Texas Workforce Commission

Unemployment Benefits Handbook

Register as a Job Seeker at WorkInTexas.com

Get more information at ui.texasworkforce.org
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Unemployment Benefits Handbook
This Texas Workforce Commission (TWC) unemployment handbook explains your rights and responsibilities. You are responsible for knowing the information. Read it carefully and refer to it when you have questions.

What Is TUCA?
The Texas Unemployment Compensation Act (TUCA), Title 4, Subtitle A of the Texas Labor Code, governs how TWC administers unemployment benefits. Read about TUCA and other laws at www.texasworkforce.org.

Read all of the information TWC sends you and respond promptly by telephone or in person as requested.
Texas Workforce Solutions: Help for Job Hunters

Texas Workforce Solutions, a statewide network of one-stop centers, can help you:

- Find the best jobs
- Write job-winning résumés
- Ace your job interviews
- Find opportunities for training

Texas Workforce Solutions offices put you in front of the right employers with the right jobs. Visit an office to take advantage of free job search services. The address of your nearest office is on the letter we sent with this handbook.

Visit your Workforce Solutions office for:

- **Computers.** Use the computers to register as a job seeker on WorkInTexas.com, search for Texas jobs, and connect to nationwide job banks. Remember, unless you are exempt from work search requirements, you must register as a job seeker within three business days of applying for unemployment benefits.

- **Job Resources.** Internet access, phones, printers, fax machines, local newspapers, and other resources.

- **Job Search Assistance.** Career counseling and job search training, advice on writing résumés, job preparation, and interviewing skills.

- **Job Fairs and Workshops.** Check out local labor market information to find employers who are hiring.

- **Texas Workforce Commission (TWC) Brochures.** Pick up free brochures on unemployment benefits, payment options, and more.

Commission-Approved Training Opportunities

If you are in training that meets the requirements for Commission-approved training, TWC may exempt you from work search and other requirements. Speak with Workforce Solutions staff to start the process on whether your desired training meets the requirements.

On the Web

WorkInTexas.com
ui.texasworkforce.org
www.texasworkforce.org
Frequently Asked Questions

Q. I lost my job. What do I do now?
The most important thing is to find another job. You can get help finding a job by registering as a job seeker on WorkInTexas.com. See Work Search Requirements on page 8 and Help for Job Hunters on page 3.

Q. Will I get unemployment benefits?
Not everyone who applies gets benefits. We review your past wages and investigate your job separation reason before paying benefits. You can appeal any decision against you. See Qualifying for Unemployment Benefits on pages 6-8.

Q. How do I request benefit payments?
Go to ui.texasworkforce.org or call 1-800-558-8321. See page 10.

Q. When will I get my first benefit payment?
Approximately four weeks after you apply. See Investigating Your Claim on page 9.

Q. Why is my first payment for only one week?
See the Waiting Week on page 12.

Q. How can I review my claim status and payment history?
Go to ui.texasworkforce.org or call Tele-Serv at 800-558-8321.

Q. What can I do online?
Use ui.texasworkforce.org to request payments, select payment options, view claim and payment status, submit an appeal form, view appeal status, estimate your benefits, download a work search log, and more.

Q. How do I stop my claim after I find full-time work?
When you return to full-time work, stop requesting payment. If you worked during the payment period, you must report your hours worked and gross earnings each time you request payment.

Q. Did I pay unemployment taxes when I was working?
No. In Texas, employers pay for your benefits. It is against the law for employers to deduct unemployment taxes from your wages.

Not a U.S. Citizen?

We can pay benefits only to U.S. citizens and noncitizens working legally in the United States. If you are not a citizen, we must verify your Alien Registration number with Citizenship and Immigration Services (CIS). If you worked here illegally, we cannot use your wages to calculate benefits.
Fraud Warnings

Unemployment fraud is a serious crime that TWC aggressively pursues. If you commit fraud, you lose all remaining benefits on your claim and must repay the benefits you were not entitled to receive plus a 15 percent penalty on benefits you fraudulently received. If convicted of fraud, you face fines or jail time, or both.

Fraud includes:

- Not reporting all hours worked and gross earnings for the week you requested payment
- Requesting benefits while working full time
- Intentionally giving TWC false information
- Using another person’s identity to apply for or receive benefits

You must report your gross earnings and the hours you worked each time you request payment. There are no exceptions. We compare your payment requests with state and federal hiring and wage databases. If you request payment without reporting income, you face fraud charges. See page 11.

