

CLAIMANT HANDBOOK

A Guide to Unemployment
Insurance Benefits:
Your Rights and Responsibilities

To file your claim:
UI4U.MT.GOV

For up-to-date information:
UID.DLI.MT.GOV

Una versión en español está disponible a petición.

También en uid.dli.mt.gov haga clic en "Acerca de UI".

Revised 11/2016



Montana Department of
LABOR & INDUSTRY

FINDING A JOB

MAKE YOUR WORK SEARCH WORK FOR YOU

Job Service Montana offices are your full-service, no-fee employment resource.

Staff in your local Job Service Montana offices can assist you in your job search by:

- Discussing approaches to finding a new job and helping you develop a work search plan.
- Reviewing your application materials and providing assistance with writing résumés and cover letters.
- Showing you resources and tools you can use in your work search.
- Exploring re-employment and re-training services that may be available.

Additionally, if you need access to a computer, fax machine, telephone, or copier for your work search, your local Job Service Montana office can help you.

All Job Service Montana locations and their phone numbers are listed on the right. You can also check the State Government pages of your local phone book or jobservices.dli.mt.gov for contact information for your nearest Job Service Montana office.

Job Service MONTANA

A proud partner of the [AmericanJobCenter](http://AmericanJobCenter.org) network



JOB SERVICE MONTANA PHONE NUMBERS

Anaconda	(406) 563-3444
Billings	(406) 652-3080
Bozeman	(406) 582-9200
Butte	(406) 494-0300
Cut Bank	(406) 873-2191
Dillon	(406) 683-4259
Glasgow	(406) 228-9369
Glendive	(406) 377-3314
Great Falls	(406) 791-5800
Hamilton	(406) 363-1822
Havre	(406) 265-5847
Helena	(406) 447-3200
Kalispell	(406) 758-6200
Lewistown	(406) 538-8701
Libby	(406) 293-6282
Livingston	(406) 222-0520
Miles City	(406) 232-8340
Missoula	(406) 728-7060
Polson	(406) 883-7880
Shelby	(406) 434-5161
Sidney	(406) 433-1204
Thompson Falls	(406) 827-3472
Wolf Point	(406) 653-1720

JOBS.MT.GOV

To remain eligible for Unemployment Insurance benefits, you must register on jobs.mt.gov and either update your profile or receive at least one service – like résumé writing assistance or job search planning – from a Job Service Montana office every 90 days. If you live outside of Montana, you must register with the Workforce Agency in your state.

IMPORTANT UNEMPLOYMENT INSURANCE INFORMATION



What is Unemployment Insurance (UI)?

UI is a program to pay short-term benefits to workers who have lost their job through no fault of their own. UI helps to lessen the negative impact that being out of work has on the economy. UI is not public assistance, social security, or a disability payment program.

Who pays for UI?

Employer taxes pay all costs.
No money is deducted from your paycheck.

Help us to help you.

We want to help you through your time of unemployment. To make sure you are paid benefits in a timely manner, you need to provide accurate information, respond to requests for information on time, and meet all the requirements for qualifying for benefits. You are required to read and understand the information in this handbook.

For Fastest Service:

File your claim, request payment, or check the status of your claim online at ui4u.mt.gov – it is safe, secure, and available 24/7/365.

Fraud is a serious crime.

Detecting and prosecuting cases involving UI fraud is a high priority for Montana's UI program. Claims are audited regularly to ensure benefits were properly paid according to state and federal law. See page 16 for what is considered fraud, how to report fraud, and how to avoid penalties and prosecution.

Keep your mailing address and phone number current with UI. Mail and phone are the primary ways we contact you for information affecting your claim. Mail from UI is not forwarded by the Post Office. If we cannot contact you, your benefits may be stopped.

For security and privacy when contacting UI, please use your Party (Individual) ID number, not your social security number. Your Party ID number is the number linked to your UI records. You will find this number on most letters we mail to you.

PIN, PERSONAL AGENT, CHANGE OF ADDRESS, DIRECT DEPOSIT

Personal Identification Number (PIN)

You must establish a 4-digit PIN, which allows secure access to your claim at ui4u.mt.gov. This number, along with your social security number, will identify you when you access your claim online. If you filed your claim over the telephone, you need to establish your PIN at ui4u.mt.gov.

Your PIN is your signature. You are the only one who has the legal authority to use it. Do not share your PIN with anyone. If another person has knowledge of your PIN, change it by going to ui4u.mt.gov or calling the Claims Processing Center to reset it. Sharing your PIN or having another person such as a spouse, friend, or relative file for benefits on your behalf can be considered fraud.

Personal Agent

If you want to allow another person to assist you or act on your behalf, contact the Claims Processing Center to request your personal agent authorization. A customer service representative will explain the rules and send you an agent designation form. Allowing another person to act on your behalf or access your claim without first completing the form could result in a denial of benefits and/or fraud penalties. You will be responsible for any actions taken by your designated personal agent.

Change of Address

You have three business days to update your mailing address with UI after it changes. **Mail from UI is not forwarded by the Post Office even when you have filed a change of address with them.** Failure to respond to requests for information due to a bad address will mean you are denied benefits until you respond.

You may receive mail or requests for information even after your claim has expired.

Direct Deposit

Direct deposit is a quick, convenient, and secure way to receive your benefit payment. Depending on your bank, your deposit is usually available two business days after the payment issue date.

To sign up for direct deposit go to ui4u.mt.gov and select "Update Bank Account Information." You will need your bank account and routing numbers. The Claims Processing Center cannot verify or enter this information for you. If you are receiving payments by direct deposit, it is still your responsibility to keep your address current

by updating it at ui4u.mt.gov or by calling the Claims Processing Center.

Once you are no longer requesting payment, it is recommended you go to ui4u.mt.gov and de-activate direct deposit by clicking on "Update Bank Account Information."



U.S. Bank ReliaCard®

In 2017, Montana UI will introduce a new electronic means of paying out your UI benefits: the U.S. Bank ReliaCard®. The ReliaCard is a faster, more secure, and very versatile way to receive and access your UI payments. Once a benefit payment has been authorized, that amount will be electronically added to your card. It functions much like other Visa debit cards; you can make purchases in stores or online, get cash and pay bills, but is not tied to a traditional checking or savings account. There is no credit check or other banking relationship needed. The ReliaCard has an online cardholder website where you can check your balance and view transactions, a mobile app to check your balance on the go, and offers text or email alerts to be notified when payments are added to your card or when your balance gets low.

With this transition, claimants will be able to choose between direct deposit or the ReliaCard for benefit payments. State warrants (paper checks issued by the state treasurer and mailed to claimants) will be eliminated.

We will let you know when the ReliaCard is available and how to sign up for this option.



TABLE OF CONTENTS

This UI Handbook is divided into sections. Listed below are the section captions and potential questions answered in that section.

- | | |
|---|---|
| <p>2 Finding a Job
Where is my local Job Service Montana office?
Can you help me find a job?</p> <p>3 Important Unemployment Insurance Information
What is UI?
Who pays for UI?
Will mail from UI be forwarded?</p> <p>4 PIN, Personal Agent, Change of Address, Direct Deposit
What is a PIN?
How do I get a PIN?
Can anyone else file my claim for me?
What if my address changes?
Can I use direct deposit?</p> <p>6 What You Need to Know When Filing for Benefits
I have filed my claim. Now what?
What are my responsibilities in order to get paid?</p> <p>7 Eligibility for Benefits
Am I eligible for benefits?
What is a Waiting Week?
What may prevent me from getting paid?</p> <p>8 Steps to Determine Your Eligibility, Amount, and Length of Benefits
What is a Base Period?
What wages are used to determine my benefit amount?
What will UI look at to know if I am eligible?
How much will I get paid and for how long?
What is a Monetary Determination?
How do job separations affect my benefits?</p> <p>10 Getting Paid, Taxes on Payments, How to Stop or Restart a Claim
How and when do I get paid?
Are my benefits taxed?
Can I stop and restart my claim?
How do I get my 1099-G form?</p> <p>12 Ongoing Claim Eligibility: Able, Available, Actively Seeking; Work Search Obligations, Special Programs
Am I able, available, and looking for work?
Do I need to look for work?
What are my work search requirements?
What do I need to report while searching for work?
What is Job and Union Attached?
What required programs may help me return to work?</p> | <p>14 Filing Questions to Request (Bi)Weekly Payment
What questions must I answer when I request benefits?</p> <p>16 Fraud & Overpayments
What is considered fraud?
What are the penalties for fraud?
What is an Overpayment?
Will my claim be audited?</p> <p>18 School Employment, Training or School Attendance
How does school employment affect my claim?
Can I go to school or attend training and get benefits?</p> <p>19 Determination, Appeal Process, Requalification
What if I disagree with the Determination, Redetermination, or Hearing Decision?
How long do I have to appeal a Determination, Redetermination, or Hearing Decision?
If I am disqualified, which wages can be used to requalify?</p> <p>20 Hours & Earnings and Working Part-Time
What if I work while getting UI benefits?
How do I report my earnings?</p> <p>22 Frequently Asked Questions
What if I have questions about UI?</p> <p>24 Work Search Reporting
What are my work search requirements?
What work search information do I need to report?</p> <p>25 Hours & Earnings Reporting
How do I record and report my hours and earnings?</p> <p>26 UI Terms
What if there is a term I don't understand?</p> <p>28 Legal Requirements
Who can see my information?
What can I do if I feel there has been discrimination?</p> <p>29 How to Contact UI
How can I reach UI?</p> |
|---|---|

WHAT YOU NEED TO KNOW WHEN FILING FOR BENEFITS

Your UI benefit eligibility is based on the laws and rules governing the UI program.

