

## **Employee's Frequently Asked Questions**

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### **Question: What is Unemployment Insurance?**

Answer: Unemployment insurance is a program administered by the Unemployment Insurance Division of the State Department of Labor and Industrial Relations. The purpose of this program is to provide temporary financial assistance to workers who are unemployed through no fault of their own and who meet the requirements of the Hawaii Employment Security Law. Unemployment insurance benefits are paid as a matter of legal entitlement and past employment, and not on the basis of need.

### **Question: Who Pays for Unemployment Insurance?**

Answer: In Hawaii, employers pay all the costs of unemployment insurance through a payroll tax or reimbursable basis. Employees do not pay any part of their wages to finance the program.

### **Question: How Do I File for Unemployment Insurance?**

Answer: You can file by phone or in-person.

You can file a new claim for unemployment insurance benefits or reopen an existing claim by calling our telephone filing system, Hawaii Tele-Claim.

If you are in the State of Hawaii, call 643-5555. If you are in another state, Washington D.C., Puerto Rico, Virgin Islands, or Canada, call 1-877-215-5793. If you are anywhere else outside of Hawaii, you will not be able to complete your call and file a claim because we have no reciprocal claim filing agreement with other countries. You must use a touch-tone telephone and calls to Hawaii Tele-Claim are free.

You can call Hawaii Tele-Claim, Sunday through Thursday from 6:30 am to 12 midnight, and Friday from 6:30 am to 4:30 pm, Hawaii Standard Time. (If Friday is a state holiday in Hawaii, then Thursday's hours will be from 6:30 am to 4:30 pm.)

If you do not have a touch-tone telephone or do not speak English, call Hawaii Tele-Claim and remain on the line for further instructions. If you are hearing-impaired, call your Telecommunications Relay Service (TRS) and advise the TRS assistant to call 643-5555 and select Option 2 from the menu.

Some calls to Hawaii Tele-Claim may not be connected if you are using a cellular phone in the State of Hawaii with an out-of-state phone number, or if you are outside the State of Hawaii and using a cellular phone with a Hawaii number. If this situation occurs, use a landline to place your call.

For a complete explanation on how to use Hawaii Tele-Claim to file an unemployment claim by telephone, click on "Claim Filing Information" on our website and look for "Hawaii Tele-Claim Instructions."

When you call Hawaii Tele-Claim, you need to have your social security number, and if you are not a U.S. citizen, you need your alien registration number. You will need to provide information for all your employers during the past 18 months, such as the employer's name, address, zip-code, phone number, dates of employment, and reason for separation. If you were in the military in the past 18 months, you should have your DD-214 (Member 4) available. If you worked for the federal government in the past 18 months, you should have your Standard Form 8, Standard 50 or pay stubs available.

Reminder: Your claim begins from the Sunday of the week in which it is filed. If you delay and do not file immediately, you will not receive credit for past weeks. Your claim will start only from the week in which you file.

If you cannot file your claim by telephone, you can report in-person to your nearest local office to file a claim in person. The addresses for the unemployment offices can be located at <http://hawaii.gov/labor/ui> under "Contact Information" or in the Handbook on Unemployment Benefits.

**Question: Who qualifies for Unemployment Insurance?**

Answer: You must first establish a valid unemployment claim by meeting the following two monetary qualifications:

- 1) you must have been paid wages in two or more calendar quarters of your base period and,
- 2) you must also have been paid wages totaling 26 times your weekly benefit amount in your base period.

The standard base period is the first 4 of the last 5 completed calendar quarters immediately preceding the effective date of your claim. The effective date of your claim is the Sunday of the week in which you first apply. If you do not qualify using the standard base period, an alternate based period can be used. The alternate base period is the last 4 completed calendar quarters.

For example, if you file your claim on January 5, 2009, then the effective date of your claim is Sunday, January 4, 2009, and your standard base period is the first 4 completed quarters from October 1, 2007 to September 30, 2008. If the wages in the highest quarter of your base period is \$8,400, then your weekly benefit amount would be \$400 per week. You must have wages in at least two quarters of your base period and paid total wages of at least \$10,400 in your base period.

If you worked in other states besides Hawaii (including the District of Columbia, Puerto Rico, or the Virgin Islands) in the base period of your claim, you may be able to combine the wages to meet the necessary monetary qualifications or to increase your weekly benefit amount.

