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Your Responsibilities as a Claimant

How to File an Unemployment Insurance Claim

If you become unemployed and have worked in Vermont in the past 18 months, you may be eligible to receive unemployment insurance. Please refer to Section 3 “Base Periods” for more details. Once you become totally or partially unemployed, the time to establish a new claim is during the first week you work less than 35 hours.

An Unemployment Compensation claim becomes effective when filed and cannot go backward in time. It is essential that you open your claim during the first week you are out of work or working less than 35 hours.

Filing for Unemployment Insurance is a two step process. You must first contact the department’s Initial Claims line at 1-877-214-3330 to establish your unemployment claim. Once the claim has been established you must file a “weekly claim” for each “week” in which you want to receive a benefit thereafter. The weekly filing determines your eligibility for payment of benefits. For the purposes of unemployment benefits, a “week” begins at midnight Sunday and runs through 11:59 PM the following Saturday. Generally speaking, you will file a weekly claim on the first Sunday or Monday following the initial contact to the department. Each week thereafter, you must file a weekly claim after the week ends on Saturday, but BEFORE 4:30 PM the following Friday.

Remember – you only have SIX days to file a weekly claim after the week ends on Saturday. **Failure to file your weekly claim timely may result in a denial of benefits for such week.**

When you file your first weekly claim, you will be required to establish a four digit Personal Identification Number (PIN), which you will use along with your Social Security Number (SSN) each time you file a weekly claim. It is your responsibility to ensure that no one else, including family members, has access to these two numbers.

If a payment is made in error as a result of someone else using your PIN and SSN, you will be required to repay the full amount of improperly paid benefits and you may also have administrative penalty weeks assessed against you.

IMPORTANT INFORMATION FOR ALL CLAIMS FILERS

If you have a break in filing (for any reason), or were totally employed for the previous week, IT WILL BE NECESSARY FOR YOU TO REOPEN YOUR CLAIM (by 4:30 p.m. on Friday of the week for which you will be requesting a benefit) BEFORE you will be able to file your weekly claim.

Claims will not be backdated as a result of untimely filing.

You may re-open your claim online at www.labor.vermont.gov or by calling the Initial Claims line at 1-877-214-3330.

Filing Weekly Claims by Internet at www.labor.vermont.gov

You are required to file your weekly claim using this option unless otherwise approved.

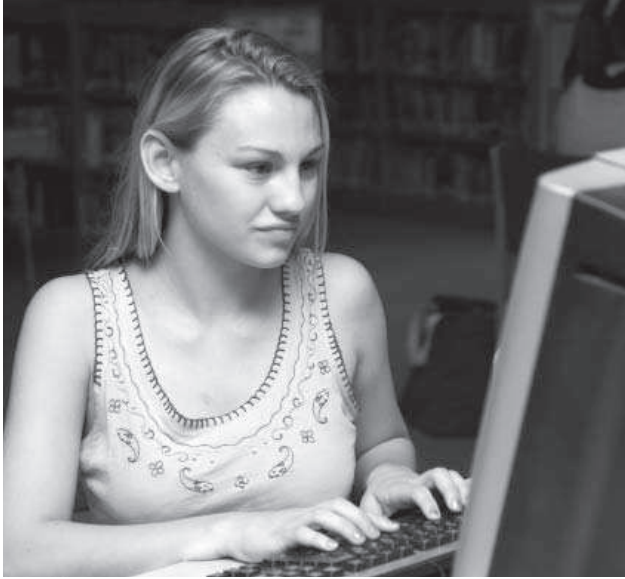
To file your weekly claim go to www.labor.vermont.gov and select “File an Unemployment Claim”.

Specific instructions detailing how to file online are provided within the Claimant Portal. The first time you file a weekly claim, you will be asked to establish your PIN. You will also be asked if you have received, read and understood the section “Your Rights and Responsibilities” in this handbook.

You will then be asked eight questions concerning the week for which you are filing.

(Continued on next page)

Remember, you are always filing for the **previous** week and your answers should relate **only** to that week. You may also be asked to provide the following details in regards to your required work search contacts: Date of contact; Employer name; Employer address; Person



contacted, Phone number; E-mail if applicable; Position applied for; Method of contact and Results of the contact.

When you have completed and successfully submitted the internet claim form, the subsequent screens will display your weekly benefit

amount, maximum amount, benefit balance and a filing confirmation number. Retain a copy of this confirmation. If you do not receive this display, your filing has not succeeded and your claim will not be processed.

Filing Weekly Claims by Phone:

*Call 1-800-983-2300 – select Option #1
This filing option is only available to claimants with a return to work date of 10 weeks or less on file with the department or to those with an approved waiver.*

The first time you file a weekly claim, you will be asked to establish your PIN. You will also be asked if you have received, read and understood the section “Your Right and Responsibilities” in this handbook.

You will then be asked eight questions concerning the week for which you are filing. Remember, you are always filing for the previous week and your answers should relate only to that week.

Press 1 to answer YES or 9 to answer NO to the questions. When you have completed the filing, you will hear the words, “Thank you for using the weekly claim and information line. Good-bye”, which indicates that the filing was accepted. Do not hang up until you have heard the system say “good-bye” or your claim will not be processed.

The EIGHT Questions Asked When Filing a Weekly Claim

Eligibility is determined by your answers to the questions below for each week you file.

