

Legal Services Programs

Statewide Legal Services: (Entry point for the legal services network in Connecticut). **860-344-0380** Central CT area or **1-800-453-3320**.

Other Legal Services Programs:

Hartford, Hartford County:

Greater Hartford Legal Aid

999 Asylum Avenue
Hartford, CT 06105
(860) 541-5000
FAX: (860) 541-5050

Greater New Haven Area:

New Haven Legal Assistance Association, Inc.

426 State Street
New Haven, CT 06510
(203) 946-4811
TDD: (203) 946-4811
FAX: (203) 498-9271

Throughout Connecticut:

Connecticut Legal Services:

Offices:

211 State Street
Bridgeport, CT 06604
(203) 336-3851

16 Main Street
New Britain, CT 06051
(860) 225-8678

153 Williams Street
New London, CT 06320
(860) 447-0323

20 Summer Street
Stamford, CT 06901
(203) 348-9216

85 Central Avenue
Waterbury, CT 06702
(203) 756-8074

872 Main Street
Willimantic, CT 06226
(860) 456-1761

AIDS Legal Network for CT

999 Asylum Avenue
Hartford, CT 06105
(860) 541-5027 or 1-888-380-3646

This pamphlet was produced by the Legal Assistance Resource Center of CT in cooperation with Connecticut Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, and Statewide Legal Services.

The information in this pamphlet is based on laws in CT as of 2/2010. We hope that the information is helpful. It is not intended as legal advice for an individual situation. If you need further help and have not done so already, please call Statewide Legal Services (see above) or contact an attorney.

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www.slsct.org
www.ghla.org
www.nhlegal.org
www.connlegalservices.org
www.larcc.org



Your Rights When You Apply for *Unemployment Compensation*



February 2010

Introduction



Unemployment compensation benefits are available to people who are out of work through no fault of their own and who meet other requirements.

Unemployment benefits are generally available for 26 weeks or maybe longer when the number of unemployed people is high. This pamphlet will give you details about who is eligible, how to stay eligible, and how to appeal if you are denied benefits.

How do I find out if I can get unemployment compensation benefits?

The best way to find out if you are able to get unemployment benefits is to apply for them. You should apply as soon as possible after you stop working. The Department of Labor will review your claim for benefits and decide if you qualify for unemployment compensation benefits.

TIP:
Apply for benefits as soon as you are out of work.

How do I file for unemployment benefits?

You can apply for unemployment by telephone or online. If you do not have a phone or you have a physical or mental disability, you can apply in person.

Your employer should give you a **separation packet** when your job ends. This packet will have an application and instructions on how to file your claim by telephone using the “TeleBenefits Claim” system. A form (“pink slip”) which your employer fills out should also be in the package. If you do not have a pink slip or separation packet, you should apply anyway. (See Page 18 in this pamphlet or the blue pages of the telephone book).

When you apply you will be asked about your job history, the reason you are not working, and your availability to work now.

Generally, to collect unemployment compensation benefits you must:



- ✓ File a claim (that is, apply for benefits),
- ✓ Have a valid reason for not working,
- ✓ Have earned a minimum amount of money within a certain time,
- ✓ Be able and available to work, and
- ✓ Be actively looking for a job.

(More details are included in this pamphlet).

Things you will need to know or provide when you apply for unemployment benefits:

- Your Social Security number.
- The name, address, start and end dates for all the places you worked in the past 18 months.

Even if one or more of these items is missing, do not wait to file (apply) for unemployment. Unemployment compensation is paid starting with the first week you file for benefits.

When should I call to file my claim?

Again, call as soon as you stop working. If you call by 3:00 p.m. on a Friday, your claim can go back to the previous Sunday. (This means if you call on Friday, January 11, your claim can be for the week of January 6 - 12.)

If you cannot complete your application when you first call the TeleBenefits line, the date of your claim will be the Sunday of the week you called **as long as you call back within 7 days** to finish the application. The TeleBenefits line will have a record that you called earlier in the week.