Repaying Overpayments

You must repay any overpayments before we can pay you benefits. TWC sends a letter explaining why you owe us money.

If you are eligible for benefits, we apply each weekly payment toward reducing your overpayment. If you were overpaid benefits in another state and are eligible for benefits in Texas, we send your benefits to the other state until the overpayment is paid. If you receive benefits from another state, we ask that state to recover the money for us.

If you are not receiving benefits OR are unable to repay the entire amount, ask us about setting up a repayment plan. Call (512) 936-3338 or e-mail special.colloverpay@twc.state.tx.us.

Learn more about Overpayment of Unemployment Benefits on texasworkforce.org/unemploymentbenefits.
Qualifying for Unemployment Benefits

Unemployment benefits provide temporary income to qualified workers who lose their jobs through no fault of their own.

Employers pay for this program; employees do not contribute to unemployment taxes.

1. Base Period Wages
We send a Statement of Wages and Potential Benefit Amounts (benefit statement) that tells you whether you have enough wages during your base period (the first four of the last five completed calendar quarters before the start date of your claim) to qualify for benefits. See the base period chart on page 7.

The benefit statement includes your weekly benefit amount (WBA), the maximum benefit amount (MBA) allowed during your benefit year, which is the 12 months your claim is in effect, and information on how TWC calculated your benefit amounts.

If you worked for the federal government, the military, or in other states, your first benefit statement will not include those wages. We send a new benefit statement whenever we receive additional wage information.

Call us immediately if your benefit statement has the wrong Social Security number or your wages are incorrect.

Alternate Base Period: If you were out of work for at least seven weeks during your base period because of a medically verifiable illness, injury, disability, or pregnancy that began within 24 months from your claim start date, ask us if you can use an alternate base period.
**How to Figure Your Base Period**

Find the month you filed your claim in the white boxes. The quarters in the blue boxes on the same line make up your base period.

**Calculate Your Benefit Amounts**

Calculate your weekly benefit amount (WBA) from the wages on your benefit statement. Select the base period quarter with the highest wages. Divide the high quarter’s total wages by 25 and round to the nearest dollar. Your WBA cannot exceed the current maximum WBA allowed by law, which is on your benefit statement.

Your MBA is the lesser of 26 times your weekly amount or 27 percent of all your wages in the base period.

To determine whether you have enough wages in your base period to set up a claim:

- Multiply your WBA by 37. You must have at least that much in base period wages.
- You must have had wages in more than one base period quarter.
- If you qualified for benefits on a prior claim, you must have earned six times your new WBA since that time.

Use our online Benefits Estimator at [ui.texasworkforce.org](http://ui.texasworkforce.org)
2. **Job Separations**

To qualify for benefits, you must be either unemployed or working reduced hours through no fault of your own, such as a layoff, a reduction in hours not related to misconduct, or fired for reasons other than misconduct.

**Quitting Your Job**

Most people who quit do not receive benefits.

- If you quit for a good work-related reason, such as not being paid, you must offer proof of that reason, and that you tried to correct the problem with your employer before quitting.
- If you quit your job for a personal reason, such as staying home with your children, we cannot pay you benefits.

**We might be able to pay you if you:**

- Had a medically documented illness that prevented you from working, but you are now able to work.
- Quit to move with your spouse. Texas reduces the number of weeks and benefits you can receive. That reduction does not apply to most military spouses.
- Have a documented case of sexual assault, family violence, or stalking.

3. **Work Search Requirements**

Unless exempt from work search requirements, you must register as a job seeker within three business days of applying for benefits. Register on WorkInTexas.com or a Texas Workforce Solutions office if you live in Texas or regularly commute to Texas for work from a border state. If you live in another state, register at a public workforce office in that state. You must meet your minimum work search requirements each week. Your work search requirements are in the letter we sent with this handbook. If you work part time, you must continue to look for full-time work each week.

4. **Able and Available Requirements**

You must be able, available, and actively seeking full-time work each week you request payment. This means you:

- are physically and mentally able to work
- are available for suitable work, if offered
- are able to work the days and hours required of the job
- have transportation and child care
- would accept the customary wages for your qualifications and experience
- lowered your wage request to **75 percent of your normal wage** by the 8th week of unemployment
Ending a Disqualification

If TWC disqualifies you because of your job separation or other reasons, you can request that we end the disqualification if you return to work and:

- Work at least 30 hours each week for six weeks or earn wages equal to six times your weekly benefit amount.
- Provide TWC with proof of your work or earnings and request that we end the disqualification.

