



Unemployment Benefits

Unemployment benefits are given to people who lose their jobs when it is not their fault. This fact sheet gives some of the rules about who can get unemployment benefits. If you are not sure if you can get unemployment, **you should apply**. Although there are other rules, there are 3 basic rules.

1. You must have lost your job and it was not your fault.

Sometimes you can still get unemployment insurance for these reasons below. If you're not sure, you should apply.

- Did you get laid off?
- Were your hours cut?
- Did you quit because your job was unsafe or hurting you?
- Did you quit because of an illness or emergency in your family and you couldn't get time off?
- Did your boss change your pay, schedule, or hours and it was hard to get to work?
- Were you sick or injured and it made working hard? Was someone in your family sick or injured?
- Did you lose child care or your transportation? Did your boss or co-workers harass you or treat you badly?

2. You must be looking for work after losing your job. Treat your job search like a full-time job. Spend at least 30 hours a week looking for a new job. Keep records of where you look for work.

3. You must be able to work and available to work after losing your job. If you have health issues or commitments (like school) that keep you from looking for work or working, you may not be eligible.

Note: If you get social security disability payments, you may still be able to get limited unemployment benefits. Contact your local legal aid office for more information.



You may be able to get unemployment benefits if...

- In some cases, you may be able to get unemployment benefits if you were **forced to quit**. For example, if you or someone in your immediate family has a serious illness or injury you should let your employer know and ask for a reasonable accommodation. This means you are asking for changes, so you can keep your job. If your employer does not do anything to help your situation and you have to quit, you might be able to get unemployment.
- You might be able to get unemployment if you still have your job, but your **employer changed your hours** and pay a lot even though you did not do anything wrong.
- You may also be able to get benefits if you felt like you had to quit because your employer did not fix a serious problem **that you reported**, such as an unsafe work condition, sexual harassment or discrimination.

If things like this happen, you should keep notes about what happened and when **and** make your complaint in writing. Be sure to keep a copy of everything important.

Remember: it is important that you let the employer know about the problem and give them time to fix it. If you do not, you may not be able to get unemployment benefits.



You will probably not get unemployment benefits if...

- You will probably **not** be able to get unemployment benefits if you quit for personal reasons or because you did not like your job.
- You might **not** be able to get unemployment if your boss says you were fired for misconduct. Misconduct can be things like poor attendance and being late a lot. It is also things like stealing, lying, fighting on the job or refusing to do what your supervisor asked. If you are told not to do something or if you keep breaking the rules even after being warned, your boss can call that misconduct.

If you have good reasons for breaking the rules or not doing what your boss asks, you may be eligible. Good reasons are usually about safety and well-being of workers. If you think you were doing the right thing, you should still apply for benefits.

Can I work while I am getting unemployment benefits?

You can work part-time while getting unemployment benefits, but the amount of your wages is taken out of your unemployment benefits. This is how it works:

- If you work **less than 32 hours** OR if the hours at your job were cut to below 32 hours and you now earn less than your weekly unemployment benefit amount, you can get a partial benefit payment.
- If you work **32 or more hours** in a week or if your gross earnings for a week are the same as or more than your weekly unemployment benefit amount, you will not get unemployment benefits for that week.

It is really important for you to report all of your earnings and other income to the Unemployment Office. Report your earnings from all jobs, even temporary or part-time jobs. Report the earnings even if you think the Unemployment Office already knows about the job.

If you do not report all of your earnings or other income, you will get an overpayment. You have to repay this overpayment back to the Unemployment Office, plus interest. You may also have to pay a fraud penalty.



Each case is different. Call your local legal aid office right away to talk about your case.

You can find your office here:

<https://www.lawhelpmn.org/providers-and-clinics>.

How much money do I get?

Unemployment benefits are about 50 percent of the wages you were making. But it may be less in certain situations.

Filing for Benefits

File your claim right away. The longer you wait, the longer it will be before you get any benefits. You do not get paid at all for the time between your last day and the week that you file. Also, there is a 1 week waiting period before you get paid your first benefits.

It is fastest to file online at <http://www.uimn.org/>. You can also file by phone. In the metro, call (651) 296-3644. Outside the metro, call 1-(877) 898-9090. TTY: 1-(866) 814-1252.

Get all your job information together:

- Your social security number
- The employer's name and address
- The dates you worked there
- Why the job ended

- Names of your employers for the last 18 months and the dates you worked at each job
- Any papers from your employer explaining why your job ended

How long can I get unemployment?

You can usually get up to 26 weeks' worth of unemployment benefits, but you have to use them within a year of your job ending date.

To keep your benefits, you must sign up with the unemployment office, look for work and ask for benefits each week. If you do not, you could lose your benefits.

You can appeal if benefits are denied, lowered or cut off. You will get a letter if your benefits change. You can send your appeal electronically, by mail or fax. The information to do this will be in the letter.



You have 20 days to appeal. Do not wait until the last day to file an appeal. If you miss the deadline for any reason your appeal will be ignored. Make sure you keep a copy of your appeal. They will set a phone hearing and send you a letter about it. Make sure you give them the right phone number for the hearing. Be sure you can answer the call at the hearing time! If you don't answer the call, you will lose your chance to appeal.

If You Have a Hearing

- **Get your proof together** – Read the papers from the Unemployment Office about why your employer thinks you should not get benefits, or why your benefits are being lowered or cut off. Bring any notes, doctor's statements or records you have to help your side. Write down the things you want to say at the hearing, so you don't forget anything.
- **Legal help** – You don't **have** to have a lawyer, but it can help. At least talk to one for advice about how to handle the hearing yourself. Call your legal aid office for help or referrals.

If you lose the appeal, you may have an overpayment. That means that you have to pay back any benefits that you got.

For more information on appeals go online to <http://www.uimn.org/> or call (651) 296-3795.

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

© 2020 Minnesota Legal Services Coalition. This document may be reproduced and used for non-commercial personal and educational purposes only. All other rights reserved. This notice must remain on all copies. Reproduction, distribution, and use for commercial purposes are strictly prohibited.