

GUIDE FOR RECEIVING UNEMPLOYMENT INSURANCE BENEFITS

This guide fully explains your rights and responsibilities when filing for and receiving unemployment insurance benefits.

Failure to read this guide could result in loss of benefits.

The TN Department of Labor and Workforce Development is committed to principles of equal opportunity, equal access, and affirmative action. Auxiliary aids and services are available upon request to individuals with disabilities. (Tennessee Relay Service is 711.)

ACTIONS YOU MUST TAKE FOR PAYMENT AND CORRESPONDENCE

- a. While unemployed, **you must certify every week** beginning with the week after you file your unemployment claim. You must answer questions every week for the prior calendar week by internet. Do not wait to receive correspondence from our agency to take action. Delay can result in non-payment of skipped weeks.
- b. All claimants **must make a reasonable effort to secure work** by providing detailed information regarding contact with at least three (3) employers per week. Failure to make three (3) weekly work searches will result in a loss of benefits unless you are job attached, a member of a hiring union, or attending training approved by the Commissioner. You may log in to www.jobs4tn.gov to search for work online.
- c. You **must notify our agency timely of any change of address** after you have notified your U. S. Post Office. Correspondence **WILL NOT BE FORWARDED**. Wage Transcriptions, Agency Decisions and Call-In Notices are sent to the address on file.
- d. You must **report gross wages from working on your weekly certification**. To avoid overpayments, report earnings DURING THE WEEK EARNED not when paid.
- e. You **must respond to telephone calls or written call-in notices** from our agency.
- f. You must **timely report effective date of pension**. Some types of pension are deductible from UI benefits if pension is received from a base period employer. Contact the UI Claims Center as soon as effective date and amount is known.
- g. You must **protect the User ID and password that you create** as it is your electronic signature. If you tell another person your login information and it is used fraudulently, the overpayment created will be charged to you.
- h. If your claim is denied and you disagree with an Agency Decision, Appeals Tribunal Decision or Office of Administrative Review Decision, you must **file an appeal timely for the next level to take jurisdiction**. Follow the instructions on the decision. Also continue to certify weekly while unemployed and waiting on the appeal process.
- i. Contact the UI Claims Center at 1-877-813-0950 if you **change your availability for work, enter into school or a training program, and plan to go out of state or become ill**.
- j. If you have given a disqualifying answer on your weekly certification and are still unemployed, you will be notified by the UI Claims Center to resolve the issue.

UNEMPLOYMENT INSURANCE PURPOSE AND CRITERIA FOR APPROVED CLAIM

Unemployment Insurance is designed to provide benefits to unemployed individuals who lose their jobs through no fault of their own. The program is funded by employers who pay into the Tennessee Unemployment Insurance Trust Fund. Your eligibility to receive unemployment insurance benefits is based on Tennessee's Employment Security Law. A person would need to be able and available for work, make three work searches each week while certifying for unemployment insurance benefits, qualify for a weekly benefit amount and be separated from most recent work for a non-disqualifying reason. After filing a claim, a Wage Transcription and Initial Monetary Determination will be sent to you via your preferred method of communication describing your weekly benefit amount and maximum benefit amount. Adjudication of a separation issue would result in an agency decision being issued to you separately.

PRIVACY ACT STATEMENT

Federal and state laws require that you be furnished this statement because you are being asked to furnish your Social Security Number. Disclosure of your Social Security Number for this purpose is mandatory to claim unemployment benefits. Your Social Security Number will be used to report your unemployment benefits to the Internal Revenue Service as income that is taxable. It will be used for processing your claim, for statistical purposes, and to verify your eligibility for unemployment benefits. Should you decline to disclose your Social Security Number your claim for unemployment benefits will not be processed.

Wage and other confidential unemployment claim information may be requested and utilized for other governmental purposes, including, but not limited to, verification of eligibility for other government programs pursuant to 20 CFR 603.11.