1. Were you able to work and available for work?
2. Did you refuse an offer of work or a referral to a job?
3. Did you quit a job?
4. Were you fired from a job?
5. Did you receive a back pay award or settlement?
6. Did you receive Workers’ Compensation, Vacation pay, or Wages in Lieu of Notice?
7. Did you look for work as directed?
8. Did you perform any work or earn any wages?

Depending on how you answer these questions, other questions may also be asked. Answer all questions accurately. A material misstatement of fact made in connection with filing a claim for unemployment benefits may result in liability to repay the benefits and the assessment of penalty weeks. For more information refer to Benefit Overpayment, Recovery and Penalty Weeks section of this handbook.

If you forget to file a weekly claim, remember you have until 4:30 PM Friday to file that claim. If you cannot file, please call Claimant Assistance 1-877-214-3332.

If You Make a Mistake When Filing a Weekly Claim

If you have made a mistake in filing your claim, you may correct it on the same day by simply filing the claim again. The last claim filed on that day will be the one processed. If you discover the mistake too late to re-file, call Claimant Assistance to correct your mistake.

Able and Available for Work

A basic requirement of the Unemployment Compensation program is that you are able and available to work.

“Able to work” means that you are mentally and physically able to accept work that you have the qualifications by training or experience to perform.

“Available to work” means that you do not have barriers that prevent you from accepting suitable work and that you have an attachment to your labor market area. Barriers can include, but are not limited to: childcare, enrollment in training or classes, transportation issues or any other issues that prevent you from seeking or accepting employment.

If your work history is working full-time, you must be available for full-time work. If your work history is only part-time work, you must be available for the same or similar number of hours per week. However, a work history of part-time work does not automatically make an offer of full-time work unsuitable.

Claimants who have provided the Department with an employer verified return to work date that is within 10 weeks, may not be required to seek new employment; however, they must remain available to accept any suitable work offered, even if this offer does not come from the employer who has provided the return to work date. If you have any questions about being Able and Available to work, please call Claimant Assistance at 1-877-214-3332.

Reporting Wages When Filing a Weekly Claim

You are encouraged to accept part time work while looking for full time work and receiving benefits. The unemployment law includes a provision known as “disregarded earnings”.

All unemployment claims filed for a week effective on or after July 6, 2014 will now

disregard 50% of the gross wages earned. Earnings that exceed 50% of your gross wages are deducted on a dollar for dollar basis from your benefit payment. When you report gross earnings, the system will automatically calculate the amount of your payment. You are still required to report all of your gross wages earned during the week for which you filed. The disregard calculation will happen after you file. Failure to report correctly can result in an overpayment of benefits and possible penalty weeks. If you later discover you made a mistake in reporting wages, you must call Claimant Assistance to have the wages corrected.

If you work 35 hours or more, or your earnings exceed your weekly benefit amount plus your disregarded earnings, you will be considered fully employed and will not be entitled to receive benefits for that week.

If your hours or earnings are reduced in a future week, you will need to re-open your claim by going to www.labor.vermont.gov and selecting “File an Unemployment Claim” then “Reopen Claim” or by calling 1-877-214-3330.

You must report all wages earned from employment during the week you earn them, whether or not you have received payment for this work.

The term “wages” means all payments for services performed by an individual including commission sales, gratuities, and cash value of any non-cash items such as board, rent, fuel or offset of a debt. At the back of this handbook, you have been provided a worksheet with examples to help you calculate and keep track of your earnings.

Failure to provide accurate information when filing your weekly claim may result in an overpayment of benefits. If you fail to report all of your earnings, and as a result are overpaid unemployment benefits, you will be required to repay the benefits. If it is determined you intentionally omitted or under reported your earnings, you may have additional penalties imposed and could face prosecution for fraud.

Return to Work Dates

If an employer provides you with a definite return to work date for full time employment that is within 10 weeks of your separation, you may be excused from making an active work search once the employer submits written confirmation of the return to work date to us.

A form (B-37) with the information needed from the employer is provided in the back of this handbook. If your return to work date is greater than 10 weeks from the date you open your claim, you will be required to perform a work search and report your work searches on your weekly continued claim online at www.labor.vermont.gov beginning with your first week of filing and until you return to work. Even if you

have a return to work date, you must be available for work. If you refuse an offer of work, and the department determines the offer was for "suitable work", you will be disqualified from receiving benefits and may have to repay benefits that have been paid to you.

If a return to work date changes, the employer must contact the department and provide the new date. If the employer withdraws or changes your return to work date, you must contact Claimant Assistance at 1-877-214-3332. Do not file a weekly claim for benefits after returning to full time employment even if you have not yet been paid for that week by your employer.

Losing Your Right to Collect Benefits

The Unemployment Insurance system is designed to help you but it does have rules and regulations that must be followed. The following actions may result in the loss, denial or delay of benefits. You may be required to repay any benefits improperly received as a result of your non-disclosure or misrepresentation of a material fact. If you have questions about any of these situations, it is also YOUR responsibility to contact Claimant Assistance.

It is YOUR responsibility to notify the Vermont Department of Labor if any of these situations occurs.

