



KNOW YOUR RIGHTS: UNEMPLOYMENT INSURANCE BENEFITS

Q: What are Unemployment Insurance Benefits?

A: Unemployment Insurance (“UI”) is a social insurance program that provides temporary income to workers who lose their jobs in certain circumstances.

Q: How Do I Qualify for Unemployment Insurance Benefits?

A: To receive UI, you **MUST**:

- (1) have earned enough wages in the last 16 months to qualify (ask the unemployment office to be sure);
- (2) be able and available to work;
- (3) be making an active search for work (at least two job contacts each week); and
- (4) have lost or quit your job for a reason that does not disqualify you.

A detailed description of this fourth requirement is below.

Q: Can I Get Unemployment Insurance Benefits If I Quit My Job?

A: It depends on the location of your last job and your reason for quitting.

If your last job was in **D.C.**, you can get UI if you quit for a **good reason** that is **connected to your job**. Examples of these reasons include racial or sexual discrimination or harassment, unsafe working conditions, the employer’s failure to pay you for your work, your physical illness or disability caused or aggravated by the job, and transportation problems caused by the employer’s relocation. Examples of reasons that do not count include your refusal to obey reasonable employer rules, minor reductions in your wages, transfer from one type of work to another even if it is reasonable and necessary, marriage or divorce that results in you changing addresses, general dissatisfaction with the work, resignation to attend school or training, following your spouse to another geographic location, quitting to take another job that you do not end up getting, non-work related health problems such as pregnancy, and your decision to voluntarily go from full-time to “on-call” status.

If your last job was in **Maryland**, you can get UI if you quit your job for **good cause**. Good cause means your reason for leaving was either:

- “directly attributable to, arising from, or connected with” the conditions of your employment or the actions of your employer; or
- based upon a situation that was so compelling that you had no other alternative but to quit. For example, you left work because your child was very sick and needed your care at home, provided that you give your employer evidence of a health problem from your doctor.

It is not good cause, for example, to leave your job to become self-employed, or to follow your spouse to another geographic location or to go back to school.

If your last job was in **Virginia**, you can get UI if you quit your job with **good cause**. Virginia does not define good cause in their UI statute. Instead, in determining whether good cause is present, the Virginia Commission reviews the reasonableness of both the employment dispute and the employee’s efforts to resolve the problem before quitting his or her job.

Under this standard, examples of good cause can include, but are not limited to:

- substantial changes in your job, such as considerable changes in your job responsibilities and/or the relocation of your work site to a distant area;
- work-related problems such as sexual or racial harassment or discrimination; and
- certain personal responsibilities, such as an inability to obtain transportation to work or child care.

It is not **good cause**, however, if you quit to start a business or if you quit to follow your spouse to a new state.

Q: Can I Get UI If I Am Fired From My Job?

A: It depends on the location of your last job and the circumstances of your firing.

If your last job was in **D.C.**, you cannot get UI if you are fired for “gross misconduct.” Examples of gross misconduct include if you:

- assault or threaten someone without being provoked;
- steal or attempt to steal from your employer;
- are dishonest;
- repeatedly disregard reasonable orders from your employer (the employer must tell you about these rules);
- are intoxicated at work;
- use or possess illegal drugs;
- destroy property (on purpose);
- are repeatedly absent or late.

If you are fired for regular misconduct—not *gross* misconduct—you are disqualified for eight weeks. That means before you can get UI, you must wait 8 weeks, and then can only collect UI for a maximum of 18 weeks, instead of 26. Examples of regular misconduct are:

- minor violations of employer rules (the employer must tell you about these rules);
- conducting unauthorized personal activities at work; or
- using profane or abusive language.

You can get UI in a lot of cases where you are fired. For example, if you are fired because the employer one day just doesn't like your work anymore, you can probably get UI. Or if the boss fires you because you broke a rule, but you didn't know about the rule, then you can probably get UI.

The most important thing to remember about misconduct is that **the employer has to prove your misconduct**. Therefore, it is usually to your advantage to apply for UI and to appeal any decision the government makes against you.

