can receive benefits. The kind of work you do for the school and the degree of assurance you have of returning to work in the same (or similar) capacity following the closing are among the factors that must be considered. Your local claims office can give you more detailed information about your status when school is not in session.

If you are denied benefits based on school wages, you still may receive some unemployment compensation if you have sufficient base period wages from other sources (non-school employment). You may qualify for a weekly benefit based on those wages alone during school closings.

Filing a Claim if You Are a Professional Athlete

If you are a professional athlete, you may not be entitled to use base period wages you earned as an athlete during the period between seasons. You cannot use such wages if you worked as a professional athlete during the first season, and you have a reasonable assurance of performing such work during the next season.

Filing for Trade ACT/NAFTA Benefits

The Federal Trade Act provides special benefits if you were laid off or had your hours reduced because your employer was adversely affected by increased imports from other countries. The North American Free Trade Agreement Implementation Act (NAFTA) provides special benefits if you were laid off or had your hours reduced because your employer was adversely affected by increased imports from Mexico or Canada or because your employer shifted production to either of these countries. These benefits include paid training for a new job and financial help in making a job search in other areas or relocating to an area where jobs are more plentiful. If you qualify, you may be entitled to special weekly benefits after you use all your regular unemployment compensation.

Contact your local Unemployment Compensation office or Job Service/American Job Center network office and ask for information about filing a Petition for TRADE ADJUSTMENT ASSISTANCE (TAA) or a Petition for NAFTA Transitional Adjustment Assistance. The United States Department of Labor (DOL), Employment and Training Administration, maintains a website at <http://www.doleta.gov/tradeact/> which includes detailed information, along with answers to frequently asked questions.

The Petition for Trade Adjustment Assistance must be filed with the Department of Labor (DOL) and should be filed at any time after worker separations or a threat of separations begins, but not later than one year after the earliest date on which workers lost their jobs with the employer. The Petition for NAFTA Transitional Adjustment Assistance must be filed with the Governor's designee, who will make a preliminary finding. The preliminary finding is forwarded to the DOL, Office of Trade Adjustment Assistance, for

final approval or disapproval. If the DOL approves and certifies your petition, you will be entitled to file a claim under the TAA or NAFTA-TAA program.

NOTE: In rare instances, a worker group is certified for both regular TAA and NAFTA-TAA. The worker can only claim benefits under one or the other of the two (2) programs.

Filing Labor Dispute Claims

If you are unemployed because of a labor dispute at your place of work, you have the right to file a claim for unemployment compensation benefits. You must meet all the requirements explained in this booklet, except you are not required to register with a Job Service/American Job Center network office and you are not required to seek or accept other employment. An appeals tribunal appointed by WorkForce West Virginia's Board of Review will hold a hearing to determine whether workers involved in this dispute are entitled to benefits.

If you wish to file a claim, report to your claims office within five (5) weeks from the week in which the labor dispute began. If you do this, your claim will start the Sunday of the week in which the dispute began. If you delay filing, your claim will start with the week in which you report.

Filing for Disaster Unemployment Assistance (DUA)

A special federal law provides assistance to certain individuals who become unemployed because of a major disaster, such as a flood, earthquake, or ice storm. Disaster unemployment Assistance (DUA) is primarily intended to help persons who are not eligible for regular unemployment compensation. DUA becomes available when the President of the United States issues a proclamation that a major disaster exists in a state that included this type of assistance. If such a disaster occurs in your area, contact your claims office for more information.

When to File My Weekly Claim Certification for Payment

Once you have submitted your completed application for unemployment benefits, you must file a weekly certification every week to keep your claim for benefits current and receive payment. For unemployment purposes, each week runs on a calendar basis, from Sunday through Saturday, and you cannot file your weekly claim certification until the week has ended. You would then have a “filing window” that runs from 12:01 am Sunday EST through 5:00 pm Friday EST in which to file the weekly claim certification for the prior week. The best practice is to make yourself a note on your calendar to file every Sunday.

For example: if you are filing for the week starting on June 7 (Sunday) and ending on June 13 (Saturday), you could file your continued claim certification on Sunday, June 14th at 12:01 a.m. EST, up through Friday, June 19th at 5:00 p.m. EST. If you attempt to file your weekly claim certification early (before the calendar week ends) or after this “filing window” you will not be able to file the week. In either instance, you will receive a message that you have no outstanding weeks to claim.

If you do not file your continued claim certification timely (within the filing window), you will be required to report to your local unemployment office. You will not receive payment until the week has been certified and filed. In addition, you will not be able to use the IWR/IVR until you are again current in your weekly certification filing process.

At your local office, you will be able to certify for the week by completing a paper form and you will also provide a statement as to why you are late in certifying the week. You will receive a “Deputy’s Decision” advising you whether you are eligible for benefits that week. If you file your claim late, it cannot be paid unless:

- It is filed within ten days of the last day allowed, **and**
- It is determined that you had good cause for not filing timely.

Completing the Weekly Claim Certification

There are two (2) options available to file your weekly continued claim certification when you are timely filing:

- You can file your claim for a week of benefits using the Interactive Web Response System (IWR) at uc.workforcewv.org
- You can file your claim for a week of benefits by telephone by using the Interactive Voice System (IVR) at 1-800-379-1032

You must have your Personal Identification Number (PIN) and Social Security number available or you will not be able to complete the filing process.

The IVR/IWR system will ask you questions relating to your availability for work during the week you are claiming, the number of job contacts you made, any income or earnings you may have had during the week, and various other topics. Dependent on your answers, you may be asked to provide answers to additional questions. Answer all questions completely and honestly. **If you are uncertain of a question or get interrupted during the filing process, you may disconnect by phone or log off the Internet prior to submitting your weekly claim certification and then try again during the “filing window”, Sunday at 12:01 a.m. through Friday at 5:00 PM E.S.T.**

After answering the questions for the week, you must certify that you were able, available for, and actively seeking full-time work. Additionally, you must certify that you reported all work performed and wages earned, including earnings for self-employment, during the week you are claiming. You must also certify that you are aware that making false statements in order to attempt to obtain or increase unemployment benefits is unlawful and doing so could result in severe penalties, including criminal prosecution.

Once you submit your weekly claim certification and receive your confirmation number, you cannot go back and change the answers. After successfully filing your weekly claim certification, a confirmation number will be given. Do not disconnect from the Internet or telephone prior to receiving your confirmation number.

