

Facts About Unemployment Insurance Benefits



Unemployment Insurance (UI) Division
www.sd.uiclaims.com



DO NOT DISCARD – RETAIN FOR YOUR RECORDS.



Identification

Name _____

Address _____

City _____ State _____ ZIP _____

Important Information

Filing Claims

Your initial or additional unemployment insurance claim may be filed through the Internet at www.sd.uiclaims.com. The website may be accessed 24 hours a day, seven days a week. You may also file your claim by telephone Monday through Friday from 8:00 a.m. to 4:20 p.m. (CST) at 605.626.3179. (Speech- and hearing-impaired applicants may call 800.877.1113.)

Social Security Verification

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 claim. We use your Social Security number to verify your identity, to process your claim, to check your eligibility and for statistical purposes.

Job Search Assistance Program (JSAP)

You may be required to attend a Job Search Assistance Program (JSAP) at your local South Dakota Department of Labor and Regulation office. You will be notified of the date and time of the training. Failure to participate may result in a denial of benefits.

Re-Employment Services (RES)

You may be required to participate in a Re-Employment Services (RES) program at your local South Dakota Department of Labor and Regulation office. Failure to participate may result in a denial of benefits.

Re-Employment and Eligibility Assessment (REA)

You may be required to participate in a Re-Employment and Eligibility Assessment (REA) at your local South Dakota Department of Labor and Regulation office. Failure to participate may result in a denial of benefits.

Re-Employment Intensive Services (RIS)

You may be required to participate in a Re-Employment Services (RIS) program at your local South Dakota Department of Labor and Regulation office. Failure to participate may result in a denial of benefits.

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Introduction

This handbook provides information about your rights and responsibilities while filing a claim for unemployment insurance benefits. It is your responsibility to read this handbook along with all information received from the South Dakota Department of Labor and Regulation. In order to prevent fraud, you must follow the guidelines provided to you in this handbook. You commit fraud if you make false statements, provide false information or withhold information to obtain benefits for which you are not eligible. Failure to report all earnings while filing, failure to look for work when required and failure to report a job separation are examples of fraud. See page 12 for penalties.

The handbook may not cover all situations or answer all of your questions. A Glossary of Terms is available on page 15. **If you need more information, please call the Benefit Section at 605.626.2452.**

**Unemployment Insurance provides temporary assistance to eligible workers.
It is not based on financial need. Unemployment Insurance benefits are
funded by employer taxes. No money is deducted from your paycheck for these benefits.**

Eligibility for Benefits

For more information, please refer to the pages in parentheses.

To receive unemployment insurance benefits, you must:

- Be totally or partially unemployed.
- File an application for benefits.
- Have worked at a job where your employer paid unemployment insurance tax on your wages.
- Lost your job through no fault of your own.
- Be monetarily eligible (see page 2).
- File weekly certifications (see page 5).
- Be registered with the Department of Labor and Regulation (DLR) through SDWORKS, or your designated state workforce agency, unless otherwise instructed (see page 7).
- Be able to work and be willing to accept suitable work at the going wage in the area where you live (see page 9).
- Make a reasonable effort to find and apply for work on your own (see page 8).
- Attend all DLR scheduled services that provide you assistance in obtaining employment (see page 8).

Benefit Payment Information

How will I receive my benefit payments?

The state of South Dakota partners with USBank to provide South Dakota unemployment claimants with the Reliacard Visa debit card. This card adds convenience and security to accessing your unemployment benefit payments. For more information, contact Reliacard Customer Service at 1.866.276.5114 or www.reliacard.com.

Direct deposit is also available upon request. To enroll in direct deposit, either complete the direct deposit enrollment form located on the back side of the Reliacard information sheet included separately in your claimant packet, or log on to the Internet website www.sd.uiclaims.com and select the “method of payment” option.

When will I receive my first benefit payment?

- You can expect your first payment to be made three to four weeks after you apply for unemployment benefits.
- You will receive payment if all eligibility requirements are met.
- You will not receive benefits if you are disqualified for any reason.
- You will receive a notice in the mail when you have satisfied your non-paid waiting week.
- You will receive a notice in the mail when your first payment has been issued.

When will I receive my weekly benefit payments?

- Payments are made two business days after filing your weekly certification if no issues are raised when your certification is filed.
- Holidays will delay payments.
- Information regarding the status of your weekly certification is available online through the South Dakota Unemployment Insurance website at **www.sd.uiclaims.com** or by telephone at 605.626.3212.

What if I change my address?

Our mail cannot be forwarded to a new address by the post office, so you must contact us with your new address immediately.

You may complete the claimant change of name and address form located at the back of this booklet. You may also change your address online at www.sd.uiclaims.com or by calling 605.626.3179. If you do not contact us about your address change immediately, you may lose benefits.

Wage Requirements and Benefit Amount Information

What are the wage requirements?

To qualify for benefits, you must have been paid wages for insured work, for civilian employment with the federal government, or for active duty in the military service in two or more quarters of your base period. Wages from another state(s) can be used to establish a combined wage claim.

How are benefit amounts calculated?

- Your weekly benefit is 1/26th of the wages paid in the highest quarter of your base period, up to a maximum amount determined by the state's average weekly wage. Your wages in this high quarter must be at least \$728.
- Also, your wages in the other three quarters of your base period must be at least 20 times your weekly benefit.

The maximum amount payable in your benefit year is one-third of your total base period wages, but not more than 26 times your weekly benefit.

What is the base period?

The **regular base period** is the first four of the last five completed calendar quarters before the effective date of your new claim for unemployment insurance benefits.