If your last job was in **Maryland**, you can be disqualified from receiving UI if you are fired for gross or aggravated misconduct. Gross misconduct means "behavior that shows a deliberate and willful disregard for the employer's rules & the employee's obligations." The definition of aggravated misconduct is "behavior committed with actual malice."

If your last job was in **Virginia**, you can be disqualified from receiving UI if you are fired for misconduct. Examples of misconduct are if you:

- test positive for drugs (but the test must be part of a workplace drug testing policy that the employer told you about);
- include an intentionally false or misleading statement about your past criminal convictions on a written job application;
- deliberately violate company policy;
- frequently violate company policy, even if the violation wasn't necessarily intentional; and
- are frequently late or miss work in deliberate violation of a known company policy.

Q: Can I Get UI If I Am Laid-Off From My Job?

A: Yes. If you have been laid-off, then you have lost your job due to circumstances beyond your control and you are eligible for UI. You can get UI even if a lay-off is temporary.

Q: Can I Get UI If I Am A Part-Time Worker?

A: If your last job was in **D.C.**, you can get benefits if you are seeking only part-time work. If your last job was in **Maryland** and **Virginia**, rules regarding part-time workers are more complicated. Come to the Workers' Rights Clinic if you need advice. For times and locations, see the end of this handout.

Q: Can I Get UI If I Do Not Have Work Authorization (if I am an "undocumented worker" or an "illegal alien")?

A: No. Unlike other workplace rights, UI only is available to people who are legally authorized to work in the United States. You do not have to be a citizen, however, and you do not have to have legal permanent residency or a "green card." You just have to be authorized to work. So, even if you have Temporary Protected Status (TPS), you can receive UI. If you did not have permission to work when you started to work at your current job, but then you later got permission, you can still get UI, but

you should come to the Workers' Rights Clinic for advice. For times and locations, see the end of this handout.

Q: Can I Get UI If I Quit Or Was Fired From My Job Because Of Domestic Violence?

A: It depends on the location of your last job.

If your last job was in **D.C.**, under recent legislation, you are eligible for unemployment compensation, if you quit or were fired because of domestic violence. Examples of domestic violence include when:

- an abuser refused to allow you to get to work on time and you were fired as a result of excessive absences or tardiness;
- you work with the abuser and you quit your job because you needed to go into hiding to keep your children and yourself safe;
- an abuser exerted control by repeatedly calling at work—distracting the victim and other workers, and leading to decreased productivity and you were fired as a result; or
- you quit your job because your abuser knew where you worked—making you unsafe at work.

You will need some sort of written proof that you are a victim of domestic violence in order to qualify for Unemployment Insurance under this provision. Documents satisfying this requirement include: 1) a police report or record; 2) a court record, such as a Temporary Protection Order or Civil Protection Order; 3) a governmental agency record, such as a report from Child Services; or 4) a written statement affirming that the victim has sought services from a shelter official; a social worker; a counselor; a therapist; an attorney; a medical doctor; or a cleric. Come to the Workers' Rights Clinic for advice on these matters. See the end of this handout for details.

In **Maryland** and **Virginia**, there is no law allowing domestic violence victims to apply for UI if they lose their jobs as a result of the violence. However, workers may be eligible because of so-called "personal reasons." Come to the Workers' Rights Clinic for advice on these matters. See the end of this handout for details.

Q: If I Am Eligible For UI, How Much Money Will I Get?

A: If you qualify, you can get 50% of your average weekly wages. These payments are made every two weeks, and you can collect them for up to 26 weeks (6 months). If your last job was in **D.C.**, the minimum payment is \$50 per week, and the maximum payment is \$309 per week.

If you worked in **Maryland**, as of November 2005, the minimum was \$25 per week and the maximum was \$340 per week. These numbers vary slightly from year to year. Your amount will be based on about 54% of your average weekly wages.

If you worked in **Virginia**, for claims filed after January 1, 2004, the minimum payment is \$54 per week, and the maximum payment is \$330 per week. This amount will be based on about 52% of your average weekly wages.