- **Honestly and accurately report the reason you are unemployed when you file your claim.**

We need information about any separation from employment that occurred within 18 months of opening or re-opening your claim. In UI, reasons for an employment separation are categorized as follows:

- **Laid off** means the job is not continuing because the employer has no more work available for you.
- **Discharged** means the job is continuing, but your employer does not want you to do the job anymore.
- **Quit** means the job is continuing, but either you do not want to, or are unable to keep doing the job.
- **Still working** means you are working less than your Customary Hours.

- **Read the Claimant Handbook and any correspondence from UI very carefully.**

You are responsible for knowing and understanding your rights and obligations as outlined in this handbook. Knowing the requirements will help you meet your obligations under the law, better understand requests for information or notices you receive from UI, and avoid Overpayments, penalties, and fraud. If after reading this handbook you have any questions or concerns, please contact us.

- **When you file your claim, you will be required to sign a Claimant Agreement.**

If you file online, you can sign the agreement online. If you file over the phone, we will mail the agreement to you and you must sign and return it by the due date listed. Benefits will not be paid until a signed agreement is in your UI file.

- **You must register for work with Job Service Montana and remain actively registered, unless you are told otherwise by UI.**

You can register online at jobs.mt.gov or you can go into your local Job Service Montana office, and they can assist you with the registration. This website is different from the one you used to file your claim.

You can keep your Job Service Montana registration active by logging into your account on jobs.mt.gov and verifying and updating your profile, contact information, and employment preferences at least once every 90 days. You can also use an in-person service such as résumé updating and job search assistance. Failure to register or remain active will stop payment.

- If you live and have your primary residence in another state, you must register with the state Workforce Agency in your area and remain actively registered. You may be asked to provide proof of your registration when you file for benefits.

- **Filing your claim is not the same as requesting payment.**

Once your claim is filed, you must request biweekly payments to receive benefits. Requests can be made beginning Sunday through Saturday for the previous week or two weeks, if you file every other week (see page 10).

- **Report all hours you worked and any wages you earned when you file your payment requests.**

- Incorrect reporting of hours and earnings may result in an Overpayment or Underpayment. See pages 20 and 21 for information on working part-time and page 25 for how to record your hours and earnings.
- If you are a corporate officer filing for benefits, you fall under the same reporting requirements when filing for benefits as any other employee, even if you are not paid for hours worked.

- **If you have an Eligibility Issue pending, continue filing your payment requests while you wait.**

Once the outstanding Eligibility Issue is resolved and if you are found eligible for benefits, you will receive back pay for any week(s) you had requested payment and met the weekly eligibility criteria, except the Waiting Week.

For up-to-date information about your claim (status of an Eligibility Issue or payment) go to ui4u.mt.gov.

ELIGIBILITY FOR BENEFITS

Eligibility for benefits is based on all of the following:

1. **Your wages over the past 12-18 months**
(your Base Period – see page 8).
2. **The reason you are unemployed.**
3. **Your physical and mental ability and availability for work.**
4. **Your efforts to apply for work.**
5. **Verification of your citizenship or legal-to-work status if you are not a US citizen.**

Your current/most recent employer and all employers you have worked for within the last six weeks of filing or reactivating your claim will be asked specific information about your separation. UI will investigate the reasons surrounding your separation from employment. The **time this process takes varies** and depends on the circumstances of your separation. All parties involved are allowed appropriate time to respond. Responding promptly may help you receive a decision more quickly.

Waiting Week

The first week you are eligible is called your Waiting Week. You must file a payment request and meet all eligibility requirements, however you will not get paid for this week. Your payments will start with the next week you make a payment request and are eligible. There is only one Waiting Week per Benefit Year.

You may receive benefits if:

- no more work was available with your employer through no fault of your own;
- the employer reduced your hours due to lack of work;
- your discharge was not due to misconduct on your part;
- the reason you left is related to the work and allowed by law;
- you moved with your spouse due to a military reassignment;
- you were forced to leave your employment because you or a child of yours are a victim of domestic violence, sexual assault, or stalking.

You may not receive benefits if you:

- left your job for personal reasons that were not work related;
 - This could include voluntary reduction of your hours, lack of transportation or child care, family issues, illness, or other personal reasons.
- were suspended or discharged (fired) for misconduct;
 - This could include theft, dishonesty, illegal actions, carelessness or negligence, attendance issues, violation of a known company policy or rule, insubordination, or destruction of company property.
- did not conduct and report a verifiable work search;
- are on an employer approved leave of absence;
- did not provide accurate information, did not respond to requests for information, or did not file a payment request on time;
- are not available to work the hours or days customary to your occupation;
- are not willing to accept the same wage you received from your last employer;
- are self-employed full-time;
- are currently receiving workers' compensation for an on-the-job injury;
- limit the hours you can or are willing to work to less than 40 hours per week;
- fail to register for work at jobs.mt.gov;
- are not working due to a strike or labor union dispute (special laws govern these claims).

Reporting you are available for work when you are not is considered fraud.

GROSS MISCONDUCT – A criminal act, other than a violation of a motor vehicle traffic law, which you have been convicted of in a criminal court or have admitted guilt. Also includes conduct that demonstrates a flagrant or wanton disregard of the rights, title or interest of a fellow employee or the employer. The penalty is 52 weeks of disqualification.

STEPS TO DETERMINE YOUR ELIGIBILITY, AMOUNT, AND LENGTH OF BENEFITS

We use three factors to determine your eligibility for UI benefits: (1) Your Base Period or Alternate Base Period wages; (2) the reason for your job separation; and (3) your (a) continuing ability to work, (b) availability for work, and (c) active searches for work. If we discover an Eligibility Issue, it will be posted on ui4u.mt.gov. When the issue is resolved, you will receive a Notice of Determination.

1. Determining Your Base Period Wages

- The Base Period is the 12-month period used to determine your Weekly Benefit Amount (WBA) and the number of weeks you may be paid benefits.
- The Base Period comprises of the first four of the last five completed calendar quarters before the week in which you file your application for benefits. A calendar quarter is a three-month period ending March 31, June 30, September 30, or December 31.

For example:

If your claim is effective between the following dates:	Your Base Period would be the preceding:
January through March	October 1 to September 30
April through June	January 1 to December 31
July through September	April 1 to March 31
October through November	July 1 to June 30

If you are not eligible on a regular Base Period, UI will use an Alternate Base Period (ABP) to determine your eligibility. Once UI makes its determination, we will send you a Monetary Determination notice. Using the example below on the right, it will show:

1. If this is the initial (first) determination of your monetary eligibility for your claim or if our determination has changed due to corrections or updates to your wage records.
2. Your Name. Party ID – to help reduce identity theft, we use an individual identification number on most documents sent to you. Claim ID – the identification number on your claim.
3. Your Claim Effective Date and Claim End Date. These establish the one-year period that benefits are available to you. Benefits end after all the money available to you has been paid out or one year has passed, whichever comes first.
4. The date this document was mailed and the date by which you must appeal to change any errors you find on the document.
5. If you have enough wages and whether an Alternate Base Period was used to establish your claim. Your Weekly Benefit Amount (WBA). The number of weeks you may receive benefits (Duration). Your Maximum Benefit Amount (MBA).
6. The start and end dates of your Base Period.
7. The name of each employer you worked for in your Base Period. The wages reported by your employer(s) during your Base Period.

206

Montana Department of
LABOR & INDUSTRY
Unemployment Insurance Division

PO Box 8020
Helena, Montana 59604-8020
Phone: (406) 444-2545
Montana Relay: 711
Fax: (406) 444-2699

MONETARY DETERMINATION

1 Type of Determination:
☐ INITIAL ☐ REVISED

2 Claimant Name:
TEST
Party ID: Claim ID:

3 Claim Effective Date:
Claim End Date:

4 Date Mailed: Appeal By:

5 Monetarily Eligible? ☒ YES ☐ NO Alt. Base Period? ☐ YES ☒ NO

WBA: \$464.00 Duration: 20 MBA: \$9,280.00

6 Base Period: Start: End:

EMPLOYER NAME	EMPLOYER NO	QUARTER AND YEAR Apr May Jun 2012	QUARTER AND YEAR Jul Aug Sep 2012	QUARTER AND YEAR Oct Nov Dec 2012	QUARTER AND YEAR Jan Feb Mar 2013
		WAGES	WAGES	WAGES	WAGES
		20,000.00	10,000.00	12,000.00	12,000.00

SUM OF TWO HIGH QUARTERS: \$32,000.00
TOTAL BASE PERIOD EARNINGS: \$54,000.00

APPEAL RIGHTS - This determination is final unless a request for redetermination, appeal, or request for cancellation of this claim is filed within 10 days after notification was mailed. A request for redetermination, appeal, or request for cancellation may be filed by mail or at the phone number shown in the upper right hand corner of this form. You must state the reasons why you believe this determination to be in error.

You must continue to file your bi-weekly claims until the wage investigation is complete.

How Your Monetary Determination Was Calculated

Monetary Eligibility

The minimum wages required for eligibility are:
1) Your total base period wages must be at least _____ OR
2) Your total base period wages must be at least _____ and your total base period wages must be at least one and one-half times the quarter in which your wages are the highest.

Weekly Benefit Amount

If you have the required wages to establish monetary eligibility, your weekly benefit amount will be the greater of the following two calculations:
1) 1% times your total base period wages OR
2) 1.9% times the two highest quarters. The weekly benefit amount will not be less than _____ or more than _____.

