CLAIMANT HANDBOOK

A Guide to Unemployment Insurance Benefits

Your Rights & Responsibilities

To file or access your claim: **MontanaWorks.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."

Montana Department of
LABOR & INDUSTRY

Revised August 2019

Table of Contents

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

3 Unemployment Insurance Information
What is Unemployment Insurance (UI)?

4 UI Account Management
Personal Identification Number (PIN)
Personal Agent
Change of Address
Direct Deposit

5 Finding a Job
Where is my local Job Service Montana office?
Can Job Service help me find a job?

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?

7 Eligibility for Benefits
Am I eligible for benefits?
What is a Waiting Week?
What may prevent me from getting paid?

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?

10 Payment Information
How and when do I get paid?
Are my benefits taxed?
Can I stop and restart my benefits?
How do I get my 1099-G form?

12 Ongoing Eligibility & Special Requirements
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?
When is someone Job or Union Attached?
What required programs may help me return to work?

14 Filing Payment Requests
What questions must I answer when I request benefits?

16 Fraud & Overpayments
What is considered fraud?
What are the penalties for fraud?
What is an Overpayment?
Will my claim be audited?

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?

19 Eligibility Determinations, Appeal Process, and 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 from receiving benefits, which wages can be used to requalify?

20 Working Part-Time and Reporting Hours and Earnings
Can I work and still get UI benefits?
How do I report my earnings?

22 Frequently Asked Questions
Answers to the most commonly asked questions about UI

24 Work Search Requirements
What are my work search requirements?

25 Work Search Record

26 Reporting Hours & Earnings
How do I report my hours and earnings?

28 UI Terms
Explanations of commonly used UI terms

30 Legal Requirements
Who can see my information?
What can I do if I feel there has been discrimination?

31 How to Contact UI
How can I reach UI?

Unemployment Insurance Information

What is Unemployment Insurance (UI)?

UI is a program to pay short-term benefits to eligible workers to help lessen the negative impact that being out of work has on workers, their families and the local the economy. UI requires week-to-week eligibility; it is not public assistance, Social Security, or a disability payment program. Employer taxes pay for the UI program. No money is deducted from your paycheck to pay benefits or run the program.

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
- Meet all the requirements for qualifying for benefits

You are required to read and understand the information in this handbook.

Save time, go online.

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

For security and privacy when contacting UI, use your UI ID number, not your Social Security number. Your ID number is the number linked to your UI records. You will find this number on the upper right side of most correspondence from UI.

Fraud is a serious crime.

Detecting and prosecuting UI fraud is a high priority to Montana's UI program. Claims are regularly audited 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.

UI Account Management

Personal Identification Number (PIN)

You must establish a 4-digit PIN to access your UI claim information at **MontanaWorks.gov**. If your claim was filed over the telephone, you need to create an account at **MontanaWorks.gov** and establish your PIN.

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 at **MontanaWorks.gov** or call Claims Processing to have it reset. Sharing your PIN or having someone else use it to file for benefits on your behalf can be considered fraud.

Security Word

If this is your very first UI claim, you will be asked to create a Security Word for your UI claim in **MontanaWorks.gov**. Do not share your Security Word with anyone. It is used to identify you when resetting your PIN or calling Claims Processing.

If you have previously filed claims in **UI4U.mt.gov**, use your answer to Mother's Maiden Name when asked for your Security Word. If you input something else in **MontanaWorks.gov**, you will be locked out and have to call Claims Processing. If you would like to change your answer to Mother's Maiden Name or your Security Word, call Claims Processing.

Personal Agent

If you want someone to assist you or act on your behalf, contact Claims Processing to request a 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

Keep your mailing address and phone number current with UI. Mail and phone are the primary ways we contact you for information regarding your claim. If we cannot contact you, your benefits may be stopped.

Mail from UI is not forwarded by the Post Office even when you have filed a change of address. Failure to update your address or respond to requests for information may cause benefits to be denied.

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, log in to **MontanaWorks.gov**. You will need your bank account and routing numbers. Claims Processing 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 **MontanaWorks.gov** or by calling Claims Processing.

When you stop requesting payments, you should log in to **MontanaWorks.gov** and discontinue direct deposit.

See page 28 for explanations of UI terms.

Finding a Job

Make your job application work for you.

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

Staff in local Job Service Montana offices can assist you with 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 resumes and cover letters.
- Showing you resources and tools you can use when submitting applications for employment.
- 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 applications and resumes, a Job Service Montana office will 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 **MontanaWorks.gov/job-service-montana** for contact information for the nearest Job Service Montana office.