Confidential Unemployment Insurance information will only be released to the party who provided the information via written request to the agency.

PROCEDURE FOR WEEKLY CERTIFICATION ON THE INTERNET

The Internet weekly certification process provides a fast, reliable way to file a weekly certification for unemployment insurance benefits. While unemployed, you will need to certify each week beginning with the week after you filed your claim.

You need to read the following sections to become familiar with the process and the questions.

You, the claimant, are responsible for certifying your eligibility via the Internet on a weekly basis as long as you are unemployed. Do not delay contacting the department should you not be able to certify.

To certify for your weekly unemployment benefits, go to your dashboard on www.jobs4tn.gov, click on More Unemployment Services, then click on Weekly Claim Certification. If you do not certify weekly, you may not be paid if your claim is later approved. If you are unable to successfully certify after you file your claim, you must contact the UI Claims Center at 1-877-813-0950.

Self-service information is also available on your dashboard when you log into www.jobs4tn.gov

CREATION AND USE OF YOUR PERSONAL USER ID AND PASSWORD

The claims filing and benefit inquiry applications require that you enter a confidential User Id and Password. Your User ID and Password protects you against another person certifying for benefits or obtaining information about your claim.

You will create your User ID and Password during your first use. Guard it as you would any confidential information. Be sure to select a Password that will be easy for you to remember since you must use it to get benefit information. When you are establishing a new Password, you will also be prompted to establish security questions and answers. You will be prompted to answer the secondary security question in the event you enter your Password incorrectly when attempting to certify.

If you need assistance with your User Id or Password contact the UI Claims Center at 1-877-813-0950.

Never tell anyone your Password!!! Remember, you are responsible and liable for your claim. Your Password is your electronic signature for claiming and receiving unemployment benefits.

WEEKLY CERTIFICATION QUESTIONS ON INTERNET

You are currently certifying for the seven day calendar week ending XX/XX/XX. Employers report earned wages to the agency every week. Failure to report wages will lead to an overpayment. Wages are to be reported for the week during which they were earned even if they have not yet been received.

* If you work two part-time jobs during a calendar week, add them together and report the total number of hours that you worked and the total gross dollar amount earned from both jobs.

You are required to make a minimum of three work searches each week. During the certification process, you will be prompted to manually enter those work searches before continuing with the certification process. If you have used the www.Jobs4tn.gov website to apply for jobs, those searches may prefill in the work search form for you, in which cases all you have to do is verify them.

WAY2GO DEBIT CARD OR DIRECT DEPOSIT

Tennessee Unemployment Insurance claimants receive their benefits via the Way2Go debit card or direct deposit. Claimants now enroll for debit cards or direct deposit payments on your dashboard at www.jobs4tn.gov. After logging into jobs4tn, click on Unemployment Services on the left side of the screen then click on Update Banking Information.

Your Way2Go Card will arrive in a plain window envelope. Do not throw away this envelope without removing its contents. Once a Way2Go Card is issued, it is valid for two years. Keep your Way2Go Card until the expiration date for payments on potential future benefit claims. As soon as your Way2Go Card is received, sign it and call Xerox Customer Service at 1-855-462-5887 (toll-free) to activate your card and to select a Way2Go Card PIN. For problems with your debit card contact Xerox Customer Service at 1-855-462-5887. For problems with direct deposit contact the UI Claims Center at 1-877-813-0950.

OBTAINING BENEFIT PAYMENT INFORMATION

To obtain benefit payment information by internet, go to www.jobs4tn.gov.