Determining Your Base Period Wages (cont'd)

Review your Monetary Determination notice for accuracy. All Base Period wages should be listed. If you had wages from any federal, military, or out-of-state employment, the notice will indicate “pending”. That means we are waiting for information from another source and you will receive a new Monetary Determination notice once this information has been verified. If you believe the wages or employers listed are wrong or there are wages or employers missing, contact the Claims Processing Center. Inaccurate wages could result in a benefit Overpayment or Underpayment. You can also review your Monetary Determination by logging into ui4u.mt.gov and selecting the “View Claim Information” link.

Even if your Monetary Determination shows you qualify for a Weekly Benefit Amount (WBA), all other eligibility requirements must be met each week that you request payment.

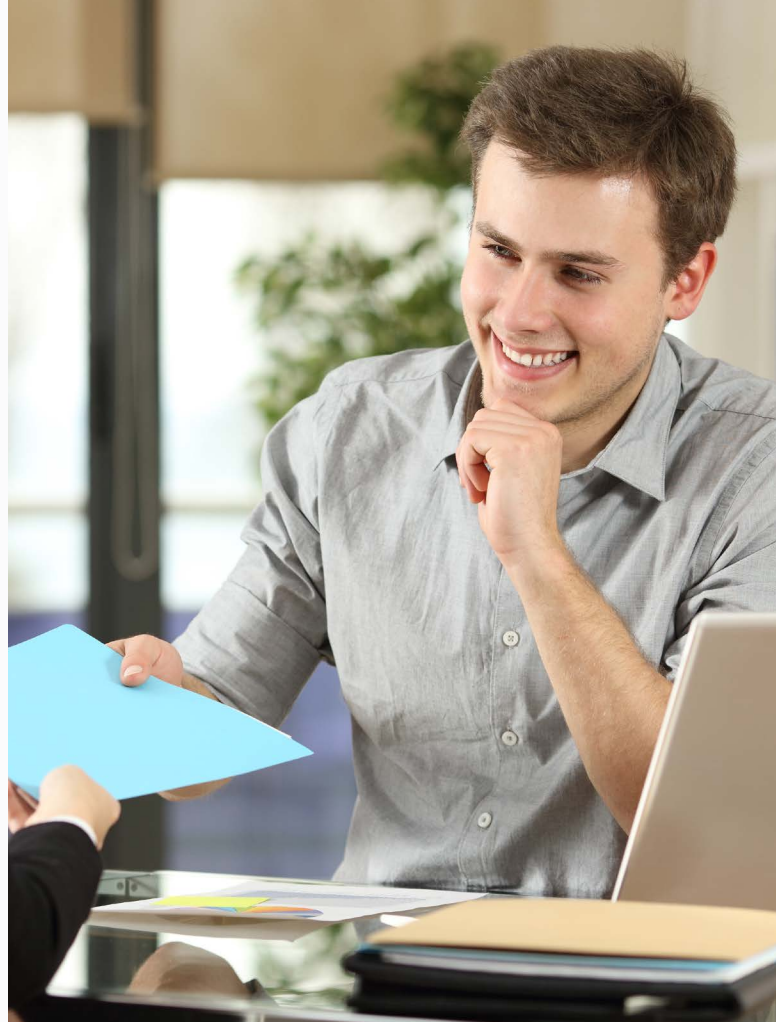
If your Monetary Determination indicates you are ineligible due to insufficient wages, you may request that your wages be adjusted from “as paid” to “as earned”. For example, if you worked the last week of December but will not be paid for that week until the month of January, you can request the “as earned” adjustment. In that case the wages will be applied to the week you earned them. This adjustment will occur for wages across every quarter in the Base Period, not just the last quarter. Contact the Claims Processing Center to discuss this option.

2. Determining Reason for Job Separation

- Both you and your employer have the right to end your working relationship. The circumstances of your separation will determine whether you are eligible for benefits.
- You may receive benefits if you are unemployed or your hours were reduced through no fault of your own.
- You must report the reason for your separation accurately. It will be verified with your employer. If your separation is due to suspension, leave of absence, quit, or discharge, we will ask you and your employer for detailed information. Your eligibility will then be determined based on state and/or federal law.

3. Able, Available, and Actively Seeking Work

- You must be:
 - physically and mentally able to work;
 - available to accept work immediately if a job is offered;
 - actively seeking work and meeting your work search requirements.
- Be sure to keep a complete record of your weekly work searches for the Benefit Year in case you are selected for an audit. Track your work searches according to the instructions and example on page 24.
- You must register for work at jobs.mt.gov or in person at your local Job Service Montana office (see page 2).
 - If you live outside of Montana, you must register with the Workforce Agency in your state.



IMPORTANT

FOREIGN RESIDENCE OR FOREIGN TRAVEL-

If you plan on being outside of the United States at any time while you are requesting payments, you must call and notify the Claims Processing Center immediately at (406) 444-2545.

ALIEN STATUS – Only U.S. citizens, nationals, or legally authorized workers are eligible for UI benefits. If you are not a U.S. citizen or national, you must provide a copy of the front and back of your registration card so your status can be verified by US Citizenship and Immigration Services (USCIS).

DOUBLE-DIP – You cannot collect benefits on a new claim if you have not had a new job since the initial separation from work on the prior year's claim. You cannot file for two consecutive years without a new job.



GETTING PAID, TAXES ON PAYMENTS, HOW TO STOP OR RESTART A CLAIM

How and when do I get paid?

You request payment online at ui4u.mt.gov for each week you want to get paid.

It is important to request benefits in an accurate and consistent manner. The UI week begins on Sunday and ends on Saturday at midnight. You can request weekly or biweekly (every two weeks) payments.

EXAMPLE 1 - If your first two weeks run the 1st through the 14th and you decide to file for benefits **biweekly**:

Your UI benefits payments are taxable under federal law.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 (Start of first Benefit Week)	2	3	4	5	6	7 (End of first Benefit Week)
8 (Start of second Benefit Week)	9	10	11	12	13	14 (End of second Benefit Week)
15 (File online between 12:01am MST this day and...	16	17	18	19	20	21 ...midnight MST of this day for the past two Benefit Weeks)

EXAMPLE 2 - If your first week runs the 1st through the 7th and you decide to file for benefits **weekly**:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 (Start of Benefit Week)	2	3	4	5	6	7 (End of Benefit Week)
8 (File online between 12:01am MST this day and...	9	10	11	12	13	14 ...midnight MST of this day for the past Benefit Week)

Please note: The first eligible week of a new claim is a Waiting Week which you must file but will not receive payment for (see page 7 for details). If you wait more than 14 days between payment requests, your claim will become inactive and must be reactivated before benefits can resume.

IMPORTANT

A direct deposit payment is available to you at most banks within two days of the payment clear date shown on your ui4u.mt.gov online account. It may take longer to receive payment when a check is issued and mailed.



**To receive a mailed Form 1099-G,
keep your address current.
You can also view and print your
1099-G at ui4u.mt.gov.**

You must respond to all requests for information from UI, even if your claim is inactive. Not responding could result in a benefit Overpayment and/or denial or delay of future payments.

You can have 10% withheld from your biweekly payments for tax purposes. This option is available on ui4u.mt.gov or in the documents sent to you. In January, UI will mail you an IRS 1099-G form that shows benefits paid in the prior calendar year.

Questions about taxes on UI payments should be directed to the IRS.

How do I stop my claim?

To stop your benefits, just stop filing your biweekly request for payment. Your claim will become inactive after two weeks; it can be reactivated at any time during the Benefit Year.

Your claim will also become inactive and no further payments will be processed, if, for two consecutive weeks:

- you worked 40 hours or more, or worked all your Customary Hours;
- you earned twice your Weekly Benefit Amount (WBA);
- you answered “No” to the question, “Do you want to file for this week?”;
- any combination of the above.

How do I restart my claim?

You can reactivate it on ui4u.mt.gov or by calling the Claims Processing Center. You cannot file a biweekly request for payment until you reactivate your claim, and payments will not resume until after your biweekly filing. If you have worked since you last received benefits, you will be asked for the employer name and dates you worked.

You should reactivate in the first week you are off work or your hours are reduced. If you do not reactivate your claim during the week you want benefits to start, you will not be paid for that week.

REMEMBER
A UI week is Sunday through Saturday.

ONGOING CLAIM ELIGIBILITY: ABLE, AVAILABLE, ACTIVELY SEEKING; WORK SEARCH OBLIGATIONS, SPECIAL PROGRAMS

For every week you request payment, you must be:

- 1. Able to Work** – If you were physically or mentally unable to work during a week you file for benefits, you must report this when you request your biweekly payment.
- 2. Available for Work** – If you are unavailable to work for any reason, you must report this when you make your biweekly payment request. For example:
 - You cannot work due to a personal circumstance like lack of childcare or transportation.
 - You take time off from work or do not work all your normally scheduled hours for reasons other than a reduction in hours by your employer.
- 3. Actively Seeking Work** – You must make and document at least one work search contact for each week you request benefits. Work search contact means applying for a job you are qualified to perform and willing to accept. You will be asked to provide your work search contacts each week you file for payment. See page 24 for details.
 - Applications or résumés need to be submitted during the Benefit Week (Sunday-Saturday) for which you are requesting payment.
 - Applications or résumés should be submitted to an individual who has hiring authority, using the mail, Internet, or fax, depending on how the employer requested you apply.
 - Applications cannot be made with the same employer two weeks in a row, unless it is for a different position.
 - You are required to report your work search contact information on your biweekly payment requests. If this information is not submitted or is incomplete, you may be denied benefits.
 - Record your job application efforts and keep your records in case your claim is selected for an audit. Reporting you applied for work when you have not is fraud.
 - Working part-time does not exempt you from seeking full-time employment or additional part-time employment adding up to full-time (40 hours or more per week).

