

UNEMPLOYMENT COMPENSATION BENEFITS IN DC, MD, & VA



WHAT IS UNEMPLOYMENT COMPENSATION? Unemployment compensation is a social insurance program that provides temporary income to workers who lose their jobs.

How Do I Qualify for Unemployment Compensation Benefits? To receive benefits, you must:

- Have lost or quit your job for a reason that does not disqualify you;
- Have earned enough wages in the last 16 months to qualify;
- Be able and available to work; and
- Actively search for work while you receive benefits (at least two job contacts each week).

Once I Qualify, How do I Continue to Receive Benefits?

- To continue to receive benefits on an ongoing basis, you are **required to file claim cards with the unemployment office every 2 weeks** in which you certify that you are still able and available for work, and that you are actively seeking work. On your claim card you will also have to report any income you have received in the preceding two week period.

Can I Receive Unemployment Compensation Benefits if I Quit My Job?

- Generally no, unless you quit for a **good cause** that is **connected to your job**. Examples of good cause in DC include discrimination or harassment, unsafe working conditions, the employer's failure to pay you for work, illness or disability caused or aggravated by the job, and transportation problems caused by the employer's relocation.
- In DC, you also have good cause if you follow your spouse or domestic partner to another geographic location from which it is impractical to commute or if you have to leave your job to care for an ill or disabled family member.
- Additionally in DC, you are eligible for unemployment benefits if you quit your job OR were fired from your job due to domestic violence against you or any member of your immediate family (unless you were the perpetrator).
- In Virginia, a worker must show good cause and justify the timing for when he/she quit the job.

Am I Eligible for Unemployment Benefits if I am Fired or Laid Off from My Job?

- Yes. If you are laid off you are eligible, even if a lay-off is temporary. If you are fired, your receipt of benefits may depend on the circumstances of your firing.
- **You cannot receive benefits if you are fired for "gross misconduct,"** such as:
 - Assaulting or threatening someone at work without being provoked;
 - Stealing or attempting to steal from your employer;
 - Dishonesty;
 - Repeated disregard of reasonable orders from your employer (the employer must tell you about these rules);
 - Intoxication at work;
 - Use or possession of illegal drugs;
 - Destruction of property (on purpose);
 - Repeated absences or tardiness.
- If you are fired for "**regular**" **misconduct**—not *gross* misconduct—you are **disqualified for 8 weeks** (in Maryland, it is 10-15 weeks). That means you must wait 8 weeks before receiving benefits, and you are eligible to collect unemployment benefits 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.
- The most important thing to remember about any type of misconduct is that **the employer has to prove your misconduct**. Therefore, it is usually to your advantage to apply for unemployment benefits and to appeal any decision the government makes against you.

Can I Receive Unemployment Benefits If I Am A Part-Time Worker?

- Yes.

Can I Receive Unemployment Benefits If I Do Not Have Work Authorization in the United States?

- No. Unlike other workplace rights, unemployment insurance benefits are only available to people who are legally authorized to work in the United States.

If I Am Eligible for Unemployment Benefits, How Much Money Will I Receive?

- If you qualify, you can receive 50% of your average weekly wages. These payments are made every two weeks for up to 26 weeks (about 6 months). In D.C., the minimum payment is \$50 per week, and the maximum payment is \$359 per week. You may also be eligible for additional benefits if you have dependents. In Maryland, the minimum is \$25 and the maximum is \$430. In Virginia, the minimum is \$54 and the maximum is \$378. **Note: The federal government may offer extended unemployment benefits when your benefits end. Check with the unemployment office to find out the latest information.**

When Will My Benefits Begin?

- You receive benefits beginning from the date that you **apply**, not based on the date that you stop working. For this reason, you should apply for unemployment benefits as soon as possible.

I Was Unemployed When I Applied for Benefits, but Now I Have a New Full-Time Job. Can I still Receive Benefits for the Time That I Was Out of Work?

- Yes. If you were eligible for benefits 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.

Where and How Do I Apply For Unemployment Compensation?

- You can apply in the state where you worked or the state where you live; ultimately, you should file for benefits in the state to which your employer was paying unemployment taxes on your behalf. In D.C., you can apply online at <https://does.dcnetworks.org/initialclaims/>, or by calling the D.C. Department of Employment Services at: (202) 724-7000 or (877) 319-7346. The unemployment office strongly advises filing online for faster service. DC unemployment telephone lines will be open: Monday - Friday, 8:30 am to 5 pm. In Maryland, you can apply online at <https://secure-2.dllr.state.md.us/NetClaims/Welcome.aspx> or by calling: (800) 827-4839. In Virginia you can apply online at: <http://www.vec.virginia.gov/vecportal/unins/insunemp.cfm>, or by calling (866) 832-2363.

If my claim is denied, what should I do?

- In D.C. and Maryland, you have the right to appeal the decision, but you must do so within **15 days** from the date your denial letter was mailed. In Virginia, you must file an appeal within **30 days**. You will then receive notice of the date of a hearing, in which you can explain your case to an Administrative Law Judge who will decide whether the denial is warranted. **Note:** If you are receiving benefits while you are appealing your denial and the judge ultimately agrees that you should not be receiving them, you will have to pay back the benefits you already received.

For more information about your workplace rights come to EJC's Workers' Rights Clinic from 6:00 p.m. – 9:00 p.m. on Wednesdays at Bread for the City, NW (1525 7th Street, NW, between P and Q Streets, NW; list starts at 5 p.m.) or, from 11:00 a.m. – 2:00 p.m. the first and third Fridays per month at Bread for the City, SE (1640 Good Hope Road, SE). The clinic is first-come, first served, and no appointment is necessary. For more information, 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.

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