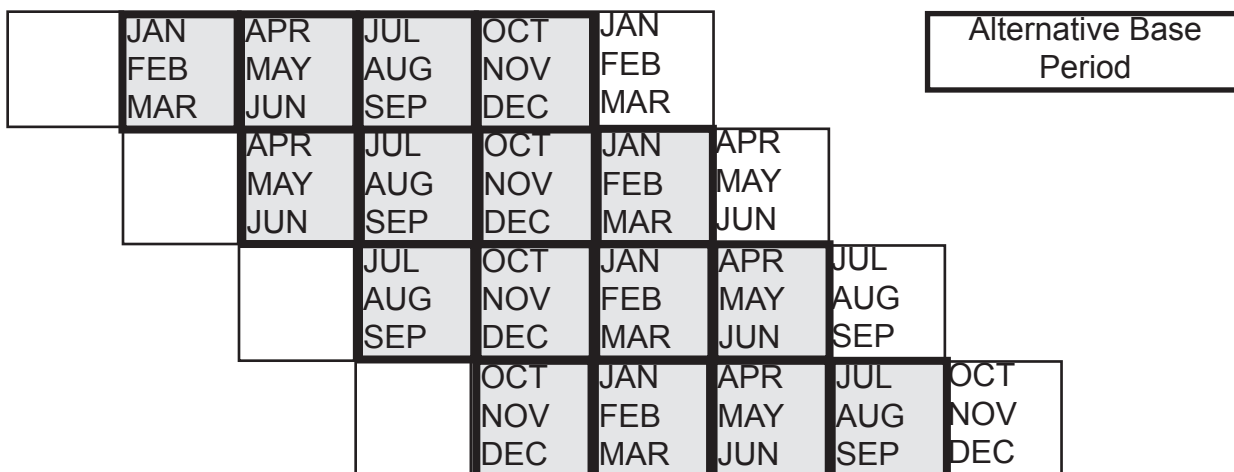
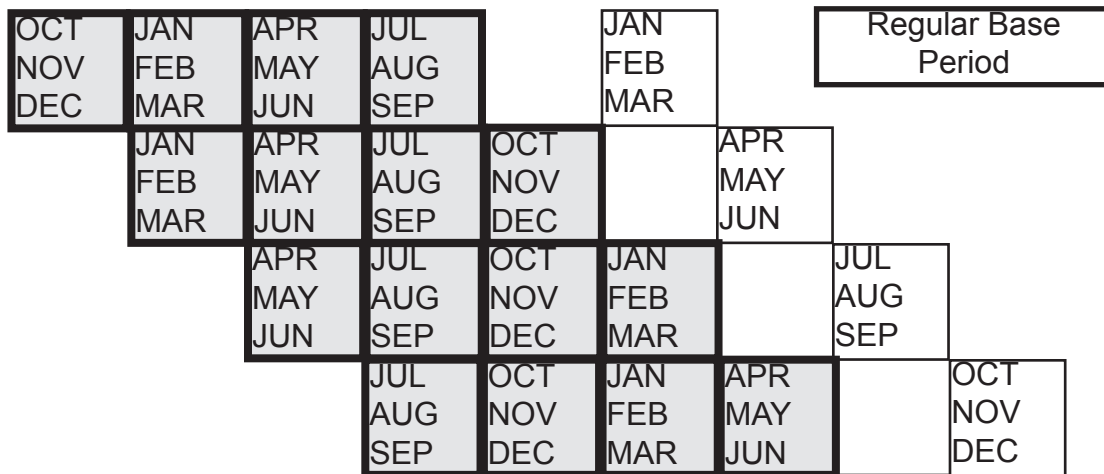
If you file a new claim, and are not eligible using the regular base period, you may be determined monetarily eligible under an **alternative base period** that uses more recent wages.

There is also an **alternate base period** for persons who are not monetarily eligible because they have not worked for an extended period due to a **work-related** injury. This base period is the first four of the last five completed calendar quarters prior to the injury and can only be used if a claim is filed within 24 months after the injury.

The charts below can be used to determine the regular base period or the alternative base period.

Examples: If you file your claim in May, your regular base period is the previous January through December. However, if not monetarily eligible using the regular base period, your alternative base period would be the previous April through March.

Each square represents a calendar quarter. The squares with regular borders designate the quarter during which the claim was filed. The squares with strong borders designate the base period used to establish the claim.



If you are ineligible due to insufficient wages, you may attempt to file during the next calendar quarter.

Seasonal Wages

Seasonal wages are wages earned with an employer who customarily suspends operation for a period of five months or more within a calendar year. To be eligible for a seasonal designation, an employer requests the designation and then must be approved by the Department of Labor and Regulation.

Seasonal wages are used to determine your weekly benefit amount. However, the only time you can draw against seasonal wages is during the period the employer would normally be open for business.

You are notified on your monetary determination if you have seasonal wages.

How will I know if I meet the wage requirements?

You will receive a **monetary determination** indicating your weekly and maximum benefit amounts. This determination is usually mailed within five days after your new claim is filed. Missing wages may cause a delay in the mailing of a monetary determination.

This is the first step in determining your eligibility. You may be disqualified depending on the reason you became unemployed or you may be denied benefits if you do not meet other eligibility requirements.

If you have not received a monetary determination after two weeks (three weeks for out-of-state claimants), you should call the Benefit Section at 605.626.2452.

What if I disagree with the monetary determination?

Examine your monetary determination carefully. If you think you have not been given credit for all wages:

- Call the Benefit Section at 605.626.2452.
- Request a re-determination.
- Provide proof of your wages (paycheck stubs or W-2 forms).
- Continue to file weekly certifications unless you become employed.

If you do not agree with the re-determination, you may file an appeal (see page 12).

Can I cancel my claim?

If for some reason you want to cancel your claim, you have fifteen days from the date the monetary determination was mailed to submit a written request for cancellation. However, you cannot cancel your claim after a determination disqualifying you from receiving benefits has been issued.

When do I have to reopen my claim?