Tips to help you meet work search requirements:

Know what kind of work you are qualified for and where to find it.

- Make a list of potential employers and current job openings by checking with your local Job Service Montana office, help wanted ads, online job portals, etc.
- **Apply for work in person, via Internet, or by mail. Just checking online job listings, the Job Service Montana boards, help wanted ads, or calling a business to ask if they are hiring does not meet your work search contact requirement – you have to actually apply for a job each week.**
- Apply only with employers who are hiring or are willing to keep your application on file.
- Seeking self-employment does not meet your work search requirements.
- Applications may be verified with the employer. Keep copies of the applications, submission confirmations, or emails as proof of your work search.

You may be excused from the weekly work search if you are:

- **Job Attached.** This status is given to a claimant who meets the department requirements of a verifiable guarantee of returning to employment. These requirements are explained at the time of filing a new claim or reactivating your claim for benefits. This status exempts you from having to seek work; however, you must still be able and available to accept offers of employment.

If you accept an offer of full-time employment but will not start right away, call UI to see if you meet the requirements to be designated Job Attached.

- **Union Attached.** You are a member of a union with an exclusive hiring hall, and you are on the out-of-work list.
- If you claim Job or Union Attachment, the employer/union may be contacted for verification.

PLEASE NOTE

If you are unemployed for an extended period of time, you may have to apply for jobs that are not equal to your previous work in terms of pay, benefits, position type, etc. After you have requested benefits on your claim for 13 weeks, you must be willing to accept work paying 75% of your previous wage in the type of work you have previously done or have the training to do, but never less than the state or federal minimum wage, whichever is higher.

Special Programs

All claimants who are not Job or Union Attached and who are not attending department approved training are required to attend a scheduled in-person appointment at their local Job Service Montana office.

This appointment will introduce you to programs designed to help individuals return to work more quickly. Job Service Montana is the primary contact for these programs. Depending on your situation, you may be required to complete additional follow-up services. **If you do not attend the scheduled appointment or reschedule promptly, you will be denied benefits.** Services you may receive include:

- orientation to the local Job Service;
- Labor Market Information for the local area and your specific occupational goals;
- assistance with overcoming any possible barriers to obtaining gainful employment.

See page 24 for more details on the work search requirement and an example of the type of information you should record from your job applications.

REFUSING WORK – Refusing work has serious consequences. If you refuse an offer of work while requesting payments, you must report this on your biweekly payment request. Failure to report work refusals is considered fraud.

TAKING TIME OFF WORK – You may be denied all or a portion of benefits if you take time off or miss scheduled work for any reason. If you request time off in advance for hours you would normally work, this must be reported as time off. Failure to report time off is considered fraud.

FIVE R'S TO REMEMBER WHEN FILING FOR UI BENEFITS

REVIEW the Monetary Determination notice.

This form shows you how much you may receive each week and the total amount in your claim. If there are wages missing or wages were incorrectly reported, contact us.

REQUEST payment each week or biweekly.

After you have filed your claim you must request payment for each week you wish to receive it. You can request payment online at ui4u.mt.gov. **Remember: Report any hours you worked in the week you request payment for. Report all wages for the week they were earned, not paid.**

REPORT your work search and continuing Job or Union Attachment.

When requesting payment for a week, one of the questions you will be asked is: "Did you apply for work this week."

- If you applied, select "Yes". The next window will allow you to report your work search information.
- If you are Job or Union Attached, select "No". The next window will allow you to verify that information.

RESPOND to all requests for information you receive from us, whether we send mail or call you (voice mail).

We may need more information from you in order to determine if you are eligible for benefits. If we are unable to obtain that information, payment of benefits may be stopped.

RESTART your claim in the week you wish to request benefits if your claim is inactive.

Your claim will become inactive after two consecutive weeks of the following:

- You do not request payment.
- You work more than your Customary Hours during the week.
- You earn more than twice your Weekly Benefit Amount (WBA) during the week.
- You answer "No" when asked if you would like to request payment.
- You are ineligible for any reason.

You can restart and reactivate your claim by calling the Claims Processing Center or online at ui4u.mt.gov. **You must reactivate your claim in the week you wish to request payment for.**

FILING QUESTIONS TO REQUEST (BI)WEEKLY PAYMENT*

Below are the questions you will be asked when completing your biweekly payment request. Having these pages on hand when you file will help reduce errors that could delay payment. Inaccurate or untruthful answers to these questions may be considered fraud.

Payments can be delayed due to state holidays or Eligibility Issues. Check your claim online on ui4u.mt.gov to see if there are Eligibility Issues being reviewed. Please allow us time to research these before calling. We will contact you if we need additional information.

You will be asked the following questions for each week you file for Unemployment Insurance benefits.

Do you want to file for week ending...?

“Yes” means you wish to receive benefits. If you worked full-time or your customary hours, you cannot receive benefits.

1. Did you quit or get fired from a job this week?

“Yes” means you separated from a job for a reason other than a reduction in hours or a layoff due to lack of work.

2. Did you take time off or miss scheduled work for any reason this week?

“Yes” means that during the week claimed, you took time off from work or missed work for a reason other than a reduction in hours by the employer (for example, scheduled vacation time, doctor appointments, etc.). **“No”** means you accepted all work available during this week.

3. Did you apply for work this week?

“Yes” means you made your required work search contact this week. You will be asked to provide information on the business you contacted. The information asked can be found on page 24. **“No”** means you did not look for a job this week. You will be asked for your Job or Union Attachment information, or you will need to explain why you did not look for work. If you are uncertain of your work search requirements, refer to pages 12, 13, and 24 or contact the Claims Processing Center.

4. If work had been available, were you physically and mentally able to work?

“Yes” means you had no physical or mental condition that would have prevented you from working or accepting work at any time during this week.

5. Were you available to work this week?

“Yes” means you could have worked the hours and days normal for your occupation, had transportation to get to work, had childcare available if needed, etc. Available to work means you are ready and willing to accept Suitable Work. If you are Job or Union Attached, you must be ready and willing to return to work at any time when notified by your employer or union, even if you have an established return to work date.

6. Did you attend school or were you in training this week?

“Yes” means you were attending school or training full or part-time or participating in online courses during this week.

7. Were you referred for a job interview by Workforce Services (Job Service) this week?

If your answer to this question is **“Yes”**, you will be asked **“Did you report for the job interview you were referred to by Workforce Services (Job Service) this week?”** This does not include Job Service Montana notifications of job openings.

8. Did you refuse any work during this week?

“Yes” means you turned down work offered to you or you did not work all the hours that were available to you.

**These questions may change due to updated program requirements.*



The next series of questions refers to your hours of work and earnings or other payments for the week. Report gross earnings, which means pay before taxes and other deductions. **Have your hours of work and earnings record available when you are filing your payment request.** A form to record hours and earnings can be downloaded at uid.dli.mt.gov. See page 25 for an example and more information on hours and earnings reporting.

9. Enter the total number of hours you worked this week.

A week for Unemployment Insurance runs Sunday through Saturday. If your work week does not follow this same time period, be sure to report the hours you worked in the Sunday through Saturday week. Include the number of hours worked and any hours you attended required paid training. Combine all hours and partial hours for each day worked. **Do not include hours of paid time off, such as vacation time, sick time, comp time, and personal time off.**

Example: 6.25 hrs. + 7 hrs. + 7.25 hrs. = 20.5 hrs.
Report 20 hours (rounded down to the nearest whole hour).

If you report hours, you will be asked to enter total earnings for hours worked this week, even if you have not been paid. Include tips and room and board if part of your salary.

To calculate your earnings, multiply the total number of hours and partial hours you worked by your hourly rate of pay. Report your earnings rounded down to the nearest whole dollar.

Example: 20.5 hrs. x \$8.50 per hour = \$174.25.
Report \$174 (rounded down to the nearest whole dollar).

10. Enter total earnings for paid time off this week.

Earnings for paid time off include wages you have or will be paid for vacation time, sick time, compensatory time, or personal time off, etc.

11. Enter total earnings for being on call this week.

Report all earnings you will receive for being on-call for your employer this week, even if you did not get called in to work.

12. Enter the amount of bonus pay received this week.

You must report bonuses in the same week they are issued to you by your employer.

13. Enter the amount of commission pay received this week.

You must report commission pay in the same week it is issued to you by your employer.

14. Will you be paid for a holiday that occurred this week?

“Yes” means you will be paid for a holiday that occurred this week. You will be asked to enter the number of holiday hours. If you report holiday hours, you will be asked to enter total holiday pay. Enter the gross holiday pay you will receive, even if it has not been paid yet.

REMEMBER
Gross earnings are wages before taxes and other deductions.

FRAUD & OVERPAYMENTS

UI Fraud

Fraud is a serious crime. Reports of suspected fraud are thoroughly investigated. If you provide false information in order to receive or increase your UI benefits, you are committing fraud. If you commit UI fraud, you will have to repay any benefits received, plus an Administrative Penalty equal to 50% of those benefits. In addition, you may be disqualified from receiving benefits for up to 52 weeks and be subject to criminal prosecution for felony theft.

UI Fraud includes:

Misreporting hours worked or earnings.

- You must report **all** hours and partial hours, **paid or unpaid**, you work each week.
- You must report **all** your earnings for the work you do each week. **You are required to report your hours and gross earnings during the week you work and earn them, not when you get paid.** Go to uid.dli.mt.gov and select “Claimants” - “Report Hours and Earnings” for more information on hours and earnings.
- For an example of how to track your hours and earnings, see page 25.
- A form to record your hours and earnings can be downloaded at uid.dli.mt.gov.

