



Unemployment Insurance Benefits Information Guide

This guide is provided to you because you have filed a claim for benefits in Kansas. This guide contains information about what to expect now that you have filed a claim, including your rights and responsibilities as a claimant.

It is very important that you review all of this information. Failure to do so may impact your ability to claim unemployment benefits from the State. Please keep this guide as a reference as it will likely contain answers to most of the questions you may have about unemployment insurance benefits.

Additional resources and information are available on our website www.GetKansasBenefits.gov

****IMPORTANT****

This guide is not legal advice. It does not have the effect or impact of law or regulation. If you have legal questions, you should always consult an attorney.

Unemployment Insurance

Unemployment Insurance (UI) was established as a means to protect those who are involuntarily unemployed from the financial burdens and dangers associated with being unemployed. It is designed to be a short-term assistance program that emphasizes and promotes reemployment of workers.

Benefits are limited to a maximum of between 16 and 26 weeks as determined by Kansas law and are only payable under certain circumstances as described in this guide. Benefits are paid from a trust that is funded by employers through their unemployment insurance taxes. Employees do not pay unemployment insurance taxes.

The process for unemployment will generally look like this:

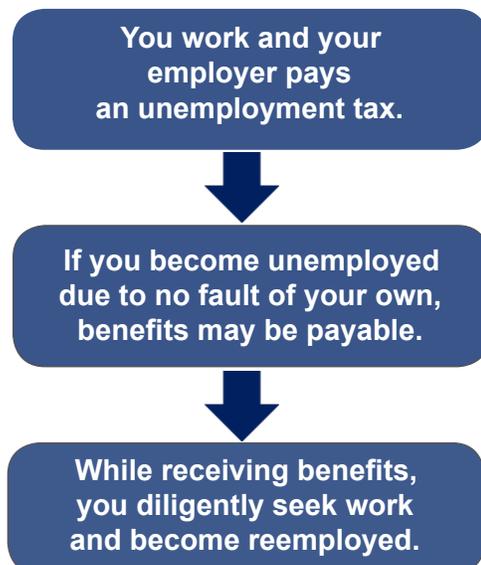


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What to Expect After Filing:

While the Kansas Department of Labor (KDOL) begins working on your claim, there are a few things you should be doing.

Documents

When you filed, you may have been instructed or prompted to complete or provide documents about your claim. It is very important that you do so promptly. Failure to do so may result in a denial of benefits. Many documents can be downloaded from our website www.GetKansasBenefits.gov.

Filing Weekly Claims

It is important that you begin filing weekly claims immediately, even if you have not heard anything about your claim. **You cannot be paid benefits for any week that you did not file.** This means you should file weekly claims while completing paperwork you may receive and during any appeals from unfavorable determinations. If you are subsequently cleared for payment for prior weeks and you did not submit claims for those weeks, you will not be paid.

Weekly claims can be filed online at www.GetKansasBenefits.gov or by phone at any of the numbers listed below:

Kansas City Area(913) 287-6913

Topeka Area(785) 296-4337

Wichita Area(316) 269-0633

Speech or hearing impaired claimants may access the Kansas Relay Center at (800) 766-3777.

You will be asked the following 13 questions when filing your weekly claim:

Question 1: Did you work Sunday through Saturday during the week being claimed?

- If YES, enter your gross earnings (meaning before taxes and all other deductions) for this week. Do not include holiday, vacation or severance pay in this amount. Use the star key for a decimal point. For example, 40 star(*) 20 will be 40 dollars and 20 cents.
- Please enter the number of hours worked during the week being claimed.

Earnings are reported during the week the work is performed and money was earned, not when the wages are actually paid. Report your gross pay instead of your take-home pay. If you report your take-home pay, you may be liable for a benefit adjustment for that week, which may cause an overpayment of benefits that you will be required to repay. Then, enter the number of hours worked (Sunday through Saturday).

Assume you worked the below week, 20 hours at \$10 per hour. When you file for the week, you should respond (1) Yes, you worked during the week, (2) that you earned \$200, and (3) that you worked 20 hours.