Job Service Montana Phone Numbers

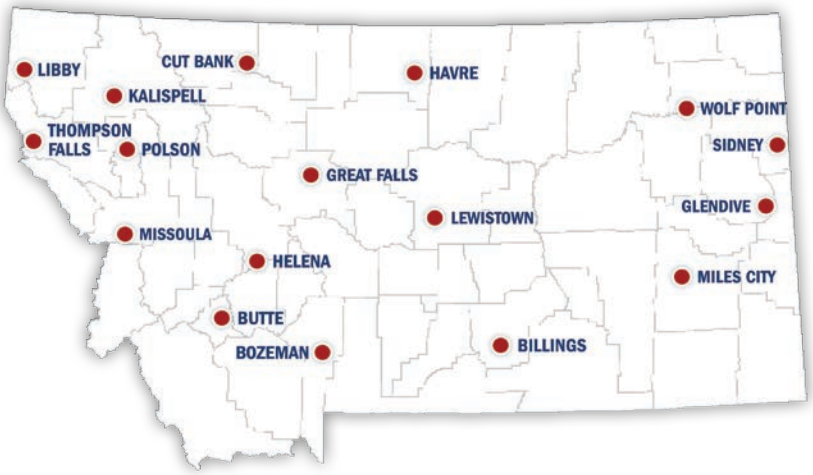
Billings	(406) 652-3080
Bozeman	(406) 582-9200
Butte	(406) 494-0300
Cut Bank	(406) 873-2191
Glendive	(406) 377-3314
Great Falls	(406) 791-5800
Havre	(406) 265-5847
Helena	(406) 447-3200
Kalispell	(406) 758-6200
Lewistown	(406) 538-8701
Libby	(406) 293-6282
Miles City	(406) 232-8340
Missoula	(406) 728-7060
Polson	(406) 883-7880
Sidney	(406) 433-1204
Thompson Falls	(406) 382-3045
Wolf Point	(406) 653-1720

MontanaWorks.gov

Job Service MONTANA

A proud partner of the AmericanJobCenter network

If you live outside of Montana, you must register with the Workforce Agency in your state.



What You Need to Know When Filing for Benefits

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

Accurately report the reason you are unemployed when you file your claim.

To determine your eligibility and process your claim, you must provide dates of employment and reasons you are no longer employed for **ANY** employment you have had in the last 18 months, no matter how short the duration.

Reasons you are no longer working for an employer can be:

- **Laid off** means the job is not continuing because the employer has no more work available.
- **Discharged** (Fired) 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, or are unable to keep doing the job.
- **Still working** means you are working less than the hours you typically work.

Read this 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 Claims Processing.

Once you file a claim, you will be required to sign a Claimant Agreement.

If you file online, you can sign the agreement as part of the claim filing process. If you receive the agreement by mail, you must sign and return it by the due date listed. Benefits will not start until we receive your signed agreement.

You must create an account and complete the registration process in MontanaWorks to access your UI claim.

Once you are registered at **MontanaWorks.gov**, you have fulfilled the Job Service registration requirement, if applicable, for UI eligibility.

If you do not have access to the internet, call Claims Processing at (406) 444-2545 to discuss alternatives.

If you live outside of Montana, you must register with the Workforce Agency in your state.

Filing your claim is not the same as requesting payment.

Once your claim is filed, you must request payments to receive benefits. Requests can be made beginning Sunday through Saturday for the preceding week (or two weeks).

Report all hours you worked and any wages you earned when filing 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 partial benefits. You can find a worksheet to help you calculate and record your hours and earnings on page 27.
- If you are a corporate officer filing for benefits, you have the same reporting requirements as any other employee. You must report any hours you work, even if you will not be paid for that work.

If you have a pending Eligibility Issue, keep 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) for which payment was requested (excluding the Waiting Week) and you met the weekly eligibility criteria.

For up-to-date information about your eligibility or payment status, log in to **MontanaWorks.gov**.

See page 28 for explanations of UI terms.

Eligibility for Benefits

Eligibility for benefits is based on:

- Your wages over the past 12 to 18 months (see page 8 for base period wage examples)
- The reason you are no longer working
- Your physical and mental ability and availability for work
- Your efforts to apply for work
- Verification of your citizenship or legal-to-work status if you are not a U.S. 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 it takes to complete the investigation process varies** and depends on the circumstances of your separation. All parties are given an opportunity to respond by a specified due date. Prompt responses may shorten the time between issue and decision.

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 a payment request is made if you are eligible. There is only one Waiting Week per Benefit Year.

