

# UNEMPLOYMENT INSURANCE INFORMATION HANDBOOK

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## Table of Contents

<b>YOUR UNEMPLOYMENT INSURANCE RIGHTS AND RESPONSIBILITIES .....</b>	<b>1</b>	I was Told to Stay on the Line or Call Back. Now What? ....	9
<b>WHAT IS UNEMPLOYMENT INSURANCE? .....</b>	<b>1</b>	HOW DO I USE IVR FOR SPECIFIC INFORMATION ABOUT MY CLAIM? .....	9
<b>UNEMPLOYMENT INSURANCE AT A GLANCE .....</b>	<b>1</b>	<b>QUICK ACCESS OPTIONS.....</b>	<b>10</b>
<b>GENERAL INFORMATION .....</b>	<b>2</b>	<b>DETERMINATIONS.....</b>	<b>10</b>
Filing a New Claim.....	2	Labor Dispute (Strike, Work Stoppage or Lockout).....	11
Confidentiality of Records.....	2	<b>OTHER REASONS YOU MAY NOT BE PAID OR WHY YOUR BENEFITS MAY BE REDUCED .....</b>	<b>11</b>
Registration for Work.....	2	Child Support Payments .....	11
Union Members .....	3	Back Pay Awards.....	11
What Are Your Benefits Based On?.....	3	Deductions for Pensions, Annuities or Retirement Pay.....	11
Aliens .....	3	Deductions for Wages in Lieu of Notice, Holiday or Vacation Pay .....	11
Your Monetary Calculation .....	3	If You Were Employed by an Educational Institution .....	12
Alternate Base Period (ABP) .....	4	<b>SPECIAL UNEMPLOYMENT INSURANCE PROGRAMS ....</b>	<b>12</b>
Dependent Allowance (DA).....	4	Ex-Military (UCX) .....	12
Notice of Initial Determination of Benefits Reconsideration ..	4	Determination and Assignment of Military Wage Credits ...	12
Notice of Initial Determination of Benefits Reconsideration ..	2	Reports from the Branch of Military Service and Notice of Non-qualifying Service .....	12
Cancellation of Your Claim .....	2	Vocational Rehabilitation Training and War Orphans Educational Assistance .....	12
How do you Get Paid?.....	2	Unemployment Compensation for Federal Employees (UCFE) .....	13
What Kind of Telephone Do I Need? .....	2	Assignment of UCFE Wage Credits .....	13
What About My Work Search Contacts?.....	2	Your Last Official Duty Station was in New Mexico. ....	13
<b>Work Search Requirements</b> .....	<b>2</b>	Finality of Findings.....	13
Waiting Week .....	5	Trade Adjustment Assistance.....	13
Benefit Payments and Messages.....	5	Combined Wage Claim .....	13
Should I Keep Track of My Earnings?.....	5	Worker's Compensation.....	13
What If I Move Within the State?.....	5	<b>REPORTING REQUIREMENTS .....</b>	<b>13</b>
What If I Move Out-Of-State? <b>Error! Bookmark not defined.</b>		Can I Work and Receive Benefits?.....	14
What If I Am Temporarily Out-Of-State Looking For Work?..	5	You <b>MUST</b> be Able to Work .....	14
How do I File a Certification for my UI benefits?.....	5	You <b>MUST</b> be Available for Work.....	14
When Do I Call To Submit My Weekly Certification?.....	5	Available While Traveling.....	14
What If I Forget to Call On My Designated Day?.....	6	Jury Duty .....	14
Personal Identification Number (PIN).....	6	Training and Academic Schooling.....	14
How Do I Change My PIN?.....	6	UI Profiling Program.....	14
How Do I Use The Phone To File My Certifications? .....	6	<b>APPEALS.....</b>	<b>16</b>
<b>QUESTIONS .....</b>	<b>1</b>	Appealing a Notice of Determination .....	16
<b>QUESTIONS FOR CLAIMANTS WHO HAVE HAD THEIR TRAINING APPROVED .....</b>	<b>9</b>	Appealing a Notice of Initial Determination of Benefits .....	16
<b>QUESTIONS FOR CLAIMANTS ON APPROVED TEMPORARY LAYOFF .....</b>	<b>9</b>	Appeal Hearings .....	16
Are you still on temporary lay off of 4 weeks or less?.....	9		