USING THE EMPLOYMENT SECURITY ONLINE APPLICATION WEBSITE

The Employment Security Online Application Website at www.jobs4tn.gov offers several services:

File a Claim	File a claim or Reopen an existing claim for Tennessee unemployment benefits.
Weekly Claim Certification	Certify weekly on a pending, approved or rejected and under appeal claim.
Request Check Cancellation/Replacement	Use this if payment method is NOT debit card or direct deposit.
Request a Redetermination of your Benefit Amount	Request a review of your unemployment benefit compensation amount which you believe is in error.
Appeals	If you disagree with an Agency Decision and are filing an appeal within 15 days from the mailing date, click on this menu choice and follow the prompts.
View Benefits/Update Information	To view and update address, telephone number, county, email address, IRS 10% deduction option or view benefit information.
Update Banking Information	Update account information or change method of payment.

IRS FORM 1099G

All benefits are taxable, and information contained in your unemployment insurance claim file may be released to other government agencies, as required by law. IRS form 1099G showing total of payments issued in previous calendar year will be available for downloading by January 31. TN WILL NOT MAIL 1099G forms.

FRAUD/CROSSMATCH

When certifying for weekly benefits you are required by law to answer questions truthfully. Under Tennessee Law, both you and your employer can be prosecuted for making false statements. This Agency has a program designed to cross match wages reported by employers against earnings reported by claimants drawing unemployment benefits. This cross match will detect any difference in wages and earnings reported; therefore, you must report all wages when earned, not when paid. This must be done for each calendar week beginning Saturday midnight and extending to the following Saturday midnight.

HIRE DATE IS REPORTED

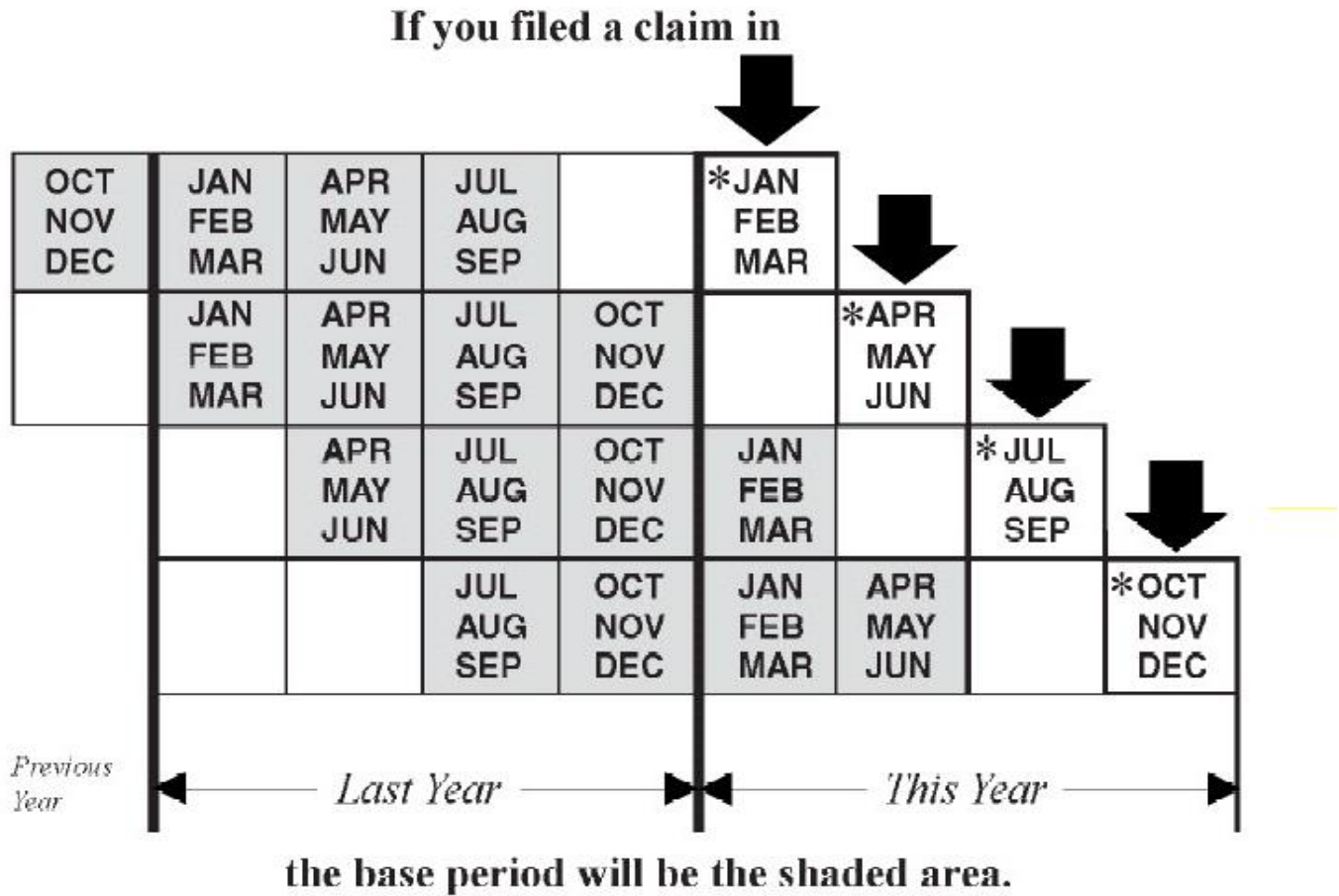
Tennessee employers report new hire information to the Department of Human Services, which is shared with the Division of Employment Security. When you return to work and begin earning equal to or more than your weekly benefit amount, you are no longer due a benefit check for that week. Claimants report calendar week wages as they are earned and not later when they are paid.