Are there benefits available for my children?

Yes. You can get a higher amount of unemployment benefits if you have people who depend on you for support. This higher benefit amount is called the *dependency allowance*. Be sure to ask for the dependency allowance when you apply.



You may be able to get an additional \$15 each week for **each** dependent, up to a maximum of \$75 per week. However, this allowance cannot be more than your weekly unemployment benefit.

For example: Your weekly benefit is \$40. You have three children. Because the dependency allowance of \$45 (3 children X \$15) is more than \$40, the dependency allowance is lowered to \$40. Your total unemployment check will be \$80 a week (\$40 weekly benefit + \$40 dependency allowance).

A dependent is any of the following:

- a child under 18,
- a child under 21 who is a full-time student or is handicapped,
- a husband or wife who is not working.

Are unemployment benefits taxable?

Yes, but, when you apply you will be asked if you want taxes taken out of (deducted from) your unemployment benefits. Usually you should only agree to have taxes taken out **now** if you think you will owe taxes for the year.

I applied for unemployment, what happens next?

After you apply, the Department of Labor (DOL) will review your claim. Your reasons for being out of work are very important in determining if you can get unemployment compensation.

If your employer has written that you were laid off for lack of work, you will usually be able to get unemployment compensation.

However, a **hearing** (also called a **fact finding**) will be scheduled if:

- your employer wrote you were fired,
- you voluntarily quit your job,
- information suggests you are not able or available to work,
- you do not have a “pink slip”.

NOTE: If you do not speak and read English well, ask the Department of Labor to have an interpreter available for your fact finding hearing. Ask for an interpreter as soon as you get notice of the hearing.

If you need an interpreter, ask for one right away.

What happens at the fact finding?

The fact finding is informal. When you get your notice of the date and time of the hearing, you will also be given a list of questions that you might be asked. You will be given the chance to present any evidence, documents or witnesses to help make your case.

You can take part in the fact finding by telephone instead of going to the unemployment office. It is usually better to tell your story in person. But if you are not able to go to the unemployment office, you should ask for a telephone hearing.

Your former employer may attend the fact finding in person, by phone, or send a written statement. You have a right to know what your former employer says and you have a right to respond to it.

After the questioning, the fact finder (also called the administrator) will write a report, make a decision, and mail you a copy of that decision.

Common questions:

Here are some questions that are often asked:

- ✓ *Why don't you have your old job?*
- ✓ *Why did you quit? or Why were you fired?*
- ✓ *Did you try to fix the problem with your employer before you quit?*
- ✓ *What are you doing to find work now?* (See Page 7)
- ✓ *What kind of job do you want?* Do not just say what jobs you would like best. Be sure to tell about any job you would take—even if it is not exactly what you would like most.



After the questioning:

The fact finder will write down what you say in a “fact finding report.” When the hearing is over, you will be asked to sign this report. If you had a telephone hearing, the fact finder will read the report and ask if you agree with what it says. Go over the statement carefully. Do not sign it (or agree over the phone) unless the report is correct. Also, you should ask for a copy of the report.

After the fact finding hearing:

You will receive a decision in the mail about whether you are eligible to get benefits. **While you are waiting** for the decision, you must **keep filing your claim** by telephone each week.

You may ask the unemployment office for a copy of all statements and writings used in the fact finding. This information can help you to decide whether to appeal if your claim is denied. (See Pages 12 -13 on appealing the decision).

Who can get unemployment benefits?

To get unemployment benefits, generally you must meet **ALL FOUR** of the following requirements:

1 You must be unemployed. If you work part time, you may qualify as unemployed if you are looking for full-time work. However, you may be eligible for partial benefits if your employer reduces your full-time hours.