Protecting Your Rights While Appealing a Determination.....	2	<b>INTERSTATE SECTION.....</b>	<b>17</b>
Penalties and Prosecution .....	2	Filing a New Claim for Benefits .....	17
Overpayments .....	2	Re-opening Your Interstate Claim .....	17
Repayment of Benefits .....	2	If You Need Help with Your Interstate Claim .....	18
Fraud and Misrepresentation.....	17	States currently taking claims by telephone:.....	18
UI Cross Match.....	17	<b>EXTENDED BENEFITS.....</b>	<b>19</b>
<b>AUDITS.....</b>	<b>17</b>	<b>ARE YOUR BENEFITS TAXABLE?.....</b>	<b>19</b>
Quality Control.....	17	<b>IMPORTANT.....</b>	<b>19</b>
<b>WHEN TO REOPEN YOUR CLAIM .....</b>	<b>17</b>	<b>NEW MEXICO DEPARTMENT OF WORKFORCE SOLUTIONS WORKFORCE DEVELOPMENT CENTERS.....</b>	<b>19</b>
How to Reopen Your Claim Within New Mexico .....	17	<b>WORK SEARCH LISTINGS .....</b>	<b>20</b>

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### YOUR UNEMPLOYMENT INSURANCE RIGHTS AND RESPONSIBILITIES

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This handbook explains your rights and responsibilities under the New Mexico Unemployment Compensation Law. This information is very important to you because you will be paid unemployment benefits only if you meet the requirements of the law.

This handbook is not meant to be a legal document. It is based upon New Mexico Statute, Chapter 51. The information in this handbook does not take the place of the statutes or the administrative codes. It answers many of the questions you may have while filing your claims. There may be problems with your claim that are not covered in the handbook. If this happens, contact a Customer Service Representative (CSR) at or (505) 841-4000.

Save this handbook for future reference. By following these instructions, you will receive your benefits more quickly if you are eligible.

If there is something in the handbook you don't understand, contact a CSR at or (505) 841-4000 or write us at the address below:

New Mexico Department of Workforce Solutions  
State Office Claims  
PO Box 1728  
Albuquerque, NM 87103

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### WHAT IS UNEMPLOYMENT INSURANCE?

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The Unemployment Insurance (UI) program pays benefits to people who are out of work through no fault of their own and who meet certain qualifications. It is an insurance program and is not based on how badly someone might need assistance. Employers support this program by paying an unemployment tax to the state and federal governments. These are called "Covered Employers". The law prohibits an employer from deducting money from employee's wages for Unemployment Insurance Benefits.

By law, you must meet certain conditions to receive unemployment benefits. These conditions are meant to insure that payments are not made to people who could be working instead of claiming benefits.

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### UNEMPLOYMENT INSURANCE AT A GLANCE

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Here are some things that are important to you when you are claiming unemployment benefits.

To get general or specific information about your claim, use the **Interactive Voice Response (IVR)** at **(505) 841-2000** any time between 12:01 am MST Sunday and 12:00 pm MST Friday. To speak to a Customer Service Representative you will need to call (505) 841-4000 Monday through Friday 8:00 am to 4:30 pm.

- You will use the IVR or internet ([www.dws.state.nm.us](http://www.dws.state.nm.us)) to complete your weekly certification for each week that you are claiming benefits. You must answer all questions asked or your certification will not be accepted or processed.
- You must call in your weekly certifications on time. The certification week ending date is always a Saturday. When your claim was taken, you were instructed to certify on a certain day of the week, make sure you call on that specified day. If you filed over the Internet you will certify on Sundays or Mondays. **If you forget to make your weekly certification on your specified day, you must certify no later than Friday Noon of the same week.** Instructions on filing your weekly certification are on page 12.
- The first eligible week of any new claim is a "waiting week". You will not receive benefits for this week and it is not included in your weeks of payment.
- Clearly print your social security number on all documents and correspondence you submit.
- Carefully read all correspondence sent to you and follow all instructions given.