Hours Worked During Week Being Claimed						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
0	4	3	8	5	0	0

Question 2: Did you receive any bonus pay during the week being claimed?

Question 3: Did you receive any holiday pay for the week being claimed?

- Enter the total amount of holiday pay you received before deductions. Use the star(*) key for a decimal point. For example, 40 star(*) 20 will be 40 dollars and 20 cents.

Question 4: Did you receive any vacation pay for the week being claimed?

- Enter the total amount of vacation pay you received before deductions. Use the star(*) key for a decimal point. For example, 40 star(*) 20 will be 40 dollars and 20 cents.

Question 5: Did you receive any severance pay for the week being claimed?

Question 6: Did you refuse a job during the week being claimed?

Question 7: Did you quit a job or were you fired from a job during the week being claimed?

- If YES, did you report the loss of employment to the Contact Center?

Question 8: Did you attend school or enter training during the week being claimed?

Question 9: Did you receive or change any type of pension, other than Social Security benefits, during the week being claimed?

Question 10: Did you apply for or receive Workers Compensation payment for the week being claimed that was for a work-connected injury or disability?

Question 11: Were you physically able to work four or more days during the week being claimed?

Question 12: Were you available for work with no undue restrictions for four or more days during the week being claimed?

Question 13: Did you look for work as directed by the Unemployment Contact Center or Internet claims system during the week being claimed?

It is very important that you honestly answer each question every week. If you are paid benefits, and we discover that you did not accurately and honestly report information when you filed those weekly claims, then we will investigate your claim for possible overpayment of benefits and may forward your claim to our Fraud Department.

If we determine fraud has occurred, you will be required to repay fraudulently obtained benefits which will include penalties and interest. You will also be disqualified for unemployment benefits for the next five years.

Based upon your responses, you may be instructed or prompted to complete a form. You must complete the paperwork as instructed. Failure to do so may result in a denial of benefits.

Phone Interview

After you file your application for unemployment insurance, you may receive a *Notice of Phone Interview*. This is because we need more information from you about your claim other than what you have provided or what is included in the documents we may have requested. A *Claimant's Separation Statement* will be included with this notice. This form should be completed as soon as you receive it in the mail and returned to us prior to your scheduled phone interview. It is important that you be available for your call so that we can discuss the details with you before making a determination.

These calls are not rescheduled and only ONE attempt will be made to reach you, so be prepared by making sure your phone is functioning properly. If using a cell phone, be sure that you have a strong signal. If your phone does not accept calls from blocked phone numbers, you must disable the feature in order to receive this call.

Requirements for Unemployment Insurance Benefits

In order to receive unemployment insurance benefits, there are four requirements you must meet:

1. You must be wholly or partially unemployed each week.
2. Your claim must be monetarily entitled.
3. You must meet all eligibility requirements each week.
4. You must not be subject to disqualification each week.

Benefits are paid on a weekly basis, but only if you file a claim each week. Thus, you must continue to meet all four requirements every week and have filed a weekly claim for benefits in order to receive payment of unemployment insurance benefits.

Unemployed

For unemployment purposes in Kansas, you are unemployed in any week that you do not work and any week for which wages are not payable to you. If you work less than full time, you may also be deemed unemployed, provided your gross weekly wages do not exceed your Weekly Benefit Amount (WBA), which is discussed in the next section.

Monetarily Entitled

This means you must have worked and earned a sufficient amount of wages before you filed your claim for unemployment insurance benefits. We engage in a three-step process to determine whether your claim is monetarily entitled.

Step 1: We will identify your base period.

Step 2: We will look to see whether you have earned wages in at least two calendar quarters of the base period.

Step 3: We will determine your WBA. Your total base period wages must be greater than or equal to 30 times the WBA.

Base Period

This is the period of time we will look at to ensure that you have enough wages to support a claim for benefits. Specifically, your base period is the first four of the last five completed calendar quarters.

Assume it is May 2016 when you filed for benefits. At that time, the last fully completed calendar quarter is January - March 2016 (shaded in the illustration below). Your base period, therefore, will be the four quarters before that January through December 2015.

