

Unemployment Insurance In New York

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What is Unemployment Insurance?

Unemployment Insurance is a short-term state-run benefits program that provides weekly cash checks to workers who recently lost employment due to no fault of their own or saw their hours reduced to part-time.

How do I know if I am eligible?

To be eligible, a worker cannot have voluntarily quit their job without good cause or lost their job due to intentional “misconduct”.

Are there any other eligibility requirements?

- Have worked in New York State within the last 18 months
- Have worked and been paid in at least two calendar quarters
- Earned at least \$2,600 in their high quarter
- Have received total wages equal to at least one and one-half times their high quarter wages

You must also:

- Be “ready, willing and able to work”
- Actively seeking employment
- Not be an officer of an ongoing corporation
- For immigrants: have valid work authorization

How much is the cash benefit and how long can I receive NYS UI?

The “weekly benefit rate” is calculated based on pay. The benefit rate is currently a minimum of \$104 and a maximum of \$504. The length of benefits for regular NYS UI is 26 weeks.

What if I work part time? Do I qualify?

If you work LESS THAN 4 days per week, and earn LESS THAN \$504 per week, then you may qualify and should apply. Benefits for part-time workers are prorated based on the number of days worked in the week, not the number of hours worked per week. For this reason, we recommend you schedule your working hours into fewer days per week to maximize benefits.

What does it mean to be “ready, willing, and able to work”?

The federal government has advised states to adopt relaxed work search standards. Generally, if you are capable of working remotely from home (ie, you are not sick or otherwise incapable of

doing telework provided the technology), then you should be eligible for regular NYS UI and able to fulfill the standard. We encourage claimants to apply.

What is the new work search standard? If so, what level of documentation?

The Department of Labor requires claimants to keep an online or written record of your efforts to look for work for each week you claim benefits. You should be prepared to give a copy of that record to the Department of Labor if they ask for it. The record must include dates, names, addresses (mail, e-mail, or web address) and telephone numbers of employers contacted, names and/or job titles of specific people contacted, contact methods used, position or job title applied for or a description of other work search efforts. You should maintain this record or the Department of Labor could deny you Unemployment Insurance benefits at a later point.

Can those working in cash receive unemployment?

Yes, but it's complicated. In order to apply for UI, you will have to document income through any proof that you have, such as text messages, receipts, witness statements, etc. You also must have and had work authorization to receive UI. IF you have work authorization, but have been working off the books and not paying taxes, this can negatively affect your immigration status and/or your ability to adjust your status. If you were working off the books and did not pay taxes, the IRS and NYS may attempt to recoup back taxes. If you have questions about the potential risks of applying, please contact the Employment Law Unit hotline.

What if I was paid with a 1099 and it is wrong?

You can challenge the company's claim that you are an "independent contractor" and not an employee by sending in a reconsideration form to the NYS Department of Labor.

I have 8 jobs. 4 of them were W-2's and 4 of them were 1099's. How do I apply for all of them at once?

You would not file separate applications. You would file only one unemployment insurance application. On the application, report all of your earnings from different employers over the applicable period of time.

I worked in NYS but am temporarily living out of state. Where should I file?

You should file in the state in which you were employed. If you were employed in NYS, you should file for NYS UI. If you worked in more than one state, you can file in either of the states.

How do I apply for UI?

The NYS UI application and step-by-step instruction can be found at the NY Dep't of Labor website: www.labor.ny.gov. You will need to set up a NY government ID, for which you need an email address.

If you do not have an email address or regular access to the Internet, you can apply by phone. Call 1-888-209-8124.

M-Th 8am – 7:30pm, Friday 8am – 6pm, Saturday 7:30am – 8pm

What if I do not speak English and need a translator to apply?

Translation is available in Spanish if you file online, which is the fastest route (see instructions above). If you need translation in another language, you should apply by phone (see instructions above). Translation Services in other languages are offered if you file by phone. Use your phone keypad to enter the phone number for the language you choose. A voice recording will then offer you choices. If you are Hearing Impaired, TTY/TDD is offered: 888-662-1220 and ask operator to call Telephone Claims Ctr 888-783-1370.

What do I need to provide when I apply?

Caller should gather information on employment history for the past 18 months (period ending today):

Employer name

Employer address

Employer identification number (listed as "EIN" on a W2 form)

Any paystubs you have

The total amount you were paid for each quarter from 10-1-18 to 3/31/20.

Have other personal information ready at hand:

Your driver's license number

Your social security number

For Non-U.S. Citizens, Your Alien Registration (A) number, if you have one.

A phone number

An address where you can receive mail

Your bank information, if you have a bank account

Routing number (the first 9 numbers at the bottom left corner of a check)

Account number (the second set of 9 numbers at the bottom left corner of a check)

What if I cannot get through/apply because the DOL phone/online system is down?

You should keep trying. It is better to apply online at www.labor.ny.gov. Any claim you file will be backdated to the date you became unemployed, if job loss or reduction in hours was related to COVID-19, or the date you attempted to file, if your job loss or reduction in hours was not related to COVID-19. If you are eligible, you will be paid for all benefits due.

You should keep a record of when you first tried to apply: if by phone, you should have the phone call log. If by internet, we recommend you take a screenshot and save it.

After I apply, is there anything else that I have to do?

Once you submit an application, you must "certify" sometime between Sunday and Saturday for the previous week in order to receive benefits for that week. You must certify weekly. Indicate if you worked any part of any day of any week for which you are certifying. Any work at all on that day counts as work for that day. Do not certify from outside the area without notifying the DOL.

You can certify online at www.labor.ny.gov/signin or by calling The Telephone Claim Center toll-free during business hours at [1-888-581-581](tel:1-888-581-581) for NYS residents. **NOTE:** If you are receiving PUA benefits and you want to certify by phone, you will need to call a different number. See the [PUA weekly certification instructions](#).

What if I am denied benefits?

The DOL makes the ultimate decision as to your eligibility for benefits. If you are denied benefits, you have 30 days to request an appeal and a fair hearing with an Administrative Law Judge will be scheduled. If you have been denied benefits, you will not receive payment until a judge reverses determination.

The Employment Law Unit represents claimants at these hearings. Please call the hotline if you are seeking representation.

Hotline Services

If you have any questions or need assistance, please call our Employment Helpline at (888) 663-6880, Monday - Friday, from 10 AM to 3 PM.