You may receive benefits if you:

- Were laid off, or your hours were reduced, because your employer did not have available work for you
- Left employment and can show it was for good cause related to the job
- Are unemployed because you or your child were a victim of domestic violence, stalking or sexual assault
- Were discharged from your job for reasons other than misconduct

You may not receive benefits if you:

- Left your job for personal reasons not related to your work
- Were suspended or discharged (fired) for misconduct
- Reported a work application or resume submission that could not be verified
- Are on a department-approved leave of absence
- Did not provide accurate information, respond to requests for information, or 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
- Are not willing or able to work 40 hours per week
- Fail to complete the registration process at **MontanaWorks.gov**
- Are not working due to a strike or labor union dispute (special laws govern these claims)

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 for gross misconduct is disqualification from UI benefits for 52 weeks.

Failing to report you quit, were fired, or were unable or unavailable to work is considered

fraud.

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) applications for work. If we discover an Eligibility Issue, it will be posted at **MontanaWorks.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 months of reported wages used to determine your Weekly Benefit Amount (WBA) and the number of weeks you may be paid benefits.

The Base Period includes 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.

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 December	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 a determination is made, we will send you a Monetary Determination notice. It will show for example:

1. ID is the number used for individual identification on UI correspondence. It replaces your Social Security number to help prevent identity theft.
2. Claim Effective Date is the Sunday of the first week of your claim year.
3. Type of Determination indicates whether this is your initial (first) determination or a revised determination after your wage records were corrected or updated.
4. Eligibility Determination indicates whether or not you are monetarily eligible for benefits. If you are monetarily eligible, you must still meet all other benefit eligibility requirements.
5. Names of Employers you worked for and the quarterly gross wages they reported in the Base Period.
6. Entitlement shows the monetary amount you are entitled to receive if you are otherwise found eligible for benefits.
7. Claim End Date marks the end of your Benefit Year. Your Maximum Benefit Amount may be exhausted before that date.

Page 2 of the Monetary Determination shows your Appeal By Date. This is the deadline for disputing the eligibility information provided in the Monetary Determination.

Montana Department of
LABOR & INDUSTRY
Unemployment Insurance Division

Mailed:
1 ID:
2 Claim Effective Date:

ANY CLAIMANT
123 ABC ST
HELENA MT 59601

3 MONETARY DETERMINATION

4 Under Montana law, you have earned enough wages to establish a claim. However, you will not be paid benefits until you meet all other eligibility requirements.

The information below was used to calculate your benefit amount. **Check to make sure the wages and employers listed are accurate.** If the information is not correct, it could affect your benefits or result in an overpayment you would have to repay. Contact Claims Processing to report any error and continue to file your payment requests.

5 EMPLOYER NAME	EMPLOYER NO	QUARTER AND YEAR	QUARTER AND YEAR	QUARTER AND YEAR	QUARTER AND YEAR
		WAGES	WAGES	WAGES	WAGES

6 Based on the wages reported above, you are entitled to:
per week;
for weeks;
Totaling for the claim year ending 7

NOTE: If this notice indicates you are not eligible, we may be able to adjust your wages from "as paid" to "as earned." Contact Claims Processing for more information.

P.O. Box 8020 Helena, MT 59604-8020 (406) 444-2545 Fax: (406) 444-2699 Montana Relay (TDD) 711 UID.DLI.MT.GOV
7/15/2019 Z06-Mon Determination-UI209 Page 1 of 2

See page 28 for explanations of UI terms.

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 revised Monetary Determination notice once the information is verified. If you believe any wages or employers are missing or wrong, contact Claims Processing. Inaccurate wages could result in a benefit Overpayment or Underpayment. You can also review your Monetary Determination by logging in to **MontanaWorks.gov**.

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

If your Monetary Determination indicates you are ineligible due to insufficient wages, you may ask for 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 your Base Period, not just the last one. Call Claims Processing 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 must accurately report the reason for your separation. We will ask your employer to verify the reason for your separation. If your separation is due to suspension, leave of absence, quit, or discharge, we will ask you and your employer for details and then determine your eligibility under state and/or federal law.

3. Able, Available, and Applying for Work

- You must be:
  - Physically and mentally able to work.
  - Available to accept work immediately if a job is offered.
  - Actively applying for work and meeting your work search requirements.
  - Keeping a complete record of your weekly work applications. You will need them to request payment or if you are selected for an audit.
  - See page 24 for more information about work searches and page 25 for an example of a work search record.
- If you live outside of Montana, you must register with the Workforce Agency in your state.

Foreign Residence or Foreign Travel

If you will be outside of the United States at any time while you are requesting payments, call Claims Processing as soon as you are able.

