

APPEAL RIGHTS

You have the right to appeal any determination the Agency makes with respect to your benefit rights. You may file an appeal: (1) by mail to the LWC Appeals Unit at P. O. Box 91146, Baton Rouge, LA 70821-9146; (2) by fax to (225) 346-6077; or (3) online at www.laworks.net and clicking *Online Services*.

The appeal must be postmarked (if mailed) or faxed or filed online within 15 days of the mailing date on the disqualification determination to the last address of record. If the legal 15-day period ends on a Saturday, Sunday or legal state holiday, the appeals period is extended to the next workday that is not a holiday.

DO NOT DELAY YOUR APPEAL. If your appeal is filed late without good cause, your appeal rights may be lost. If your appeal is late, you should be prepared to explain the reason during the hearing with the Administrative Law Judge.

There is no charge for an appeal to the Appeals Tribunal.

INTERSTATE BENEFITS

If you worked in another state other than Louisiana in the last 18 months, you could be eligible to file against that state. You may contact the Unemployment Insurance Call Center @ 1-866-783-5567 for more information.

WAGE REPORTING

Wages are reportable for UI purposes during the week the wages are earned not when they are paid. Each week when you request payment, you will be asked "Did you work between (date) and (date)." If you worked any day between those two dates you must report earnings. Cash wages, part-time job wages, temporary job wages, and self employment wages are reportable. Failure to report wages properly may be considered under the fraud provisions of Louisiana law. Fraud overpayments result in a denial of benefits for one year and the overpaid amount will be offset from future benefits as well as state and federal tax refunds until repaid.

BENEFITS ARE TAXABLE

All unemployment benefits are fully taxable. Federal income tax is not withheld from your benefits automatically. However, you may choose to have 10% of your weekly benefits withheld for federal income tax purposes.

FILE AND MANAGE YOUR UNEMPLOYMENT INSURANCE (UI) CLAIM FROM THE PRIVACY OF YOUR OWN HOME

UNEMPLOYMENT INSURANCE

To file a new unemployment claim, reopen an existing claim, file weekly unemployment benefits, or to get answers about your Unemployment Insurance (UI) online, visit:

www.laworks.net

The Louisiana Workforce Commission highly encourages **Online Claims Filing** as the fastest method of filing a New, Additional or Reopened Claim

If you do not have access to the Internet, you can manage your Unemployment Insurance over the telephone. The toll free number is:

1-866-783-5567

7:00 AM – 7:00 PM, Monday – Thursday
7:00 AM – 5:00 PM, Friday

(Note: This number can be extremely busy during high peaks of unemployment around the state)

BUSINESS AND CAREER SOLUTIONS CENTER LOCATIONS

**On our Website click on Downloads
Locate Download Categories
Under Workforce Development Click on Miscellaneous**

FRAUDULENT CLAIMS

When filing a claim for UI benefits, you are responsible for the accuracy of all of your answers. Any person who knowingly fails to disclose a material fact in order to obtain or increase any benefits shall be guilty of fraud and subject to full repayment of benefits and a disqualification for one year per R.S. 23:1601 (8).



WORKER'S CLAIM INFORMATION

For
Unemployment Insurance

Administered By:

**LOUISIANA
WORKFORCE COMMISSION
(LWC)
OFFICE OF
UNEMPLOYMENT INSURANCE**

NOTICE TO EMPLOYER — In accordance with Section 1621 of The Employment Security Law, you are requested to give this pamphlet to a worker who is separated from your employment permanently or for an indefinite period.

This leaflet gives a general explanation of the benefit rights of an unemployed worker in accordance with the Louisiana Employment Security Law. This explanation does not have the effect of law, ruling, or regulation.

LWC 87W
(R 04/11)

www.laworks.net
1-866-783-5567

FOREWORD

This leaflet is designed to provide you, the worker, with a brief explanation of your rights under the Louisiana Employment Security Law. As it is impossible to cover all conditions, which may affect your claim, you may consult a representative of the Louisiana Workforce Commission (LWC) at 1-866-783-5567.

Remember unemployment insurance is the worker's protection against hardship and suffering through lack of earnings during periods of forced unemployment. **THE WORKER IN LOUISIANA PAYS NOTHING FOR THIS PROTECTION.** The employers' pay to the state of Louisiana, contributions on wages paid to workers, which creates and maintains the funds from which benefits are paid.