Misreporting of work searches.

- You must actively look for work and report your job applications each week. If you are not looking for work, not making valid work searches, or falsifying work search information, you are not eligible for benefits.
- For an example of the information required when reporting your work searches, see page 24.
- A form to record your work searches can be downloaded at uid.dli.mt.gov.

Being dishonest about why you are no longer working (or failing to report a job separation or a reduction in hours).

- You must report all job separations and any refused work as long as you are filing for benefits.

TO REPORT UI FRAUD:

**Call (406) 444-4385/4387
or email dliuidci@mt.gov.**

Misrepresenting your ability and availability to work.

- If you are not able and/or available due to, for example, illness, travel, or lack of transportation or childcare, you **may not be eligible** for benefits.

Committing “identity theft” by filing a claim under the name and social security number of another person or helping another person to file a fraudulent claim.

- You must not file for benefits using another person’s Personal Identification Number (PIN), social security number, or Party (Individual) ID number, unless you are that person’s authorized Personal Agent (see page 4). You must also not allow another person to file for benefits for you using any of the above information, unless that person is your authorized Personal Agent (see page 4). Doing this may subject you to prosecution.

Failing to report workers’ compensation, disability, or social security payments.

- You must tell us if you receive any of these payments **while** you are requesting benefits.

Making a false statement or misrepresentation to receive payment.

- You must be honest and accurate when filing. Do not withhold information. Withholding information is just as serious as giving false information.
- If you have any questions about your reporting requirements, please contact us.

IMPORTANT

It is the responsibility of UI to ensure benefits are only paid when due. It is your responsibility to be honest and forthcoming in providing information for your claim. Some examples are:

**Separations • Work searches • Hours and earnings • Incarcerations •
Job or Union Attachment • Receipt of disability payments • Refusal of work •
Back pay awards • Starting a new job or going back to work**

UI Overpayments

What happens if I get payments I am not entitled to?

- Your Overpayment debt must be repaid in full. You will receive a Statement of Benefits Overpayment and a monthly bill from our agency.
 - If you are receiving UI benefits, your UI payments will be reduced by 50% each week. In case of fraud, the benefit offset may be up to 100%. Administrative Penalty fees cannot be offset by a reduction in benefits.
 - If you are not receiving UI benefits, you must arrange for regular payments.
- If the Overpayment amount is not repaid promptly, one or more of the following actions may be taken:
 - Your debt may be sent to the Department of Revenue (DOR) for collection through interception of payments from the state (primarily state income tax refunds). You will also be charged a collection fee by DOR.
 - Your federal income tax refunds may be offset to collect the debt, if the Overpayment was the result of fraud or failure to report earnings. You will also be charged a collection fee.
 - A lien may be filed against you.
 - Your debt may be transferred to an outside collection agency. You will also be charged a collection fee.
 - Lottery winnings you claim may be intercepted.
 - Your wages may be subject to garnishment.

REMEMBER

If you have returned to full-time work or are working your Customary Hours, you are no longer eligible for benefits.

Waiver of Overpayments

A waiver of your Overpayment debt may be granted in cases where the Overpayment was the result of a department error or if the repayment would cause you a long-term financial hardship, provided the Overpayment is not the result of fraud. Call (406) 444-3783 to ask for a waiver request from.

Offer in Compromise

UI may consider an offer to settle your non-fraud Overpayment debt via a lump-sum payment of less than the outstanding balance. Please contact UI at (406) 444-1709 to discuss this option.

Claim Audits

UI has audit programs to ensure benefits are paid correctly. Claims are randomly selected for audit. **If you fail to respond in a timely manner or refuse to cooperate in the audit, you will be denied benefits.**

- **Benefits Accuracy Measurement (BAM) Audit –** Reviews past employment, work searches, hours worked and earnings during your claim, and any additional information related to your claim.
- **Claims Investigation Audit –** Quarterly review of your reported hours and earnings in comparison to employer wage reports.
- **Work Search Audit –** Review of your weekly job search contacts.
- **Verification of Job and/or Union Attachment –** Review of your ongoing connection to your employer or union.



SCHOOL EMPLOYMENT, TRAINING OR SCHOOL ATTENDANCE

School Employment

If you have worked for a school, your wages and eligibility have to be reviewed based on this type of employment. UI needs to determine if you have reasonable assurance of returning to work for a school.

Reasonable assurance means there is a written, oral, or implied agreement that you will perform services in the same capacity after scheduled breaks or in the next academic term. This applies regardless of the position you held with the school.

School wages may be excluded when determining your Weekly Benefit Amount (WBA) during a scheduled school break.

Scheduled school breaks are breaks shown on a school's official calendar (for example, winter break, spring break, summer recess).

Employer-required training for which you are paid regular wages is considered work, not school or training by UI. You must report these hours and earnings when filing your biweekly payment request.

Training or School Attendance

You might be eligible for UI benefits while attending school or training. Your coursework or training will be reviewed based on its capacity to improve your employability or increase your earning potential.

All coursework must be reported. This includes classroom attendance and taking online or correspondence courses.



DETERMINATION, APPEAL PROCESS, REQUALIFICATION

Determination

You will receive a written Notice of Determination for each Eligibility Issue affecting your claim. Read these notices carefully and completely.

Appeal Process

An Appeal is a request to review a Determination, Redetermination, or Hearing Decision you do not agree with. You and your employer have the right to appeal decisions made on your claim. You have ten days from the date of the Determination, Redetermination, or Hearing Decision to file an Appeal. Carefully read each Notice of Determination, Redetermination, or Hearing Decision you receive for specific instructions on how to file an Appeal. The process:

- If you or your employer disagree with a Notice of Determination, either of you can request a Redetermination. You will be asked to provide a reason why you disagree and any new supporting facts. A Notice of Redetermination will be mailed to all appropriate parties.
- If you or your employer disagree with the Notice of Redetermination, either of you may appeal to the Office of Administrative Hearings. That office will send you a Notice of Hearing with a specified time and date for a telephone hearing. An impartial hearing officer will call you to participate in the hearing on the date and time set on the Notice of Hearing. After the hearing, a Hearing Decision will be mailed to all interested parties. To learn more about the telephone hearing process, go to dli.mt.gov/hearings.
- If you or your employer disagree with the Hearing Decision, either of you may request a review with the Unemployment Insurance Appeals Board (Board). The Board will notify you of the time

and date of the review, which will be conducted by telephone conference. If you disagree with the Board decision, you have the right to appeal to District Court.

Keep requesting payments while your Appeal is being processed. If the decision allows you to receive benefits, you will be paid only for the weeks you filed on time and are qualified for. If a decision that allowed you benefits is reversed, you will be required to repay any benefits you received for the weeks you should have been disqualified.

Requalification

Requalifying for benefits is different than appealing a decision: it ends your disqualification or ineligibility.

You may requalify to receive benefits if:

- You were discharged and you provide proof of enough earnings from a new job that is covered by UI.
- You quit a job and either provide proof of new wages or you attend three consecutive months of appropriate training at a state-accredited educational institution.
- You become able and available for full-time work and begin making valid work searches.
- You separated due to health reasons and you meet specific requirements. For more information, call the Claims Processing Center.

HOURS & EARNINGS AND WORKING PART-TIME

Can I work part-time and still get UI benefits?

You may be eligible for partial UI benefits, if you meet eligibility requirements. A Partial Benefits calculator is available on ui4u.mt.gov, or see the example on page 21.

How do I report my earnings?

Follow the guide below to determine when to report each type of earnings. Do **not** wait to receive your paycheck to enter your hours and earnings. There is an hours and earnings recording example on page 25. It is important to report your hours and earnings accurately to avoid an Overpayment or Underpayment.

To report your earnings, multiply your hours worked by your gross hourly wage. Once this calculation is done, round down to the nearest dollar. **Do not round down until after calculating.**

Example: You worked 10.25 hours at \$9.95 per hour.
 $10.25 \times \$9.95 = \101.9875 . Round these numbers down and enter 10 hours and \$101.00.

If you work more than one job, add the total hours and partial hours for each job together. Round down to the nearest hour after this calculation and report this number. To report your earnings, calculate the number of hours

and partial hours multiplied by the rate of pay for each job. Do the same calculation for each job you worked during the week. Add the totals for each job together and round the grand total down to the nearest whole dollar. Report this amount.

These earnings must be reported the week they are **earned**:

- Earnings from hours worked (gross pay)
- Earnings from **use of** personal paid time off, vacation, sick leave, and payments for attending training
- Holiday pay for the week the holiday occurs
- Tips
- Room and board or other non-cash payments – You must report the actual value of room and/or board or non-cash payments you receive as earnings for the week.