**Question: How much do I qualify for and how long can I collect?**

Answer: Your weekly benefit amount is calculated by dividing the wages in the highest quarter of your base period by 21. However, your weekly benefit amount (WBA) cannot be more than the maximum weekly benefit amount, which is determined each year by law.

For example, the maximum weekly benefit amount for claims effective on or after January 4, 2009 is \$545 a week. The maximum amount that you can be paid on your claim is 26 times your weekly benefit amount. If your weekly benefit amount is \$545, then the most you can be paid on your claim is \$14,170.

The minimum weekly benefit amount is set by law at \$5 a week.

Your claim is good for one year from the effective date of the claim; however, you can be paid for only 26 weeks of total unemployment during the one-year period that your claim is effective.

**Question: What are the eligibility requirements?**

Answer: In addition to having been paid sufficient wages to establish a valid claim, you must meet the following eligibility requirements before you can be paid unemployment insurance benefits:

- You must be either totally unemployed, or working less than your normal hours and earning less than your weekly benefit amount.
- You must be registered for work within seven calendar days after applying for unemployment benefits by posting your resume online at [www.hirehawaii.com](http://www.hirehawaii.com), the internet based job matching system used by the Workforce Development Division. If you are a member of a labor union with a hiring hall, you must submit verification that you are in good standing and referable to work through your union.
- You must be physically able to work and available for work without any major restrictions such as, but not limited to, no transportation, lack of childcare, attendance at school which affects your availability for work, or other personal circumstances. If you are physically unable to work due to injury or illness, you may still be eligible under the medical waiver section of the law, if your illness or injury is evidenced by a doctor's certificate, you are on active claim status and registered to work, and do not refuse any suitable work because of the injury or illness.
- You must serve a waiting period, normally the first week you are unemployed after you file your claim, meet all eligibility requirements, and are not otherwise disqualified.
- You must file a continued claim for each week that you wish to receive benefits and the continued claim must be filed on time (within 7 days after the period being claimed, or within 14 days with good cause for late filing).
- You must make at least three job contacts each week which may include the following: contacting employers, checking resources at employment offices, checking job listings in HireNet Hawaii (the state's internet based job matching system), attending job fairs or employment workshops. You must keep a record of all your work search contacts and submit it when requested by your local claims office.
- You are not a teacher or other educational employee filing during a school break with reasonable assurance to return to work after the break.
- You are not a professional athlete filing between sports seasons. You are not an illegal alien.
- Retirement income from a pension plan that was financed 100% by a base period employer is deductible from your weekly benefit amount. Retirement income is NOT deductible if you contributed any amount to the pension plan. There is no deduction for social security or railroad retirement benefits. If you are receiving retirement income that must be deducted from your weekly benefit amount, your local claims office will send you a determination notice explaining the amount deductible.
- You will not be paid if you are disqualified for any of the following reasons:
  - 1) You voluntarily quit your job without good cause.

- 2) You were discharged for misconduct connected with your work.
- 3) You refused a referral or an offer of suitable work without good cause.
- 4) You are unemployed because of a work stoppage at your establishment due to a labor dispute.
- 5) You are receiving or seeking other unemployment insurance benefits.
- 6) You committed fraud to collect unemployment insurance benefits.

**Question: How do I register for work with the State Workforce Development Division?**

Answer: You must register for work with the State Workforce Development Division (WDD) within seven calendar days after applying for benefits. To register for work, you must post your resume online at [www.hirenethawaii.com](http://www.hirenethawaii.com), the internet job matching system used by WDD. You must post your resume on the website by making it available to employers online and in the virtual one-stop format. Internet computers are available at the One-Stop centers or at public libraries. If you need help in completing your registration, call or visit a One-Stop center. The addresses and phone numbers are in the back of the Handbook on Unemployment Benefits or go to <http://hawaii.gov/labor/wdd>.

**Question: What is Partial Unemployment?**

Answer: You can earn up to \$150 a week and still receive your full unemployment check. If you are still employed and working and earning less than your weekly benefit amount, you may qualify for the difference between your earnings over \$150 and your weekly benefit amount. For example, if you earn \$200 during a week and your weekly benefit amount is \$300, you can still receive \$250. However, if your earnings during the week equal or exceed your weekly benefit amount, you will not be entitled to benefits.