Base Period Illustration					
January - March 2015	April - June 2015	July - September 2015	October - December 2015	January - March 2016	April - June 2016 (filed claim in this quarter)

Weekly Benefit Amount (WBA)

This is the amount of benefits you would receive each week if you meet all of the requirements for receipt of benefits, including filing a weekly claim. The WBA is equal to the total wages from the quarter in the base period in which you earned the most money multiplied by 4.25 percent (rounding down the cents to the next whole dollar).

Assume from April - June 2015, you earned \$5,000 and that in all other quarters of your base period you earned \$4,000. Multiply \$5,000 by .0425 and round off the cents to get your WBA of \$212.

Your total wages in the base period must be more than 30 times the determined WBA in order to have an entitled claim. Following are a few examples to illustrate monetary entitlement.

Example 1

Assume (as illustrated below) you worked in just one quarter of the base period and earned \$6,500. Your claim would not be monetarily entitled because it does not have wages in at least two quarters.

January - March 2015 \$6,500	April - June 2015 \$0	July - September 2015 \$0	October - December 2015 \$0	January - March 2016	April - June 2016 (filed claim in this quarter)
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Example 2

Assume you worked in two quarters of the base period, earning \$1,250 in one quarter and earning \$5,000 in the second as illustrated below.

January - March 2015 \$1,250	April - June 2015 \$5,000	July - September 2015 \$0	October - December 2015 \$0	January - March 2016	April - June 2016 (filed claim in this quarter)
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Your total base period wages were \$6,250.

- High Quarter X 4.25 percent = WBA
- \$5,000 X (.0425) = \$212 (rounded down)
- **\$212 X 30 = \$6360**

Although you earned wages in at least two quarters, your total wages earned in the base period (\$6,250) is less than 30 times the WBA (\$6,360). Your claim would not be monetarily entitled.

Example 3

Assume you work in two quarters of the base period earning \$3,000 in each as illustrated below.

January - March 2015 \$3,000	April - June 2015 \$3,000	July - September 2015 \$0	October - December 2015 \$0	January - March 2016	April - June 2016 (filed claim in this quarter)
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Your total base period wages were \$6,000.

- High Quarter X 4.25 percent = WBA
- \$3,000 X (.0425) = \$127 (rounded down)
- **\$127 X 30 = \$3,810**

Since you earned wages in at least two quarters and your total base period wages are more than 30 times the WBA, your claim is monetarily entitled.

There are also minimum and maximum limits on a WBA. The maximum WBA is calculated each year based upon requirements set in Kansas law. As of July 1, 2019, the maximum is \$488. The minimum is always 25 percent of the maximum.

Benefit Year

If your claim is entitled, it will be for the duration of what is called your benefit year. This is the calendar year beginning with the Sunday of the week in which you first filed for benefits. Your monetary entitlement is active for only that year. If you should need to file for benefits after the benefit year has ended, then your claim can be re-evaluated for monetary entitlement. Please note there are additional entitlement requirements when seeking to establish back-to-back benefit years.

Eligible

The third requirement is that you be eligible for payment during each week that you claim. Generally, this means there can be nothing preventing you from seeking and accepting work while you are unemployed. This is often described as being Able and Available, but there are a number of topics that relate to your eligibility.

Able

This means you can actually perform the tasks of your usual occupation or some other occupation for which you have training or experience. Often, this is a question of physical ability due to medical limitations such as lifting restrictions, standing restrictions, etc. If the limitations are such that they effectively prevent you from working, your claim may be denied.

Availability

This means that you are available to accept a job if offered. Do you have transportation issues? Do you care for a loved one who is ill or in need of care? Do you have child care for your children? Are you self employed or listed as an officer of a corporation? All of these could present a barrier to your ability to accept work. If so, your claim may be denied.

Work Search Requirement

All claimants are required to seek work unless having been specifically instructed by the Department of Labor that no work search is required.

In Kansas there are two requirements. You must meet both requirements in order to be eligible for unemployment benefits.