If you would like to get an estimate of the amount of benefits you are entitled to, and you have access to the internet, go to the following web address:

http://www.epinet.org/content.cfm/datazone_uicalc_index.

However, you should call or visit your local unemployment office to check the information you get from this website. The telephone numbers for the unemployment offices are listed below.

Note: The federal government may offer extended UI benefits when your six months run out. Check with the unemployment office to find out the latest information.¹

Q: When Will My Benefits Begin?

A: You get benefits based on the date that you **apply** for UI, not based on the date that you stop working. For this reason, you should apply for UI as soon as possible, even if you think that you can find a new job quickly. There is no set amount of time between your application for benefits and your receipt of benefits, although the process usually takes about a month.

Q: I Was Unemployed When I Applied For UI, But I Have Since Found A New Full-Time Job. Can I Get Benefits For The Time That I Was Out of Work?

A: Yes. If you were eligible for UI during the time that you were unemployed and you never received your benefits, you can receive those benefit payments at any time, including after you have begun full-time work again. You are not, however, eligible for any *additional* benefits once you are employed full-time, regardless of your new income.

Q: Can I Get UI if I was just at my job for a short time? (Less than six months?)

A: Yes, if you have a relatively steady work history. You can get UI based on **all** the jobs you have had in the last year or two, not just your last job. Each employer is required to pay into the system on your behalf in case you become unemployed. If you are not sure whether you will qualify, apply!

Q: Where Do I Apply For UI?

A: In **D.C.**, you can apply online at <http://www.dcnetworks.org>, or at the following places. This information was last updated in February 2007. Call first to make sure these are still the procedures:

Department of Employment Services

Franklin Street One-Stop

1500 Franklin St., NE

(202) 576-3091

Bilingual (Spanish) staff available, telephone translation in other languages may be available.

Call between 8:00 a.m. – 4:30 p.m. M-F to make an appointment.

Claims are taken at 8:15 a.m. and 10:15 a.m., M-Th, but you must call first to make an appointment for one of these times.

¹ For example, the federal government passed legislation in January 2003 that provided a 13-week extension of UI benefits to certain workers through May 2003. The federal government may issue similar extensions in the future.

*Department of Employment Services
Naylor Road One-Stop
2626 Naylor Rd. SE
(202) 645-3413*

Bilingual (Spanish) staff available, and telephone translation in other languages.

Call between 8:00 a.m. – 4:30 p.m. M-F to make an appointment.

Claims are taken at 8:15 a.m. and 10:15 a.m, M-Th, but you must call first to make an appointment.

In Maryland:

Claims may be filed online at <http://www.dllr.state.md.us/employment/ui/>. Claims may also be filed by telephone (*Bilingual in Spanish*) between 8 a.m. – 3 p.m. M –F for the following locations:

Baltimore Metro South

Serving Central, Southwest or Downtown Baltimore City, Western Baltimore County, Anne Arundel County, and Howard County

(410) 368-5300

(877) 293-4125 (toll free in MD only)

Towson

Serving Northern Baltimore County, Baltimore County, Carroll County, Cecil County, and Harford County

(410) 853-1600

(877) 293-4125 (toll free in MD only)

Eastern Shore

Serving Lower Shore and Upper Shore

(410) 334-6800

(877) 293-4125 (toll free in MD only)

College Park

Serving Calvert County, Charles County, Southern Howard County, Montgomery County, Prince Georges County, and St. Mary's County

(301) 313-8000

(877) 293-4125 (toll free in MD only)

Western Maryland

Serving Allegany County, Frederick County, Garrett County, and Washington County

(301) 723-2000

(877) 293-4125 (toll free in MD only)

In Virginia:

Claims may be filed online at <http://www.vec.virginia.gov/vecportal/unins/insunemp.cfm>.