You must reopen your claim under the following circumstances:

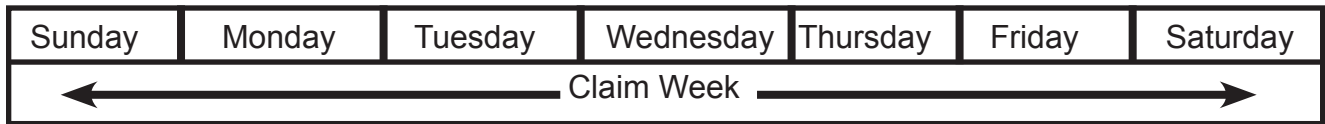
- If you return to work and then separate from that employment, even if it is for one day or less. **(You must reopen the claim immediately following the separation from employment or you may lose benefits.)**
- If you have not filed any weekly certifications for a period of four or more weeks.
- If you change your address as a result of moving out of South Dakota or moving back to South Dakota.

A claim filed on a Sunday is effective that Sunday, and a claim filed on Monday through Saturday is effective on the Sunday preceding the date the claim was filed. If you do not file the claim within the week for which you wish to receive benefits, you may lose those benefits. You may reopen online at www.sd.uiclaims.com or by calling 605.626.3179.

Weekly Certification Filing

What is a claim week?

Weekly certifications cover a calendar week beginning 12 Midnight on Sunday and ending at 11:59 p.m. the following Saturday.



When do I file a weekly certification?

You may submit your weekly certification anytime during the calendar week **following** the week you are requesting benefits. For example, if you want to file a weekly certification for the week of January 1 through January 7, you would file your weekly certification between 12 Midnight on January 8 and 11:59 p.m. on January 14.

If you do not get your weekly certification filed within the one week filing time, you will need to call the Benefit Section at 605.626.2452 to file a certification and provide a reason why it was filed late. Depending on the reason(s), you may or may not receive payment for that week.

How do I file my weekly certification?

Filing is available on the Internet or through the Interactive Voice Response (IVR) system using a touch-tone telephone or voice response.

Only **you** are authorized to file your claim for benefits. The responsibility for filing weekly certifications cannot be given to another person, including your spouse. You will be held responsible for any false information provided.

Filing a Weekly Certification by Internet

The Internet site allows you to use any computer with Internet Explorer 5.0 or newer to file your weekly certification. The website address is www.sd.uicclaims.com. A user ID and password will be required to access this website. Your user ID and password will also give you access to search for employment on the SDWORKS website at www.sdjobs.org.

If you are filing through the Internet, **you must receive confirmation that your certification has been accepted**. If you log off prior to receiving that confirmation, your certification has **NOT** been filed. You will have to log in and resubmit your weekly certification and wait for confirmation.

Filing a Weekly Certification by Telephone

The Interactive Voice Response (IVR) System allows you to speak your response or enter it with a touch-tone telephone to file your weekly certification. It is recommended that you call from a quiet location. The telephone number is: 605.626.3212. Be sure your telephone is set on "tone," not "pulse."

You will need a PIN (Personal Identification Number) when using the telephone system. You will establish this PIN when you file your first weekly certification. Your PIN is a four-digit number you have chosen. You may use any combination except 0000. Please have a number in mind when you make your first certification by telephone. **DO NOT GIVE YOUR PIN OUT TO ANYONE**. Your PIN is your electronic signature and has the same authority as if you had signed a paper document.

If you are filing through the IVR, **wait until you hear that your certification has been recorded**. If you do not hear that confirmation, your certification has NOT been filed. You will have to call in and resubmit your weekly certification and wait for the statement that the information was recorded.

How do I change my Personal Identification Number (PIN)?

To change your Personal Identification Number, you must contact the Benefit Section at 605.626.2452. You will be required to provide key information regarding yourself and your claim before you can select a new PIN.

What times can I file my weekly certification?

Filing by Internet or telephone is available 24 hours a day, seven days a week. All weekly certifications submitted through the Internet or IVR are recorded at Central Time. If for any reason the system is not available due to routine maintenance and processing of unemployment benefit payments, you will receive a message indicating the system is currently unavailable. Please wait approximately two hours before attempting to re-enter your weekly certification.

What is a waiting period?

The first eligible weekly certification you file will be a waiting period week. **You will not be paid for the waiting period week, but you must file a certification for that week.** Everyone serves one waiting week per benefit year.

You must still meet all eligibility requirements for the non-paid waiting week.

What questions will I be asked when I file a weekly certification?

Below are questions you may be asked when filing your weekly certification.

1. During the week you are requesting payment for, did you work for an employer or in self-employment?
 - You must report **all hours worked (to the nearest tenth of an hour) regardless of your employer's work week or pay period**, including self-employment (after expenses), even if you have not been paid.
 - Report **gross wages, including tips (in dollars and cents), before taxes and any other deductions**. Gross wages are calculated by multiplying your hourly rate of pay times the number of hours you worked during the claim week.
 - Report the reasonable cash value of goods (lodging, food, bill paid, etc.) received instead of wages.
 - Earnings that must be reported also include things such as fees received by directors of a corporation, fees or payments paid to public officials or bonuses.
 - If you worked but had no earnings, was it because you attempted commission sales, were self-employed, or have other unpaid hours? (See page 10.)
 - If you worked for more than one employer, please combine your hours and earnings for all employers before filing your weekly certification. (See the example below.)
 - If you are no longer working for your employer, please see page 4 regarding reopening your unemployment claim.

Example:

Employer	Total Hours Worked	Hourly Rate	Total Wages
ABC Inc.	4.0	\$6.00	\$24.00
XYZ Inc.	7.9	\$7.00	\$55.30
Totals	11.9*		\$79.30*

*Report these totals

When reporting your hours worked and gross wages through the IVR system, you may speak your responses or enter them through the touch-tone keypad. If you are using a keypad, please press the star key (*) as your decimal point and end your entry with the pound sign (#). For example, 11.9 hours would be 11*9# and \$79.30 would be 79*30#.

Failure to correctly report your hours and earnings may result in an overpayment and a penalty.

2. Did you, or will you, receive any of the following for the week you are requesting payment? They are deductible from your unemployment benefits. (See page 11.)

- Holiday pay
- Vacation pay or annual leave
- Sick pay
- Severance pay/wages in lieu of notice

3. Will you begin receiving pension, disability payments or workers' compensation, or did the amount previously reported change? (See page 11.)