2 You must have been employed recently. It is hard to say *how long ago* and *how long* you must have worked because the Department of Labor uses a complicated formula to determine if you can get benefits. However, if you have not worked in the past 18 months, especially if you worked less than 3 months, you may not have earned enough wages to be eligible. Even if you are not eligible right now, you may be eligible in the near future. **The best way to find out if you are eligible is to apply.**

3 You must be able to and available for work. Unemployment benefits are for people who could work if they had the chance. If you are physically or mentally unable to work, you are probably not eligible for unemployment benefits. But if you can work only part time because of a disability, you may still be eligible.

You are also **not** eligible for unemployment benefits if you have responsibilities that would keep you from taking a job if one were offered to you. These responsibilities include taking care of a relative or going to school full time. But, if you could and would change your schedule to take a job, you may be eligible.

Note: You do not have to take just any job to keep getting unemployment benefits, **but you cannot be unreasonable** about the kind of work you will look for and take. At first, you can look for work that uses your skills and experience and pays the going rate for those skills. However, if these jobs are not available, you may have to start looking for jobs that pay less or do not use your skills and experience.

4 You must be making a reasonable effort to find work. To keep getting benefits, you must make **at least 3 job contacts a week on 3 different days**. You must also accept offers of suitable work. (See Page 11, “Your 3 Responsibilities”).

TIP:

Job contacts should be made in person. Contacts by phone, mail or e-mail are not as convincing. Also, fill out an application or keep a copy of letters you send-- it makes it easier to prove you are trying to find work.

Keep a written list of the contacts you make and the places you have applied. Include on the list:

- where you went,
- the dates you went,
- the addresses, and
- the names of people you spoke with.

Important: If you are questioned about your efforts to find work and you cannot

give this information to the unemployment office, you might have to pay back the unemployment benefits you received. Have this list ready when you file your claim on the phone and take it with you whenever you go to the unemployment office.

If I quit my job, can I get benefits?

Whether you can get benefits depends on **why you quit**. Before you quit, you should talk to a lawyer to protect your right to collect unemployment. **Call Statewide Legal Services** for advice even if it is *after* you quit. Also see the Legal Aid pamphlet, *Your Rights to Unemployment Compensation When You Voluntarily Quit Your Job*.

Important: It is usually harder to collect unemployment compensation if you **quit**. Generally if you voluntarily quit work, you will not be able to collect unemployment benefits unless **you** can prove that your reason for leaving is allowed by law. (If you are **fired**, it is up to your **employer** to prove why you are not eligible).

If you quit because of problems RELATED to the JOB.

You may be able to collect unemployment benefits if you leave your job for a good reason or “good cause” which is caused by your employer. Your reason for quitting must be strong enough to show that quitting was the *only* reasonable thing to do. These reasons may include:

- unsafe working conditions;
- a job which is damaging to your health; or
- a job that has been changed in a way that is damaging to you.

For example: You work in a dry cleaners and find out you are allergic to the chemicals used. There is not another job there that you can do. This may be seen as a “good cause” to quit.

The rules about quitting are very strict.

Even if you think you have good cause, you should check with a lawyer or the unemployment compensation office **before** you quit to make sure you will be able to get benefits.

You should always try to work out any problems with your supervisor **before** you quit. If you do not give your employer a chance to work out the problem, you may be denied benefits.

What is the penalty for quitting without good cause?

If you are not eligible for benefits because you quit without good cause, you cannot collect benefits until you have found a job and earned at least 10 times your benefit rate. (*This is about 5 weeks of pay if you earn what you made at your old job*).

What are some examples of NOT having a “good cause”?

The unemployment compensation office will probably find that the following reasons are **not** “good reasons” or “good cause” for quitting:

- You quit because you do not like being criticized by your employer. (However, you might have good cause if the criticism is abusive).
- You quit because you did not get a raise you asked for but were not promised.
- If you work for a temporary agency and refuse an offer of “suitable” employment, you will not be able to collect unemployment benefits. By law, whether a job is *suitable* depends on many factors. See Page 11 for reasons that may make a job *unsuitable*. **If you are denied benefits** and you do not think the job was suitable, call Statewide Legal Services.