1. When you receive your monetary determination in the mail, you will also receive a My Reemployment Plan. You need to fill it out, and return the completed document within seven days.
2. You are required to look for work by performing at least three job-seeking activities each week. Two of those activities must be submission of an application or résumé for work. Other activities could include additional job applications, attendance at job fairs, résumé review course, Workforce Center services, browsing job posting websites, etc.

Claimants' job search activities will be audited. When requested, you will be asked to provide your work search activity for multiple weeks. If you fail to provide this information or if the information is insufficient, then it may result in a denial of benefits. In order to help you track your activities, there is a Work Search Activity Log on our website that you can print and use www.GetKansasBenefits.gov/Forms.

You may also be asked to provide evidence supporting your activities. We encourage you to keep brochures, pamphlets, emails, etc. from your various activities for this purpose. We may also contact those employers to whom you submit applications or résumés to verify that you have done so.

Reemployment Services

While claiming benefits, you may be instructed to participate in reemployment services provided by your local Workforce Center. These programs are designed to assist you to return to work and have been shown to reduce the length of a person's unemployment. If you receive notice that you have been scheduled for such services, then participation is mandatory. Failure to do so may result in a denial of benefits.

Even if you are not required to report for such services, you may take advantage of these programs on your own. Simply go to your local Workforce Center to receive these beneficial services, which will help you get back to work sooner. This will count toward your work search activity requirements.

Disqualifications

The final requirement is that you not be subject to any disqualification. There are a number of reasons you may be disqualified.

Separation from Work

This is the most common disqualification. Separation from work means either that you have stopped working for an employer temporarily such as a suspension, leave of absence, or temporary layoff; or permanently such as quitting, being fired or permanently laid off.

Quit/Leave of Absence

If you choose to leave work, then that is considered a voluntary separation. You will generally be denied unemployment benefits unless you can show good cause for quitting that is attributable to the employment.

Fired/Layoff/Suspension

If your employer forces you to stop working, this is considered an involuntary separation. Generally, you will not be disqualified. However, if evidence shows that the employer ended your employment because you engaged in misconduct connected with your work, then you will be disqualified.

Refusing Work

You can be disqualified for benefits if you refuse an offer of employment.

Fraud

If you commit unemployment fraud, you will be disqualified for UI benefits for five years. Fraud can occur when you do not report earnings while collecting unemployment benefits, misrepresent to or withhold information from KDOL, fail to report a separation from work during your benefit year, etc.

Workers Compensation or Disability Payments

You may be disqualified if you are receiving disability or Workers Compensation payments.

Drug Use While Claiming Unemployment Benefits

You may be disqualified if you use illegal drugs or certain controlled substances while claiming unemployment benefits.

Reasonable Assurance

If you work for or with an educational institution or are an employee of a company that provides services to an educational institution in one term or semester and you have a reasonable assurance of continuing in that work in the next term or semester, then you may be disqualified during the period of time in between those terms.

Alien/Citizenship Issues

You were required to provide a Social Security number or Alien Registration number when you filed. We use this information to verify that you are authorized to work in the United States. If you could not or did not provide an Alien Registration number, then we may contact you for this information. If you are unable to provide us this information or if we are unable to verify the information you provide, then you may be disqualified.

Appeals

If any determination by KDOL has prevented you from receiving benefits, you have the right to appeal. Any determination issued by KDOL that denies you benefits will include information about your appeal rights.

You have 16 calendar days to file your appeal with the Office of Appeals from the date the determination is mailed to you. Your appeal **must be made in writing**. You should state why you believe the determination was in error. If you file your appeal after the deadline has lapsed, your letter of appeal must explain what happened that was outside of your control which caused the appeal to be filed late.

You must mail or fax your appeal to:

Office of Appeals
401 SW Topeka Blvd.
Topeka KS 66603-3182
Fax: (785) 296-4065

You will be notified by mail when your case is docketed and set for a phone hearing before an Appeals Referee. Follow the instructions on the *Notice of Phone Hearing* in order to participate in that hearing. If you have questions, you may contact the Office of Appeals toll free at (800) 227-0067.