4. Are you on call to return to work for your regular employer? (See work registration exemption below and page 8.)

5. Did you make at least two contacts for employment as instructed? (See page 8.)

If yes, please have the following information available before submitting your weekly certification.

- Name of business contacted
- Date the contact was made
- Phone number and address of the business
- Name of the hiring authority you contacted at that business
- Method of contact (in person, online)
- Did you submit an application?

You are required to keep a written record of job contacts. (See pages 20-24.) Your contacts may be verified.

6. Were you physically able to work? (See page 9.)

7. Were you available to accept a job if offered? (See page 9.)

8. Did you refuse any offer of work or referral to a job? (See page 11.)

9. Did you begin school or did your class schedule change during the claim week? (See page 9.)

Requirements for Weekly Benefit Payments

Do I have to register for work with the South Dakota Department of Labor and Regulation, or my designated state workforce agency?

All individuals filing for unemployment insurance benefits are required to be registered for work and to seek work **unless**:

- You have a definite recall date to return to full-time work with an employer who paid 50 percent or more of your base period wages and, due to weather-related seasonal factors, work is not available in your primary base-period occupation and other suitable work is not available, **or**
- You are a member in good standing with a referring union through which you normally obtain employment, **or**
- You will be recalled to full-time work within 10 consecutive weeks by an employer.

In-state claimants are automatically registered with SDWORKS when the unemployment claim was filed (please refer to the insert you received in your packet). Out-of-state claimants are required to register with their designated state workforce agency, job service, workforce development, etc.

Failure to register with your designated workforce agency may result in a loss of benefits.

Do I have to look for work?

You must actively seek work while receiving benefits, starting with the week in which you file your claim, unless we instruct you otherwise. An active work search includes the following:

- Making a minimum of two job contacts in each week you are requesting benefits. This includes the non-paid waiting week. The minimum number of job contacts required may be increased depending on the status of your claim.
- Contacts should be made using a method customarily required by the employer. Contacts by telephone are not valid.
- Your work search must be a reasonable and honest effort to find work. Contacts with close relatives and spouses are not considered reasonable.
- You must be willing to accept the going wage in your area for the job or occupation in which you have the most experience or training. If there is no work or there are limited opportunities for you in your usual job, then you must be available for work you are capable of doing at the going wage for that type of work.
- Repeat job contacts with the same employer are not acceptable unless 30 calendar days have elapsed between the job contacts.

The purpose of a work search is to find new employment

Is there assistance to help me find employment?

You are required to report to **all** DLR services, such as Job Search Assistance Program (JSAP), Re-Employment Services (RES), Re-Employment and Eligibility Assessment (REA), and Re-Employment Intensive Services (RIS) as scheduled. If you fail to attend, your benefits will stop until you report to your local Department of Labor and Regulation office and reopen your claim. Weekly certifications filed after a missed scheduled service or other request may not be paid.

If you are unable to report for your JSAP, RES, REA, RIS or other request, notify your local Department of Labor and Regulation office before the date of your interview or appointment to reschedule.

Can I use employment agencies as job contacts?

Contacting your local Department of Labor and Regulation office or other employment agencies cannot be used to satisfy the requirement of making two job contacts each week.

What if I leave the area to look for work?

If your job seeking requires you to be out of the area for more than two weeks, you must reopen your claim immediately at www.sd.uicclaims.com or by calling 605.626.3179 with a mailing address where you are currently seeking employment. If you do not reopen, you may lose benefits. You must register with the designated state workforce agency serving the area, such as the labor office, job service, workforce development, etc.

What if I am on recall?

If we have verified with your employer that you will return to work full-time (and you meet the work registration exemption criteria described on page 7), you will not be required to make two job contacts each week. You will be required to notify us immediately of any change in your recall status. If you

decide that you will not be returning to work for that employer, you must reopen your claim and begin making two job contacts. If you do not return to work by the date your employer provided us, and you are still going to be called back to work, your employer will be responsible for contacting us to extend your recall date.

What kind of record must I keep of my work search?

The Employer Contact sheets in the back of this book (pages 20-24) are the written record of your effort to find work. You will be required to provide information on job contacts when you file your weekly certification. You must keep a complete written record of all your job contacts. **Do not throw your employer contact sheets away** after you return to work or discontinue filing weekly certifications. You may be required to produce them for up to two months after you stop filing. Failure to retain job contact records may result in the denial of unemployment insurance benefits and the repayment of benefits that have been received.

Failure to make two different job contacts per week will cause the denial of benefits and may result in an overpayment (See page 12).

Any individual who willfully or fraudulently misrepresents any fact concerning their work search to secure or increase benefits shall be denied benefits for four weeks for each week of misrepresentation. Specifically, any individual who falsifies job contacts, or dates of contacts, will be subject to the penalty.

What does it mean to be able to work?

To be able to work you must be:

- Physically able to work in your usual occupation or in other work for which you are reasonably qualified.
- Physically able to work the majority of the week (more than three days).

What does it mean to be available for work?

Even if you are able to work, you are not considered a member of the labor force unless you are also “willing” to work.

- You must be available for full-time work. There may be an exception for an individual who earned base period wages working part-time.
- There must be no personal reasons preventing you from accepting a job immediately (caring for children, lack of transportation, vacation, etc.).
- You must not place restrictions on the work you will accept, making the job you want practically non-existent.
- You must be willing to accept work you are qualified by education and experience to perform.
- If you work in an occupation where different shifts are common, you must be available to work any shift unless you have compelling personal reasons for not working a particular shift.
- You must accept the going wage in your area. You cannot hold out for your last wage.

Your availability is questioned if you travel, are on vacation, care for relatives or others, are on a leave of absence, or are attending school or college.

What happens if I become incarcerated/imprisoned?

You will be required to notify the Benefit Section at 605.626.2452 if you become incarcerated. Payments will cease until you notify the Benefit Section upon your release. Failure to notify the Benefit Section could result in overpayments and penalties.

Can I go to school and still be eligible?