If you quit for reasons NOT RELATED to the JOB

There are limited situations where you can quit for reasons not related to your job and may still be able to collect unemployment.

You might collect benefits if you quit:

- To care for a spouse, child, or a parent with an illness or disability diagnosed by a health care provider. **But:** If you quit to care for a seriously ill relative, you will probably have to prove that you are “able and available” for work **right now**--or you might not be eligible for unemployment benefits until you are “able and available” to go back to work.
- Because you lost your transportation (this does not include your own vehicle) to get to and from work, and you have no other reasonable way to get to work.
- To protect yourself, your child, your spouse or your parent from domestic violence as long as you made reasonable efforts to keep your job before leaving. (Reasonable efforts may include asking your employer for protection or for a leave of absence from work.)

- You had to move because of your spouse’s job and you had to quit your job because you are too far away to commute.
- You quit a job within 30 days of starting the job because it turned out to be “unsuitable.” YOU MUST be able to explain why the job is unsuitable. YOU MUST be able to explain how the conditions of the job caused you problems. YOU MUST tell your employer about the problem and try to work out the problem before quitting unless it would have been useless to have done so.
- You MAY quit and still get unemployment compensation if you leave part-time work to accept full-time work.

I was fired. Can I get unemployment benefits?

If you were fired, whether you can collect unemployment depends on *why* you were fired. In general, you cannot get unemployment benefits if your former employer is able to prove that you were fired for certain reasons. These reasons include:

- Wilful misconduct (*behavior on the job that was in your control and was harmful to the employer’s interest--such as doing something to hurt the business or knowingly breaking a rule or policy*);
- Being absent without notice and good cause more than 3 times in 18 months;
- Lying on a job application;
- Larceny (*stealing*);
- Failing a drug or alcohol test that was required by the state or federal government;
- Participating in an illegal strike;
- Serving a prison sentence of more than 30 days; or
- Committing a felony.

See the Legal Services pamphlet, *Your Rights to Unemployment Compensation When You Are Fired*.

Now that I have benefits, how do I keep getting them?

Keep filing and looking for work. You have three responsibilities once you start getting benefits. If you are denied benefits and appeal, you should also be sure to meet these responsibilities while you wait for your hearing so that you can get back benefits if you win.

Your 3 responsibilities are:

1 Do not refuse suitable work. If you are offered a suitable job and you do not take it, the Department of Labor may decide that you are not really interested in working. The law says that you cannot get unemployment benefits if you refuse suitable work. If the Department of Labor decides you refused an offer of suitable work, you will not get unemployment benefits until you have gone back to work and earned 6 times your weekly unemployment benefit (about 3 weeks of work).

However, you do not have to accept *unsuitable* work. You may be asked to explain why it was not suitable. You will need to tell the unemployment office the specific reasons that the work is unsuitable for you.

Examples of reasons that the job is unsuitable include:

- The job is available because of a labor dispute, such as a strike or walkout.
- Work conditions are much less favorable than at similar jobs in the same area.
- You would be required to join a company union or not to belong to a union.
- You have no way to get to that job.
- You would have to travel at hours that “put at risk your health, safety, or morals” (this usually means between 1 am-6 am).

- You would have to agree not to leave the job if recalled by a former employer.
- You have good reason to think you can find a job that would use skills you have, and you think those skills would be wasted at the job you were offered.

2 Keep filing for benefits. Be sure to file your claim every week. If you do not, you will stop getting benefits until you reapply. Generally, you will file by telephone. If you begin receiving money from a new job, you must report that to the Department of Labor immediately. If you find a part-time job, you may still be able to collect unemployment benefits. It depends on how much you make at the part-time job and the amount of your unemployment benefits.

3 Keep looking for work. Be sure to follow the rules listed under “Who Can Get Unemployment Benefits” on Pages 6-7 about trying to find work.

What can I do if I am denied benefits?