To receive benefits after ending a disqualification, you must have a qualifying separation from your last job. You can fulfill the work or earnings requirements while you work part time.

See Learning the result of your application for benefits on www.texasworkforce.org/unemploymentbenefits.
**Request Payment**

We mailed you a letter explaining how to request payment every two weeks. Call Tele-Serv at **800-558-8321** on your scheduled day or use **ui.texasworkforce.org** any day of your claim week. **Request payment** as scheduled or you might not be paid. Your payment should be in your direct-deposit or debit-card account within three days of TWC processing your payment. **If you request payment online after 6 p.m., allow two additional business days for processing.**

**Payment Options**

If you signed up for direct deposit or debit card on a prior claim, we use the account information on file. Choose one of the following options:

1. **Direct Deposit**
   
   To sign up or change account information, select **Direct Deposit** as your Payment Option at **ui.texasworkforce.org**, or call Tele-Serv. You must use a U.S. checking or savings account. You need the nine-digit routing number, account number, and account type of your bank or credit union. Find that information on a check, not a deposit slip. It takes up to nine days to verify direct deposit information. If you request payment during the nine-day verification period, we pay you by check.

2. **Chase Debit Card**
   
   If you **do not select** direct deposit, TWC sends your payment to a TWC Visa® debit card from Chase Bank. Your debit card is valid for two years. If you had a debit card from a prior claim that is lost or expired, call Chase at **866-865-1273** for a new card. If you have never received benefits by debit card, your card and instruction packet will arrive five to seven days after we send your first payment to Chase. When you receive the packet:
   
   - Read and follow all of the instructions.
   - Call Chase or go to **www.ucard.chase.com immediately** and follow the prompts to activate your card and select a Personal Identification Number (PIN). If you do not activate your card, your benefits revert to the state after one year.
   - Contact Chase if you have questions or need a replacement card.
Work and Receive Benefits

If you work part time, you can earn up to 25 percent of your weekly benefit amount (WBA) before TWC reduces your benefit payment. For example, if your WBA is $160, you may earn $40 without a reduction. If you earn $50, we reduce your WBA for the week to $150. In both cases, your benefits plus your earnings equal $200. If you earn more than $200, we cannot pay you benefits for that week. If you are working the customary full-time hours for your occupation, we cannot pay you benefits, even if your earnings are below your allowed amount.

We investigate any job separation you have while receiving benefits to determine whether you can continue to receive benefits. See page 8.

Work and Report Income

You must report all of your hours worked and gross earnings each time you request payment. Work is any kind of service for pay. There are no exceptions. Unreported earnings may be considered fraud. Unreported earnings cause overpayments that you must repay. See page 5.

Report your total gross earnings in the week you earned them, not when you are paid. The workweek for reporting begins on Sunday and ends on Saturday. You must report:

- Your total number of hours worked each week. Include your hours and gross earnings for all your work. (Work is any kind of service for pay. That includes commissions, tips, contract work, and “side jobs.”)
- Total gross earnings before deductions, not “take-home” pay.
- Earnings in whole dollars. For example, if you earned $100.75, report $100 and drop the 75 cents.
- Your net profit, which is the amount above your expenses, if you are self-employed. You must report hours worked each week, even if you have no net profit.

Not yet paid?

If your employer has not yet paid you, calculate your gross earnings by multiplying the number of hours you worked by your hourly pay and report that amount to TWC when requesting payment.
**The Waiting Week**

Texas law requires us to hold your benefits for the first payable week as the “waiting week” until you receive three times your weekly benefit amount (WBA). If you return to work before receiving three times your WBA, we cannot pay you for the waiting week. TWC cannot change this requirement.

**Paying Taxes on Your Benefits**

Your benefits are income you must report to the Internal Revenue Service (IRS). We will withhold 10 percent of your benefits for taxes if you complete and return the Voluntary Withholding form. TWC sends you and the IRS a Form 1099-G in January with the benefits amount paid in the previous calendar year. You can find that amount on Tele-Serv or [ui.texasworkforce.org](http://ui.texasworkforce.org).

**Tell TWC If You Move**

TWC mails important documents to the address on record, so let us know right away if you change your mailing address. Some documents require a response. Don’t count on mail forwarding to get your documents. If you do not respond on time, you might not receive benefits. Change your address at [ui.texasworkforce.org](http://ui.texasworkforce.org). Select Contact Information. Or call a Tele-Center at 800-939-6631. If you move out of state, you must register for work at a public workforce office in that state, unless you commute to work to Texas from a border state.

