

AM I ELIGIBLE?

You may be entitled to receive unemployment benefits for up to 26 weeks if you lost your job or are underemployed. You must meet the following eligibility requirements:

1. YOU MUST BE UNEMPLOYED OR UNDEREMPLOYED.

You must be fully unemployed or underemployed (i.e. employed less than 40 hours during the week and want additional hours of work) to receive benefits. If you are partially employed, be sure to report all income to the Employment Development Department (EDD) office.

2. YOU MUST BE ABLE, AVAILABLE, AND ACTIVELY SEEKING EMPLOYMENT.

You must be physically and mentally able to work. You must be available for work, which means you must be ready and willing to immediately accept suitable work in your usual occupation or within your skills or experiences.

3. YOU MUST HAVE LOST YOUR JOB THROUGH NO FAULT OF YOUR OWN.

You must have lost your most recent job through no fault of your own.

a. If you were laid off for lack of work, either temporarily or permanently, you are eligible for benefits.

b. If you voluntarily quit your job, you may be eligible for benefits if you had good cause. For example, you may have good cause if you:

- You had a reasonable and good faith fear of harm to health and safety
- There was a Labor Code violation
- There was a family emergency
- You were illegally discriminated against or harassed
- Your wages were substantially reduced

Quitting because you think that you will be fired is not a good cause.

c. If you were discharged, you may still be eligible for benefits if you were not fired for misconduct.

If you were fired for misconduct you may be ineligible for benefits if you knowingly, intentionally or recklessly

- Violated a duty you owed your employer as an employee;
- The violation was substantial; and
- Your act hurt the employer's business interests.

Examples of potentially disqualifying misconduct:

- Insubordination
- Repeated tardiness or absenteeism after multiple warnings
- Stealing
- Sleeping on the job
- Intoxication

You may be entitled to unemployment benefits if you were fired for:

- Poor job performance
- Isolated instances of ordinary negligence or good faith error in judgment
- Employer condoned behavior either with you or with other employees
- If the substantial reason for termination was something other than the misconduct, you may be eligible for benefits

4. YOUR PREVIOUS EARNINGS MUST BE SUFFICIENT.

You must have earned sufficient wages during a period within the past 15-17 months to be eligible. Your weekly benefit amount is determined by what you earned during this period. Contact EDD for more information.

5. YOU MUST COMPLY WITH ALL REPORTED REQUIREMENTS.

See next panel, "Applying for Benefits."

APPLYING FOR BENEFITS

The Employment Development Department (EDD) conducts all business with the public via telephone and mail.

1. Filing the Claim: Call the EDD phone number below and give them basic information. EDD will schedule you for a telephone interview.
2. Telephone Interviews: This interview determines initial eligibility. Be completely honest with EDD. Making misrepresentations may result in being denied for benefits or even criminal charges. Additional interviews may be required.
3. Claim Forms: To continue receiving benefits, you must fill out a Continued Claim Form and submit it every two weeks to the EDD. You will not receive benefits the first week, but you must complete the claim form for that week.
4. Appealing a Denial: If your claim is denied, you have 20 days to file an appeal. You can simply write a letter that states: "I disagree with the decision. I wish to appeal."
5. Hearing: An administrative law judge will conduct the appeal hearing. Review your file before the hearing. You can have an attorney or an advocate represent you. You can bring witnesses who can testify for you.

To apply for UI benefits, contact EDD at 1-800-300-5616.

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The mission of the Asian Law Caucus is to promote, advance and represent the legal and civil rights of the Asian and Pacific Islander communities. Recognizing that social, economic, political and racial inequalities continue to exist in the United States, the Asian Law Caucus is committed to the pursuit of equality and justice for all sectors of our society with a specific focus directed toward addressing the needs of low-income Asian and Pacific Islanders.

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Adapted from: The Legal Aid Society, Employment Law Center, Employment Law Manual.

Know Your Rights:

How to Apply for Unemployment Insurance Benefits



Serving the Community since 1972