If you are going to school and meet all the necessary eligibility requirements, you may be eligible for

unemployment benefits. If you are receiving training or attending classes, this information must be reported. The information will be reviewed to determine if you are eligible for unemployment benefits. If you request, and are allowed, Approved Training status, you will not be required to look for work. Approved Training status is usually granted if it has been determined that you need further training to re-enter the job market. This status does not extend the length of unemployment benefits.

You will still be required to file your weekly certification in order to receive payments.

Extended Training Benefits

Extended training benefits may be available to you if you have exhausted all other unemployment benefits and are enrolled in full-time school prior to the end of your benefit year. These benefits provide up to 26 weeks of additional benefits. To be eligible, you must be separated from employment in a declining occupation, or have been involuntarily and indefinitely separated due to a permanent reduction of operations at your previous employment. You must also be enrolled in a training program approved by the Department of Labor and Regulation for entry into a **high-demand** occupation.

Deductions from Benefits

Can I work part of the week and still be eligible for benefits?

You may be eligible for partial unemployment benefits if you continue to work. In order to be eligible for partial benefits you must report your hours and earnings for the calendar week which you are filing for and **make an active search for work**. Earnings will reduce your benefits. Seventy-five percent of earnings over \$25 will be deducted from your weekly benefit amount (See page 5).

- You will not be eligible for benefits if your gross earnings are equal to or more than your weekly benefit amount.
- You will not be eligible for benefits if you worked 40 hours or more, regardless of the amount of earnings.

What if I am self-employed or working on a commission basis?

You must accurately report any hours and earnings (after reasonable expenses) from self-employment. Self-employed means earning income directly from your own business, trade, profession or service instead of wages or earnings from an employer. Net income after **reasonable business** expenses will be deducted from your benefits. Expenses must be reported within the week they are incurred. You may request a form to assist you with your calculations by contacting the Benefit Section at 605.626.2452. The fact that your business has no **taxable** income, or even a loss, does not mean hours or earnings do not need to be reported. For help, call the Benefit Section at 605.626.2452.

If you do sales work on a commission basis, the hours you work each week, as well as your gross earnings, must be reported. If you work full time (40 or more hours), or earn more than your weekly benefit amount, you will not be eligible for benefits for that week.

What if my job ends?

If at any time during your benefit year you return to work and then separate from a job, you **must** either file on the Internet at www.sd.uiclaims.com or call the Telephone Claims Call Center at 605.626.3179 immediately to reopen your claim. Your eligibility for benefits will be based on the reason you separated from the employment.

You must reopen your claim after any length of employment ends, even one day or less.

What types of payments are deductible from my benefits?

Payments you receive are deducted on a dollar-for-dollar basis from your benefits and must be reported on your weekly certification. Deductible payments include, but are not limited to:

- Vacation pay
- Severance pay
- Annual leave pay
- Termination pay
- Holiday pay
- Dismissal pay
- Wages in lieu of notice
- Back pay
- Sick leave pay
- Temporary partial disability

You will be notified of the timeframe you are ineligible for benefits due to deductible payments. If the payment is less than your weekly benefit amount, you will receive a partial payment. If you stop filing weekly certifications during this time and it has been longer than four weeks in length since you last filed, you will need to reopen your unemployment claim to begin filing weekly certifications. (See page 4.)

Are pension benefits deductible?

Pensions, annuities and retirement payments, including lump sum payments, are deductible if earned with a **base period** (see page 3) employer. You must provide detailed information about your retirement plan, including the name and address of the plan administrator, as well as the portion that the employer contributed to the plan. Your contributions to the plan are not deductible. **Any change in your pension, annuity or retirement should be reported to the Benefit Section at 605.626.2452 immediately.**

Are Social Security benefits deductible?

Primary Social Security retirement benefits based on your earnings are not deductible from unemployment insurance.

Military-service-connected disability payments are not deductible from your benefits.

This description of deductible items is not intended to cover all situations. For help, contact the Benefit Section at 605.626.2452. Failure to report a deductible item or reporting it improperly may result in an overpayment which you will be required to repay.

Disqualifying Circumstances

What if I quit or was discharged from a job?

If you voluntarily quit your job without good cause, or were discharged from work due to misconduct, you may be disqualified from receiving unemployment benefits. If you have not reported this separation, you will need to reopen your claim immediately. (See page 4.)

Quitting a job or being discharged may be disqualifying.

What happens if I refuse a job or referral to a job?

If you refuse a job offer, or referral to a job, you must notify the Benefit Section by calling 605.626.2452 to report information and the reason(s) for the refusal. If it is determined you did not have good cause to refuse the job offer or job referral, you may be disqualified from receiving unemployment benefits.

What if I am disqualified?

If you are disqualified, you will be denied benefits until you have at least six calendar weeks of insured employment during your current benefit year. You must earn wages of at least your weekly benefit amount in each of those weeks to re-qualify for benefits.

Appealing Disqualifications and Denials

What if I disagree with a disqualification or denial?

If you disagree with a determination made by the Benefit Section, you have the right to appeal the determination. **The appeal must be in writing.** You may file your written appeal by mailing the appeal letter to: Appeal Section, UI Division, P.O. Box 4730, Aberdeen, SD 57402-4730. Or you may fax the appeal to 605.626.2322. Your appeal must be **filed within 15 days** after the date the determination was mailed to you. Be sure to include your **Social Security number** and explain the reason for your appeal.

Employers also have a right to appeal if they disagree with the determination. If an employer appeals and the determination is reversed, it may result in an overpayment that you will be required to repay. If an overpayment occurs, you will be notified in writing of the overpayment and informed of your appeal rights.

**If you appeal a determination, you should continue to file your weekly certifications.
If the decision is in your favor you will receive payment for the weeks you filed certifications.**

Overpayments

What if I am overpaid benefits?