You can appeal if your unemployment compensation claim is denied. If you appeal, you will get a hearing before a “referee”. The referee takes a fresh look at all the evidence, including anything you want to add that you did not say at the fact finding. He or she will decide whether you are eligible for unemployment benefits.

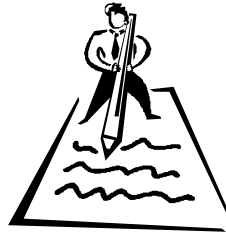
Call Statewide Legal Services
at 1-800-453-3320) before you appeal.
See the next page for how to appeal



How to Appeal:

Note: Before appealing, call Statewide Legal Services or, if the appeal deadline is very soon, file the appeal and then call.

- To appeal, fill out an appeal request form or write your own letter asking for a hearing.
- Your request must be in the unemployment office or Appeals Division Office **within 21 days after the fact-finder's decision** was mailed to you. If 21 days have passed and you have a good reason for being late, you should ask to file a late appeal and explain your reason for being late.
- You can file an appeal in person, by mail, fax or internet (www.ctdol.state.ct.us).
- If you write a letter, include your name, address, social security number, the date the decision you want to appeal was mailed to you, and explain why the decision is wrong. Keep a copy of the letter or appeal you sent.



You will be sent a notice of your hearing date, but if you do not receive the notice within about a month of sending your request, check with the unemployment office to make sure your appeal is being processed.

You must continue to file your claim each week while you are waiting for your hearing date.

You will receive a booklet from the Appeals Division called *Claimant's Guide to the Appeals Process* and information on how to get a free copy of the video, "Preparing for an Appeal Hearing". Both resources are very helpful. You should ask for a copy of the video and read the booklet carefully.

If you do not speak and read English well, you should call well ahead of time and ask the Appeals Division to provide an interpreter. If you show up without an interpreter, the Appeals

Division will probably postpone the hearing. Usually you do not want the hearing postponed if you have been denied benefits because it would mean even longer before you start receiving benefits.

What happens if my former employer does not think I should get benefits?

Your former employer may also appeal. Call Statewide Legal Services right away if your employer appeals. You will get a notice in the mail of the hearing date if your former employer appeals. **Be sure to go to the hearing.** Your former employer will be there to try to prove that you should not get benefits. You should be there to give your side of the story. If you are working when the hearing is scheduled, you may take part in the hearing by telephone. You should let the referee know well ahead of the hearing that you want to take part by telephone. **But, it is always better to participate in person.** Employers may also participate by telephone. You can find out from the referee whether your employer will be at the hearing or will take part by telephone.

What happens at the referee hearing?

Although a referee hearing is not as formal as court, it is more formal than a fact finding. The referee acts like a judge. All witnesses will be asked to take an oath and the hearing will be tape recorded.

You may bring someone to represent you. This person could be a lawyer, a legal representative, a friend, or a relative. Your former employer may also bring a representative. Both you and your former employer may bring witnesses if the witnesses have first-hand knowledge about what happened. If you need help in making sure a witness attends the hearing, ask the Employment Security Appeals Division to help subpoena this witness. Ask for this help well before the hearing date.

At the appeal hearing, the referee usually starts by reading the fact finder's report from the first hearing. The referee will ask each party if his or her statements are true. Then, the referee will ask you and your former employer more questions. When the referee is done, both you and the employer will have a chance to present whatever else you think is important. You will both be given the chance to ask each other questions and present your witnesses and other evidence. This is probably the only chance you will have to tell your side of the case or present information about what happened. So it is very important for you to make sure that before the hearing ends the referee hears about all the facts that you think are important.

Usually the only issue at this hearing will be the reason you stopped working. But sometimes the referee can also ask if you are looking for work. For example, the referee is allowed to ask about your job search if you lost your job due to health or drug or alcohol problems and there is a question as to whether you are really able and available for work now. If asked, be ready with a detailed list of all the places you have contacted or jobs you have applied for since you first filed for unemployment. (*See Page 7-- "You must be making a reasonable effort to find work"*).