SERVICES PROVIDED WORKERS

LWC provides a twofold service to the worker. (1) It tries to place the unemployed worker in a job. (2) It pays unemployment insurance to jobless workers who are eligible and can qualify for benefits as prescribed by the state law.

REGISTERING FOR WORK AND FILING A CLAIM

The worker who has become unemployed should go to the nearest **Business and Career Solutions Center (center locations are found on our website see section 6 for more information)** to register for work as so instructed when filing a claim. You may file a claim for unemployment insurance by following the directions found in section (6) of this brochure. When filing your claim, it is necessary that you furnish the following information:

1. Your federal Social Security Number.
2. Your name and correct mailing address.
3. The names and addresses of your employers for the past 18 months.
4. The complete reason for your unemployment and the last day you worked.

AMOUNT OF BENEFITS

The weekly amount of unemployment insurance, which you may receive, can vary from \$10 – \$247. This amount is known as your "weekly benefit amount" and is fixed by law. You must have earned a minimum of \$1,200.00 in the base period and wages must have been earned in at least two of the four quarters in the base period in order to qualify for benefits (see section 3).

ESTABLISHING A CLAIM FOR BENEFITS

To establish a claim for benefits, you must show, at the time of filing your claim for benefits, that:

1. You are unemployed.

2. You left your job through no fault of your own.
3. You have been paid wages by employers subject to the Louisiana Employment Security Law during the base period equal to at least one and one-half times the wages paid in the highest quarter in the base period.

WHAT YOU MUST DO TO RECEIVE BENEFITS

1. **You must register for work as so required.**
2. **You must make at least one (1) active work search during each week that you claim benefits.**
3. **You must be able and available for work (meaning there is nothing to prevent you from accepting suitable work).**
4. **You must make a weekly claim for benefits through the Easy Call system at 1-866-783-5567 or online at www.laworks.net.**
5. **You must report all gross earnings during the week when earned, even if you are not paid that week.**

****All of the above requirements must be met; otherwise, you cannot receive benefits.**

PARTIAL CLAIMS

Benefits for partial unemployment are paid to workers who are still in the employ of their regular employer, but who, because of lack of work, are employed less than a full workweek and earn less than their weekly benefit amount.

BASE PERIOD

Unemployment Insurance is paid on wages you earned in a past 12-month period. This is called your base period.

Here is a simple way to figure out your base period:

<u>If you file your claim between:</u>	<u>Your base period will be between:</u>
January and March	October of the year before last and September of last year
April and June	January and December of last year
July and September	April of last year and March of this year
October and December	July of last year and June of this year

WAITING PERIOD

Louisiana Unemployment Insurance Law provides that the first week of benefits that would otherwise be payable, is to be held as the "**Week of Waiting.**" No matter how long you have waited to file after becoming unemployed, you must serve a week of waiting before you can begin drawing unemployment benefits for subsequent weeks.

DISQUALIFICATIONS

Although you may meet the eligibility requirements for unemployment insurance, you may still be **DISQUALIFIED**. The Louisiana Employment Security Law requires the assessing of a disqualification if:

1. You left your employment without good cause attributable to a substantial change made to your employment by your employer.
2. You are discharged for misconduct connected with your employment.
3. You fail to (a) apply for available suitable work, (b) accept suitable work when offered, or (c) return to your customary self-employment.
4. For any week you are unemployed due to a labor dispute which is in active progress at the factory, establishment, or other premises at which you are, or were, employed.
5. For any week or part thereof you are receiving or seeking benefits under an unemployment compensation law of another state or of the United States.
6. For any week or part thereof you are receiving or have received:
 - a. Wages in lieu of notice.
 - b. Compensation under the Workers' Compensation Law.
 - c. Payments under any pension plan, toward the cost of which the base period employer is contributing or has contributed in your behalf.
 - d. Bonus pay.
 - e. Vacation pay.
 - f. Severance or dismissal pay.
 - g. Holiday pay.
7. You fraudulently seek or receive benefits to which you are not entitled.
8. You have not earned a certain specified amount after the beginning date of the benefit year of your prior claim, provided you received benefits during the benefit year of that claim.

(If you are disqualified for any of the reasons listed in 1, 2, or 3 above, you will be denied benefits until you have been paid wages for work in covered employment equivalent to at least ten times your weekly benefit amount subsequent to the week of the disqualifying conditions. If you are disqualified under #2 above, and such misconduct has resulted in damage to the employer, no benefits can be paid to you based on wage credits earned with that employer.)