Unemployment insurance overpayments must be repaid unless you meet the conditions that allow repayment to be waived. If you were at fault in causing the overpayment, interest of 12 percent per year will accrue beginning with the date of the overpayment determination. If you were not at fault, interest will not accrue until six months after the determination date. Failure to repay your overpayment may result in recovery of the overpayment through civil action and garnishment of your wages. You may request a repayment agreement to repay the amount you owe.

Can I still file for benefits if I have an overpayment?

You may continue to file your weekly certification for benefits. Any future benefits for which you would otherwise be eligible for, may be used to offset or reduce the amount of your overpayment.

Penalties for Misrepresentation (Fraud)

What if I misrepresent facts, make false statements, fail to disclose information or fail to report changes?

- You will be required to pay the benefits back. Interest of 12 percent per year accrues immediately.
- You may be denied future benefits up to 52 weeks.
- You may be convicted of a misdemeanor and imprisoned up to one year in the county jail, or fined up to \$2,000, or both.
- You may be convicted of a felony if you unlawfully obtained more than \$200, and imprisoned up to two years in the state penitentiary, or fined up to \$4,000, or both.

What if I have an administrative penalty?

In order to satisfy the penalty you should continue to file your weekly certifications. All eligibility requirements must be met. You will not be paid for these weeks, but will receive credit towards the penalty.

Trade Adjustment Assistance

Trade Adjustment Assistance (TAA) is available to workers who lose their jobs as a result of increased imports.

Workers whose employment is adversely affected by increased imports may file a petition with the Office of Trade Adjustment Assistance to establish eligibility. A petition must be filed within one year from the date the worker is laid off from a job.

Petitions may be filed by a group of three or more workers, their union or an authorized representative. Forms on which to file a petition for TAA can be obtained by writing the South Dakota Department of Labor and Regulation, UI Division, P.O. Box 4730, Aberdeen, SD 57402-4730 or by calling 605.626.2452.

If the petition for TAA is certified, workers may be eligible for additional weekly benefit payments, training, job search assistance, relocation allowances and other re-employment services. Contact your local Department of Labor and Regulation office for information.

Quality Control Program

Individuals who have filed a claim for unemployment insurance benefits may be randomly selected for a Quality Control program audit. Each claim will be subjected to an intensive verification of benefit eligibility. The audit will involve a complete review of the claim, an interview with the individual, and verifications with other parties. Failure to cooperate with the Quality Control program audit may result in loss of benefits.

Information We May Share

The Deficit Reduction Act of 1984 (Public Law 98-369) requires that certain state agencies maintain an income and eligibility verification system. This system is used to verify eligibility for Supplemental Nutrition Assistance Program, Aid to Families with Dependent Children or Medicaid; and potential liability for child support payments. State agencies administering these programs may verify your eligibility for benefits (or child support obligations) by using information contained in Department of Labor and Regulation records. Information used would be your past wages, as reported by former employers, and your eligibility for or receipt of unemployment benefits.

Notice about Income Tax

Your unemployment insurance benefits are subject to federal income tax law. The Internal Revenue Service will furnish complete information on how to report and compute the tax.

You do have the option of having tax deducted from your benefit payments. The rate of deduction is 10 percent per week. If you have questions, call the Benefit Section at 605.626.2452.

It may be necessary for you to make estimated tax payments. For more information on when you should make estimated tax payments, *see IRS Publication 505, Tax Withholding and Estimated Tax*, or the instructions for Form 1040-ES.

You will be furnished a statement, Form 1099-G, at the end of the year in which benefits were paid to you. The Internal Revenue Service will be given the same information.

Equal Opportunity Employment Rights

It is against the law for this recipient of federal financial assistance (the Department of Labor and Regulation) to discriminate on the following bases against any individual in the United States: race, color, religion, sex, national origin, age, disability, political affiliation or belief; and against any beneficiary of programs financially assisted under Title 1 of the Workforce Investment Act of 1998 (WIA), 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 WIA Title 1 financially assisted program or activity.

The recipient must not discriminate in any of the following areas:

- Deciding who will be admitted, or have access, to any WIA Title 1 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.

What do I do if I believe I have experienced discrimination?

If you think you have been subjected to discrimination under a WIA Title 1 financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either of the offices listed below:

Department of Labor and Regulation
Equal Opportunity Officer
420 S. Roosevelt St.
P.O. Box 4730
Aberdeen, SD 57402-4730
Phone: 605.626.2452

After you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (CRC) (see address below). If the recipient does not give you a written Notice of Final Action within 90 days from the day on which you filed your complaint, you do not have to wait for the recipient to issue that notice before filing a complaint with the CRC.

Director
U.S. Department of Labor
Civil Rights Center
200 Constitution Avenue NW
Room N-4123
Washington, DC 20210

However, you must file your CRC complaint within 30 days of the 90-day deadline. (In other words, you must file within 120 days after the day on which you filed your complaint with the recipient). If the recipient does give you 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.

**If you have questions this book does not answer,
please contact the Benefit Section at 605.626.2452.**

Glossary of Terms

Adjudication — Process used to determine whether a claimant is eligible to receive unemployment insurance benefits.

Administrative Penalty — Imposed when a claimant knowingly failed to disclose facts or provided incorrect information to obtain, or increase, benefits.

Alternate Base Period — A different period of wages to consider when calculating a claimant's monetary eligibility for benefits. This is used when an individual has suffered a work-related injury and does not qualify using the current base period. The claimant must apply for unemployment benefits within 24 months of when the work-related injury occurred.

Alternative Base Period — A different period of wages to consider when calculating a claimant's monetary eligibility for benefits. South Dakota's alternative base period is the last four completed calendar quarters preceding when an individual applies for unemployment benefits.

Appeal — Formal request by a claimant or employer to have a decision, determination or notice reconsidered by the next higher level of authority.

Benefit Section — Part of the Department of Labor and Regulation that administers the Unemployment Insurance program.

Benefit Year — The 52-week period beginning with the week in which an application for benefits was made.

Benefit Year End (BYE) — The ending date of a claim. BYE dates are always on a Saturday. The BYE date can be found on the monetary determination of benefits notice that a claimant receives after applying for unemployment benefits.