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 U.S. 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.

Payment Information

How and when do I get paid?

You request payment online at **MontanaWorks.gov** for each week you want to get paid. The UI week begins on Sunday and ends on Saturday at midnight. You can request weekly or biweekly (every two weeks) payments. Filing weekly reduces the likelihood of mistakes when reporting your job search activities, or hours and earnings if you are still working part-time. When requesting benefits, it is important to answer questions accurately.

Example 1 - 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)

Example 2 - If your first two weeks run the 1st through the 14th and you decide to file for benefits **biweekly**:

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)

NOTE: A direct deposit payment is available to you at most banks within two days of the payment clear date shown at **MontanaWorks.gov**. It may take longer to receive payment when a check is issued and mailed.

The first eligible week of a new claim is a Waiting Week. You must request payment for that week even though you will not be paid. Your claim will become inactive if more than 14 days pass between payment requests. If that happens, you will have to reactivate your claim before benefits can resume.

See page 28 for explanations of UI terms.

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.

Your UI benefit payments are taxable under federal law.

You can have 10% withheld from your payments for tax purposes. This option is available at **MontanaWorks.gov** or in the documents sent to you.

Every January, UI mails IRS 1099-G forms that show benefits paid in the prior calendar year. Make sure to update your address with UI. You can also view and print your 1099-G at **MontanaWorks.gov**.

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

How do I stop my benefit payments?

To stop benefit payments, just stop filing payment requests. Your claim will become inactive when two weeks pass without a payment request; it can be reactivated at any time during the Benefit Year.

Your claim becomes inactive and no further payments are processed if for two consecutive weeks:

- You work 40 hours per week
- You work at least your typical number of hours per week
- 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 benefit payments?

Reactivate your claim during the week you want your benefit payments to resume.

You can reactivate your claim at **MontanaWorks.gov** or call Claims Processing. You will be asked to provide dates and business names of any employers you recently worked for. After your claim is reactivated, you can start filing payment requests again. If you do not reactivate your claim during the week you want benefits to resume, you will not be paid for that week.

You should reactivate in the first week you are off work or your hours are reduced.

A UI week is Sunday through Saturday

Ongoing Eligibility & Special Requirements

For every week payments are requested, 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 made your payment request.
2. **Available for Work** – If you are unavailable to work for any reason, you must report this when requesting payment. For example, you might report:
   - You could not work because you didn't have childcare or transportation.
   - You took time off from work or did not work all your normally scheduled hours for reasons, not because your employer reduced your hours.
3. **Applying for Work** – At least one application or resume must be submitted to an employer who is hiring each week. You must apply for jobs you are qualified to perform and willing to accept. You will be asked to provide your work search contacts for each week payments are requested. (See page 24 for details.)
   - Applications or resumes need to be submitted during the Benefit Week (Sunday-Saturday) for which you are requesting payment.
   - Applications or resumes should be submitted to an individual who has hiring authority, using the mail, Internet, or fax, depending on how the employer requested you apply.
   - Application cannot be made to the same employer two weeks in a row, unless it is for a different position.
   - You must report your application information on your payment requests. If this information is not entered or is incomplete, you will be denied benefits for that week.

Reporting that you applied for work when you did 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, online, or by mail. Checking online job listings, Job Service Montana boards, help wanted ads, or calling a business to ask if they are hiring is not a valid work search – 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.

See page 24 for more details on the work search requirement and page 25 for an example of the type of information you should record from your job applications.

You may be excused from the weekly work search.

Unemployment Insurance notifies you work search requirements have been waived. Common reasons for work search waiver are Job or Union Attachment and department-approved training.

- Job Attached: This means you have an approximate date of hire, or return to work, at 30 or more hours per week. You must still be able and available for work and report separations from any employment.
- Union Attached: This means you are a member of a union with a hiring hall and you are on the out-of-work list.

Job or Union Attachment may be verified with your employer or union. If you accept an offer of employment but will not start right away, call Claims Processing immediately.

See page 28 for explanations of UI terms.

Special Requirements

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

This appointment will introduce you to programs designed to help you 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. Services may 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.

If you do not attend the scheduled appointment or reschedule promptly, you will be denied benefits.

What if you are unemployed for more than 3 months?

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. Once 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 higher of the state or federal minimum wage.

Refusing work – Refusing work has serious consequences. If you refuse an offer of work while requesting payments, you must report this on your 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 Claims Processing.

REQUEST payment.