- You are required to report any gross wages, cash or anything of value that you earn in the week you are claiming benefits. Failure to report these earnings could result in an Overpayment or denial of Unemployment benefits.
- If your employer has placed you on a temporary layoff (of 4 weeks or less) with a definite return to work date, **you must provide us with a letter from your employer that states your actual return to work date**, and you must inform us of any vacation pay or holiday pay you will receive.
- You must also inform us if you are entitled to receive wages in lieu of notice, or a pension, 401K or similar plan. If you apply for a pension while you are filing for benefits, be sure to notify our office.
- If, for some reason, you are denied benefits, you have the right to appeal the determination. You must file your appeal within 15 calendar days from the date the determination was issued.  
**When you file an appeal, it is important that you continue filing your weekly certifications.** If the outcome of the appeal is in your favor, you will be paid only for those weeks for which you have filed a certification and have met all other eligibility requirements

Contact a Customer Service Representative (CSR) for any of the following:

- If you have an address or telephone number(s) change.
- If for any reason are not able to work or look for work
- If you have been referred to or offered a job that you had to refuse.
- If you are self-employed or working on commission, even if you don't make any money.
- If you are enrolled or plan to enroll in school or training.

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## GENERAL INFORMATION

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### Filing a New Claim

You may file a new claim for benefits by calling the Customer Service Line at (505) 841-4000 or by Internet at [www.dws.state.nm.us](http://www.dws.state.nm.us).

You will need your employment history for the last eighteen months available to provide to a CSR. This information must include your employer's name(s), mailing address, telephone numbers and dates employment (month, day, and year).

The beginning date of your claim is the Sunday prior to the date you actually filed your claim and ends one year later. There are exceptions and a CSR can explain them to you.

### Confidentiality of Records

There are certain state and federal agencies with which we must share claim information. We will provide information only to interested parties to a claim and only when it is needed to administer the law, unless ordered by the courts. Interested parties may include your former employer(s). Otherwise, information pertaining to your claim will be given only to you.

### Registration for Work

All non-union members are required to register for work with the department within fourteen business days of filing your claim.

NM residents can register from your home computer by accessing the NMDOL Website, <http://www.jobs.state.nm.us/>. Follow the easy instructions to register with the New Mexico Workforce Connection and access the many services available on this site to assist you in your job search needs. If you do not register online, you can report to the Workforce Development Center in your area, where you will be assisted in registering for work.

Failure to register for work could result in denial of benefits.

Out-of-state claimants filing a New Mexico claim must register for work with your local Department Of Labor office.

### **Union Members**

If you are a member of a union that has a hiring hall, you must have proof of your union status. You must follow the requirements established by your union when you become unemployed. You must be a member in good standing and on the out-of-work list.

If you are filing from outside of New Mexico, you must register for work or get a signed statement from your union that you are registered with them.

### **What Are Your Benefits Based On?**

Covered employment is work performed for an employer who is subject to the UI Tax Laws. Employment in some fields is not usable on your claim because it is not considered as “covered” employment under the UI Tax Laws. These fields may include services performed for some religious organizations, non-profit organizations, commissions earned as a real estate agent or insurance agent and wages earned as elected officials or payments to corporate officers. You may not be able to collect unemployment benefits if you performed that kind of work. You should always apply for benefits. An adjudicator will investigate your claim and you will be advised if you are eligible.

### **Aliens**

We are required by law to verify a person’s alien status to show they are legally able to work in the United States. If you are not a citizen of the United States you must provide proof that you are in legal alien status. At the time of filing if you do not have your Alien number you must submit a copy of your INS verification card and Social Security card within 10 days. Wages used to establish monetary eligibility on a claim must have been earned while you were in legal alien status. A person

must be in legal alien status to get a job. If they are not, they are not entitled to receive benefits.

### **Your Monetary Calculation**

Section 51-1-4 of the statute describes the way your weekly benefit amount (WBA) is calculated. The term weekly benefit amount refers to the actual amount of monetary benefits you may receive each week you certify for benefits (not including you dependant allowance).

Your weekly benefit allowance (WBA) is based on an amount equal to fifty-two and one-half percent of the average weekly wage for insured work paid to you in that quarter of your base period in which total wages were highest. Most of the time, taking the highest quarter in your base period, dividing this by 13 and multiply by 53.5% can make the calculation.

(Your base period will be the first 4 of the last 5 completed calendar quarters immediately preceding the filing of your new claim. See the base period chart on page 7.)

An otherwise eligible individual is entitled to a total amount of benefits equal to twenty-six times the individual’s weekly benefit amount, or sixty percent of the individual’s wages for insured work paid during the base period, whichever is the lesser. This is your maximum benefit allowance (MBA). Most of the time the MBA is 26 times your WBA. Your maximum benefit is the total amount (plus any dependant allowance) you will receive during the entire established benefit year. Your WBA and MBA will not change once your benefit year is established except under special circumstances (These are explained on page 5 of this handbook.).