Civil Action — A lawsuit between two or more individuals or corporations involved in a dispute and usually seeking a judgment awarding monetary damages.

Claim Week — A period of seven consecutive days beginning at 12 Midnight on Sunday and ending at 11:59 p.m. the following Saturday.

Combined Wage Claim — A claim established using wages from South Dakota and one or more states.

Commencing — Starting/beginning.

Covered Wages — Wages an employer pays to an employee that are subject to unemployment taxes.

Discharge — To terminate an individual from employment.

Effective Date — Start date of a new claim for unemployment benefits. This date will always be the Sunday date of the week the claimant applied for unemployment benefits. An earlier effective date can be requested and may be allowed if there is good cause for backdating the claim.

Excessive Earnings — Gross earnings during a claim week that meet or exceed a claimant's weekly benefit amount (WBA).

Fraud — Wrongful or criminal deception intended to result in financial or personal gain.

Full-time Work — Work that is 40 or more hours per week.

Garnishment of Wages — A court order to withhold a certain amount of your wages as repayment for debt.

Initial Claim — A newly filed claim which establishes a benefit year.

Issue — A situation or potential situation that prevents an individual from being eligible for benefits.

Interactive Voice Response (IVR) — The automated telephone system used to file a weekly certification. The number to call to file a weekly certification is 605.626.3212.

Insufficient Wage Credits — Defines a claim that does not have enough covered wages during the specified base period to be eligible.

Job Search Assistance Program (JSAP) — A service provided by local Department of Labor and Regulation offices to assist individuals with writing a resume, mock interviews and other tips to find employment.

Job Contacts — Contacts with employers to submit an application for employment. Method of contact is in person unless the employer requires application by some other method, such as Internet.

Maximum Benefit Amount (MBA) — The maximum amount of benefits a claimant is eligible to receive during his or her benefit year. This amount is listed on the monetary determination of benefits notice.

Misconduct — Failure to obey orders, rules or instructions. Substantial disregard of the employer's interests or employee's duties and obligations to the employer. Willful or wanton disregard of employer's interest due to deliberate violations or disregard of standards of behavior the employer has a right to expect. Recurring carelessness or negligence.

Misrepresentation — Deliberately making an untrue statement or withholding information needed to make a proper determination.

Monetary Determination — A written determination of monetary eligibility of benefits based on covered wages earned by the claimant in the base period. This monetary determination also includes the weekly benefit amount, maximum benefit amount, effective date and benefit year end date. Please keep your copy of this document.

Monetary Eligibility — Eligibility for benefits based on covered wages during the base period. This is the first step of the unemployment process. A determination will also need to be made by the Benefit Section based on the reason the claimant is no longer employed.

Non-Monetary Determination — A written determination of eligibility regarding a specific issue or circumstance other than monetary eligibility that may affect a claimant's eligibility for benefits.

Notice of Claim — The notice an employer receives after a claimant has applied for unemployment benefits. This notice allows the employer to provide the Benefit Section with a reason a claimant is no longer employed. Under most circumstances this notice is mailed the business day directly after the day an application for benefits was made. An employer is then given a 15-day period of time to return the notice to the Benefit Section.

Offset — An amount deducted from benefits to repay an amount owed to the previous overpayment of benefits.

Overpayment — A payment of benefits that a claimant was not entitled to receive.

Partial Benefits — The amount of unemployment benefits a claimant could receive if he/she continues to work while filing for unemployment benefits.

Personal Identification Number (PIN) — A four-digit number used for identification and security purposes along with the claimant's Social Security number, used when filing through the IVR system.

Re-Employment and Eligibility Assessment (REA) — A Department of Labor and Regulation program designed to help claimants return to work as quickly as possible. Each participant receives an unemployment eligibility assessment and a customized re-employment plan. The plan may include job referrals, job search skills, workforce training and other services.

Re-Employment Intensive Services (RIS) – A Department of Labor and Regulation program designed to help claimants return to work as quickly as possible. Each participant receives a customized re-employment plan. The plan may include job referrals, job search skills, workforce training and other services.

Re-Employment Services (RES) — A Department of Labor and Regulation program designed to help claimants return to work as quickly as possible. Each participant receives a customized re-employment plan. The plan may include job referrals, job search skills, aptitude testing, workforce training and other services.

Register for Work — Unemployment benefit claimants will be required to register for work through SDWORKS or their designated state workforce agency, unless exempt.

Regular Base Period — Consists of the first four calendar quarters of the last five completed calendar quarters preceding when an application for benefits is made.

SDWORKS — The state of South Dakota's online employment database. The website address is: www.sdjobs.org.

Separation — The reason the claimant is no longer working. This can be due to being discharged (fired/suspended), voluntarily quitting or being laid off due to lack of work.

Severance Pay — Payment given to an employee by an employer after the employee separates from employment.

Suitable Work — Work for which the claimant is qualified or has experience in, and for which the wages offered are the going rate for work in the claimant's area.

Telephone Claims Center — Part of the Unemployment Insurance Benefit Section that processes initial and reopened unemployment claims. The number for the Telephone Claims Center is 605.626.3179.

Union Attached — Status of an active referring union member who secures employment through a union hiring hall. The current status of the union member will be verified by the Benefit Section. Members who have been verified to be active union members will be exempt from searching for work.

Voluntary Quit — Termination of employment by the employee.

Wages in Lieu of Notice — Payments made to an employee when the employee is to be laid off, but the employer cannot or will not give the customary notice period.

Waiting Week — The first eligible week of an initial claim. In South Dakota, the waiting week is non-paid, but claimants are still required to file a weekly certification and make job contacts (unless exempt).

Weekly Benefit Amount (WBA) — Maximum amount of benefits a claimant is eligible to receive per week. A claimant who is currently working and has gross earnings less than his or her WBA will only receive partial benefits.

Work Search — A claimant is required to make a minimum of two job contacts per claim week. Please be sure to follow the requirements regarding valid contacts and accepted method of contact.