FEDERAL INCOME TAX WITHHOLDINGS

An individual filing a new claim for unemployment compensation may elect to have federal income tax deducted and withheld, at the flat rate of 10 percent, from the weekly payment of unemployment compensation. An individual will be permitted to change a previously elected withholding status at any time by accessing www.jobs4tn.gov. NOTE: If income tax is deducted from unemployment benefits and those benefits are later found to be overpaid, the amount withheld for income tax purposes will be overpaid even if you return a benefit check.

STANDARD BASE PERIOD CHART

To determine a weekly benefit amount on an initial unemployment claim, wage amounts are reviewed for a time frame called a **Standard Base Period**. This is the first four of the last five completed calendar quarters prior to the date the initial claim is filed. A calendar quarter is three months of either January - March, April - June, July - September or October - December.



***Base period changes on the Sunday of the first complete calendar week of the new quarter.
Turn of quarter occurs during the first full week of the quarter.**

WAGES IN OTHER STATES OR LIVING IN ANOTHER STATE

If you worked in Tennessee during the base period but moved to another state, you may, if you are unemployed, file a claim for benefits on those wages earned in Tennessee. If you worked in another state during the base period, but moved to Tennessee, you may file a claim for benefits from another state. If your background is working for companies in one state other than Tennessee, you will need to go to www.jobs4tn.gov, go to your dashboard under unemployment services and click on Unemployment Benefit Overview and click on the Interstate ICON Guide Card. The Interstate ICON Guide Card explains how to file through other states' telephone claim centers or internet. In some cases your wages from two or more states may be combined to establish an eligible claim for benefits.

ELIGIBILITY REQUIREMENTS

1. You must be totally or partially unemployed through no fault of your own.
2. You must have been paid sufficient qualifying wages during the base period.
3. You must file an initial claim and continue to file your weekly certification as directed.
4. You must be able to work and available for work. There are special provisions for individuals who become ill or disabled after filing an initial claim

5. You must make three different valid work searches each week you claim unemployment benefits.
6. You must document your work search activity on a work search log. Failure to comply with the Unemployment Insurance Accountability Act of 2012, T.C.A. § 50-7-302(a)(4), will result in a loss of benefits.
7. You must make a reasonable effort to secure work unless you are returning to your employer in the near future, normally get work through a hiring union, or are enrolled in approved training.
8. Your first week AFTER FILING an initial claim that is approved and monetarily eligible is called a waiting week, provided that any gross earnings reported do not equal or exceed the weekly benefit amount. You must file weekly certifications for four consecutive weeks, meet all eligibility requirements, and not equal or exceed the weekly benefit amount in order to be paid for the waiting week.
9. Some claimants must have requalifying wages -your UI Claims Center representative will explain this to you if necessary.
(See Disqualifications.)