Note: It is extremely important that you pay close attention when filing your weekly certifications. If the IVR/IWR system detects a potential issue by the way the questions were answered, a stop will be placed on your claim and you will receive an automated message related to the reason the weekly certification wasn't processed for payment. If you are told to contact your local claims office by a specific deadline, additional information is needed to

determine if the week can be paid. Failure to contact or report as directed will affect your benefits as payment for the week may be delayed and/or denied.

The Eleven Questions Asked When Filing a Weekly Claim

Your eligibility to receive benefits for each week claimed is determined by your answers to the questions below.

1. Were you able to work and available for work each day of the week? If no, how many days were you not able and available for work?
2. Did you actively seek full-time work during the week? If yes, how many job contacts did you make during the week?
3. Did you refuse any work or fail to report for a job interview?
4. Did you attend school or training?
5. Did you apply for a pension, retirement pay, or Social Security benefits?
6. Are you receiving a pension, retirement pay, or Social Security benefits?
7. Did the amount of your pension, retirement pay, or Social Security benefits change?
8. Did you receive a bonus, wages in lieu of notice, holiday pay, or vacation pay?
9. Did you work during the week, including self-employment? If yes:
 - How much did you earn before deductions?
 - How many hours did you work during the week?
 - Did you work all the hours available to you?
 - Did you quit or were you fired from a job?
10. Have you returned to full-time work? If yes, enter the date you returned to work (“two-digit month, two-digit day and four-digit year”).
11. Do you certify that the answers you have given are true?

Filing the Weekly Claim Certification by Telephone (IVR)

When filing your weekly claim certification by telephone, you are to press the number one (1) for “yes” responses and the number two (2) for “no” responses. If you want to have a question repeated, press the pound (#) key. Each question is repeated back to you and you will be asked to confirm each response by pressing “1” for yes or “2” for no. If you press “2”, the question will repeat once again and you can change your response prior to moving forward to the next question.

You should have a pen or pencil and paper to write down messages received from the IVR. When the system accepts your weekly certification process, it will provide you the message that “You have successfully completed filing a claim for unemployment compensation benefits for the week ending MM/DD/YYYY.” You will then be given a confirmation number. **Do not end your telephone claim until after you have been given your confirmation number.**

If you answered a response in a manner that questions whether you are eligible for payment, the system will accept the week. However, you will receive a message that a potential issue was detected. You will either be advised to contact your local office immediately and given a deadline to respond by, or told that a decision may be forthcoming to you. It is important that you listen carefully to all messages provided to you during the filing process. Failure to contact or respond to your local unemployment office by the deadline given will result in a delay and/or denial of your benefits. Additionally, it is important that you continue to file your weekly claim certifications timely in instances where you are awaiting a decision; this is the only way you can be paid for the week(s) if you are found eligible for payment.

Filing the Weekly Claim Certification by Internet (IWR)

When filing a claim by internet, you will click yes or no in response to each question asked. Dependent upon your responses, additional submenus may display asking additional questions. After you have answered each question, it is important that you review your answers before you submit the weekly claim certification for processing because you will not be able to go back and change the answers.

You should have a pen or pencil and paper to write down messages received from the IWR and/or print the message screens. When the system accepts

your weekly certification process, it will provide you the message that “You have successfully completed filing a claim for unemployment compensation benefits for the week ending MM/DD/YYYY.” You will then be provided a confirmation number, along with the date and time your claim was filed.

If you answered a response in a manner that questions whether you are eligible for payment, the system will accept the week; however, you will receive a message that a potential issue was detected. You will either be advised to contact your local office immediately and given a deadline to respond by, or told that a decision may be forthcoming to you. It is important that you listen carefully to all messages provided to you during the filing process. Failure to contact or respond to your local unemployment office by the deadline given will result in a delay and/or denial of your benefits. Additionally, it is important that you continue to file your weekly claim certifications timely in instances where you are awaiting a decision; this is the only way you can be paid for the week(s) if you are found eligible for payment.

Reporting Earnings When Filing a Weekly Claim Certification

The term, EARNINGS, means wages. It includes anything of value you receive in return for services you perform for another. You may do some work and still be eligible for either full or reduced benefits (depending on your earnings). You must tell us about any odd job or part-time work that you are doing when you file a weekly claim certification. Also, you must tell us if you are doing any kind of work without pay.

You must report all wages you earn **during each week** for which you claim unemployment benefits. Even if you are not paid the money earned that week until a later time, you must report the earnings during the week in which the wages were earned. Again, earnings are reported when earned, **NOT** when paid. If you fail to report wages at the time you do the work, you will be overpaid benefits. In addition, you may be subject to severe penalties. (See “Making false statements”).

You must report your *GROSS WAGES* (wages before deductions). Do not report net or take-home pay. Unemployment weeks start on Sunday and end at 11:59 pm on Saturday. If you don't know the exact amount you earned for a week, ask your employer to give you that information before you file. Never

guess or estimate your wages. If your employer uses a different payroll week, it is your responsibility to determine what you earned during the calendar week (Sunday through Saturday) used for your unemployment claim. If you are being paid a monthly salary, ask your local office to help you determine how much to report each week.

Earnings include tips, commissions, and wages from odd jobs and part-time work. If you are paid your regular wage for travel time to and from work, you must report that income as wages. If you are paid for going to a job site to see if work is scheduled that day, this “show-up” pay is reportable wages. Earnings also includes income from self-employment. If you are reporting income from self-employment, you must report your net profit. This is the amount that remains after you subtract your business expenses from what you were paid. You must report your hours worked, even if you are not making any money. If you are an official in a union or other organization, you must report wages for any work you do.

You also are required to report any work for which you receive something of value instead of cash. For example, if you are working for someone to pay off a debt, or if you do work for your landlord instead of paying rent, that work has cash value. The same is true if you are living with someone who is not a family member, and you work for that person in return for room and board. In these examples, it is the same as being paid cash wages to apply to the rent, debt, etc.

Though income from a profit sharing plan sponsored by an employer for whom you worked is generally not considered wages and is not deductible unless it is used as all or part of a retirement pension plan, notify your local office of the receipt of this payment so that your claim can be noted.

National Guard and Reserve Earnings for Weekend Drills

Earnings received while working National Guard drills on or during the weekend must be reported, but these specific wages are not deductible from unemployment compensation benefits. National Guard training that is typically completed during the summer is considered employment, and you would not be eligible for unemployment benefits during this paid “training”.