Ask a CSR or visit our website for the minimum and maximum weekly benefit amount rates for the current year.

<b>BASE PERIOD QUARTER</b>					
<p>The base period is a twelve-month period during which wages are used to calculate your benefits. The twelve-month period is determined by the beginning date of your claim. This chart shows what your base period will be. The amount of your weekly payment is based on wages paid to you in your base period. If you file your claim during one of the months located on the right column, your base period will be the first four of the last five completed quarters. This means your claim is based on wages reported during this period.</p>					
1 <sup>st</sup> QTR	2 <sup>nd</sup> QTR	3 <sup>rd</sup> QTR	4 <sup>th</sup> QTR	5 <sup>th</sup> QTR	Month in which you file
OCT/NOV/DEC OCT/NOV/DEC OCT/NOV/DEC	JAN/FEB/MAR JAN/FEB/MAR JAN/FEB/MAR	APR/MAY/JUN APR/MAY/JUN APR/MAY/JUN	JUL/AUG/SEP JUL/AUG/SEP JUL/AUG/SEP	OCT/NOV/DEC OCT/NOV/DEC OCT/NOV/DEC	JAN FEB MAR
JAN/FEB/MAR JAN/FEB/MAR JAN/FEB/MAR	APR/MAY/JUN APR/MAY/JUN APR/MAY/JUN	JUL/AUG/SEP JUL/AUG/SEP JUL/AUG/SEP	OCT/NOV/DEC OCT/NOV/DEC OCT/NOV/DEC	JAN/FEB/MAR JAN/FEB/MAR JAN/FEB/MAR	APR MAY JUN
APR/MAY/JUN APR/MAY/JUN APR/MAY/JUN	JUL/AUG/SEP JUL/AUG/SEP JUL/AUG/SEP	OCT/NOV/DEC OCT/NOV/DEC OCT/NOV/DEC	JAN/FEB/MAR JAN/FEB/MAR JAN/FEB/MAR	APR/MAY/JUN APR/MAY/JUN APR/MAY/JUN	JUL AUG SEP
JUL/AUG/SEP JUL/AUG/SEP JUL/AUG/SEP	OCT/NOV/DEC OCT/NOV/DEC OCT/NOV/DEC	JAN/FEB/MAR JAN/FEB/MAR JAN/FEB/MAR	APR/MAY/JUN APR/MAY/JUN APR/MAY/JUN	JUL/AUG/SEP JUL/AUG/SEP JUL/AUG/SEP	OCT NOV DEC

### Alternate Base Period (ABP)

If you filed an Unemployment Insurance claim after January 4, 2004 and receive a Monetary Determination indicating that you are monetarily ineligible under the regular base period (first four of the last five quarters), you may be eligible to use the Alternate Base Period. The Alternate Base Period consists of the last four completed calendar quarters.

It will be necessary for you to contact a Customer Service Representative at (505) 841-4000 and request the use of the Alternate Base Period and you will be asked to provide the Department check stubs for the last completed calendar quarter. The Department will send you an amended Monetary Determination utilizing the Alternate Base Period.

### Dependent Allowance (DA)

The Dependent Allowance entitles a claimant to receive benefits in the amount of \$25.00, for each un-emancipated child under the age of 18, up to a maximum of four children, and not to exceed fifty percent of a claimant's weekly benefit amount. The claimant must provide at least 51% support for each dependent. To be eligible for dependents allowance you must request this allowance on the date that you file

your initial claim. You will be required to complete a Dependent Allowance questionnaire, which includes providing the name, date of birth and social security number for all of your dependents. If you do not have this information at the time of filing you must request that a Dependent Allowance questionnaire be mailed to you for your completion. This form must be submitted to this agency within 14 days. Claimant is required to report to this agency within 5 days of any such change in circumstances regarding dependants.

### Notice of Initial Determination of Benefits Reconsideration

After you file your initial application for UI benefits, you will receive a Notice of Initial Determination of Benefits. The Notice of Initial Determination will provide you with the following information:

- the total wages that were paid to you in your base period;
- the employers who reported to us your wages in your base period;
- your weekly benefit amount;
- the total amount of benefits you can receive on your claim; or,

- a suspense code, if applicable.

If you do not have enough wages for a monetarily eligible claim, the monetary weekly benefit amount box will be blank on your Initial Determination of Benefits. If you are not monetarily eligible, you may file another new claim after the beginning of the next completed calendar quarter. (See the base period chart on page 7.)