DISQUALIFICATIONS

Although you may have enough wages to establish a valid claim, you may still be disqualified from receiving benefits. Some of the conditions are listed.

- A. Voluntarily quitting without good cause connected with work may include
 1. Moving to another locality
 2. Lack of transportation
 3. Lack of a babysitter
 4. Quitting to attend school or to care for a friend or relative
 5. Unable to get along with co-worker(s)
 6. Routine change in working hours
- B. Discharged for misconduct in connection with work may include
 1. Excessive tardiness and/or absenteeism
 2. Willful neglect of an employee's duties
 3. Insubordination
 4. Intentional violation of company rules
 5. Willful destruction of company property
 6. Theft
 7. Disloyalty (disclosure of confidential information or accepting bribes)
 8. Embezzlement
 9. Inflicting bodily harm on a fellow employee or employer
- C. Failure to accept a referral from this Agency or to accept available, suitable work.

NOTE: If you are disqualified for any of the reasons listed in Disqualifications section you must do the following to establish eligibility.

1. Return to work for an employer who pays unemployment insurance premiums (covered employment)
2. Earn an amount specified by law (10 x your weekly benefit amount)
3. Be separated for reasons that are not disqualifying
- D. Participate in a labor dispute other than a lockout.
- E. There are other reasons which would result in disqualification. Some are:
 1. Receiving severance/wages in lieu of notice
 2. Receiving deductible retirement equal to or in excess of your weekly benefit amount
 3. Receiving compensation for temporary partial disability under workers' compensation
 4. Earnings equal to or more than your weekly benefit amount
 5. Being out-of-town and not available for work during your usual work week
 6. Fraud in connection with your claim
 7. Seeking or receiving unemployment benefits from another state or from a federal unemployment claim and, at the same time, drawing unemployment benefits from Tennessee
 8. Failure to make three valid work searches each week and documenting work searches on a work search log
You may lose benefits for eight weeks if you provide false work search information.
 9. Certain types of self-employment involving commission sales

NOTE: If you are disqualified for any reason listed in number 18 E; you may refile your claim when the condition(s) causing your disqualification no longer exist.

RE-EARNINGS REQUIREMENT

There is a re-earnings requirement to be eligible for a new claim after you have exhausted benefits on a current claim or your BYE (benefit year of 52 weeks) has ended. This means you must have worked and earned five times your weekly benefit amount in covered employment since you filed your last initial claim to be monetarily eligible for a new claim.

Example A: Claimant files a claim on Company A. There is no subsequent work. BYE expires. Claimant files a new claim; however, claimant shall not be eligible for benefits on the new claim until he meets re-earnings requirement.

Example B: Claimant files a claim on Company A and exhausts his benefits. Once his BYE expires, he files a new claim since his temporary job with Company B has ended in layoff. Claimant is eligible on subsequent claim because he was laid off and worked and earned 5 x \$275 (last year's weekly benefit amount). If you are disqualified from receiving benefits due to a separation issue or for refusing referral to or an offer of suitable employment you will be required to earn ten times your weekly benefit amount in covered employment since the disqualification was imposed.

Example C: A disqualification decision is issued on a claim with a WBA of \$275. $10 \times \$275 = \$2,750$ and must be earned prior to an additional claim or a new initial claim with a different BYE.