These earnings must be reported the week in which the payment was issued by the employer:

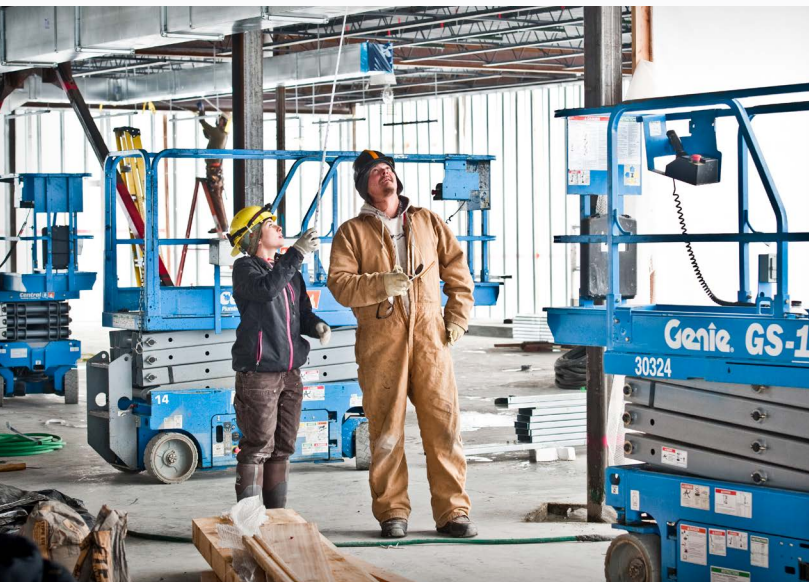
- Commission pay
- Bonuses – cash payments or gifts in lieu of cash
- Pay out for accrued leave (cash out), for example, vacation time, sick time, personal time

The following are payments that should have been reported when you filed your claim. These payments may reduce your biweekly payment amount:

- Termination pay, including separation/severance pay - Should be reported when you open your claim **and** when you file your biweekly payment request for the week of separation.
- Application for or receipt of retirement pay, disability benefits or pension, including social security.

Contact the Claims Processing Center if you did not report this information at the time you opened your claim or if you start to receive these types of payments anytime while filing for benefits.

Failure to properly report your hours worked and earnings may be considered fraud and subject to prosecution.



If you receive any payment not listed, or if you have any other questions, please contact the Claims Processing Center.

How do I report my earnings? (cont'd)

Other deductions that may reduce your biweekly payment amount include:

- Child support payments
 - If UI receives a “withhold” order from a child support agency, money must be withheld from your benefits to satisfy the obligation. Only the child support agency can change or stop the deduction.
- Optional income tax withholding (10%, see page 11)
- Supplemental Nutrition Assistance Program (SNAP) Overpayment
- Repayment of overpaid benefits
 - If you have an Overpayment of UI benefits, 50% of your biweekly benefit payment will be applied to your Overpayment.
- Workers’ Compensation
 - You must inform the Claims Processing Center of any workers’ compensation benefits you are receiving. You cannot receive Unemployment Insurance benefits during any week you are covered by workers’ compensation benefits. It is your responsibility to report the workers’ compensation when you open or reactivate an Unemployment Insurance claim or if you begin receiving workers’ compensation benefits while you have an active Unemployment Insurance claim.

Some types of earnings may or may not need to be reported when you are filing your benefit requests.

Earnings that need to be reported and reviewed include:

- Self-employment earnings
- Earnings of sole proprietors and working members of partnerships and LLC’s
- Earnings of agricultural workers

Please call the Claims Processing Center if you have any questions about reportable earnings.

How many hours can I work and still get benefits?

If you work full-time (40 hours) or your Customary Hours in any week, you will not be eligible for benefits. Customary Hours means the average number of hours you worked each week during your Base Period. This number is subject to verification by UI.

If you begin to receive disability, retirement or pension payments, back pay awards, or workers’ compensation payments, you must contact the Claims Processing Center immediately.

NON-COVERED EMPLOYMENT – Work for which the employer does not pay UI taxes. Wages from a non-covered employer cannot be used to determine your monetary eligibility. However, you must report these earnings, and the hours worked, when requesting payment. Some examples of non-covered employment are railroads, some daycares, some agricultural work, and self-employment. If you are not sure whether your employment falls in this category, please contact the Claims Processing Center.

Earning up to 25% of your Weekly Benefit Amount (WBA) does not reduce your payment. After that, your WBA will be reduced by \$0.50 for each dollar earned. You can access the Partial Benefits calculator online at ui4u.mt.gov, or refer to the following example to figure out your Partial Benefits.

Partial Benefits							
A	B	C	D	E			
Regular Benefit Amount	Weeks Gross Earnings*	Divide Column A by 4*	Column B Minus Column C	Divide Column D by 2*	Column A Minus Column E	=	This Week’s Benefit Amount
		\$154.00/4	\$150.00 -\$38.00	\$112.00/2	\$154.00 -\$56.00		
\$154.00	\$150.00	\$38.50	\$112.00	\$56.00	\$98.00	=	\$98.00

*Round these amounts down to nearest whole dollar amount.

FREQUENTLY ASKED QUESTIONS

REMEMBER: If you cannot find the answer to your question in this handbook, call the Claims Processing Center at the number listed below or email ui4u@mt.gov. Do not rely on information from your friends, neighbors, or even your employer.

What if my address changes?

You must update your address within three business days. You can do that online at ui4u.mt.gov, or you can call or email the Claims Processing Center. Mail from UI is not forwarded by the Post Office. It is your responsibility to let UI know when your address changes. If we cannot contact you, benefits may be stopped.

You may receive mail or requests for information even after your claim has expired.

Why haven't I received a benefit payment?

You can verify the payment status on ui4u.mt.gov. There may be several reasons why payment was not released:

- You failed to return paperwork timely.
- You failed to request your payments on time.
- Your claim was closed because you did not file for benefits for two weeks in a row.
- You reported excess earnings or hours for two or more weeks in a row.
- You have Eligibility Issues waiting for a decision by UI. You must continue to file biweekly payment requests while waiting.
- UI does not have your correct and most up to date address on file.

If the payment status on ui4u.mt.gov indicates the payment was issued, check your bank account for the direct deposit. If you are receiving payment via mail, check for the letter from UI with the check. If you didn't receive it, the following could have happened:

- The letter with the check was returned due to a bad address. Once you notify us of the correct address, we will re-mail it.
- The check was lost or stolen. Call or email the Claims Processing Center. We will mail a form to you to fill out and have notarized. After 14 days, a new check will be issued. Direct deposit eliminates this worry. (Please note: direct deposit takes two days from the clear date shown on your claim in ui4u.mt.gov before funds are released into your account.)

If you still have questions about a payment, call the Claims Processing Center.

Can I designate someone else to get information about my claim or request payment for me?

Yes, but only if you have given written authorization to allow that person to handle or discuss your claim (see "Personal Agent" on page 4).

Allowing another person to have access to your PIN and file benefits for you without written authorization is considered fraud and may have serious legal consequences.

Why can it take so long to get a decision?

UI investigates each Eligibility Issue on your claim. Both you and the employer are given up to eight days to provide any supporting information; conflicting information must be evaluated before a decision is made. This process is important to ensure the right decision is made and benefits are paid correctly.

After I file my claim, when should I call the Claims Processing Center?

You should call us to report:

- an unpaid suspension from work;
- new self-employment;
- retirement pension not previously reported;
- any workers' compensation payments received due to wage loss or change in status of a workers' compensation claim;
- any change in school schedule if you are in UI approved training;
- vacation or leave of absence from work;
- back pay award, severance pay, or a settlement award.

Do I need to report social security or workers' compensation payments?

Yes. See page 20.

Will you communicate with my employer(s)?

Yes. We will verify your separation information with your employer(s). Unemployment Insurance claims are also matched against new hire information reported by employers.

Moreover, federal law requires all claims be subject to random audit. If your claim is selected, your work search contacts, earnings, and other information in your file will be verified. All this is done to ensure that only those who are entitled to benefits receive them. It is therefore important that you always provide complete and accurate information to us.

Can I get benefits after I've been disqualified?

Possibly. Some disqualifications apply to an individual Benefit Week, while others may affect the entire claim. There are two ways to potentially overcome a disqualification:

- You can follow the Appeal process.
- You can requalify as described in your Notice of Determination. See page 19.

My employer thinks I should get benefits. Why doesn't UI agree?

Employers do not decide who gets benefits. UI reviews information provided by both you and your employer to determine if you are eligible based on Montana law and rule.

If I made a mistake when filing my biweekly payment request, how can I correct it?

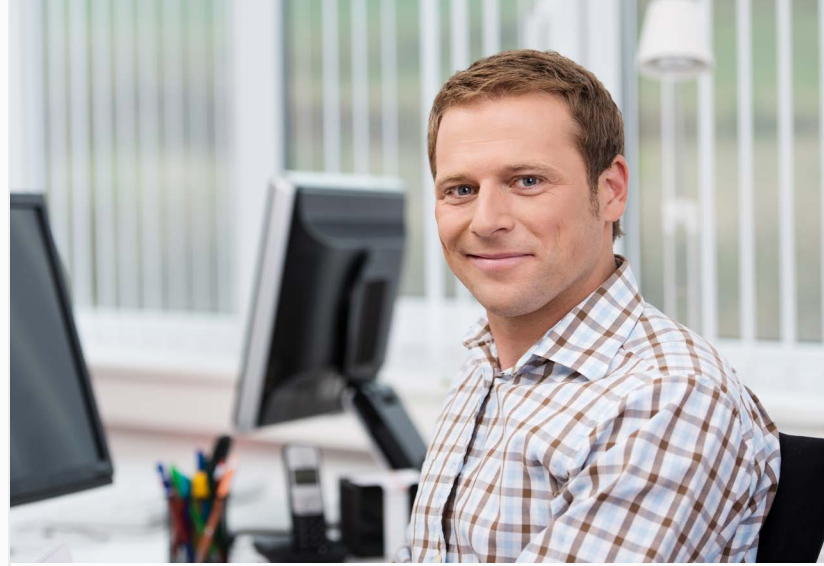
Contact the Claims Processing Center at (406) 444-2545 or go to ui4u.mt.gov, sign in, and click on "Ask UI". You will be able to send a message explaining your mistake.

Can I go to school and receive benefits?