If You Made A Mistake When Filing and Submitted the Claim Certification

If you made a mistake when filing your weekly claim certification or aren't sure you correctly answered a question, contact or report to your local office to relay this information. The local office can review the responses you provided and then advise you as to how your claim is affected and what to expect. If you received a message to contact the local office to provide additional information and do so within the timeframe given, the local office can gather the additional evidence requested to either resolve the issue or refer it to a deputy for a formal decision. However, some responses are final and will automatically result in a decision being rendered to you. Therefore, it is extremely important that you exercise caution when filing your weekly claim certification. Errors can result in a delay or denial of payment for the week. In the event an overpayment results due to the error, it is your responsibility to repay the overpayment.

Reasons You Must Contact Your Local Unemployment Office

There are many reasons that you may be requested to contact your local unemployment claims office. Requests may be made by written correspondence, telephone, or electronic notification. If you were mailed a letter to contact your local office, bring the letter or notice with you. You are required to attend any scheduled appointments and/or respond to requests for information. To prevent either a delay of benefits or a denial of benefits, make sure you read or listen to all information carefully and follow the directions given. Open all mail sent to you from our Agency, and follow any directions or instructions given. If at any time you do not understand a recording or mailing, either call or report to your local unemployment claims office for help. Do not delay as failure to respond could result in a delay or a denial of your benefits.

Changing Your Address

From time to time, you may receive a letter from our office. The Agency must be able to contact you regarding job referrals, payment, and eligibility issues, and have a current address to mail out your tax statement, Form 1099-G,

Statement for Recipients of Certain Government Payments. Additionally electronic payment cards are mailed to the address of record.

If you move while you are unemployed, it is your responsibility to notify the Unemployment Compensation office that serves your new location of your new address. You should do this as soon as possible. Failure to notify the Agency may result in you not receiving, or receiving late, a letter that may be time sensitive, and your failure to respond could result in a denial of benefits.

You may report the address change to a local office representative by telephone, by mailing a letter, by reporting in person to the local office, or by using the IWR to change your address when you file your weekly certification claim. You will be asked to provide your Personal Identification Number (PIN).

If you move to a different area of West Virginia, your new claims office will transfer your records from your old office. Always take identification and any forms that you received concerning your claim when you report to a different local office. This makes it easier for that office to decide how to process your claim, so that you will continue to receive benefits without undue delay.

If you move out-of-state, you must contact the Interstate office to reopen your claim. You would thereafter be filing as an INTERSTATE claim. (See ["Filing Interstate Claims"](#)).

Changing Your Telephone Number

We often use the telephone as our first point of contact when questions arise with a claim or information needs to be obtained or clarified by you. By doing so, you are benefited because the Agency can obtain information quicker, resulting in more efficient processing of your claim. Additionally, at times the Agency sends out automated telephone calls to relay claim messages and/or pertinent Agency messages.

Therefore, it is important that you advise our Agency any time a change occurs to your telephone number. You should do this as soon as possible. You may report a change to a local office representative by telephone, by mailing a letter, by reporting in person to the local office, or by using the IWR

to change your telephone number when you file your weekly certification claim. You will be asked to provide your Personal Identification Number (PIN).

Providing or Updating Your Email Address (Optional)

The IWR system gives you an opportunity to provide your email address to our Agency when you file your weekly claim certification. This is optional information; you are not required to provide this information. You may also update your email address on the IWR when filing your weekly claim certification.

NOTE: The Agency does not use email addresses as a primary method to contact you regarding your claim. Contact from the Agency routinely occurs by written notice or by telephone.

Eligibility Review Program

From time to time, you may receive a letter from our office. Do not assume to know what the letter is regarding. Open all mail as soon as it is received as often mail is time sensitive and a delay in responding could result in a denial of benefits. An Eligibility Review Notice is one such form. Complete the form and return it by mail, respond by telephone or report in person with the notice. The notice will give you the time frame in which to respond. If you fail to respond in the time allotted, your benefits may be delayed or denied.

The Eligibility Review interview serves two (2) purposes. The first is to help you in returning to work as soon as possible. Second, the interview is conducted to make sure that you understand and are meeting the eligibility requirements for receiving unemployment compensation benefits.

During the interview, if conducted via telephone or in-person, we will discuss your job search efforts, your prospects of obtaining suitable work, and other information that has a bearing on your availability for work. If your Eligibility Review is conducted via mail, your form will be reviewed for any barriers to returning to suitable, full-time employment. If any barriers are detected, the local office interviewer will attempt to contact you by telephone to resolve the barriers.

Worker Profiling/Re-employment Services

WorkForce West Virginia is required by law to utilize a system of profiling individuals who file new claims for regular unemployment compensation to identify those who will be likely to exhaust regular unemployment benefits and who need job search assistance to make a successful transition to new employment, and refer identified individuals for re-employment services through the Job Service/WorkForce West Virginia Center. Profiling does not void the requirement to register with a Job Service/WorkForce West Virginia Center or American Job Center network.

If you are selected, you will receive a letter from our office. Do not assume to know what the letter is regarding. Open all mail as soon as it is received as often mail is time sensitive. You are obligated under law to participate as a condition of eligibility for regular unemployment compensation benefits, and failure to report or participate could result in the denial of benefits.

Reporting a Return to Full-Time Work When Filing for Benefits

You are eligible to receive unemployment benefits only until you return to full-time work. This may be either full-time permanent employment or temporary employment wherein you are working full-time hours. Unemployment compensation weeks run from Sunday through Saturday. Use the following examples to determine how to file your last weekly claim certification when you begin a full-time job.

EXAMPLE 1: You started full-time work Sunday or Monday of the week you are claiming. Regardless of your earnings, you worked full-time hours and are not eligible for benefits for the week. Do not file the claim. (You are not required to contact us to report your return to work.)

EXAMPLE 2: You started to work between Tuesday and Saturday of the week you are claiming. File the weekly claim certification, but report all hours worked and gross earnings for the week, even if not yet paid. **Never estimate your earnings.** If you don't know your exact earnings for a week you are claiming, obtain that information from your employer before you file the claim. You may be due a partial payment based upon the number of hours worked and gross earnings.

Restarting Your Claim

Your claim will become inactive when you return to full-time work or when you stop filing your weekly claim certifications. Any balance left in your account will be available to you if you are unemployed again during the same benefit year. Should this occur, you must report in person (if in-state) or contact the Interstate office (if out-of-state) to restart your claim. **You should do so soon as possible; you may lose benefits if you delay restarting your claim. Claims are made effective the Sunday of the week in which you restart your claim.**

If you were employed during this break in filing, you will be filing an **Additional Claim**, as you had additional work since last filing your weekly certification for benefits. Be prepared to give us the names, mailing addresses, and the dates you worked for every employer you had since last filing your weekly certification. The reason you are separated from your employment will affect your claim in the same way as when you first filed your claim for benefits. If you are separated for any reason other than lack of work, a decision will have to be made regarding your continuing entitlement to unemployment benefits.