- If you quit a job or leave a job due to health reasons
- If you are discharged or fired from a job
- If you lose your job due to a conviction, incarceration or for any other reason involving actions by a judge, court, the Department of Corrections or a law enforcement agency
- If you leave your job to participate in a strike or labor dispute
- If you fail to register with or report to your Resource Center as directed
- If you fail to actively look for work as directed
- If you fail to follow up on a referral for work
- If you fail to apply for and/or accept available work
- If you fail to be able and available for work
- If you leave your immediate area and/or your address changes
- If you fail to accurately report the number of hours worked and earnings from employment, casual employment or sub-contracting
- If you fail to report you are starting your own business while filing
- If you fail to report an increase in sideline or self employment activity
- If you fail to report you are attending school or training
- If you fail to report the receipt of vacation, or severance pay; paid time off; wages in lieu of notice; back pay award or settlement; temporary workers' compensation; or pension that is contributed to entirely by a base period employer
- If you are applying for or receiving unemployment benefits from another state
- If you cannot provide documentation of your identity and/or citizenship when required
- If you fail to report receipt of return to work assurance from an educational institution
- If you miss a scheduled shift of work or ask not to be scheduled for any reason

REASONS YOU MUST CALL CLAIMANT ASSISTANCE

IF ANY OF THE FOLLOWING SITUATIONS OCCUR,
YOU **MUST** CONTACT CLAIMANT ASSISTANCE IMMEDIATELY

- Your telephone number changes
- You are unavailable for work for any reason
- You are ill or disabled
- Your return to work date changes in any way
- You become self-employed or start your own business
- You move to another state
- You leave your immediate area even if only for a few days
- You attend or plan to attend any school or training programs
- You receive reasonable assurance * of returning to work in an educational setting
- Your situation meets one or more of the criteria noted on page 6 under *"Losing Your Right to Collect Benefits"*

Reasonable Assurance for Individuals Who Work for a School

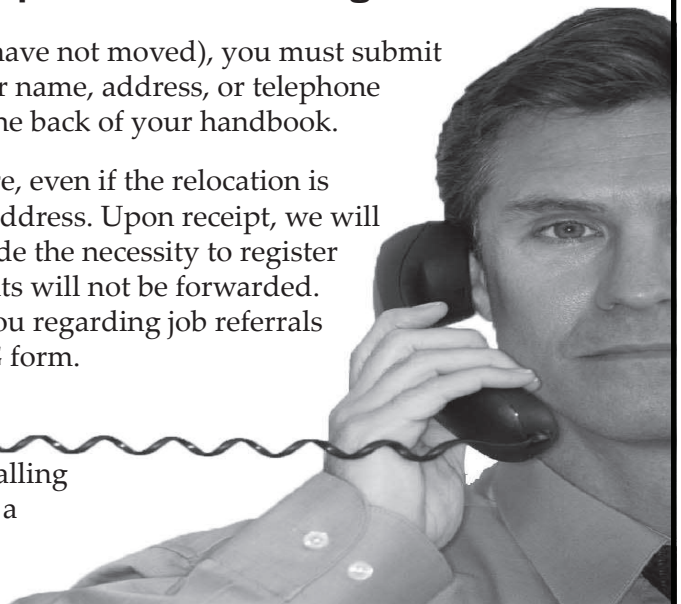
* Individuals who work for a school and are unemployed between terms (for example, during the summer) or during a break in the school schedule during the school year, are not allowed to use the wages earned in this type of employment provided the individual has a reasonable assurance of returning to work for a school at the end of the break. If you started the break or are between terms and do not have a reasonable assurance of returning to work, you may be eligible for unemployment benefits. If during this time you receive an offer of work from a school, you must notify the department immediately. Likewise, if you had a reasonable assurance of returning to work and for some reason you no longer have a reasonable assurance, call Claimant Assistance.

Name, Address, or Telephone Number Change

If your name or address changes (even if you have not moved), you must submit these changes in writing. You may submit your name, address, or telephone number change by completion of the form at the back of your handbook.

If you are out of the area for two weeks or more, even if the relocation is not permanent, you must submit a change of address. Upon receipt, we will provide you with further instructions, to include the necessity to register for work. Please note: Unemployment payments will not be forwarded. The department must also be able to contact you regarding job referrals and have a current address to mail your 1099G form.

Telephone number changes may be made by calling Claimant Assistance, if you are not submitting a name or address change.



Work Search Requirements

Unless you have a definite return to work date occurring within 10 weeks of filing a new or additional claim with a specific employer and/or have been excused by the department from conducting an active work search, you are **REQUIRED** to make and report at least three (3) job contacts for each week you file a weekly claim. You must be realistic in your search for work. To assist you in your work search efforts, you will be required to register with the Vermont Job Link if you have not already registered. You can register by going to: www.vermontjoblink.com. Make sure that you apply for jobs you are qualified to do and are willing to accept. The longer you are unemployed, the more intensified and expansive your work searches should become. Applying for the same job more than once within a five-week period does not count as a valid contact. The department will be conducting random checks of job contacts. If you do not make contacts as required, you will be liable to repay benefits improperly paid.

A valid job contact depends on the type of work you are qualified to perform. Submission of a job application for a vacant position is a valid contact. Submission of a resume would only be acceptable IF you work in a “professional”

A valid job contact depends on the type of work you are qualified to perform.

trade or occupation. Applying in person would be a valid contact for “non-professional” trades, such as work in the construction trade. Telephone calls are not an acceptable method of contact. Seeking employment by “surfing” the Internet for available jobs or by posting your resume at an employment website, including Vermont JobLink, is not a valid job contact, unless you have actually applied for a job with a specific employer. In these instances, you should print and keep any confirmation you receive indicating your application has been submitted.