Possibly. This could be the case when your school attendance does not interfere with your ability to find and accept full-time work, or you are in training approved by UI.

How long will my benefits last?

Every claim is different. When a claim is filed, it is open for a year, but the benefits may not last a full year. A Monetary Determination notice will be sent to you at the beginning of your Claim Year, informing you of your Maximum Benefit Amount (MBA) for the year. Once you have been paid your MBA during a Benefit Year, you must wait until that claim expires before opening a new Montana claim.



Do I need to register for work at the local Job Service Montana?

Yes. You must register for work online at jobs.mt.gov or in person at the local Job Service Montana unless UI has determined you are Job Attached or Union Attached. Job Service Montana staff can assist with testing, counseling, job training programs and job seeking skills.

What if I'm back at work and get a letter from UI?

Read and respond, if asked, to any letters you receive from UI. If you do not respond, your previous or future benefits may be affected.

What laws and rules govern Montana UI?

Montana Code Annotated, Title 39, Chapter 51 and Administrative Rules of Montana, Title 24, Chapter 11. Links to the Montana Law and Rules can be found at uid.dli.mt.gov.

Need information on the status of your payment?

Log into your account at ui4u.mt.gov and go to "View Claim Information". Find out if your payment went out or why you may not have been paid.

For answers to other questions, call the Claims Processing Center at (406) 444-2545, email us at ui4u@mt.gov, or go to ui4u.mt.gov, sign in, and click on "Ask UI", where you will be able to send a message with your question.

WORK SEARCH REPORTING

You can download a printable version of this form to record your work searches at uid.dli.mt.gov under "Printable Forms".

Date Applied (MM/DD/YYYY)	Business Name, Address, Phone, Email or Website Address	Name & Title of Person Contacted	Position Applied For	Method Used to Apply (check all that apply)	Results	Email or Website Confirmation Number
10/20/2016	XYZ Grocery 123 Main Street Anytown, MT 54321 (406) 123-4567	Jane Doe Owner	Cashier	<input checked="" type="checkbox"/> In Person <input type="checkbox"/> Phone/Fax <input type="checkbox"/> Mail <input type="checkbox"/> Email <input type="checkbox"/> Website	Hired <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Not Hiring	N/A Submitted Résumé

WORK SEARCH REQUIREMENTS FOR CONTINUED ELIGIBILITY FOR UNEMPLOYMENT INSURANCE (UI) BENEFITS

You are required to:

Make an active, good faith effort to secure employment each and every week for which benefits are claimed. Register and remain actively registered with your local Job Service Montana by logging into your account and selecting a service at jobs.mt.gov or by calling your local Job Service Montana once you have filed your claim and then every 90 days.

Be actively applying for work and make appropriate employer work search contacts each week.

- Applications must be made within the week for which benefits are being claimed.
- You must apply for a job by completing a job application, submitting a résumé, or attending a job interview.
- All work search contacts must be made with a person (or entity) who has hiring authority and must be with employers who pay into Unemployment Insurance.
- The same employer may not be used for two consecutive weeks, unless requested by the employer or unless applying for different positions.
- Work search contacts must be for work you are willing and qualified to do and in a location you are willing to work.
- If you are working part-time, with no guarantee for full-time work, you must continue to apply for work.
- Registering with a temporary hiring agency can only be considered a work search for one week of the Claim Year.
- Include the business name, the person contacted, date of contact, the position you applied for, the telephone number of the business, the URL if an internet application, and the result of the contact.
- Keep copies of confirmations of applications/résumés submitted electronically to employers.
- Keep a detailed record of your work applications and employer work search contacts in case your claim is selected for an audit. Be able to produce your work search records when requested by the State of Montana.
- The Agency will conduct verification of work search contacts.

*Check your claim record at ui4u.mt.gov to determine your Job/Union Attached status. If you are not sure if you meet the requirements for Job or Union Attachment, contact UI (see contact information on page 29).

If you have questions or need further information, contact the Claims Processing Center at (406) 444-2545, send an e-mail to ui4u@mt.gov, or check our website at uid.dli.mt.gov.

UI may audit your claim at any time for the Claim Year. You may be asked to produce documentation of your work search contacts or you may not be eligible for benefits.

The following are **not** considered a weekly work contact:

- Checking back with a temporary agency for more work.
- Registering with Job Service Montana or checking for job openings online without applying.
- Using your current part-time employer as a work contact every week.
- Calling an employer and asking if they are hiring, without submitting an application or résumé.
- Seeking, or working in, self-employment.

If you are in Department of Labor approved training:

- You may not be required to register for work with Job Service Montana or apply for work while in approved training.
- You must register, be actively applying for work, and record work searches if training has ended, is not in session, or you are between sessions for longer than 30 days.

If you are approved by UI to be Job Attached or Union Attached*:

- You are not required to apply for work or register for work with Job Service Montana unless your Job/Union Attached status ends or cannot be verified.
- You must remain in contact with your employer or union hiring hall.
- If Union Attached, you must be on the out-of-work list.
- Job or Union Attachment is verified by the Division.

HOURS & EARNINGS REPORTING

You can download a printable version of this form to record your hours & earnings at uid.dli.mt.gov under "Printable Forms".

Use a separate grid for every job and then add total hours and gross earnings from each job.

Week Ending Date	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total Hours	Hourly Pay Rate	Gross Pay
Regular Hours	0	8	4	5	0	4	0	21	x \$10.00	= \$210.00
Overtime Hours									x \$	= \$
Hours at Different Rate					4			4	x \$15.00	= \$60.00
Total Hours: 25									Total Gross Earnings \$270.00	

Here are a few tips to follow to help you accurately report your weekly hours and earnings.

Reporting Hours

Note: A Benefit Week begins on Sunday and ends on Saturday.

Keep a record of all hours you worked for each week you request benefits – including full hours and partial hours for all employers in the week.

Report the hours you worked for any employer in the week you performed the work. Report your hours as soon as you begin a new job or when you return to work.

Your report should include full-time work, part-time work, reduced hours, out-of-state employment, temporary work, and on-call. Report the hours you worked even if they are fewer than you normally work. Report hours worked in whole numbers after calculating your earnings using your total and partial hours worked (see example on page 20).

Reporting Earnings

Keep a record of your earnings for the time you work each week for any employer. Report all earnings from any employer in the week they are earned, not the week you receive payment. This includes full-time work, part-time work, reduced hours, in-state employment, out-of-state employment, temporary work, and on-call. Report your earnings as soon as you begin a new job or return to work, even if you have not been paid yet. Report gross earnings (before taxes are taken out), **not** net earnings. Report earnings from work performed in-state and out-of-state during the week. Calculate all earnings using hours

and partial hours worked during the week multiplied by the exact hourly rate. Report earnings in whole numbers after your calculations (see example on page 20).

Note: If you are paid for vacation time used, sick time used, paid time off, on-call time, bonuses received, commissions received, or holiday pay, report these earnings separately when prompted by specific questions when you file your biweekly payment request.

It is your responsibility to accurately report your hours and earnings. Do not rely on friends, coworkers, or your employer to explain how to report hours and earnings.

If you have questions on how to report hours and earnings not listed here, refer to the Unemployment Insurance website at uid.dli.mt.gov and go to "Claimants" - "Report Hours and Earnings" or call the Claims Processing Center.

How to Compute Hours Worked and Earnings on Your Weekly Payment Request

Step 1. Add the hours and partial hours worked during the week.

Step 2. Multiply the total number of hours and partial hours times the rate of pay.

Step 3. Report the hours you worked during the week, rounded down to the nearest whole hour.

Step 4. Report your total earnings from the week, rounded down to the nearest whole dollar.

UI TERMS

The following pages contain explanations of common UI terms you will find used in this handbook for quick reference.

Administrative Penalty – Imposed when you knowingly did not provide important facts or correct information to get or increase benefits. The penalty is 50% of the overpaid benefit amount. You may also be disqualified from getting future benefits for up to 52 weeks.

Alternate Base Period (ABP) – The last four completed calendar quarters at the time an initial claim for benefits is filed. If you are not monetarily eligible based on the regular Base Period (the first four of the last five completed calendar quarters, see below), UI will use this to determine your monetary eligibility.

Appeal – A process for requesting a formal review of a prior UI decision. Both you and your employer may file an Appeal if you believe the decision is wrong under the law or facts or if you have new information. An Appeal must be filed within ten days from the date of the written decision. An Appeal can result in you having to repay benefits you should not have received.

The review of an initial UI decision is done by a different staff member and leads to a Redetermination. An Appeal of a Redetermination will lead to a Hearing before a hearing officer and result in a Hearing Decision. An Appeal of this decision will be heard by the Unemployment Insurance Appeals Board (Board). A Board decision may be appealed to District Court.

Base Period – The first four of the last five completed calendar quarters at the time an initial claim for benefits is filed. Your Weekly Benefit Amount (WBA) is based on how much you earned during this time.

Benefit Week – Seven days for which you have an active claim, beginning on Sunday and ending at midnight the following Saturday.

Benefit Year – Same as Claim Year (see below). A Benefit Year is 52 weeks, from the Claim Effective Date to the Claim End Date. After a Benefit Year ends, you are eligible to file a new claim.

Claimant Agreement – A form you complete that verifies you are a citizen, national, or permanent resident of the United States. You also acknowledge your obligations necessary to qualify for benefits. If you completed your claim online, you signed this form electronically. If mailed to you, it must be signed, dated, and returned within eight days of the mailing date.

Claim Effective Date – The Sunday of the week in which a claim is filed.

Claim End Date – The last Saturday of a Claim/Benefit Year.