**South Dakota Department of Labor and Regulation
 Unemployment Insurance Division
 420 South Roosevelt
 P.O. Box 4730
 Aberdeen, South Dakota 57402-4730
 605.626.2452
 www.sdjobs.org**

South Dakota Department of Labor and Regulation Local Offices

Open Monday through Friday from 8 a.m. to 5 p.m.

Aberdeen	605.626.2340	420 S. Roosevelt St.
*Britton	605.448.5371 605.626.2340	Marshall County Community Hall 1st Thursday, 1-3 p.m.
*Redfield	605.472.0435 605.626.2340	Spink County Courthouse, 3rd floor 2nd and 4th Tuesday, 1-3 p.m.
*Webster	605.345.4781 605.626.2340	Day County Courthouse, basement 2nd and 4th Wednesday, 1-3 p.m.
Brookings	605.688.4350	1310 Main Ave. S. Suite 103
*DeSmet	605.854.3309	Kingsbury County Courthouse, east side 101 29 St. S.E. 1st Tuesday, 10 a.m.-12 p.m., 1-2 p.m.
Hot Springs	605.745.5101	2500 Minnekahta Ave.
*Custer	605.673.4488	Custer County Courthouse Annex 447 Crook St. Thursdays, 9 a.m.-4 p.m.
Huron	605.353.7155	2361 Dakota Avenue S.
Lake Andes	605.487.7607 Ext. 207 or 212	3rd and Lake St.
Madison	605.256.5300	223 S. Van Eps Ave., Suite 101
*Flandreau	605.997.2447	Flandreau Dept. of Social Services 309 N. Prairie, Suite 2 Wednesdays, by appointment only. Call 605.256.5300
Mitchell	605.995.8060	1321 N. Main
*Chamberlain	605.734.5450	Courthouse, Community Room By appointment only Call 605.996.8060

*Itinerant location

North Sioux City	605.242.5445	504 River Dr., City Hall
Pierre	605.773.3372	116 W. Missouri Ave.
Pine Ridge	605.867.5843	Hwy. 18 E., Airport Access Rd.
Rapid City	605.394.2296	111 New York St. 7:30 a.m.-5 p.m.
Sioux Falls	605.367.5300	811 E. 10th St., Dept. 41
*Temporary Day Labor Office	605.367.5350	300 N. Main 7:30-11 a.m.
Sisseton	605.698.3964	205 E. Oak
Spearfish	605.642.6900	1300 North Ave.
*Sturgis	605.347.6253	941 E. Main St., Suite 1 Tuesday, Thursday, 8 a.m.-4 p.m.
Vermillion	605.677.6900	1024 W. Cherry St.
Watertown	605.882.5131	2001 9th Ave. S.W., Suite 200
*Milbank	605.432.9595	210 E. 5th Ave. Wednesdays, by appointment only 605.882.5131
Winner	605.842.0474	313 S. Main St.
Yankton	605.668.2900	3113 Spruce, Suite 124
*Wagner	605.384.3741	City Hall Wednesdays, 1-4:30 p.m.

*Itinerant location

EMPLOYER CONTACTS

If more pages are needed for job contacts, please copy this page.

NAME OF BUSINESS	BUSINESS ADDRESS, PHONE NUMBER AND/OR EMAIL OR WEBSITE IF APPLICABLE	DATE	METHOD OF CONTACT	NAME OF PERSON CONTACTED	RESULTS OF CONTACTS	POSITION APPLIED FOR	WAS APPLICATION COMPLETED?*	
							YES	NO

*All reasonable effort should be made to complete an application or submit a resume.

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							YES	NO

*All reasonable effort should be made to complete an application or submit a resume.

Claimant Change of Name and Address Form

You may also change your address online at www.sd.uiclaims.com or by calling 605.626.3179.

To notify the South Dakota Department of Labor and Regulation of any name or address change, complete this form, sign and mail it to:

South Dakota Department of Labor and Regulation
Unemployment Insurance Division
P.O. Box 4730
Aberdeen, South Dakota 57402-4730

or FAX the form to the Department of Labor and Regulation at 605.626.3172.

PLEASE PRINT

Social Security Number: _____

Former Name: _____

Previous Address: _____

Previous South Dakota City and ZIP Code: _____

Old Telephone Number: (_____) _____

New Name: _____

New Address: _____

New City and ZIP Code: _____

New Telephone Number: (_____) _____

I hereby authorize the change of this information on my Unemployment Insurance Claim.

Signature: _____ Date: _____



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Warning Notice

It is a crime to misrepresent facts, make false statements or fail to disclose facts to obtain or increase unemployment insurance benefits, or fail to report any change in circumstances that would affect your eligibility for benefits. SDCL 61-6-38.

South Dakota uses a variety of detection techniques to detect fraudulent claims, including matching programs to verify information you provide. Your earnings are subject to matching with employers' quarterly report of wages. Errors may result in overpayment which you will be required to repay. If you have questions on how to report earnings, see page 6 or call the Benefit Section at 605.626.2452.

Offenders may be prosecuted, resulting in:

- A **fine up to \$4,000** and/or
- **Imprisonment for up to two years** in the state penitentiary.

Overpayments will be recovered by these methods (see page 12).

- Voluntary repayment.
- Civil action.
- Distress warrant (served by sheriff).

Interest will be charged on all overpayments not repaid in six months. Interest starts immediately on fault overpayments.

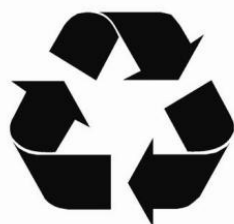
You must:

- Report all work and earnings.
- Report all factors affecting availability/eligibility (self-employment, illness or disability, vacations or confinement).

The information in this book is a summary and all decisions will be based on legal interpretations of the state's unemployment insurance laws.

If you have questions after studying this book, call or write the South Dakota Department of Labor and Regulation.

If you want further information on South Dakota's unemployment insurance or other Department of Labor and Regulation programs, visit www.sdjobs.org.



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