You are also REQUIRED to keep accurate records of your job contacts. Work search forms are provided in the back of the handbook to assist you in keeping track of your contacts. If you do not use these forms, you are required to keep records containing all of the information outlined on our work search form (Date of contact; Employer name; Employer address; Person contacted, Phone number; E-mail if applicable; Position applied for; Method of contact and Results of the contact). Please be sure to also keep copies of confirmation pages and or e-mail records for online and e-mail work search efforts.

As indicated previously, work search efforts **WILL BE MONITORED**. If you are asked to submit information to the department, we suggest visiting your Resource Center. The Resource Center can mail or fax your information free of charge. Keep copies for yourself of any information that is submitted to the department. If you have not met the requirements, you may be found in overpayment for any weeks you did not comply with the directives and may be required to repay benefits.

You may be selected to participate in Re-employment Services provided by your Resource Center. Failure to participate may result in a denial and/or overpayment of benefits, which you could be liable to repay. Additionally, in order to receive certain unemployment benefits, you may be required by the department to attend an orientation session at a Resource Center, as well as enter your work search contacts weekly through an online Web application. Specific instructions detailing how to file online can be found on the department's website at www.labor.vermont.gov or by visiting your at your local resource center.

If the Vermont Division of Vocational Rehabilitation is helping you conduct a work search, your counselor may submit a letter to this department to request waiver of the unemployment work search requirements under the regular unemployment insurance program. This does not however, waive the requirement to be able and available for work.

Suitable Work

Suitable work is generally defined as work that you are qualified to do based on your skills, work experience, and employment history and that pays at least the prevailing wage rate for the type of job in your local labor market. You are required, as a condition of receiving unemployment benefits, to apply for and accept an offer of suitable work. If you fail, without good cause, to either apply for or accept an offer of suitable work, you will be disqualified for benefits and may be required to repay benefits you received. Although you may be looking for full time work, a refusal of suitable part time work could also result in a disqualification.

Prior training and/or experience, prior earnings, length of employment, prospects of securing work in your local labor market in your customary occupation, the distance to work from your home, physical fitness requirements of the job, the degree of risk involved to your health, safety or morals, are factors involved in determining if a job is suitable.

A job paying less than the last one you held will gradually become more suitable the longer you are unemployed. You must be willing to accept 10% less than you were making when you filed your initial claim. After five weeks of filing, you must be willing to accept 20% less and after ten weeks of filing, you must be willing to accept the prevailing wage for the type of work you are seeking. The prevailing wage is the average wage for the job among all employers in your labor market. Your Resource Center can provide you with prevailing wage information in your labor market or it can be obtained at www.labor.vermont.gov. Reminder: You must report all refusals of work, even if you believe that they are not suitable.

Self-Employment

An individual who is engaged in the formation, development, or operation of a trade, business, enterprise, profession, or other activity undertaken for the purpose of producing income and which is in the form of a sole proprietorship,

partnership, or a limited liability company or other similar entity is self-employed. While a self-employed individual is not automatically ineligible for unemployment insurance benefits, the more time and effort the individual devotes to self-employment, the less he or she is available for work with other employers. If you are, or attempt to become, self-employed, you must call Claimant Assistance at 1-877-214-3332.

Sideline Activity

Sideline activity is your own pre-existing self-employment business, established or performed at the same time you were working for a primary employer whose employment is covered under the unemployment compensation laws. When you lose your primary employment, but continue your sideline activity (your own business), you do not report any earnings from your sideline activity when filing your weekly claims. However, you are required to



contact Claimant Assistance if you increase your time devoted to your sideline activity by 20% or more, which is measured by time devoted or earnings you received from your own pre-existing business.

Sideline Activity is NOT working a second job at another business. It is your own business that you established and

did while working for your primary employer before establishing an unemployment claim. If you have any questions on whether or not the employment in question should be reported on your weekly claim, to avoid overpayment of benefits that you will be required to repay, you are encouraged to contact Claimant Assistance for guidance.

Pensions

Pensions you contributed to in whole or in part are not deductible from your weekly benefit amount. Pensions, which are totally funded by a base period employer, are deducted dollar-for-dollar from your benefit amount. If your deductible pension income is less than your benefit amount, you will receive a reduced benefit. It is your responsibility to report the receipt of pension to the Department. Failure to do so may result in overpayment of benefits which you may be liable to repay.



The following types of pensions may affect your weekly benefit amount, depending on whether or not you contributed to the pension:

- Employer pension program
- Military pension
- Civil Service pension
- Local Government pension

The following types of retirement income will not affect your weekly benefit amount:

- Pension from a non-base period employer
- Supplemental Security Income
- Veterans Administration Disability Compensation
- Social Security Income

Disqualifying Types of Payment

Severance payment is a payment that is generally paid to a worker following an employer downsizing or reduction of workforce. If you receive severance pay upon separation, you will be disqualified, meaning that you will not be able to receive an unemployment benefit for the same time that you have received severance pay. However, you will still be able to collect the maximum duration of benefits, but only after the severance pay is used. If you receive severance pay after you begin filing, you will be required to call the Claimant Assistance line at: 1-877-214-3332 to report your severance payment.

Vacation pay, wages in lieu of notice, and backpay awards or settlements also impact weeks claimed. If you receive any of these types of payments that you have not already reported to the department, you must call Claimant Assistance.