If you are still employed by an employer in the above situation, the following rules apply:

- You need to have your employer complete a "Weekly Report of Low Earnings" to verify your earnings for the week. These forms are available from your local claims office.
- You must not refuse any suitable available work during the week in question.

**Question: What can I do if I am denied unemployment insurance?**

Answer: If you received a notice denying you unemployment insurance benefits, you can either request reconsideration or an appeal. Requests for reconsideration and appeals can be mailed to your local claims office. Requests for appeals can be mailed directly to the Employment Security Appeals Referee Office (ESARO). The addresses for the local claims office and ESARO are located at <http://hawaii.gov/labor/ui> and <http://hawaii.gov/labor/esaro/esaro-links/contacts.shtml> or in the back of the Handbook on Unemployment Benefits.

Your request must be in writing, either on a department form or by letter, and filed within 10 calendar days after the date the notice was mailed to you. If your appeal is filed late but within 30 calendar days, the appeals referee may still allow the appeal if good cause is shown.

If you request reconsideration, the Unemployment Insurance (UI) Division will decide whether the decision can be reversed; if it cannot, then the request may be forwarded as an appeal to the ESARO or a redetermination may be issued to you affirming the original determination. You have the right to appeal a redetermination affirming the original determination.

The ESARO, which is independent from the UI Division, will schedule a hearing and notify you and other interested parties (such as your former employer on a voluntary quit or discharge issue) of the date and time of the hearing.

If the appeals referee affirms the UI Division's decision denying you unemployment insurance benefits, your next recourse is to file for judicial review by the Hawaii Circuit Court.

**Question: What is an Interstate Claim?**

Answer: If you move to another state, the District of Columbia, Puerto Rico, Virgin Islands or Canada either before or after you file a claim against Hawaii, you can still file for unemployment insurance benefits against Hawaii. You can file a new claim or transfer an existing claim by telephone by calling Hawaii Tele-Claim at 1-877-215-5793. The call you make is toll-free. Refer to the paragraph titled “How Do I File for Unemployment Insurance?” for additional information on how to file a claim by telephone using Hawaii Tele-Claim.

Note: For ex-military servicepersons, you can choose to file your unemployment claim against any state regardless of where you were stationed in the military. However, you must be in that state at the time of filing. If you want to file against Hawaii, you must be in Hawaii at the time you file your initial claim and thereafter, you can relocate to another state and continue to file for benefits on your Hawaii claim.

Once your interstate claim against Hawaii is established, the state you are filing from becomes your agent state. You must register for work in your agent state as instructed. Since Hawaii remains liable for the payment of benefits, Hawaii will be your liable state and will make all determinations and mail your unemployment checks directly to you.

For additional information about interstate claims, go to <http://hawaii.gov/labor/ui/worker-benefit-claims-information-test> and look at Hawaii Tele-Claim Instructions and the Handbook on Unemployment Benefits under the section titled Liable Interstate Benefits.

**Question: Are Unemployment Benefits Taxable?**

Answer: Any unemployment insurance benefits you receive are taxable income. You can voluntarily elect to have federal and state taxes withheld from your unemployment benefits.

Form 1099-G will be issued to you at the end of January showing the amount of benefits paid to you during the tax year. Be sure that your local claims office has your current mailing address. The 1099-G is not reduced by any repayments you may have made for overpaid benefits. Therefore, if you repaid any benefits, you must maintain your record of payments, such as receipts, cancelled checks, and billing statement to make adjustments to your taxable income and as documentation for the federal Internal Revenue Service and the State Tax office when you file your tax returns. Contact your local claims office if you did not keep receipts and need assistance in furnishing documentation for tax purposes.

**Question: Am I eligible for benefits during a labor dispute?**

Answer: Your eligibility will be determined by whether a work stoppage existed at the establishment where you were last employed. Information will be obtained from your employer and from your union representatives to make this determination. If no work stoppage exists and you meet all other requirements, benefits will be allowed.

A Notice of Decision on Unemployment Insurance Claim covering the weeks you filed for will be sent to you. Other decisions may also be made to determine your eligibility. Information which you should report include: strike pay, sick pay, vacation pay, social security, pensions, disability or illnesses, schooling, trips, and self-employment. If more information is needed, you will be contacted by a claims examiner to make this determination.