**Protecting Your Privacy**

Your claim is confidential. However, we share some information with government agencies and contractors that administer and enforce laws, including verifying eligibility for public assistance, supporting law enforcement, and other purposes permitted by law.

We disclose information to entities that manage Social Security, Medicaid, nutrition assistance, child support, and other programs. We mail a notice of your claim to your last employer and may communicate with other former employers.

If we pay you by debit card, we share information with Chase Bank. Chase and government agencies must agree to comply with confidentiality laws.

The information also may be used for statistical analysis, research, and evaluation.
Staying Eligible for Benefits

To remain eligible for benefits, you must request payment as scheduled, respond when TWC contacts you, be able, available, and actively seeking full-time work, and meet your work search requirements.

You are no longer eligible when your benefits run out or you return to full-time work.

Be aware of these additional requirements:

- **Special Reemployment Activities**
  TWC requires you to participate in special reemployment activities if you are likely to run out of benefits before you find work. If selected to participate, your Workforce Solutions office sends a letter. If you receive a letter, you must participate as instructed to stay eligible for benefits.

- **Keep a Work Search Log**
  Keep a detailed work search log because we may request copies to verify your activities. We enclosed a sample log with this handbook. You can get more copies at ui.texasworkforce.org. Review the Unemployment Benefits Work Search Guidelines we sent you or find them on www.texasworkforce.org/unemploymentbenefits.

- **Accept Suitable Work**
  TWC cannot pay benefits if you refuse to apply for or accept suitable work without good cause. We determine suitable work by reviewing:
  
  - your experience, qualifications, and training
  - working conditions and pay for similar work in your area
  - risks to your health, safety, or morals
  - distance to work from your home and local commuting patterns
  - how long you have been unemployed
  - whether you have considered jobs that pay 75 percent of your normal wage by the 8th week of unemployment
If These Work Issues Affect You...

Find more information at www.texasworkforce.org/unemploymentbenefits.

**Foreign Trade**

If you lost your job because of issues related to foreign competition, you may be eligible for Trade Adjustment Assistance (TAA), which includes job retraining, job search and relocation aid, and weekly Trade Readjustment Allowance (TRA) benefits.

Trade-affected workers age 50 or older may be eligible for a wage subsidy program.

**Working in Other States**

If you worked in more than one state during your base period, you can combine all of your wage credits into a single claim administered by one “paying state.” The paying state uses your wage credits from the other states to calculate your benefits. You may apply for benefits in only one state where you worked. **Register for work search** with the nearest public workforce office in the state you are located.

**Military Wages**

You can use military wages to qualify for benefits if you left the service honorably and completed your first full term of service. If you did not complete your first full term, you must have separated early due to an exception specified by Congress. Reservists and National Guard members may be eligible if you served at least 90 days continuous active service and received a Form DD-214, *Report of Separation*, when separated. If we are unable to use your military wages, you can appeal to your branch of service with a Form DD-149, *Request for Correction of Military Records*.

**Pensions**

We reduce your weekly benefit amounts by any pensions, retirement pay, annuities, or other payments you receive from an employer that paid you wages in the base period. We do not deduct Social Security or Railroad Retirement income.
School Employees
If you worked for a school, we cannot use your school wages to calculate your benefits if you have reasonable assurance of going back to work after a break in the academic year. If you lost your job for a qualifying reason or do not have reasonable assurance of returning to work, we may be able to pay you benefits.

Workers’ Compensation/Disability
If you receive Workers’ Compensation, you may not be eligible for unemployment benefits. TWC makes that decision based on the type of disability payment you receive.

- If you receive Impairment Income Benefits, you may receive unemployment benefits. If you receive some kinds of Temporary Income Benefits, Supplement Income Benefits, or Lifetime Income Benefits, TWC cannot pay you unemployment benefits.
- If you have a permanent disability and receive Social Security Disability Insurance (SSDI), you may be eligible for benefits even if you work part time.

Federal Employees
If you are a former federal employee, TWC requests your wage information from your federal employer. To insure prompt payment of benefits, TWC asks you to estimate your base period wages and provide a Standard Form SF-50, Notice of Personnel Action, or a W-2 or pay stub as proof of employment.

Disaster Aid
If you lost your job or business as a direct result of a major disaster declared by the President of the United States, you may be eligible for Disaster Unemployment Assistance (DUA). If you are eligible for regular unemployment benefits, you must exhaust them before receiving DUA. When you apply for DUA, we send you a packet of DUA rules with forms to complete and return.