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Information About Your Claim

Determinations

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

- ❶ The department will determine if you have sufficient wages to qualify you for a weekly benefit amount. You will receive a “Monetary Determination” that explains the wages we have used to determine whether you have been paid enough wages to qualify for a weekly benefit amount and what that amount will be. This will list the employers you have worked for and the wages reported under your social security number during the base period. If information is missing, such as wages from another state or wages from a Vermont employer, you will receive additional monetary re-determinations, as the department obtains this information. If you did not work for any employers indicated on this notice or if the wage amounts are incorrect or missing, contact Claimant Assistance.
- ❷ The department will determine if you meet the basic eligibility requirements for benefits, such as ability and availability for work. This may create an “issue” on your claim, and therefore require you to go through the adjudication process.
- ❸ The department will determine if there is anything regarding your separation from employment that would create an “issue” on your claim, such as a voluntary quit, a discharge, a medical separation, or separation pay. This may create an “issue” on your claim and therefore require you to go through the adjudication process.

Claims Adjudication Process

Once you file your first weekly claim, your file will be sent to the Adjudication Unit and a notice will be mailed to you indicating the time and date of a fact-finding interview, if one is necessary. This is your only opportunity to discuss your situation with a claims adjudicator. If you miss the fact-finding interview the adjudicator will render the determination based on available information and mail it to you. This determination will explain whether you have been found eligible to receive benefits or not.

If you quit a job for personal reasons not attributable to the employer you may be disqualified from receiving benefits until you have started new employment, earned six times your weekly benefit amount, and become unemployed through no fault of your own.

If you were fired for misconduct the standard disqualification of 10 weeks is usually imposed. In addition, a cap on the maximum number of weeks to be claimed in a benefit year will be imposed to not exceed 23 full weeks.

If you were fired for gross misconduct you may be disqualified from receiving benefits until you have started new employment, earned six times your weekly benefit amount, and become unemployed through no fault of your own.

Separation for gross misconduct will prohibit the use of wages earned from the separating employer for calculation of your weekly benefit amount. *(continued next page)*

(Process continued)

Separation pay, such as vacation pay, wages in lieu of notice, paid time off, or severance pay, may disqualify you or result in a reduction of benefits for one or more weeks.

During the fact-finding process, benefits will not be paid. You must continue to file your weekly claims during the fact-finding process in order to be paid for such weeks.

Length of Payments

A benefit year is 52 weeks starting the week you establish your initial claim. Eligible claimants may be eligible for a maximum benefit amount equal to 26 weeks times their weekly benefit amount or 46% of the “base period” wages, which ever is less. Being fired for misconduct will lead to a cap on the maximum number of weeks to be claimed in a benefit year, not to exceed 23 full weeks. If you work part-time and receive partial unemployment benefits, you may file until your benefit year expires or you exhaust your benefit entitlement. Once you

are paid your maximum amounts, you cannot file again until your benefit year expires. The department will notify you if extended benefits become available.

Calculating a Weekly Benefit Amount

Your weekly benefit amount is based on gross wages paid to you as reported by your former, liable employer(s). To be monetarily eligible for benefits, you must have earned the minimum amount (required by law) of “covered” wages in your highest quarter of the base period and the remaining quarters of the base period must equal or exceed 40% of the highest quarter. The weekly benefit amount is calculated by adding the wages in the two highest quarters in the base period together, and dividing by 45, then rounding down to the next whole dollar. You will receive a monetary determination in the mail listing your quarterly wages. If any of the wage information is missing or incorrect, call Claimant Assistance.

Wages Not Used to Determine a Weekly Benefit Amount

Although most individuals are covered for unemployment purposes provided they have sufficient earnings and meet all other eligibility requirements, state law excludes certain types of employment from coverage. The types of services that are excluded from coverage include, but are not limited to:

- ◆ Elected officials to state and local governments, members of a legislative body or the Judiciary, members of the State National Guard or Air National Guard, and certain temporary “emergency employment”;
- ◆ Some nonprofit religious, charitable, agricultural, educational organizations or institutions of higher education, and railroad employment;
- ◆ Insurance agents, solicitors or salespersons, if solely paid by commissions and/or are required to be licensed by state law;
- ◆ A sole proprietor, or his/her spouse, or civil union partner, parent or children under the age 18;
- ◆ A partnership or a member/manager of a Limited Liability Company or Limited Liability Partnership and their spouses or civil union partners parent and children under 18;
- ◆ Employment at a small farm;
- ◆ Wages earned as a direct seller

Base Periods

An individual must have earned a minimum amount of wages during a fixed period of time known as the “base period” to qualify for unemployment. The wages used to determine your unemployment eligibility and your weekly benefit amount (WBA) are wages that were paid to you during each calendar quarter of your base period, regardless of when you earned them. Vermont law provides three main and one special method to determine a base period. They are:

First Method: First 4 of the last 5 completed calendar quarters preceding the effective date of your claim. The law requires the Department use this method if you are monetarily eligible, regardless of the benefit amount.

IF ineligible by the first method, the second method may be used.

Second Method: Last 4 completed calendar quarters preceding the effective date of your claim.

IF ineligible by the second method, the third method may be used.

Third Method: Last 3 completed calendar quarters and the current quarter, using wages paid up to the effective date of your claim.

IF ineligible by the third method, the fourth method may be used.

Fourth Method: Applies only if your separation from work was due to an “on the job injury” resulting in a Workers’ Compensation Claim. Under these conditions your base period is adjusted so wages that would have been available to you at the time of injury are now available. To be eligible under this method, you must have filed your new claim for Unemployment within six months of the date your temporary Workers’ Compensation payments ended.