Alexandria – Bilingual (Spanish) staff available

5520 Cherokee Ave.

Alexandria, VA 22312

(703) 813-1300

line often busy

Call between 8:30 a.m. – 4:30 p.m. M - F

Fairfax

13135 Lee Jackson Hwy, Suite 340

Fairfax, VA 22033

(703) 803-0000

Call between 8:30 a.m. – 4:30 p.m. M, T, Th, F, and 9 a.m. – 4:30 p.m. Wednesdays

Prince William

13370 Minnieville Rd.

Woodbridge, VA 22192

(703) 897-0407

Call between 8:30 a.m. – 4:30 p.m. M, T, Th, F, and 9 a.m. – 4:30 p.m. Wednesdays

Q: Do I Have To Apply At The Location Closest To Where I Worked Or In The State Where I Worked?

A: No. You can apply for unemployment in the state where you LIVE or the state where you WORKED. However, your benefits and eligibility will be calculated using the rules of the state where you have WORKED in your last job. For example, if you live in D.C. and worked in Virginia, you can still file for unemployment in D.C., but your benefits will be figured out using the rules of Virginia.

Note – there may be problems with your UI claim, and it may be denied, if one of the following happens:

- 1) The employer did not send money on your behalf to the government and the government tells you that you are not eligible;
- 2) Your employer decides to fight your claim for unemployment because, for example, he/she asserts that you left/were fired for a reason that makes you ineligible for benefits; or
- 3) You have not earned enough wages to be eligible for unemployment.

Q: If my claim is denied, what should I do?

A: You can appeal your denial of benefits, but the time limit for appeal is very short. For example, in **D.C.** the time limit is only **ten days** from the mailing, not the receipt, of your denial letter. For **Maryland**, the time limit is **fifteen days** from the mailing date and in **Virginia**, you have **thirty (30) days** from the mailing of the denial letter. To make sure that you know – and can prove – the date of mailing, save the envelope that your letter came in so that you can refer to its postmark.

Contact one of the service providers listed below for help with your appeal or other claim problems:

In **D.C.**

AFL-CIO Claimant Advocacy Program

888 16th Street, NW, Suite 520

Washington, DC 20006

Call (202) 974-8159 for an appointment -- they do not accept walk-ins. Before calling, you must have already started the appeals process with DOES and have a hearing date set.

D.C. Employment Justice Center

Walk-in Workers' Rights Clinics

Wednesdays 6:00 p.m. – 8:00 p.m. at Bread for the City, NW (1525 7th Street, NW, between P and Q Streets, NW, near the Howard Univ/Shaw Metro stop on the Green Line).

Mondays 3:00 p.m. – 4:30 p.m. at Bread for the City, SE (1640 Good Hope Road, SE).

No appointment is necessary, and you may call (202) 828-9675 for additional information about the clinic.

Maryland

Maryland Legal Aid Bureau – Riverdale Office

6811 Kenilworth Ave., Suite 500, Riverdale, Maryland

(888) 215-5316 – toll free

Intake for non-domestic civil matters on M, T, Th, F from 2 to 4 p.m.

Open for new Bilingual Spanish calls on Tuesdays and Thursdays from 2 to 4 p.m.

Virginia

Legal Services of Northern Virginia (various locations)

Falls Church (Main office): (703) 778-6800

Arlington - 703-532-3733

Fairfax - 703-246-4500

Alexandria - 703-684-5566 or 703-778-3448

Manassas (Loudon)- 703-368-5711

Leesburg (Prince William) - 703-777-7450

Open for new calls from 9:30 a.m. to 1 p.m. Monday through Friday

For more information about your workplace rights come to one of the Workers' Rights Clinic run by the D.C. Employment Justice Center from 6:00 p.m. – 7:30 p.m. on Wednesdays at Bread for the City, NW (1525 7th Street, NW, between P and Q Streets, NW, near the Howard Univ/Shaw Metro stop on the Green Line) or from 3:00 p.m. – 4:30 p.m. on Mondays at Bread for the City, SE (1640 Good Hope Road, SE). No appointment is necessary, and you may call (202) 828-9675 for additional information about the clinic. You can also visit the D.C. Employment Justice Center website at www.dcejc.org.

This fact sheet is intended to provide accurate, general information regarding legal rights relating to employment in Washington, D.C. Because laws and procedures frequently change, the D.C. Employment Justice Center cannot ensure that the information in this fact sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your legal rights.

DC Employment Justice Center

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