APPEAL RIGHTS

If your claim is denied, you will receive an Agency Decision via your preferred method of communication within the Agency's System. Interested parties have the right to appeal this decision within 15 calendar days of date mailed. If state offices are closed on the final day, the next business day is the deadline. Late appeals will only be allowed if you can show, in a hearing that you had good cause. File the appeal by mail to: Appeals Tribunal, Dept. of Labor and Workforce Development, 220 French Landing Drive, Nashville, Tennessee 37243-1002. File the appeal by fax (615) 741-8933 or via the Internet at www.jobs4tn.gov. The claimant's Social Security Number must appear on all documents. **You must certify weekly to remain eligible for benefits should filing an appeal result in approval.** You may be represented by an attorney or assisted by any other representative you choose. If you cannot afford an attorney, free or low cost legal assistance may be available through your local legal services organization or bar association. We cannot provide an attorney for you.

TERMS TO REMEMBER

Allowable Earnings - The amount of earnings a claimant may earn without reducing his weekly benefit amount (WBA).

Appeal - This Agency's appeals process includes the following: The Appeals Tribunal, Commissioner's Designee, and Petition to Rehear. Any monetary or other eligibility issues which have produced an Agency Decision may be appealed.

Base Period (Standard) - The first four of the last five completed calendar quarters prior to the initial claim date.

Benefit Year Ending Date (BYE) - The 52-week period beginning the first day of the week in which a claim is filed.

Calendar Quarter - A calendar quarter is three months of either January- March, April - June, July - September or October - December.

Change of Quarter - Effective on the Sunday of the first full week in January, April, July and October when base period on newly filed claims change.

Covered Employment - You will receive a W-2 form for most covered wages. Employment that meets provisions of Tennessee Code Annotated (TCA), Chapter 7, of Tennessee Employment Security Law with Regulations for coverage by the unemployment insurance program.

Direct Deposit - Electronic method of payment of unemployment benefits directly to claimant's checking or savings account.

Exhausted Benefits - When a claimant has drawn out all the benefits he is entitled to within a benefit year. A new claim for benefits can be filed after the benefit year ends.

Initial Claim - The first claim you file that establishes a benefit year ending (BYE) date.

Maximum Benefit Amount (MBA) - The maximum amount of benefits you may be eligible to receive in your benefit year is the lesser of 26 times your WBA or one-fourth of your base period wages. To be eligible for benefits, you must have base period wages outside the highest quarter of your base period of at least six times your WBA or \$900. Your total amount of benefits, if not a multiple of \$1.00, will be computed to the next lower multiple of \$1.00.

Monetary Determination - This is based on your covered employment wages earned during a base period.

PIN - Personal Identification Number.

TAA -The Trade Adjustment Assistance (TAA) Program is a Federal program established under the Trade Act of 1974 (Amended 2002, 2009, 2011 and 2014) that provides cost of retraining, job search allowances, and relocation allowances to workers who lose their jobs or whose hours of work and wages are reduced as a result of increased imports.

List of programs: **TAA of 2002** (Trade Adjustment Assistance Reform Act of 2002)
 TGAAA of 2009 (Trade and Globalization Adjustment Assistance Act of 2009)
 TAAEA (Trade Adjustment Assistance Extension Act of 2011)
 Reversion 2014 (Trade Adjustment Assistance (TAA) Reversion 2014)
 TAARA of 2015 (Trade Adjustment Assistance (TAA) Reauthorization Act of 2015)

WAY2GO Card - Claimants may elect to receive their unemployment compensation via a VISA Debit Card.

TRA - Trade Readjustment Allowances are income support to persons who have exhausted unemployment compensation and whose jobs were affected by foreign imports.

TUC - Tennessee Unemployment Compensation

Wage Protest - A wage protest is completed when a claimant does not agree that his covered Tennessee wages are correctly reflected on the Wage Transcription and Initial Monetary Determination.

Wages in Lieu of Notice - Wages paid under the circumstance where the employer did not give an advance notice of separation, are equivalent to the wages the claimant could have received if permitted to work those weeks.

Waiting Week - The first week you certify for after filing an initial and monetarily eligible approved claim is your waiting week. This Agency does not pay you for this week unless you certify for, and are eligible for, four consecutive weeks.