Base Period Chart					
1st completed quarter	2nd completed quarter	3rd completed quarter	4th completed quarter	5th completed quarter	Current Quarter (when Initial claim is filed)
Method 1					
	Method 2				
		Method 3			
Examples:					
Oct 1 - Dec 31	Jan 1 - Mar 31	Apr 1 - Jun 30	Jul 1 - Sept 30	Oct 1 - Dec 31	Jan 1 - Mar 31
Method 1					
	Method 2				
		Method 3			
Apr 1 - Jun 30	Jul 1 - Sept 30	Oct 1 - Dec 31	Jan 1 - Mar 31	Apr 1 - Jun 30	Jul 1 - Sept 30
Method 1					
	Method 2				
		Method 3			

Direct Deposit Services



You Can Enroll In Direct Deposit Services By:

- ◆ calling 1-800-983-2300 and pressing option #6;
- ◆ through our “Online Service” available on our website at www.labor.vermont.gov under “Workers”, “Enroll for Direct Deposit” or
- ◆ calling the Claimant Assistance Line at 1-877-214-3332.

Before You Call, Have The Following Information Available:

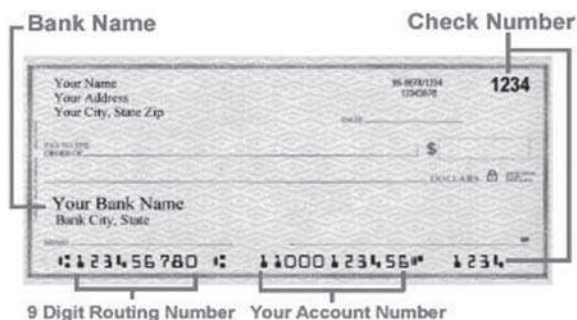
1. Social Security Number
2. Your financial Institution’s routing Number – This is a nine digit number
3. Your Account Number – This may be up to seventeen digits
4. Type of Account – checking or savings

Simply follow the step-by-step instructions provided. If either the account or routing number contains any letters, you must enroll online or call Claimant Assistance for enrollment.

All direct deposits must go through a “pre-note” process with your financial institution to verify the information. Upon completion of the “pre-note” process, you can expect the first direct deposit to occur 14 calendar days after initial enrollment. A paper check will be mailed until the enrollment process is completed. After the enrollment process has been completed, you can expect deposit of funds in your accounts approximately 2 business days following the process date of your weekly claim. Direct deposits are not made on weekends or holidays.

If your account or routing number changes, you must immediately change your direct deposit information by one of the three enrollment methods mentioned above. Changes in account or routing numbers require another “pre-note” process. It is your responsibility to maintain accurate information to prevent delays in processing your payments.

Information Needed for Direct Depositing



If you are depositing to a Statement Savings account, please contact your financial institution to obtain this information before enrolling in the Direct Deposit Service.

When To Expect Benefit Payments

Unemployment benefits are paid by check or direct deposit. If there are no issues requiring the fact-finding process, payments will begin approximately 2 weeks after your initial contact to the department. For more information about fact-finding, please refer to the section titled "Claims Adjudication Process". You must file your weekly claims during the fact-finding process in order to be paid for such weeks.

The department suggests using direct deposit since it is the quickest way to receive your benefits. Direct Deposits are processed and generated the next workday. However, unemployment checks are mailed once a week, no matter what day you file. Checks are normally mailed from Montpelier on Thursdays. A legal holiday may delay mail service and direct deposits.

Re-Qualifying for a New Benefit Year

If you are unemployed when your benefit year ends, you may apply for a new claim. To re-qualify, you must have performed work since the effective date of your last benefit year and earned at least four times your weekly benefit amount. You must also call 1-877-214-3330 to establish a new benefit year.

Waiting Period

New claims with an effective date July 1, 2012 or later will serve an unpaid waiting period week. You will **not** receive an unemployment check while serving your waiting period. Please note **a waiting period will not be credited to you for any week that you have been denied benefits.** A waiting period must be served once every benefit year.

New Hire Crossmatch

The department collects information from Vermont employers who are required to report all newly hired individuals within 10 days of the date of hire. We compare this information against unemployment records to determine if someone is both working and filing for unemployment benefits. This program will also match unemployment records against a national database so individuals who go to work in another state while receiving unemployment benefits in Vermont will be discovered. Penalties may be imposed and court action may be taken if it is found that you intentionally failed to disclose or misreported your earnings while filing for unemployment.

Unemployment Insurance & Income Taxes

Unemployment benefits are taxable and must be reported as gross income on your federal and state income tax returns. You may elect to have federal and state taxes withheld from your weekly benefits. You may change your withholding option once during any benefit year. The department will notify you, the Internal Revenue Service (IRS), and the Vermont Department of Taxes of benefits you received, and taxes withheld from those benefits (if any) for the prior year. You will be mailed a 1099G by the end of January. It will be mailed to the current address on file. If you lose your 1099G it is not necessary to obtain a new copy, as you are not required to submit a copy of this document to the IRS or Vermont Department of Taxes.

Benefit Overpayment, Recovery, and Penalty Weeks

If you are not truthful or fail to disclose important information to receive unemployment benefits you will be required to repay the money to the department. Future benefits can and will be withheld to offset your overpayment until paid in full and penalty weeks may be assessed. Your state and federal tax refunds may be withheld, you can be taken to court for a Judgment Order and a future employer may be required to withhold earnings from your paycheck.