If you did not return to work, but stopped filing your weekly certification, and want to restart your claim for benefits you would file a **Reopened Claim**. You will also be asked the reason(s) you stopped filing your weekly certifications.

Refusing an Offer of Work or a Referral for a Job

You must tell the claims office about **all** work offers and referrals to employment you receive, even if you do not feel the work you were offered or referred to be suitable.

As stated previously, you must be available for suitable work. Many factors are considered in deciding whether a given job is suitable. Among the things we look at is your previous work experience and how long you have been unemployed. We consider any possible risk to your health, safety or morals, as well as the distance of the work from your home. Also, we consider your fitness for that particular job and the pay offered.

If you fail to accept an offer of suitable work, without good cause, you will be denied benefits for the week in which you failed to accept the job and the four (4) following weeks. In addition, the total amount of unemployment compensation available to you will be reduced by four (4) times your weekly benefit amount. The same penalty will be applied if you fail, without good cause, to accept a REFERRAL to suitable work. (A referral is a written notice instructing you to apply for work with a specific employer. Either your local claims office or a Job Service/American Job Center network may offer you a referral).

How Attendance of School or Training Affects a Claim

You are required to tell us when you are attending school or taking any kind of training while claiming benefits. It is best to advise us of any plans to enroll in school or attend a training beforehand to prevent any delay in your payments. All training must be noted on your claim prior to using the IVR/IWR to file your weekly claim certifications.

If you are attending high school, or taking academic courses at the college level, you may be eligible for benefits. Your eligibility depends on how your schooling affects your availability for full-time work. You must continue to make an active search for work each week while in training that is not considered vocational in nature. Some examples include, but are not limited to, taking an online class to brush up on a skill or to prepare for a board certification, substitute teacher training (normally a couple of days), Union Hall specific trade training, and National Guard training (weekend drill).

You may be eligible for benefits while taking vocational training to learn new skills or upgrade existing skills. However, the training must improve your chances of getting a job. If your local office approves such training, you are not required to seek work or accept a job offer while you are taking the training. If you stop attending approved schooling or training, notify your local office. Once approved training ends, you must begin to immediately make an active search for work and keep a record of your job contacts.

IMPORTANT: If you are enrolled in a vocational training program considered approved by our Agency, you will be mailed Form D-127, Notice to Claimants Attending Approved Training, midway through your semester. **It is your**

responsibility to have this form completed by your educational facility and return it to your local claims office by the deadline provided. Failure to return the form will result in a delay and/or denial of benefits.

How Pension, Retirement, or Social Security Benefits Affect a Claim

If you have applied for, or are receiving, a retirement pension or annuity, Social Security retirement benefits or any other type of Social Security benefits, you must report this fact to our Agency. You must also notify our Agency any time you start receiving benefits or anytime the amount of your pension changes. You must report all pension income when you apply for benefits. We will advise you how a particular pension affects your claim.

Retirement income **is deductible when** such income is from a fund contributed to by a base period employer. Your weekly unemployment benefit will be reduced by the weekly amount of this payment, or in other words “dollar for dollar”.

For example, suppose you are receiving a \$600.00 monthly retirement pension from a base period employer. To calculate the weekly amount, the monthly amount is multiplied by twelve (12), then divided by fifty-two (52). [$\$600.00 \times 12 = \7200.00 , divided by 52 = $\$138.46$.] This is the amount that will be deducted. Once that amount is deducted, your weekly benefit amount will be rounded down to the next lower even dollar amount.

Lump Sum Pensions: If you receive a lump sum pension payment from a base period employer at any time while filing for benefits, you would be ineligible for unemployment compensation benefits for the week the lump sum was received if the payment is greater than your weekly benefit amount.

Pension Roll Overs: If at the time of separation 100% of your employer funded pension is rolled over into another retirement account, such as an IRA, it will not affect your claim. However, if you make a withdrawal from this or any other account that contains funds contributed by a former employer, you **must** notify your local claims office of the withdrawal. The local office will determine if the payment affects your benefits.

Non-base period employer pensions, Social Security old age retirement benefits, Social Security Disability, and non-retirement disability are not deductible from your unemployment benefits. However, you still must inform us if you have applied or are receiving such income. We will question you as to whether you are still able and available for full-time work and whether you will be limiting your earnings due to the receipt of these retirement benefits.

How Social Security Disability Affects Your Claim

If you apply, or have already submitted an application for Security Disability benefits, you must inform your local unemployment claims office and provide the date of your application. Additionally, if you are receiving Social Security Disability, or start receiving benefits at any time during your benefit year, you must inform your local office immediately and provide the effective date of the receipt of these benefits. These questions are asked, and certified as true by you, each week on your weekly claim certification. Failure to disclose this information to this Agency may result in an overpayment of benefits to you and/or a fraud decision being issued. (See "Making False Statements").

Ability to work is one of several eligibility requirements that must be met in order to receive unemployment compensation benefits. Therefore, we will question you as to whether you are still able and available for full-time work, what type(s) of work you can perform, and your prior experience and training. If you are unable to perform your usual job duties but can perform other types of full-time work, you must be willing to accept the customary wage for the new occupation(s) in which you are seeking work.

We will review your work history to determine if you have worked in full-time employment since you applied for, or started receiving, Social Security Disability benefits. If your work history does not support that you have worked full time since applying or receiving Social Security Disability benefits, you must bring in a form from a licensed physician that certifies that you are physically and mentally able to work full time and which lists any restrictions that you may have. Failure to provide said documentation will result in a denial of benefits. **(NOTE: WV law specifies that documentation must be submitted from a licensed physician. The medical definition is a doctor of medicine or osteopathy, specifically a M.D. or a D.O.).**

Availability for full-time work is an eligibility requirement that must also be considered if you are receiving Social Security Disability benefits. Accordingly, we will question you as to whether you have previously or are currently limiting your wages to prevent any penalties being imposed by the Social Security Administration.

If You Receive a Bonus, Wages in Lieu Of Notice, Holiday or Vacation Pay

You must report any bonus received during a week you claim. This would include incentive pay, an attendance bonus, or safety awards. A bonus is deductible from your weekly benefit amount.