When everyone has had a chance to tell his or her side of the story and present evidence, the referee will end the hearing. The referee will mail you a written decision.

The written decision will include a statement of the facts as the referee believes they happened and a decision which goes over the rules and how they apply to your case. At the end of the statement, the referee will write that the administrator's decision is either *affirmed* or *reversed*. *Affirmed* means that the referee agreed with the decision of the unemployment compensation office (the result of the first fact finding hearing). *Reversed* means the referee decided that the decision of the unemployment compensation office is wrong.

What can I do if I think the referee's decision is wrong?

You can appeal again, this time to the Board of Review. Call **Statewide Legal Services** before filing this appeal. **You must appeal within 21 days after the appeal decision** was mailed to you.



The Board of Review normally does not hold another full hearing. It will review your case, including the referee's decision, the tape recorded hearing, and papers or documents submitted at the fact finding and referee hearings and whatever you write in your appeal request.

You can get an appeal form online or at your local unemployment office. Follow the instructions on the form.

There is one big difference in this appeal. Since another hearing is not held, you must tell your side of the story **IN WRITING** and include it when you file your appeal. You should plan carefully what you want to say. If the referee's facts are wrong, say which facts are wrong and give the correct facts. If things were left out, write what was missing. If those things were discussed at the referee hearing, mention that they will be on the tape-recording of the hearing. You can include new evidence and the reason why you did not have the evidence before. You should also say what you think would be the right decision and why it is right. If you have evidence you cannot give in writing, you can ask the Board of Review to have a special hearing to listen to what you want to add.

What if I lose the appeal to the Board of Review?

You can appeal to the Superior Court. In this case, you should definitely seek legal advice.

Are there other programs that can help me while I am not working?

Losing a job can cause money problems quickly. There are local, state and federal programs that can help, including:

- ✓ Food Stamps (Now called “SNAP”)
- ✓ Temporary Family Assistance (state welfare cash assistance)
- ✓ WIC (food assistance for Women, Infants and Children)
- ✓ Energy Assistance
- ✓ Food Pantries and Soup Kitchens
- ✓ HUSKY (Health Care for Uninsured Kids & Youth).
Note: Parents can now be covered by HUSKY also.)
- ✓ Medicaid or State Administered Medical Assistance (SAGA) for adults
- ✓ Social Services in your town
- ✓ Eviction prevention programs
- ✓ State Administered General Assistance (SAGA), or Supplemental Security Income (SSI) or Social Security Disability (SSD), cash assistance for adults with health problems
- ✓ CT Works and local Workforce Investment Act (WIA) programs give help with training and finding new work.

For more information on any of these programs or about other services, call **INFOLINE at 2-1-1** or **STATEWIDE LEGAL SERVICES at 1-800-453-3320** or **860-344-0380**



Unemployment Compensation TeleBenefits Claim Telephone Line

Calling Area	# to Call to File Claim
Ansonia	(203) 230-4939
Bridgeport*	(203) 579-6291
Bristol	(860) 566-5790
Danbury	(203) 797-4150
Danielson*	(860) 423-2521
Enfield*	(860) 566-5790
Hamden	(203) 230-4939
Hartford	(860) 566-5790
Manchester	(860) 566-5790
Meriden	(860) 344-2993
Middletown	(860) 344-2993
New Britain	(860) 566-5790
New London	(860) 443-2041
Norwich	(860) 443-2041
Stamford	(203) 348-2696
Torrington*	(860) 482-5581
Waterbury	(203) 596-4140
Willimantic	(860) 423-2521

*If you live in Kent, North Thompson, Salisbury, Sharon, Stafford Springs, Westport or Wilton, you may call 1-800-354-3305. This number is not available statewide. It is only for these seven towns.

If you live out of state: call 1-800-942-6653.

TDD/TTY users: call 1-800-842-9710