After you have filed your claim you must request payment for each week you wish to receive it. You can request payment online at **MontanaWorks.gov.**

REPORT each week:

- Any quit or discharge from employment.
- If you refused any offer of work or took time off work.
- Work hours in the week you worked them.
- Wages in the week they were earned, not the week paid.
- Work applications or continuing Job or Union Attachment when requesting payments when asked "Did you submit a job application/resume or a have a job interview?"

RESPOND to all requests for information you receive from us, whether by mail or voicemail.

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 inactive claim in the week you are out-of-work or your hours are reduced.

Your claim becomes inactive if, for two consecutive weeks:

- You do not request payment
- You work 40 hours or your typical number of 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 for the week
- Any combination of the above

You can restart and reactivate your claim online at **MontanaWorks.gov** or by calling Claims Processing.

Filing Payment Requests

When completing your payment request, you will need to answer questions very similar to those below. 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.

Hours, Earnings, and Other Payment Questions

Report gross earnings, meaning pay before taxes and other deductions are withheld. 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 27 for an example and pages 20, 21, and 26 for more information on hours and earnings reporting.

Are you requesting pay?

"Yes" means you want to receive benefits for that week. If you worked at least either your typical work hours or 40 hours that week, you cannot receive benefits.

1. **Did you work?**

   "Yes" will prompt you to enter your hours and earnings for the week.

   Report hours worked in a Sunday through Saturday week, even if your work week is defined and paid differently. Include the number of hours worked for **ALL** employers that week, plus any hours you are paid wages by an employer to attend training. For this question, do not include hours of paid time off, such as vacation time, sick time, compensatory time. Report those under question 3.

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

   Report total earnings for hours worked this week, even if you have not been paid. Report gross wages including tips, and room and board if they are 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 for all employers that week. 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).

Gross earnings are wages before taxes and other deductions. See pages 20, 21, and 26 for additional information about reporting hours and earnings.

2. **Did you take time off or miss any scheduled work?**

   "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. **Were you paid or will you be paid for any time off?**

   "Yes" means you have been or will be paid for time off including vacation time, sick time, compensatory time, or personal time off, etc.

4. **Were you paid or will you receive any pay for being on call?**

   "Yes" means you have been or will be paid for being on call for your employer this week, even if you did not get called in to work.

5. **Did you receive any commission pay?**

   "Yes" means you received pay for commission this week. You must report commission pay in the same week it is issued to you by your employer.

6. **Did you receive bonus pay?**

   "Yes" means you received pay for a bonus this week. You must report bonuses in the same week they are issued to you by your employer.

7. **Will you be paid for a holiday?**

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

See page 28 for explanations of UI terms.

8. Did you quit or get fired from any job?

"Yes" means you separated from a job for a reason other than a reduction in hours or a layoff due to lack of work. For more information see the definitions on page 6.

9. Were you available for work?

"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 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.

10. 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.

11. Did you refuse a job offer?

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

12. Did you submit a job application/resume or have a job interview?

"Yes" means you made your required work application this week. You will be asked to provide information on the business you contacted. The information asked can be found on page 25. **"No"** means you did not submit a resume or application this week. You will need to explain why you did not look for work, or you may be asked for your Job or Union Attachment information. If you are uncertain of your work search requirements, refer to pages 12, 13, and 24 or contact Claims Processing.

13. Did you attend school or training?

"Yes" means you were attending full- or part-time school, training, or online courses during this week.

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

This question is asking if Job Service arranged an interview for you with an employer. If that did not happen, you should answer **"No."** If you answer **"Yes,"** you will be asked "Did you report for the job interview you were referred to by Workforce Services (Job Service) this week?"

Payments can be delayed due to state holidays or pending Eligibility Issues. You can check the status of your claim online at **MontanaWorks.gov**. If there are Eligibility Issues noted, please allow us time to research these before calling Claims Processing. If we need additional information, we will contact you.

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, **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 reporting.

For an example of how to track your hours and earnings, see page 27.

Misreporting job applications.

You must apply for work and report your job applications each week. If you are not applying for work, you are not eligible for benefits.

For an example of the information required when reporting your work applications, see page 25.

A form to record your work applications can be downloaded at **uid.dli.mt.gov**.

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

You must report all job separations (quits and discharges) when filing or reactivating a claim or requesting payment. Also report if you refused work while filing for benefits.

Misrepresenting your ability and availability to work.

If you are not able and/or available for work 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 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 unemployment 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 Claims Processing.

To report UI fraud: Call (406) 444-4385 or (406) 444-4387 or email **dliuidci@mt.gov**.

See page 28 for explanations of UI terms.

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 from work • Work applications • Hours and earnings • Incarcerations
Job or Union Attached • 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 to which I am not entitled?