An employer may pay a worker wages for one or more weeks past his or her last day of work to compensate for a layoff with little or no advance notice. This is called wages in lieu of notice. It will affect your benefits in the same manner as if you were working during the **week(s) the payment covers**. If you receive wages in lieu of notice, you must provide your local unemployment office the gross amount of the payment and the time frame to which it applies.

Sometimes an employer may pay a worker severance pay upon separation of employment. This type of payment differs from wages in lieu as severance pay is not wages, is not deductible, and will not affect your claim. If you are unsure whether a payment is severance pay or wages in lieu of notice, contact your local office for assistance.

You must report any vacation pay or holiday pay that applies to a week you claim. (Note: Vacation pay is not always deductible income, but still must be reported. Your local office can tell you if your vacation pay affects your benefits.) Holiday pay is generally deductible the week in which the holiday occurs. If required to work a qualifying day to receive the holiday pay, then it is deductible the week in which received.

How Earnings Affect a Claim and Benefits

We explained that you may do some work during a week and still be eligible for benefits. However, you are ineligible for any benefits during any week that you work full-time hours.

If you are working less than full time, and meet the other eligibility requirements of the West Virginia Unemployment Compensation law, you can earn as much as \$60.00 per week, before taxes, and still receive your full weekly benefit amount. Wages of more than \$60.00 per week are deducted from your weekly benefit on a dollar-for-dollar basis.

For example, suppose your gross wages for the week are \$66.25. This is \$6.25 more than you can earn without a reduction. Therefore, we must subtract \$6.25 from your benefit payment for that week. Your payment will be rounded down to the next lower even-dollar amount. (Other forms of deductible income, such as holiday pay, bonuses, etc. will reduce your weekly benefit in the same manner).

Please note that if you are receiving a deductible pension or retirement income, the full weekly amount of such income must be subtracted from your weekly benefit. (See” [How Pension, Retirement or Social Security Benefits Affect a Claim](#)”).

Any deduction from your weekly benefit because of earnings, etc. remains in your benefit account, and may extend the number of weeks for which you can be paid during your benefit year. It is to your advantage to accept part-time work or odd jobs when they are offered to you. However, if you are separated from **any** employment for a reason other than lack of work, a decision will have to be made regarding your continuing entitlement to unemployment benefits.

You Must Report Any Earnings or Other Income

When you report earnings, you must report the **gross** (before deductions) amount **when earned—not when paid**. Never guess or estimate your earnings. Ask your employer the exact amount earned before filing.

You must report wages for any work you do and the total number of hours worked, even if you are not paid until after the week(s) you are claiming. You must report work for which you received something besides money as payment; i.e., working for a property owner instead of paying rent. You will

need to keep a record of any odd job or part-time earnings for verification purposes.

Any week that you claim benefits and earn equal to or greater than your weekly benefit amount plus \$60, that week will not be payable due to excessive earnings. You will not receive a written notification informing you that your earnings were in excess of your weekly benefit amount plus \$60. If you disagree that the earnings you reported are excessive and should not prevent payment of the week, you may **request a written, appealable decision** from your local office. Contact your local office immediately for any week where you question why you did not receive a payment for the week. The office will review your claim to determine the reason for non-payment of the week in question.

You must report any bonus, vacation pay, holiday pay, wages in lieu of notice, retirement pension, an annuity, or Social Security benefits received. The local claims office will determine if such payments affect your benefit amount.

You are not required to report non-wage income such as interest earned on bank savings or investments. You do not have to report rental income, lottery winnings, tax refunds, or money received from the sale of personal property.

You do not have to report money given you by an employer to cover your transportation or your meals and lodging away from home. However, if you are paid your regular wage for travel time to and from work, you must report that income as wages. If you are paid for going to a job site to see if work is scheduled that day, this “show-up” pay is reportable wages. Any time you are unsure whether income is reportable or deductible from your weekly benefit amount, contact your local office for assistance.

Even though severance pay is not deductible and will not reduce your weekly benefit amount, you are required to report the receipt of severance pay received from your last employer to your local office so that your claim may be noted. Severance pay is not wages and cannot be used to establish monetary eligibility on a future claim. (If you are unsure whether a payment is severance pay or wages in lieu of notice, contact your local office for assistance.)

You must notify your local office if you receive income from a profit sharing plan sponsored by an employer for whom you worked. Generally, such income is not considered wages and is not deductible unless it is used as all or part of a retirement pension plan.

Back-Pay Awards

If you receive a back-pay award from a former employer, you must report that fact to your local office. Back-pay awards are treated as wages earned during the period specified in the Award Notice. Any unemployment benefits you received for that period must be repaid. In West Virginia, employers are required to report back-pay awards to WorkForce West Virginia and to deduct from such awards any unemployment compensation that was paid for the same period. The employer sends us the deducted amount to cancel the overpayment.

Workers' Compensation Awards

You may qualify for Workers' Compensation benefits if you are injured at work. You must tell us if you have applied for, or are receiving, such benefits.

You are not eligible to receive unemployment compensation for any week that you qualify for a **temporary total disability** payment from a workers' compensation fund. You are considered not able to work when you are receiving this type of payment. However, if you are receiving a permanent partial disability payment from Workers' Compensation, you may still be eligible for unemployment benefits. Your eligibility depends on the extent to which your disability limits the work you can do.

Making False Statements

If you **deliberately** make a false statement, or **withhold** information to receive benefits, you are committing an act of fraud. You will be subject to severe penalties which would be addressed in a formal fraud decision issued to you. It does not matter whether you received a monetary benefit as a result of the false statement. Making a false statement may cause you to be penalized from receiving benefits for 52 weeks.

If benefits are paid, an overpayment will be established on your claim and you will be required to repay all benefits received. A **20% penalty** will also be added to the overpaid amount for benefits received as a result of fraud. Failure to pay the overpayment will result in the unpaid fraud overpayment being reported to the credit bureaus as a debt. This will be shown negatively on your credit report, which in turn may affect you well after you've returned to work.

In addition, when you make a false claim for benefits, you are committing a criminal act. This means you may be prosecuted in criminal court. If charges are filed and you are found guilty, you can be fined from \$100.00 to \$1000.00 and/or be sentenced to as long as thirty (30) days in jail for each offense. Also, the court may direct you to repay benefits you received fraudulently. Each false claim is a separate offense. For example, if you file four (4) continued weekly certifications without revealing that you were working during the weeks you claimed, you may be charged with committing four (4) criminal acts. If convicted on all four (4) charges, you could face as much as a \$4,000.00 fine and one hundred twenty (120) days imprisonment.