Labor Disputes ( Strikes)
If you stopped work because of a labor dispute, you cannot draw benefits during the dispute. This does not apply to a “lock-out.” A disqualification continues until you no longer have any part in the labor dispute. It does not matter whether you are a union member. It is generally not possible to requalify for benefits by working elsewhere.
Understanding Your Appeal Rights

If TWC sends a letter informing you that you cannot receive unemployment benefits, you may appeal that decision by:

- Submitting an online appeal form at www.texasworkforce.org/uiappeal; or
- Mailing or faxing a signed letter to the Appeals Department at the address or fax number on the letter.

File your appeal within 14 calendar days from the date TWC mails the letter. The deadline date is on the letter.

Your appeal should have:
- your name and Social Security number
- your current address
- the date TWC mailed you the decision

If you mail your appeal, the postmark on the envelope must be on or before the deadline date for your appeal to be on time.

If you fax your appeal, TWC uses the date we receive the fax to determine whether your appeal is on time. You may use the fax machines free of charge at a Workforce Solutions office in Texas or workforce office in another state. Ask for and keep your confirmation page as proof of transmission.

You or your employer can file an appeal on your claim. The appeal leads to a telephone hearing with the Appeal Tribunal. Your employer may participate in your hearing.

We mail you a hearing notice packet with the date and time of your hearing and instructions on submitting any additional documents you may wish to present. You should mail or fax copies of those documents to your employer and TWC as soon as possible.
Take part in the hearing. The hearing officer makes the decision on your appeal based entirely on evidence given at the hearing. If you cannot participate, call the hearing officer at the number listed on the hearing notice.

You may call witnesses. If you or any of your witnesses do not speak English, write on the appeal that you need an interpreter and for what languages. If you or your witnesses need special services, such as for hearing-impaired participants, request those as well.

We mail the Appeal Tribunal decision. If you disagree with the decision, you may appeal to the next level of review, the three-member Commission. The Commission decides your case after reviewing the Appeal Tribunal decision and listening to the recorded hearing.

If you disagree with the Commission Appeals decision, you may file a Motion for Rehearing within 14 calendar days of the decision. The Commission may grant the motion if you can show all of the following:

- important new information
- why you think the information could change the decision
- a compelling reason why you didn’t present the information earlier

You may appeal to a civil court between 15 and 28 days after the date TWC mailed the decision. Before appealing to a civil court, you must complete all of the appeals through TWC, except the Motion for Rehearing.

IMPORTANT! If you submit an appeal after the deadline, you must explain in detail why you filed the appeal late. If TWC decides not to hear the case because your appeal was late, we will mail you a letter explaining the decision. You can appeal that decision.

You can appeal online at [www.texasworkforce.org/uiappeal](http://www.texasworkforce.org/uiappeal)
Quick Reference

Call a Tele-Center at 800-939-6631, weekdays, 8 a.m. to 6 p.m., to speak to TWC customer service staff.

Call Tele-Serv, our automated telephone system, at 800-558-8321, for general information 24 hours a day. Check the status of your claim, request a payment, and other options, daily, 7 a.m. to 6 p.m.

- Press 1 — To request benefit payment.
- Press 2 — For payment information or claim status.
- Press 3 — For general information.
- Press 4 — To establish or change PIN (Personal Identification Number).
- Press 5 — To select or change benefits payment options.
- Press * — To repeat information.

Report TWC fraud or program abuse, 800-252-3642

Hearing-impaired customers, dial 711 for Relay Texas.

Check Appeal Status at ui.texasworkforce.org or call (512) 463-2807 to leave a message.

Chase Bank Customer Service

To activate your TWC Visa® Debit Card or speak to a Chase Bank representative, call 866-865-1273. When prompted, select options.

U.S. Equal Employment Opportunity Commission enforces federal antidiscrimination laws, 800-669-4000, weekdays, 7 a.m.-7 p.m., (TTY) 1-800-669-6820.

- TWC Civil Rights Division enforces the Texas Commission on Human Rights Act, (512) 463-2642 or toll free 888-452-4778.
- If you believe that TWC discriminated against you on a claim, contact Equal Opportunity and Compliance, (512) 463-2400, within 180 days of the event.

Equal Opportunity Employer/Program

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www.texasworkforce.org

Để yêu cầu có tập sách này bằng tiếng Việt, xin gọi Tele-Center. Xem tập sách này cho số điện thoại.