That is considered an Overpayment debt and it 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 for debt repayment. Up to 100% may be withheld if there was fraud. UI cannot offset benefits to repay Administrative Penalty fees. You will have to make direct payments to UI for those fees.
- If you are not receiving UI benefits, you must arrange for regular payments.

If the Overpayment debt is not repaid promptly, UI may take one or more of the following actions:

- Your debt may be sent to the Department of Revenue (DOR) for collection through interception of payments are due from the state. Usually, the offset is from your state income tax refund. And it will include DOR collection fees.
- Your federal income tax refund may also be subject to offset if the Overpayment was the result of fraud or failure to report earnings. And you will be charged a collection fee.
- A lien may be filed against your property.
- Your debt may be transferred to an outside collection agency and you will be subject to their collection fees.
- Lottery winnings you claim may be intercepted.
- Your wages may be subject to garnishment.

Waiver of Overpayments

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

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 Overpayments staff at (406) 444-3783 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.** The types of audits are:

- **Benefits Accuracy Measurement (BAM) Audit** – Reviews past employment, work applications, hours worked and earnings during your claim, and any additional information related to your claim.
- **Claims Investigation Audit** – Review of your reported hours and earnings in comparison to employer wage reports.
- **Audit of Work Applications** – Review of your weekly job applications and verification with employers.

Verification of Job and/or Union Attachment – Review of your ongoing connection to your employer or union.

If you have returned to full-time work or your typical work hours, you are no longer eligible for benefits.

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.

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.

Employer-required training for which you are paid regular wages is considered work. You must report these hours and earnings when filing your payment request, but you can answer “No” to the question “Did you attend school or training?”

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

See page 28 for explanations of UI terms.

Eligibility Determinations, Appeal Process, and Requalification

Eligibility Determinations

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 have the right to appeal decisions made on your claim. **Your employer has the right to appeal a decision related to your separation from work. You or your employer have ten (10) 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[1]. You can appeal online at **dli.mt.gov/hearings** and click on "Unemployment Insurance Appeal Form" button, or at **MontanaWorks.gov**, or by following the instructions for mail or fax on the Request for Appeal page that accompanies your Notice of Redetermination. Once you appeal, watch your mail. You will receive a Notice of Hearing with a specified time and date for a telephone hearing[2]. 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. 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.

[1] The Office of Administrative Hearings is an impartial entity within the Department of Labor and Industry, separate from the Unemployment Insurance Division.

[2] To learn more about the telephone hearing process, go to dli.mt.gov/hearings and click on "Unemployment Insurance Hearing Video" button.

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, but you will remain ineligible up to the end date.

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 provide proof of either new wages or attendance for three consecutive months of appropriate training at a state-accredited educational institution
- You become able, available, and you are actively applying for work
- You quit due to health reasons and you meet specific requirements. For more information, call Claims Processing

Working Part-Time and Reporting Hours and Earnings

How many hours can I work and still get benefits?

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

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 at **MontanaWorks.gov**, or see the example on page 20.

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. See page 27 for an hours and earnings recording example. 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 x $9.95 = $101.9875.
Round these numbers down and enter 10 hours and $101.00.

If you work more than one job, you will need to do several calculations before inputting your information.

First, add the total hours and partial hours worked for each job. Round down to the nearest hour after this calculation and report this number.

To report your earnings, start by calculating the earnings for each job: hours and partial hours multiplied by the rate of pay. Do separate calculations for each job you worked during the week.

Add the sum of your earnings for each job together and round the grand total down to the nearest whole dollar. Report this amount.

The following 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

Part-Time Work/Partial Benefit Example

You can earn up to 25% of your Weekly Benefit Amount (WBA) without affecting your benefit payment. Your WBA will be reduced by $0.50 for each dollar earned. You can refer to the following example to figure out your Partial Benefits or use the online Partial Benefits Calculator at **MontanaWorks.gov**.

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	$150.00	$154.00/4	$150.00 - $38.00	$112.00/2	$154.00 - $56.00	=	$98.00
		$38.50	$112.00	$56.00	$98.00		

*Round these amounts down to nearest whole dollar amount.

See page 28 for explanations of UI terms.

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

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

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

What if I have other kinds of earnings?

Some types of earnings may not need to be reported when you are filing your benefit requests. Please call Claims Processing for reporting instructions if you have earned these, or any other non-standard wage:

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

Will anything be deducted from my benefit payments?

Other deductions that may reduce your 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. See page 11.
- Supplemental Nutrition Assistance Program (SNAP) Overpayment debt.
- Repayment of Overpayment debt. See page 17.