The department will impose penalty weeks in situations where it is determined you intentionally misrepresented

(continued next page)



a material fact in order to obtain benefits for which you were not otherwise entitled to receive. If penalty weeks are assessed, you will lose the right to collect future benefits. You will not be paid for future claims until you have “offset” the number of penalty weeks by filing the same number of eligible weekly claims. Penalty weeks reduce your benefit balance.

Extended Benefits

During high unemployment periods, it is possible state and/or federal extended benefits may be available. If we are in an extended period and you are determined potentially entitled to the extended benefits, you will receive a notice with filing instructions AFTER you have exhausted your Regular benefit entitlement. Further details about extended benefits are available on our website www.labor.vermont.gov in the “Workers/Unemployment” section.

Benefit Accuracy Measurement Program

Benefit Accuracy Measurement is a system designed to detect errors and fraud in the Unemployment Insurance Program. Claims to be audited are selected randomly each week. Therefore, you may be selected more than once. The audit includes a review of eligibility for unemployment, employer records, department records, claimant’s work search contacts, and claimant statements. This audit ensures accuracy of your claim.

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Your Rights as a Claimant

Appealing Determinations

After a determination has been issued (explained in Section 3), both you and your previous employer have the right to appeal a determination within 30 calendar days of the determination date.

AN APPEAL MUST BE SUBMITTED TO THE DEPARTMENT IN WRITING BY:

MAIL: Vermont Department of Labor
P. O. Box 488
Montpelier, Vermont 05601-0488

E-MAIL: labor.appeals@state.vt.us

FAX: 802-828-4289

IN PERSON: You can deliver a letter of appeal in person at the administrative office of the VDOL at 5 Green Mountain Drive in Montpelier, Vermont.

If you appeal your determination, make sure you continue to file weekly claims each week you are unemployed until a decision on the appeal has been made. Failure to file weekly claims may result in a loss of benefits for the weeks not filed for.

Three Appeal Levels

The first level of Appeal is to the Administrative Law Judge. Appeals to the Administrative Law Judge must be submitted, in writing, no later than 30 calendar days from the date of the determination being appealed. Regardless of which party appeals, it is very important to participate in this telephone hearing, as this is your only chance in the appeals process to present testimony and evidence relevant to the issues. After the hearing is completed, a written decision will be sent to all parties involved.

The second level of Appeal is to the Vermont Employment Security Board. Appeals to the Vermont Employment Security board must be submitted, in writing, no later than 30 calendar days from the date of the decision being appealed. The Board will conduct a hearing in Montpelier to review all testimony and evidence presented at the Administrative Law Judge hearing. You may participate in the hearing, but no new testimony or evidence may be presented. After the Board hearing is completed, a written decision will be sent to all parties involved.

The third level of Appeal is to the Vermont Supreme Court. The Clerk of the Employment Security Board must RECEIVE appeals to the Vermont Supreme Court, in writing, no later than 30 calendar days from the date of the decision being appealed. Although it is not required, many people engage the services of an attorney before proceeding with an appeal to the Supreme Court. There is a filing fee for appeals to this level, but in some circumstances the court can waive this fee. The Supreme Court will review the record and issue a written decision, which is final.



The Appeal Process

Notice of Hearing

The Notice of Hearing before an administrative law judge will provide you with important information about the time and date of the appeal hearing, which will be conducted by a telephone conference. Mail or FAX (802-828-4289) any documents you want to have considered as evidence in the hearing to the appeals office and, if the case involves your former employer, to that employer so they can be considered as part of the record. Do this immediately following receipt of the Notice of Hearing so the documents are received no less than 24 business hours before the hearing. If you do not send a copy to the employer, your exhibits will NOT be entered into the record, will not be considered in making the decision and will not be available for use later in the appeal process.

NOTE: After receipt of the Notice of Hearing, you must call the appeals office with a telephone number where you can be reached at the time of the hearing, even if you have previously supplied a telephone number. You will not be called if you do not supply a telephone number.

Do I Need a Lawyer?

Hearings are designed to permit laypersons to represent themselves. If the issues are complex, if you expect the other party to be represented by an attorney, or if you think you may have difficulty presenting your case, you may wish to consult an attorney. You can also contact Vermont Legal Aid to see if they can provide legal assistance to you. If you are going to have an attorney, you should let the appeals office know as soon as possible to avoid scheduling delays.

Hearings will not be postponed to allow a party to seek legal representation.

Evaluate and Prepare Your Evidence

The first level of appeal with the Administrative Law Judge is a de novo review, which means the judge reviews the case based solely on evidence presented in the hearing record. The judge is not bound by earlier findings or determinations made by the department.

Since this will be your ONLY opportunity to present your evidence, and further appeals only review testimony and other evidence introduced at this hearing, you should be prepared to participate in this process, and to present your side of the story.

What Goes on at the Hearing Before an Administrative Law Judge?

The administrative law judge will connect all the parties in a conference call and the hearing will be recorded. S/he will explain the process at the beginning of the hearing, decide which documents (exhibits) will be made part of the record and then swear in the witnesses and take testimony from one person at a time. You will have the chance to cross examine the employer's witnesses and ask any questions of any witness testifying for you. One participant for the employer will be able to cross examine you and your witnesses. The purpose of the hearing is to gather all the relevant information about why your employment ended. Usually, things that happened close to the time of separation and those that directly lead to it are the most relevant. If something is not relevant, the judge may stop the witness from testifying about it.