Considering the serious penalties for fraud, it pays to provide complete and truthful information on all forms that you complete. If you are in doubt about the proper answer to a question, don't take a chance. Ask your local office for advice before you file what could be a questionable claim.

Losing Your Right to Collect Benefits

The Unemployment Compensation system is designed to help individuals who are unemployed through no fault of their own. However, it does have rules and regulations that must be followed. The following actions may result in the loss, denial, or delay of benefits. You will be required to repay any benefits improperly received as a result of your non-disclosure or misrepresentations of a material fact, along with any fraud penalties assessed.

It is YOUR responsibility to contact your local unemployment office in these instances:

- If you change your address, phone number, and/or have a name change.
- If you quit ANY job.

- If you are discharged from ANY job.
- If you leave a job due to health reasons.
- If you leave your job to participate in a strike or labor dispute.
- If you fail to submit a weekly claim certification timely.
- If you fail to register with, or report to, a Job Service/WorkForce West Virginia Center or American Job Center network as directed.
- If you fail to actively look for full-time work.
- If you fail to follow up on a referral for work.
- If you refuse a job offer for any reason.
- If you are unable or unavailable for full-time work for any reason.
- If you fail to accurately report the number of hours worked and/or earnings from employment.
- If you are engaged in self-employment activity.
- If you begin, or are currently attending, school or training or if you cease school or training.
- If you receive vacation pay, holiday pay, a bonus, wages in lieu of notice, or any other income.
- If you apply for, or begin receiving, a pension or an annuity that was contributed to by a base period employer.
- If you apply for, or are receiving, Social Security benefits such as old age retirement, SSI benefits, or Disability benefits.
- If you apply for, or receive, Workers' Compensation benefits.

Determining Qualification Based on Reason for Unemployment

Unemployment compensation was established to help people who are out of work through no fault of their own. Therefore, if you were separated from your most recent employment, and/or your most recent thirty (30) day employment for a reason other than lack of work, the reason you lost your job will have a bearing on whether you are entitled to benefits.

Each time you become unemployed and apply for benefits, we ask you to furnish your reason for being unemployed. We send a request for separation information to your last employer (and sometimes to a previous employer). The employer is asked to verify the information you furnished. If conflicting information is received or additional information is required from any of the parties, you would be advised as to what was needed and how/when to respond. During the fact-finding process, benefits will not be paid.

If there is a question as to whether you qualify, we will gather the needed facts. Then we will issue a Deputy's Decision to you and to your affected employer(s). The decision will tell you whether you are *APPROVED* or *DISQUALIFIED* (denied benefits). See "Deputy's Decision" for more information about Deputy's Decisions.

It is important that you file your weekly claim certifications timely for each week during this process. If you are granted benefits, you would be paid for the weeks that were filed timely, provided all other requirements have been met to receive unemployment. Benefits will not be paid for weeks that were not filed.

You will be disqualified if the deputy finds that you:

- Quit your most recent work voluntarily (even if it is only a part-time or odd job that you have been working while seeking full-time employment) without good cause involving fault on the part of the employer; OR,
- Quit your most recent work voluntarily for a health related reason and you failed to notify your employer prior to leaving the job or within two business days after leaving the job or as soon as practicable and/or you failed to present to this Agency written certification from a licensed physician within thirty (30) days of leaving the job that the work aggravated, worsened or will worsen your health problem. **(NOTE: The law specifies that the certification can only be from a licensed physician. The medical definition is a doctor of medicine or osteopathy, specifically a M.D. or a D.O.).**
- Quit to relocate. The one exception is an individual who has voluntarily quit employment to accompany a spouse who is serving in active military service that has been reassigned from one military assignment to another. In this case you must present a copy of the written relocation orders along with a marriage certificate.

- Were discharged (fired) from your last job (or sometimes a previous job), for work-related misconduct.

Hearings Before the Deputy

Before we issue a Deputy's Decision, we give all interested parties a fair opportunity to present facts that have a bearing on the issue. From time to time it may be necessary for the deputy to schedule an informal telephone hearing called a Predetermination Hearing before a decision is issued. This is done at the deputy's discretion. You will be sent a written notice if a telephonic hearing is scheduled. This notice will tell you the date and time of the telephonic hearing. Please make sure the phone number listed on the notice is your correct number so the deputy can reach you. If you do not participate in this hearing, but the employer participates, the deputy would only have your initial statement to base the decision on regarding your separation. Your absence from this hearing would allow statements from the employer to go unchallenged by you.

Deputy's Decisions

Whenever an issue is raised that might affect your right to receive benefits, we are required to investigate and issue a Deputy's Decision. This is a written notice that explains to you why you are (or are not) eligible or disqualified from receiving benefits. If you are disqualified, the decision will tell you when the benefit denial period begins and ends. If you disagree with the Deputy's Decision, you may appeal it. The affected employer also has appeal rights. Please refer to [Appeal Rights](#) for further information. If you do not understand a Deputy's Decision, ask your local office for assistance in explaining the section of the law that applies to your case.

Examples of reasons where you may be disqualified or ineligible:

- You quit a job or are discharged from a job
- You fail to file your weekly certification timely
- You fail to register with, or report to, a Job Service/WorkForce West Virginia Center or American Job Center network as directed
- You aren't available for full-time work
- You fail to actively search for full-time work as directed

- You fail to follow up on a referral for work
- You fail to apply for and/or accept available work
- You receive a bonus, wages in lieu of notice, holiday pay or vacation pay
- You receive a back-pay award, Workers' Compensation, or benefits from a pension contributed to by a base-period employer
- You are applying for or receiving unemployment benefits from another state
- You cannot provide documentation of your identity and/or citizenship when required
- You receive a reasonable assurance of returning to work for an educational institution
- You apply for or start to receive Social Security Disability

Appeal Rights

You have the right to appeal any Deputy's Decision you believe is incorrect. If you wish to file an appeal, you must do so within the time limit set by law. A Deputy's Decision becomes final unless you, the employer, or any interested party appeals within eight (8) calendar days from the date the decision was mailed. If the final appeal date ends on a holiday or weekend, the appeal date is extended to the next business working day. An appeal may be submitted in the form of a letter, postcard, memorandum, fax, or WorkForce Unemployment Compensation Appeal form obtained at the local office. The filing date of an appeal sent by mail is the postmark date.

When the appeal is filed, the following information must be included:

- Date of the appeal request.
- Your Claimant Identification Number or last four digits of your Social Security Number.
- A short statement that you want to appeal the Deputy's Decision. You do not have to tell us why you believe the decision is incorrect. Please include the date of the decision being appealed.