What about workers' compensation?

- You must inform Claims Processing 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.

If you receive or will begin to receive payments for disability, retirement, pension, back pay, or workers' compensation, you must contact Claims Processing immediately.

Contact Claims Processing:

- If you did not report a payment type listed above when you filed your claim
- If you start to receive a payment type listed above after you filed your claim
- If you receive any payment not listed, or have any additional questions

Frequently Asked Questions

If you cannot find the answer to your question in this handbook, call Claims Processing at (406) 444-2545 or email **UIClaims@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 **MontanaWorks.gov**, or you can call or email Claims Processing. 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 is inactive or has expired.

Why haven't I received a benefit payment?

You can verify your payment status, and follow the progress of Eligibility Issues impacting payment at **MontanaWorks.gov**.

There may be several reasons why payment was not released:

- You have Eligibility Issues pending
- You did not request payments on time or your claim inactivated because you did not file payment requests for two weeks in a row
- Your earnings exceeded the allowable amount or you worked your typical hours for two or more weeks in a row
- You did not return paperwork in a timely manner
- You have a disqualifying issue on your claim

If the payment status at **MontanaWorks.gov** indicates that "EFT Cleared," check your bank account for the direct deposit. Direct deposit may take a few days from the processed date shown on your claim at **MontanaWorks.gov** before funds are posted to your account. Holidays may delay your payment one business day. Contact your financial institution about late posting of payment. If your cleared payment has not posted and you believe an error occurred, contact Claims Processing.

If you are not signed up for direct deposit, payment will be mailed to you. If you did not 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 Claims Processing. We will mail a form to you to fill out and have notarized. After 14 days, a new check will be issued. Direct deposit can prevent this from occurring.

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

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 am I waiting on an Eligibility Issue?

UI investigates each Eligibility Issue on your claim. Both you and the employer will be given the chance to provide any supporting information or rebuttal as necessary. 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.

When should I call Claims Processing?

You should call us to report any:

- Quit or discharge from employment
- Refusal of work offered by an employer
- Unpaid suspension from work
- Time off, vacation, or leave of absence from work
- Change in school status or schedule
- New Self-Employment
- Workers' compensation payments received or change in status of a workers' compensation claim
- Retirement or pension
- Back pay award, severance pay, or a settlement award

Do I need to report Social Security or workers' compensation payments?

Yes. See page 20 and 21.

See page 28 for explanations of UI terms.

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 to ensure claimants are properly reporting their work hours and earnings.

Federal law requires all claims be subject to random audit. If your claim is selected, your work applications, 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 payment request, how can I correct it?

If you catch the error the same day, try logging out and back in to **MontanaWorks.gov** to re-enter your answers for the week. If the week in question is not offered, contact Claims Processing at (406) 444-2545.

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 (see page 8) 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 be registered for work at the local Job Service Montana?

Yes. You must be registered for work online at **MontanaWorks.gov** or in person at the local Job Service Montana unless UI has determined you are Job Attached, Union Attached (see page 12), or in approved training.

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, future benefits may be affected or you may acquire an Overpayment.

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 in to your account at **MontanaWorks.gov**. Find out if your payment went out or why you may not have been paid.

For answers to other questions, call Claims Processing at (406) 444-2545, email us by logging into your claim at **MontanaWorks.gov** and clicking "Contact Us." If you have not yet filed a Montana claim, you can also email us at **UIClaims@mt.gov**. Include your name and phone number, but do not email your Social Security number.

Work Search Requirements

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. Actively apply 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 resume, 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/resumes 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.

The following are not considered a weekly work contact:

- Checking back with a temporary agency for more work.
- 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 resume.
- Seeking, or working in, self-employment.

If you are in Department of Labor approved training:

- You are not be required to apply for work while in approved training.
- However, if training ends, is not in session, or you are between sessions for longer than 30 days, you must apply for work and report your weekly work search activity.

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

- You are not required to apply for work unless your Job or 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 Attached is verified by the Division.

Check your claim record at **MontanaWorks.gov** to determine your Job or Union Attached status. If you are not sure if you meet the requirements for Job or Union Attachment, contact Claims Processing.

If you have questions or need further information, contact Claims Processing at (406) 444-2545 or send an e-mail to **UIClaims@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.

See page 28 for explanations of UI terms.