You should continue to file weekly claims while your appeal is pending. Remember, if you do not file a regular weekly claim for any week or weeks, then you will not be paid benefits even if you are subsequently found to be cleared for payment for those weeks.

Benefit Payments

Waiting Week

Kansas law requires that claimants generally serve a one-week waiting period before being eligible for benefits. This week will be the first week in which you meet all unemployment requirements for payment of benefits and for which you filed a weekly claim.

Payment Methods

Kansas offers two methods through which you may receive unemployment benefits--debit card or direct deposit. By default, you will be paid using a debit card. If you would prefer to receive direct deposit, you must log into your account at www.GetKansasBenefits.gov, where you can select direct deposit as your method of payment. For assistance creating an account, visit the *Frequently Asked Questions* area of the website and click on *Setting Up Your Account*.

If there is an investigation of your claim, you may not be issued a debit card or payment until that issue is resolved in your favor. Keep filing weekly claims while any such issues are being resolved. If you do not file timely weekly claims, then you will not be eligible for payments for those weeks. Also be aware that in weeks including holidays where either the state or the bank is closed, your payment may be delayed.

Debit Card

Kansas works with a third party bank to issue benefit payments on a debit card. Once your first payable week has been processed, usually within a couple days after you file your weekly claim, money will be deposited to the debit card and it will be mailed to you. It may take up to one week after we process your first payable weekly claim to receive the debit card in the mail. **KEEP THIS CARD**. All payments will be deposited to the card after you file each week. The debit card can be used like any other debit card at stores, gas stations and ATM's.

Keep the bank paperwork that comes in the mail with your card. If the card is lost or stolen, you need to contact the bank, not KDOL.

Direct Deposit

For your security, only you can update or make changes to your bank information and that must be done online. Our staff does not have access to do it for you over the phone. If you have correctly entered your bank information, you should begin seeing payments shortly after your claim has been approved.

If there is an issue with processing your payment via direct deposit, we will send you a letter indicating what the problem was so that you may correct it if you wish. A rejected payment also causes your payment method to default back to a debit card. If you would like to switch back to direct deposit, then remedy the issue which caused the error, log back into your account at www.GetKansasBenefits.gov, and change your payment method back to direct deposit.

Weekly Claims

It is very important that you file weekly claims because you will not be paid benefits for any week that you haven't filed a claim. If you do not file for 14 days, your claim may automatically become inactive. This means that you would be required to call the contact center to reactivate your claim.

Here are a few scenarios when you **should stop filing** weekly claims:

- You return to work full time.
- You exhaust your benefits during the benefit year; or
- You have exhausted all appeals available.

Benefit Deductions

While claiming benefits, other income you have may reduce or eliminate your unemployment benefit for that week. Types of income that may impact your weekly payment could include pensions and retirement payments, severance or separation pay, vacation and holiday pay, bonuses, income from part-time work, etc. Any

deductions will occur automatically based on the amounts you report in your weekly filing, and will in most cases not be detailed in a written determination.

It is important that you accurately report all income you have earned during the week for which you are filing a weekly claim. If the amount earned is *less than* your WBA, you may receive a partial UI payment for that week. If the amount earned is *equal to or greater than* your WBA, you may not receive payment for that week.

If you have a week of earnings in excess of your WBA or a week in which you reported working 40 hours or more, then you may be asked to file an additional claim if that work or those earnings stop or are reduced. If requested, you must file an additional claim or you may be denied until you do so.

If your deduction is due to earnings, vacation pay or holiday pay, then you are entitled to earn 25 percent of your weekly benefit amount before any deductions occur to your benefits, unless your earnings/vacation/holiday pay for that week equals or exceeds your WBA. Keep in mind, you are to report your gross earnings. We will calculate and apply the 25 percent for you.

Example 1

- WBA = \$400
- 25 percent of WBA is not deductible = \$100
- Gross earnings reported = \$300 (include vacation and regular earnings)
- Deductible amount (total earnings - 25 percent of WBA) = \$200

Total payments/income for week: \$300 earnings; you will receive \$200 in UI benefits

Example 2

- WBA = \$400
- 25 percent of WBA is not deductible = \$100
- Gross earnings reported = \$500

Because your earnings that week are greater than your WBA, you would not be paid for that week because you do not meet the requirement of being unemployed.