- Original signature of individual appealing.
- When the employer or employer representative is the party appealing, include the official title of the employer representative.

Payment IMPORTANT: Continue to file your weekly certifications timely while the decision is under appeal. If you win your appeal, you can only be paid for weeks you claimed.

Appeal Hearings

Appeal hearings are scheduled and conducted by the WorkForce West Virginia Board of Review. The Board will send you a written notice telling you the time, date, and location set for your hearing. An Administrative Law Judge (ALJ) will conduct the hearing. You will be permitted to give testimony on your own behalf, and you may bring witnesses to give additional testimony. If you wish, you may be represented by an attorney. (The Board will review the amount the attorney charges you to make certain the fee is not excessive.) The employer named in the decision that is under appeal also will be notified and has the right to attend the hearing and give testimony.

The Board of Review is located in Charleston, West Virginia, and the telephone number is (304) 558-2636. Some ALJ hearings may be conducted by telephone instead of in person. By using a conference call, the ALJ will ensure that each party can hear the testimony given by all parties. You can request a telephonic hearing prior to the hearing date by calling the Board of Review.

If you have a good reason for not being able to attend the hearing, such as a scheduling conflict, you should contact the Board of Review **prior** to the hearing date and ask to reschedule the hearing for a later date. You must allow sufficient time for the Board of Review to mail a new hearing notice to the employer. If you fail, without good cause, to attend a hearing you requested, your appeal will be dismissed. If you fail, without good cause, to attend a hearing requested by an employer, you will give up the right to tell your side of the story. The ALJ will consider only the evidence presented by the employer.

The ALJ will issue a new decision based on the evidence gathered at the hearing. This decision may affirm (uphold) the decision the Deputy made or it

may modify or reverse it. If the ALJ's decision is not in your favor, you have the right to appeal to the Board of Review again. The ALJ's decision will include appeal instructions. An appeal must be filed **within eight (8) calendar days** from the date the decision was issued.

The ALJ's decision also may be appealed by the interested employer or by WorkForce West Virginia. If the decision is appealed, the Board of Review will schedule a hearing, usually at the Board office in Charleston. Normally, it will not be necessary for you to appear at this second hearing. In most cases, the Board only reviews the evidence that was presented to the ALJ. However, you will be notified of the time and date of the hearing. Your notice will include instructions explaining how Board hearings are conducted and other information you will need if you decide to attend. The Board of Review may affirm, modify, or reverse the decision made by the ALJ. The Board's decision may be appealed to the Circuit Court, and the decision would advise you how to do file an appeal and the fee involved. You may thereafter appeal a Circuit Court decision to the Supreme Court.

Again, we wish to stress that you should always continue to file your weekly claim certifications if you remain unemployed while your case is under appeal. **You can only be paid benefits for weeks you claim in the proper manner.**

If the Deputy, the ALJ, the Board of Review, or a court holds that you are eligible for benefits, you will be paid whatever is due you at the time that decision is made, even though the decision may be appealed. However, it is important that you understand that if you lose your case at the highest level your case reaches in the appeals process, you must repay any benefits you received for the specified denial period.

Detecting Improper Payments

Our Agency detects improper payments in a number of ways. All claims are subject to random audits. If your claim is selected for such an audit, a Quality Control investigator may meet with you to go over your claim. The investigator also will contact former employers to verify payroll records and the reason you became unemployed. You must be able to furnish enough information regarding the employers you have contacted to show that you

have made satisfactory progress in seeking work. These employers will be asked to confirm your work search efforts.

In addition, every three (3) months, all covered employers in West Virginia are required to send us reports listing their employees' names and wages. We match these reports against claims filed for the same period. We also cross reference wage files of other states. If we find that you were paid benefits for any week that you were employed and did not report wages, or reported wages incorrectly, we must investigate. If your claim appears on this cross-match report, you may be notified to contact your local office for an interview to determine what action needs to be taken.

Through cooperation with the National New Hire Directory, employers report all newly hired employees, giving the names, Social Security numbers, and addresses of all individuals who become employed. This new hire data is compared with the unemployment benefit system to insure that you report your return to work dates and earnings correctly.

We use these and other methods to make certain that only eligible claimants receive benefits and that each claimant is paid the proper amount.

Refunding Overpayments

If you receive benefits you are not entitled to, you are required to repay the benefits, regardless of how it occurred. West Virginia Unemployment Compensation law does not allow overpayments to be waived. When an overpayment is detected, we issue a notice telling you how the overpayment occurred, the amount of money involved, and how to refund the amount due us. If you believe that the notice is incorrect, you have the right to appeal. (See "Appeal Rights").

Once an overpayment decision becomes final, we must withhold any benefits you claim so that they may be applied to the overpayment. An overpayment may also be recouped through an Internal Revenue Service (IRS) intercept, meaning your Federal and State tax returns would be applied to the overpayment. If the overpayment remains unpaid and you would become unemployed and file a claim in the future, we must recover the amount due us

from your benefit on that claim. This means you would be without benefits when you need them.

It is to your advantage to repay an overpayment as soon as possible. You may repay an overpayment in a lump sum, or you can make installment payments. Payments can be made by mailing a personal check or money order to the Benefit Payment Control Unit (5105), 112 California Avenue, Charleston, WV 25305. The Benefit Payment Control Unit would mail you a receipt for the payment. You may also make payments at local offices by personal check, money order, or cash. You should always obtain a receipt for the payment made at a local office.

Benefit Accuracy Measurement Program

The Benefit Accuracy Measurement (BAM) program is a federally mandated program that is administered in all 50 states. BAM investigators review randomly selected claims to determine whether UI benefit payments were properly issued or denied.

If your claim is randomly selected, you are notified that a particular week is being reviewed for proper payment of your UI benefits, or that a specific denial issue is being reviewed. You must respond to a detailed questionnaire by mail or telephone.

If you are selected for review, you can assist by providing:

- Accurate records of your work history, including dates of employment, reason for any job separation, wages earned, employer addresses and telephone numbers, and rates of pay.
- Records of any money earned during each week for which you have requested payment of unemployment benefits.
- Detailed records of your work-search activities.

Obtaining Information About Your Claim

From time to time, you may have questions about your claim. When this occurs, we encourage you to call our Interactive Voice Response (IVR) system at 1-800-379-1032 or access our Interactive Web Response (IWR)

system online at uc.workforcewv.org to retrieve claims information. Hearing impaired individuals can call 7-1-1 to connect to West Virginia Relay, a free public service that provides a communication link between standard telephone (voice) users and persons with hearing difficulties.

