

depends on your prior earnings.

WHAT ARE THE STEPS IN A CASE?

There are four steps in an unemployment compensation case. These are the Deputy's Determination, a hearing before an Appeals Examiner, the commission review before a Special Examiner, and an appeal to state Circuit Court. The VEC must give you a written decision at each step. You can appeal a denial at each step. You must do this within 21 days of the date of the decision, except you have 30 days to appeal a Commission decision to Court. You may be represented by anyone you choose at any step, except you must have a lawyer to go to Court.

ARE THERE OTHER PROGRAMS?

The VEC also has unemployment compensation programs:

- Disaster Unemployment Assistance (DUA) provides benefits to workers unemployed due to a major disaster in their area.
- Extended Benefits (EB) pays benefits after regular unemployment compensation has run out. This is in effect only during periods of high national or state unemployment levels.
- Unemployment Compensation for Federal Employees (UCFE) provides benefits for workers who were employed as federal civilian employees during the base period.
- Unemployment Compensation for Ex-Service Members (UCX) provides benefits for workers who were members of the U.S. Armed Forces during the base period.

Adapted from materials created by Martin Wegbreit.

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UNEMPLOYMENT COMPENSATION

This pamphlet contains general information about your rights. Consult a lawyer if you have specific questions.

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CVLAS is a non-profit organization providing free legal advice, and representation to low income or elderly people in Central Virginia. Contact us Monday - Thursday 9-12 to see if you qualify for services.

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Unemployment compensation is a state program to help workers who are unemployed through no fault of their own. It is run by the Virginia Employment Commission (VEC).

HOW DO I QUALIFY?

You will qualify if:

1. You are unemployed.
2. You are not on strike, vacation or retired.
3. You made more than \$2,500 using the VEC's formula.
4. You actively search for work.
5. You follow the VEC's rules for applying for unemployment compensation.

DID I MAKE MORE THAN \$2,500 USING THE VEC'S FORMULA?

The VEC's formula has three steps. First, the VEC divides the year into four quarters (January through March, April through June, July through September, and October through December). Second, the VEC looks at how much you earned for the past 5 quarters (this year plus the last quarter of last year). Third, the VEC adds together how much you earned in the two "highest" quarters (highest means the quarter in which you earned the most money). If this number is more than \$2,500, you can qualify.

WHAT IS MEANT BY AN ACTIVE SEARCH FOR WORK?

Unless you usually get work through a labor union or have been approved for a resume job search, you must apply in person for work. For each company you contact, you must give the VEC the following things.

- The date you contacted the company.
- The company's name, address and number.
- Name and title of the person you talked to.
- The position you applied for.

- The results of your contact.

WHAT ARE THE RULES FOR APPLYING THAT I MUST FOLLOW?

You must:

- File a claim with the VEC.
- Register for work at the VEC Field Office.
- Come to the VEC when asked to do so.
- Report all job offers and job referrals.

WHY MIGHT I BE DENIED?

You can't get unemployment compensation if you quit your job without good cause, if you're discharged for misconduct in connection with your work, or if you don't apply for or accept suitable work. Any of these reasons will keep you from getting unemployment compensation.

DID I QUIT WITHOUT GOOD CAUSE?

If you left your last job without being fired or laid off, and you did this without a good reason, you can't get unemployment compensation. You must prove you had a good reason for quitting. A good reason might be that the job was a risk to your health or safety, or you were physically or mentally unable to do the job. You also must prove you made all reasonable efforts to solve the problem and keep your job before you quit.

If you're asked to resign from your job instead of being fired, that is not a voluntary quit. The VEC should treat that as a discharge, and decide if you committed misconduct.

WHAT IS A DISCHARGE FOR WORK MISCONDUCT?

If you are fired from your last job because of your misconduct in connection with your work, you can't get unemployment compensation. Your former employer must prove you

were discharged for misconduct. Misconduct means you intentionally violated an employer's rule designed to protect your employer's interests, or you willfully disregarded the interests and duties you owed your employer. To prove these intentional acts, your employer usually must show you knew the employer's policies, you had been warned, you knew you risked losing your job, and you kept violating the policies.

WHAT IS A FAILURE TO APPLY FOR OR ACCEPT WORK?

If the VEC orders you to apply for or accept work, and you fail to do this without a good reason, you can't get unemployment compensation. You must prove you had a good reason for not applying for or accepting work. The VEC looks at many things in deciding if your work is suitable. These include your prior work history, your physical and mental fitness for the work, any risk to your health, safety or morals, and the distance from your home.

WHAT HAPPENS IF I'M DENIED?

If you're denied unemployment compensation, you can't get unemployment compensation until you get another job, work at it for at least 30 days for one employer, and lose the job through no fault of your own.

FOR HOW LONG CAN I GET IT?

Usually, you can get unemployment compensation for 26 weeks. You may get it for fewer weeks depending on your prior earnings. You also may get it for more weeks if you are eligible for extensions. Your benefits can be between \$59 and \$318 per week. The amount of your benefits also