WARN - Worker Adjustment and Retraining Notification Act.
Under Worker Adjustment and Retraining Notification Act of 1988 (WARN), Tennessee employers are required to send a written notice to the Dislocated Worker Unit 60 days in advance of a plant closure or mass layoff if the company employs at least 100 workers.

WARN Notice Pay - Wages, considered wages in lieu of notice.

Weekly Benefit Amount (WBA) -The dollar amount of unemployment benefits you are entitled to receive weekly.

To determine the WBA:

- Average the wages paid in the two highest quarters of the base period.
- Apply this average to the current Tennessee Unemployment Insurance Benefit chart pursuant to T.C.A. 50-7-301.
- The claimant's weekly benefit amount will be adjusted by any wages earned during the week being claimed. The gross wages are reported by the claimant at the time of filing a weekly certification for benefits. The system will calculate the adjusted benefit amount, including the weekly earnings allowance. Benefits are rounded down to the next whole dollar amount.
- EXAMPLE: WBA is \$200 and gross earnings for the week are \$189.99. The reported gross earnings of \$189.99, minus the weekly earnings allowance of \$50.00, equals earnings of \$139.99 that reduce the WBA to \$60.01 and rounded down to a maximum payable amount of \$60.00.
- Any earnings amount less than the whole dollar WBA amount will qualify as the waiting period.
- EXAMPLE: WBA is \$200 and earnings for the week are \$199.99. The waiting period will be served..

Work Search - Recording weekly activity on your TUC Work Search Log by logging in to www.jobs4tn.gov to apply for work online and receive notifications when jobs are posted; Completing a job application in person or online with employers who may reasonably be expected to have openings for work that you can do; Mailing a job application and/or resume, as instructed in a public notice; Making in-person visits with employers who may have job openings; Sending job applications to employers who have an open job that you can do; Interviewing with potential employers in person or by telephone; Registering for work with private employment agencies, placement services or hiring unions; Using the employment resources available at Tennessee Career Centers that may lead directly to a job, and; Attending job search seminars, career networking meetings, job fairs or employment-related workshops that offer instruction in improving individual skills for obtaining employment.

UNEMPLOYMENT INSURANCE POSTER FOR EMPLOYEES



Your employer provides insurance to help protect you when you become unemployed through no fault of your own. Tennessee employers pay the full cost of unemployment insurance for their employees. Nothing is deducted from your pay to cover the cost of this insurance nor does any money come from State of Tennessee funds.

To be eligible for benefits you must

- Be separated from employment through no fault of your own.
- Have qualifying wages in the base period.
- Be able and available for work.
- Search for work by making a minimum of three tangible job contacts and documenting during weekly certification process. You may log in to www.Jobs4tn.gov to search for work online.

Failure to make three weekly work searches will result in a loss of benefits unless you are job attached, a member of a hiring union, or attending training approved by the Commissioner.

If you become unemployed you may file for benefits at www.Jobs4tn.gov.

Before beginning the claim filing process, you should have your

- Social Security Number
- Telephone Number
- Address
- Name of county of residence
- Employment data for the last 18 months including employer name and address, and
- Bank routing number and bank account number if you elect to receive benefits by direct deposit; otherwise, you will receive benefits on the Way2Go MasterCard.

You must keep your address current with the Department of Labor and Workforce Development.

Go to www.Jobs4tn.gov to apply for unemployment benefits, to file a wage protest, to file an appeal of an agency decision, to view/update information, and to view and update your choice of type of unemployment benefit payment.

You may log in to www.Jobs4tn.gov to register and search for work by using services offered by our Tennessee American Job Centers. The Tennessee Department of Labor and Workforce Development has staff available to help you find a job or pursue training opportunities.

You may go to the Department's website at <http://www.tn.gov/workforce/topic/find-local-help> to find the location of the most convenient Tennessee American Job Center.

Please post in a conspicuous place.

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