The IVR/IWR system, which provides basic information regarding the status of your claim, is available twenty-four (24) hours a day, seven (7) days a week. In order to access the IVR/IWR system, you must have your Social Security Number and your Personal Identification Number (PIN) available.

If your questions cannot be answered by the IVR/IWR system or by reviewing the information contained on our website, do not rely on advice from friends, family or coworkers. Instead, contact your local office to obtain the correct answers to your questions. Do not call the Agency collect as these calls cannot be accepted. Do not ask someone else to call on your behalf. It is against the law for us to give information about your claim to other individuals, such as your spouse, other family members, or friends, without your permission. If you wish to grant your spouse access to your information, you must contact your local office to provide your consent.

Extended Benefits Programs

When the West Virginia unemployment rate exceeds a certain level, you may be entitled to additional weeks of benefits after you exhaust entitlement to all regular benefits. If an EXTENDED BENEFIT period is declared, and it appears that you qualify, we will send you a notice to report to your local office.

The maximum additional amount you can receive in West Virginia is thirteen (13) times your weekly benefit amount. Other federal programs may offer further extensions of your benefit payments. (Your weekly benefit amount remains the same as on the claim that is being "extended.") However, to qualify for extended benefits, you must not be entitled to regular benefits in any state. Further, you must conduct an extensive work search throughout each week, compatible with the number of employers and employment opportunities in the area.

You must have a plan to search for work with an independent effort that may involve, when possible, contacts with individuals with the apparent authority to hire. This requirement may be satisfied by in-person contacts, answering newspaper ads, and contacting business agents by telephone or other methods. You must take action comparable with actions taken by people in the community in search of work. This course of action should include, but not be limited to, registration with the Job Service/WorkForce West Virginia Center or American Job Center network office, union, private placement service, or hiring hall.

During an extended benefit period, you must make a search for work that is not limited to your normal occupation or rate of pay. This effort is to include seeking any type of work that is within your physical and mental capabilities and that pays one (1) dollar more than your weekly benefit amount or minimum wage, whichever is higher. However, if your prospects of returning to work are classified as "good," you may seek work in your customary occupation(s) as defined under Chapter 21A, Article 6-5 of the West Virginia Code.

The work search policy may be suspended for those claimants who are in an approved training program or on jury duty. Also, the work search requirements may be suspended when weather conditions or other such calamities force suspension of such work search activities by most members of the community.

If you file a claim for extended benefits, your local office will furnish you with a more detailed explanation of the special requirements under this program.

Overview of the IVR/IWR Systems

Unemployment Telephone Automated Services

The following services are accessible by calling our Interactive Voice Response (IVR) system toll free at 1-800-379-1032.

- File a timely weekly certification by calling between *Sunday 12:01 AM EST- Friday 5:00 PM EST*
- Learn general information on unemployment compensation

- Locate local offices and hours of operation
- Obtain six weeks of payment information, including the amount of gross unemployment compensation paid for the prior year
- Determine the amount of benefits you may be paid per week
- File a New, Reopened, or Additional Interstate unemployment claim (Out-of-State Residents only). Calls are accepted during limited hours Monday-Friday (See “Unemployment Compensation Local Offices and Itinerant Points”). After answering some preliminary questions, you would then be routed to an interviewer for assistance in filing your claim. Backdating must be requested by speaking with an interviewer.

Unemployment Internet Services

The following services are accessible by accessing our Interactive Web Response (IWR) system on the internet at uc.workforcewv.org.

- File a timely weekly certification by submitting your weekly certification between *Sunday 12:01 AM EST- Friday 5:00 PM EST*
- Change your address, telephone number, provide and/or change your email address
- Learn general information on unemployment compensation
- Locate local offices and hours of operation
- Obtain six weeks of payment information, including the amount of gross unemployment compensation paid for the prior year
- Determine the amount of benefits you may be paid per week
- Enroll for direct deposit or change direct deposit information
- File a New, Reopened, or Additional Interstate unemployment claim (out-of-State Residents only) (7) days a week, 24 hours a day.
- Claims are effective Sunday of the week in which a web claim is filed.

Unemployment Compensation Local Offices and Itinerant Points

West Virginia unemployment local office information can be obtained by calling toll free 1-800-379-1032 and pressing option five (5), or by going online at uc.workforcewv.org and selecting, “For local claim office location and hours.” Both methods will provide you with the mailing address, physical address, telephone and fax numbers, and group times for each office.

The following itinerant offices are serviced by the local office listed in italics. The itinerant offices are open on a very limited basis - usually every other week for only a few hours. Check with your local office for the dates and times your itinerant site is open.

Kingwood (*Morgantown*)
 Putnam County (*Huntington*)
 Spencer (*Parkersburg*)
 Point Pleasant (*Charleston*)

New Martinsville (*Wheeling*)
 Marlinton (*Summersville*)
 Weston (*Clarksburg*)
 Williamson (*Logan*)

Earnings Record

This space is provided to help you keep track of the earnings for each week you worked. Gross earnings are reported the week in which you earn the money. All earnings must be reported, regardless of the amount. This information also will help us determine if you qualify for another new claim after this one expires.

Day Worked	Total hours worked	Gross earnings

Job Contact Record

This space is provided to help you keep track of the jobs you have applied for while filing for unemployment benefits. You may be asked to provide this information if your claim is selected for review.

Names and addresses of employers you contacted	Date of job contact and name of your contact	Method of job contact (completed application, resume, online, phone, etc.)

CLAIMANT'S CERTIFICATION

I certify by my signature below that:

1. I have received a copy of the West Virginia Unemployment Handbook.
2. It has been explained to me that this handbook spells out my rights and duties under the West Virginia Unemployment Compensation Law.
3. I understand that it is my responsibility to read the handbook and to keep it for future study and reference.
4. I agree that if I have questions about my benefit rights and duties that I cannot answer by referring to my handbook, it is my responsibility to obtain the answers by contacting WorkForce West Virginia. I understand that I may access the IVR system by going online at uc.workforcewv.org or by calling, toll free 1-800-379-1032. I may also obtain information by calling my local claims office or bringing my questions to that office in person for answers.

Claimant's Signature

Date

Interviewer's Signature

Date

Social Security Number: XXX-XX- ____ _

PIN _____

(Claimant Copy)

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Claimant's Signature

Date

Interviewer's Signature

Date

Social Security Number: XXX-XX- ____ _

PIN _____

(Local Office Original)