Work Search Record

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

Work Searches

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
				_ In Person _ Phone/Fax _ Mail _ Email _ Website	_ Hired _ Pending _ Not Hiring	
				_ In Person _ Phone/Fax _ Mail _ Email _ Website	_ Hired _ Pending _ Not Hiring	
				_ In Person _ Phone/Fax _ Mail _ Email _ Website	_ Hired _ Pending _ Not Hiring	
				_ In Person _ Phone/Fax _ Mail _ Email _ Website	_ Hired _ Pending _ Not Hiring	
				_ In Person _ Phone/Fax _ Mail _ Email _ Website	_ Hired _ Pending _ Not Hiring	
				_ In Person _ Phone/Fax _ Mail _ Email _ Website	_ Hired _ Pending _ Not Hiring	

EXAMPLE - Work Search record showing necessary details

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
07/20/2019	**XYZ Grocery 123 Main Street Anytown, MT 54321 (406) 123-4567**	**Jane Doe Owner**	**Cashier**	✕ In Person _ Phone/Fax _ Mail _ Email _ Website	_ Hired ✕ Pending _ Not Hiring	**N/A Submitted Resume**

Reporting Hours & Earnings

Reporting Hours

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 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 Claims Processing.

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.

See page 28 for explanations of UI terms.

Hours & Earnings Worksheet

You can download a printable form to record your hours and earnings at **uid.dli.mt.gov** under "Printable Forms."

Hours & Earnings Worksheet

Job: _____

Week Ending Date	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total Hours	Hourly Pay Rate	Gross Pay
Regular Hours									x $	= $
Overtime Hours									x $	= $
Hours at Different Rate									x $	= $
							Total Hours:		Total Gross Earnings $	

Job: _____

Week Ending Date	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total Hours	Hourly Pay Rate	Gross Pay
Regular Hours									x $	= $
Overtime Hours									x $	= $
Hours at Different Rate									x $	= $
							Total Hours:		Total Gross Earnings $	

EXAMPLE - My Hours & Earnings Worksheet filled out properly

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					4.5			4.5	x $15.00	= $67.50
								Report Hours: 25	Total Earnings to Report	$277.00

UI Terms

Administrative Penalty – Imposed when you 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) – Wages from the last four completed calendar quarters, at the time an initial claim for benefits is filed, that are used for determining benefit eligibility, if you are not eligible based on the regular Base Period (see below).

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 – Wages from the first four of the last five completed calendar quarters at the time an initial claim for benefits is filed, that are used for determining benefit eligibility. 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 – 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 on page 31.

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.

Eligibility 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 (Issue) – Any act or circumstance that requires a determination on your eligibility for benefits.

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.

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.

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.

See page 28 for explanations of UI terms.

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 be working for at least 30 hours per week by a certain date. You must be able and available for offers of full-time work while receiving UI benefits. If you qualify for job attachment, you do not have to apply for work each week. Your employer may be contacted to verify your job attachment

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 typical work hours).

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 **MontanaWorks.gov**. You need it every time you log in to the Claim Module. 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 register for work by creating an account with Job Service Montana (or your state Workforce Agency if you reside outside of Montana). This can be done online at **MontanaWorks.gov** or in person at your local Job Service Montana office (or state Workforce Agency). See page 6 for details.

Security Word – Used as a personal identifier when resetting your PIN or calling Claims Processing. It can be a combination of letters, numbers, and symbols. Security Word was formerly Mother's Maiden Name. If you have not set a Security Word, use your answer to Mother's Maiden Name when asked for your Security Word.

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

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 to accept offers of 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)
U.S. 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 Claims Processing 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

See page 28 for explanations of UI terms.

How to Contact UI

UI Claims Processing
(406) 444-2545
9:00 a.m. to 4:00 p.m. (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: **UIClaims@mt.gov**

Please include name, phone number, and ID number on your email or fax. **Do not email or fax your Social Security number.**

Other Contact Information

Call (406) 444-3783 to:

- **Request Overpayment Waiver Form** (see page 17)
- **Discuss Offer in Compromise** (see page 17)
- **For ADA/EO questions** (see page 28)

Report UI Fraud
Email **dliuidci@mt.gov** or go to **uid.dli.mt.gov** and click on “Report Fraud” button. You can also contact one of our UI fraud investigators at (406) 444-4385 or (406) 444-4387.

Montana Department of
LABOR & INDUSTRY

UNEMPLOYMENT INSURANCE DIVISION
P.O. Box 8020
Helena, MT 59604-8020

PRST STD
US POSTAGE
PAID
HELENA, MT
PERMIT NO. 89

Maintaining the Foundation of Economic Security

20,000 copies of this public document were published at an estimated cost of $.342 per copy, for a total cost of $6,838.08, which includes $6,838.08 for printing and $0.00 for distribution.