When testifying, speak clearly and try to remain calm. The judge will ask questions to try to get all the information about the ending of your employment. The judge is not familiar with your former workplace so S/he may ask you to explain who people are or about the procedure for different tasks. Having a calendar handy may be helpful and you may want to take notes when the employer's witnesses are testifying because you will not be allowed to interrupt them.

The Importance of Witnesses & Subpoenas

You must inform the appeals office in advance of the names and telephone numbers of witnesses whom you want to testify in the hearing. Make sure that your witnesses are willing to participate and that they will be available at the time of the hearing. If a witness is not available,

you may obtain and submit a written statement from them. Such statements never carry the full weight of direct testimony at the hearing. If a witness whom you believe to be vital to your case refuses to testify, you may request that the Administrative Law Judge issue a subpoena. A subpoena request must be submitted in writing, in advance of the hearing date. The request must include a statement that the witness has been asked to testify but has refused. It must also explain why the witness's testimony is essential and provide a physical address (not a P O Box) for each witness. A subpoena request may be granted or denied at the judge's discretion.

Contacts with the Administrative Law Judge Outside of the Hearing

The Administrative Law Judge generally will have no contact with you or any party outside of the hearing. This is to avoid the appearance of unfairness or of accepting evidence outside the hearing. Other members of the appeals office will advise or assist you with procedural questions. In the State of Vermont, Appeal

Hearings are CONFIDENTIAL and are not open to the public.

Postponement of a Hearing

You should make every attempt to participate in the Appeal Hearing when scheduled. Either party may request a postponement but the postponement must be for good cause such as serious illness or injury, which is determined by the Appeals representative, who makes the decision on a case-by-case basis. If you wish to have a postponement, you must call the Appeals office to request one, as far in advance of the hearing date as possible.

Withdrawal of an Appeal

If you wish to withdraw your appeal, you may do so in writing, or by calling the Appeals office. You should notify the Appeals office as soon as possible prior to the date of the hearing. If the employer has filed the appeal, you cannot withdraw the appeal and the hearing will take place. If the appeal is withdrawn, the initial determination or decision becomes final and cannot be changed.

Confidentiality

The information you and your employer(s) provide the department is confidential and will not be released to the public. Information will be shared with you and your employer(s) if necessary to process the claim for benefits. In addition, federal and/or state law requires the department to release information to the following agencies:

- Vermont Department of Children & Families
- Vermont Department of Taxes
- Vermont's Crime Victims Restitution Unit
- Vermont Office of Child Support
- Vermont Department of Education
- Social Security Administration
- National Directory of New Hires
- US Department of Housing & Urban Development
- U. S. Department of Labor
- All Unemployment Insurance Agencies
- Federal Parent Locator Service
- Internal Revenue Service
- United States Treasury Department

Findings and conclusions contained in departmental decisions are not admissible in any other venue.

Domestic and Sexual Violence Survivors' Transition Benefits

If an individual is disqualified for unemployment benefits, 21 V.S.A Chapter 16A provides temporary partial wage replacement to individuals who must leave employment, without good cause attributable to the employer, because of circumstances directly resulting from domestic violence, sexual assault, or stalking.

Any time an individual is disqualified for regular unemployment benefits and it is known to the Department of Labor that domestic violence, sexual assault, or stalking may have resulted in the individual ending his or her employment, eligibility for this wage replacement is automatically explored.

If you feel you might be eligible for these benefits and have been disqualified for unemployment benefits, please call our Unemployment Claims Center's manager at 802-828-9150 or the Director of the Unemployment Insurance and Wage Division at 802-828-4242.

Equal Opportunity

Equal Opportunity is the Law. The Vermont Department of Labor is an Equal Opportunity/Affirmative Action Employer. Applications from women, individuals with disabilities, and people from diverse cultural backgrounds are encouraged. Auxiliary aids and services are available upon request to individuals with disabilities. 711 (TTY/Relay Service) or (802) 828-4203 TDD (Vermont Department of Labor).

It is against the law for the Vermont Department of Labor, being a recipient of Federal Financial Assistance, to discriminate against any individual, on the basis of race, disability, color, ancestry, place of birth, national origin, age, sex, sexual orientation, religion, political affiliation or belief.

Discrimination:

If you think you have been subjected to discrimination, you may file a complaint within 180 days from the alleged violation with either:

The recipient's Equal Opportunity Officer – Vermont Department of Labor by mail:
P.O. Box 488, Montpelier, Vermont 05601-0488;
by telephone: (802) 828-4170;
by e-mail: deborah.bruce@labor.state.vt.us;;
by TDD: (802) 828-4203;
or by filing with:

The Director, Civil Rights Center (CRC) U.S. Department of Labor by mail:
200 Constitution Avenue, Room N-4123,
Washington, DC 20210

If you filed your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing a complaint with the Civil Rights Center (see above).

If the recipient does not give you a written Notice of Final Action within 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 30 days of the 90-day deadline. In other words, it must be within 120 days after the date 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 Civil Rights Center. You must file your CRC complaint within 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 a sign language interpreter is needed, please contact the department immediately. The department uses a telephone based language interpretation service for non-English speaking parties. If a sign language interpreter is needed the department will make arrangements.

Americans with Disabilities Act

This department complies with the Americans with Disability Act. Should you require special assistance due to a disability, as defined in the Act, in order to pursue your rights, please contact the department immediately.