If your deduction is due to any other source (severance, pension, etc.) then it will generally be deducted dollar for dollar from your weekly benefit amount. Severance and pensions are unique, so contact KDOL if you have questions about those deductions.

****IMPORTANT****

You must report your **gross earnings** every week, report those earnings when earned, not when paid, and do not attempt to reduce the earnings amount. If you report reduced earnings in order to receive a benefit payment instead of reporting your gross earnings, then that is fraud. As discussed in the Disqualifications section, if we determine that you engaged in fraud, you will be disqualified from receiving benefits for five years, and be required to repay benefits and be subjected to a financial penalty.

Benefit deductions other than income can also occur:

- If you elect to have **income taxes** withheld from your benefits (UI benefits are reportable as taxable income), that will result in a payment less than your WBA. You are required to complete paperwork in order to have income taxes withheld. These forms are online at www.GetKansasBenefits.gov.
- In some cases, **child support payments** can be deducted. If you have questions about that, call the Child Support Contact Center at (888) 757-2445.
- If a determination finds that you have been overpaid for benefits, that **overpayment** amount may be deducted from future weeks claimed.

If you disagree with your WBA, you may contact KDOL and request a redetermination or file an appeal. See the *Appeals* section for more information.

Overpayments

If you are paid benefits, and it is later determined that those benefits should not have been paid to you, then you will be required to repay those benefits. You will be notified if there has been an overpayment, why you are overpaid and the amount of the overpayment. If you disagree about an overpayment, you may appeal the determination which created the overpayment. Typically, an overpayment determination is always connected with another issue (the issue that caused the overpayment).

For example: You report that you were laid off from work, after which you are paid two weeks of benefits. However, investigation later determined you were fired due to misconduct at the workplace. A determination letter would be mailed, indicating you were discharged for misconduct and stating the amount you owe for those two weeks, as a result of the investigation.

To make payment arrangements or if you have any questions about your overpayment, contact Asset Recovery at (785) 296-3609.

Miscellaneous Information

Changes to Your Mailing Address

If you relocate after filing your initial claim, you must promptly update your mailing address. It is preferred that you do so online at www.GetKansasBenefits.gov. To ensure you receive all paperwork in a timely manner, take care to update your mailing address immediately if it changes.

Even after you stop filing, it is important to keep a current address on file so that tax forms can be mailed to you. (See the 1099-G Tax Form section below for more information).

It is equally important that you update your address with the Post Office. We will check your address against their information to be sure we have an accurate address.

Information About My Claim

We are not permitted to discuss or provide information about your claim with anyone other than you. This includes parents, spouses, siblings, etc. If they attempt to contact us on your behalf, we will not provide them any information.

Should you have questions about your claim, there are a number of resources available.

- This **Guide** contains much of the information you will need to understand your claim, its status and what to expect during the unemployment process.
- The website, www.GetKansasBenefits.gov includes even more information in the event that the booklet does not address your specific question. Furthermore, you can find the status of your claim online at any given time.
- If you are unable to find the answer to your question in this printed material or by utilizing online resources, Customer Service Representatives are available to assist at the Contact Center from 8 a.m. to 4:15 p.m., Monday through Friday, but not on state holidays at any of the numbers listed below.

Kansas City Area	(913) 596-3500
Topeka Area	(785) 575-1460
Wichita Area	(316) 383-9947
Outside these areas	(800) 292-6333

1099-G Tax Form

In January, KDOL will mail a 1099-G form indicating the amount of benefits paid to you in the prior calendar year. It does not reflect any amounts that you may have repaid during the year. For information or questions

about how to report any repayments, speak with a tax professional or review IRS income tax filing instructions.

If you need to request a copy of your 1099-G or need to update your mailing address for 1099-G purposes, visit our website at www.GetKansasBenefits.gov. Click on *Get Started Here* and then click on *1099-G Form Reprint*. Fill out the requested information and submit by clicking on *Request 1099-G*.