Claims Processing Center – Where to call to open, reopen, or receive assistance with a UI claim. Staff gather information from claimants and employers, make eligibility decisions, and provide customer service to claimants and employers. Contact information is inside the back cover.

Claim Year – Same as Benefit Year (see above). 52 weeks from Claim Effective Date to Claim End Date.

Covered or Insured Employment – Work for which the employer pays UI taxes to cover potential benefits.

Customary Hours – The average number of hours per week that you worked in covered employment during the Base Period of your claim. You may not be eligible for benefits during any week you work that number of hours or more. When you open a new claim, you will be asked what your Customary Hours were. It is very important that you report your hours correctly as this may be verified with your employer. If hours you provide are incorrect, it could cause an Overpayment or Underpayment.

Determination – A decision about your eligibility for benefits regarding a specific issue. You may receive multiple Determinations if there are several Eligibility Issues on your claim.

Eligibility Issue – Any act or circumstance that may disqualify you from receiving benefits.

Excess Hours – Hours of work equal to, or greater than, your Customary Hours. You will not be eligible for benefits in a week in which you work either your Customary Hours or 40 hours.

Excess Earnings – Your pay for a week is twice the Weekly Benefit Amount (WBA) or more. You are not eligible for UI benefits for a week in which you have Excess Earnings.

Full-time Work – Working 40 hours or more per week.

Hearing – An Unemployment Insurance hearing is similar to a telephone conference call. The parties (you and the employer in most cases) are contacted by an impartial hearing officer and each party can tell the hearing officer what they believe the relevant facts are related to the issue on appeal. You may have witnesses testify. You may ask questions of the other party. All testimony is given under oath. You may come to Helena to participate in person but generally are not required to do so. We recommend watching our hearing video at dli.mt.gov/hearings.

Hearing Decision – A document issued by an impartial hearing officer. The Hearing Decision identifies the relevant facts, applies the appropriate law, and reaches a conclusion on the issue before the hearing officer.

Inactive Claim – Most commonly, your claim becomes inactive if you do not file a payment request for two consecutive weeks. You can reactivate it at any time during the Benefit Year. See page 11 for other reasons your claim may inactivate.

Initial Claim – A new claim filed, establishing the Benefit Year.

Insufficient Wages – Your claim does not have enough wages in the Base Period to be eligible. Also referred to as “monetarily ineligible.”

Job Attached/Job Attachment – You have a verifiable guarantee from your employer that you will return to work on a certain date for at least 30 hours per week if you are not working for them at all. If you are working less than full-time (40 hours), the employer needs to provide the date you will work full-time. You must be able and available for offers of full-time work from this employer while getting UI benefits. If you qualify, you do not have to apply for work each week. Your employer will be contacted to verify that they will rehire you or you are working part-time and the work will eventually become full-time.

Maximum Benefit Amount (MBA) – The maximum amount of benefits potentially available during a benefit year. MBA is based on the wages earned in the Base Period of a claim. This information is located on the Monetary Determination notice.

Misconduct – Deliberate or careless disregard of an employer’s or another employee’s rights or interests. When a discharge was due to misconduct, benefits are denied.

Monetary Determination – A form mailed to you early in the claim process showing, if you are eligible, how much your payment will be each week. Also shows the Maximum Benefit Amount (MBA) and other details on your claim for that Claim Year. This form further lists all of the employers that you worked for during the Base Period and the wages that each employer reported each quarter. Be sure to check it for accuracy.

Offer in Compromise – A proposal to settle a non-fraud Overpayment by paying less than the total outstanding amount in one lump sum.

Overpayment – A payment of benefits you received but were not entitled to under Montana Law and Rules. Overpaid benefits must be repaid. See page 17 for details.

Partial Benefits – Amount of UI benefits you may receive while working reduced hours (less than your Customary Hours).

Party (Individual) ID – A unique identification number assigned to you by UI the first time you file for UI benefits. This number will remain the same for any subsequent claims. You will find this number on any letter you receive from UI. Please use this number for identification in all of your communication with us.

Personal Agent – A person you have authorized to assist you or act on your behalf, for example, when filing a claim for benefits. You need to request and file an agent designation form with UI in order for someone to become your authorized Personal Agent.

Personal Identification Number (PIN) – A 4-digit number you select the first time you file for UI benefits online at ui4u.mt.gov. Along with your social security number (SSN), this identifies you to ui4u.mt.gov. You need this information every time you log into your account. It is important to remember and safeguard it.

Redetermination – The new decision, made by a different staff member and based on a thorough review of all the facts relating to an Eligibility Issue on your claim.

Register for Work – You are required to establish an account and remain actively registered with Job Service Montana (or your state Workforce Agency if you reside outside of Montana). This can be done online at jobs.mt.gov or in person at your local Job Service Montana office (or state Workforce Agency).

Separation – When you or your employer end the working relationship. This can be a quit, discharge, leave of absence, suspension, or layoff.

Suitable Work – A job you are physically able to perform and have experience or education in. It is within reasonable commuting distance of your home and pays the prevailing wage in your area.

UI Taxes – Employer-paid taxes. UI Taxes are not withheld from your pay.

Underpayment – You are receiving less benefits than you may be entitled to, caused by incorrect or incomplete information.

Union Attached/Union Attachment – You are an active union member. You get work through a union hiring hall and are on the out-of-work list as verified by the union. You must be available for any offer of Suitable Work.

Waiting Week – The first eligible week in a new claim where you request payment and no payment is issued. This week will not be paid, as it is used to help the agency establish the claim and finish the administrative process. You have to serve this week on any new claim and will only serve one Waiting Week per new claim.

Weekly Benefit Amount (WBA) – The maximum benefit you may be eligible to receive for one week if you have no reported earnings that week. This amount is located on your Monetary Determination notice.

LEGAL REQUIREMENTS

Privacy of Information

The Unemployment Insurance Program asks for your social security number by the authority of the Social Security Act 42 U.S. C. 405c (2)(C)(i). You must provide your social security number to file an Unemployment Insurance claim. The Privacy Act of 1974 does not allow us to give information about your claim to anyone (including family members) other than yourself or your employer, unless you give us written authorization to discuss your claim with another person. We use your social security number to verify your identity and properly process your claim. Previous employers and other state or local government agencies, including the University system, may release to the Department of Labor and Industry any information, including your social security number, required for the proper administration of your claim. We also use your social security number to report the amount of Unemployment Insurance benefits you receive to the Internal Revenue Service as taxable income.

Montana law 39-51-603 permits the Department of Labor and Industry to share certain information with other public agencies to help them determine your eligibility for, or amounts of, benefits payable under their programs. 20 C.F.R § 603.11 states confidential UI information pertaining to the claimant may be requested and utilized for other governmental purposes, including but not limited to, verification of eligibility under other government programs.

Equal Opportunity

This agency is prohibited from discriminating on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and against any beneficiary of programs financially assisted under Unemployment Insurance/ Title I of the Workforce Innovation and Opportunity Act (WIOA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any Unemployment Insurance/Title I financially assisted program or activity.

The agency must not discriminate in any of the following areas:

- Deciding on who will be admitted, or have access to, any Unemployment Insurance or WIOA Title I financially assisted program or activity.
- Providing opportunities in, or treating any person with regard to, such a program or activity.
- Making employment decisions in the administration of, or in connection with, such a program or activity.

If you file your complaint with the state, you must wait either until a Written Notice of Final Action is issued, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (CRC). If you do not receive 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 that Notice before filing a complaint with the CRC. However, you must file your CRC complaint within 30 days of the 90 day deadline (within 120 days after the day on which you filed your complaint with the recipient). If you receive 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 CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

You may contact the Civil Rights Center by writing:

The Director, Civil Rights Center (CRC)
US Department of Labor
200 Constitution Ave NW Suite N-4123
Washington, DC 20210

The Americans with Disabilities Act

The Americans with Disabilities Act of 1991 prohibits discrimination against a qualified individual with a disability. We will make accommodations to allow your participation in all programs, activities and services provided by the Unemployment Insurance program **at the request of an individual with a qualifying disability**. Call the Claims Processing Center at (406) 444-2545 to make your request known. Use Montana Relay service at 711 if you are deaf or hard of hearing.

UI/ADA Officer
Montana Department of Labor & Industry
P.O. Box 8020
Helena, MT 59604-8020

(406) 444-3783
Ask for UI/ADA Officer (ADA/EO questions only)
Montana Relay: 711



HOW TO CONTACT UI

UI Claims Processing Center

(406) 444-2545

9:00 am to 4:00 pm (Monday – Friday)

Hours may be subject to change.

Interpretation for foreign languages is available upon request.

Individuals who are deaf, hard of hearing, or have voice impairment may contact the **Montana Relay Service: 711**.

Unemployment Insurance Division

PO Box 8020

Helena MT 59604-8020

Fax: **(406) 444-2699** (anytime)

Email: ui4u@mt.gov

Please include name, phone number, and Party (Individual) ID number. Do not email your social security number.

Other Contact Information

Request Overpayment Waiver Form (see page 17)
(406) 444-3783

Discuss Offer in Compromise (see page 17)
(406) 444-1709

For ADA/EO questions (see page 28)
(406) 444-3783

Report UI Fraud

Call (406) 444-4385/4387, email dliuidci@mt.gov, or go to uid.dli.mt.gov and click on “Report Fraud” button. On the next page, choose “Report Claimant Fraud” or “Report Employer Fraud,” whichever applies.

This edition of the Claimant Handbook is dedicated to the memory of James John (“J.J.”) Coggeshall (1964-2016) and Ellen L. Hallberg (1939-2016).