### **Notice of Initial Determination of Benefits Reconsideration**

Read your Notice of Initial Determination of Benefits carefully. Make sure it lists all of your base period wages and employers correctly.

**Remember,** wages are credited to your account when they are paid, NOT when you earned them. If you had wages in another state, or if you worked for the federal government during your base period, the wage credits will not appear on the Initial Determination of Benefits until they are requested. These requests are made when this information is provided to a CSR when you file your initial claim. When the wage credits are received, they will be added to your claim and you will receive an Initial Determination of Benefits re-determination.

If the wages on your Initial Determination of Benefits are listed incorrectly or if wages are missing or if employers are listed that you did not work for contact a CSR for information on how to get your Initial Determination corrected. The CSR will instruct you how to provide your check stubs or W-2 statements and request a reconsideration of your benefits or how to remove employers that you did not work for. You cannot receive UI benefits on wages reported by an employer that you did not work for. You may be required to repay any benefits paid to you from incorrectly reported wages. Your request for re-considerations must be made within 15 calendar days from the date of the Initial Determination of Benefits. If you disagree with the results of a re-consideration, you have the right to file an appeal. (See page 31 for information on filing an appeal.) Remember to continue filing your weekly certifications as long as you are unemployed.

### **Cancellation of Your Claim**

If you decide you want to cancel your claim, you must provide a request in writing to have it canceled. This is only done if your request is made prior to you having been paid benefits and/or a determination being made. Remember to note your social security number on your request. You may mail your request to us or you may fax it to **(505) 841-8636**.

### **How do you Get Paid?**

You will file your weekly certifications by telephone using the Interactive Voice Response (IVR) **505-841-2000** or by logging onto our website at [www.dws.state.nm.us](http://www.dws.state.nm.us). The IVR is available from 12:01 am MST Sunday through 12:00 pm MST Friday.

If you file your certification on Sunday or Monday, it's possible that you can receive your UI benefit payment as early as Wednesday of the same week.

### **What Kind of Telephone Do I Need?**

You will need a TOUCH-TONE telephone to use the IVR. If you have a telephone with a Tone/Pulse switch you must set the switch to TONE to use the IVR. You cannot use this service from a rotary phone. You may also walk in to a local Workforce Connection Office during their normal business hours to use their phones.

### **What About My Work Search Contacts?**

#### **Work Search Requirements**

The New Mexico Unemployment Compensation Law provides that an unemployed individual shall be eligible to receive benefits or credit for the waiting week, only if it is determined that the individual is able, available, and actively seeking permanent, full-time work.

- Union members who are not registered on the out-of-work list must register for work with the New Mexico Department of Workforce Solutions at a Workforce Development Center.
- You must contact a minimum of two different employers each week to meet the minimum work search requirement.

- Work search contacts must be made within the week for which benefits are being claimed.
- Contacts should not be repeated until 4 to 6 weeks have passed. The same contact should not be listed on consecutive weeks except for agencies that offer multiple placement services.
- In-person and telephone contacts should be made with an individual in the company who has hiring authority.
- Contacts should be for work you are willing and qualified to do, pay you're willing to accept, and in areas where you are willing to work.
- All contacts are subject to verification. Failure to make the required job contacts each week may cause a denial of benefits and possible overpayment.

You are required to keep a written record of your work search contacts. Your written record of your work search contacts must be available to this Department if requested. An area is provided in the back of this handbook.

### **Waiting Week**

The first eligible week of each new claim is a "waiting week". You will not receive benefits for this week; however, you must continue to certify to receive credit for your waiting week. You must meet the same eligibility requirements for a waiting week as you would for a payable week.

### **Benefit Payments and Messages**

When you continue to file your weekly certifications, you will either receive a benefit payment or a written message. If you receive a written message instead of a benefit payment, the message will advise you why you did not receive a benefit payment and of any action you must take.

If you do not receive a payment **OR** message within 10 days from the date you last certified, contact a CSR for information and/or instructions. If an unemployment payment was mailed out to you but you have not received it, you will need to wait 15 business days from

the mailing date and contact a CSR to file a Missing Warrant Report. You must file your certifications on time. Benefits will be denied if you do not file your certifications timely.

### **Should I Keep Track of My Earnings?**

**YES!** You are required to keep a written record of your total gross earnings, dates of earnings along with the name and address of your employer. There are pages in the back of this handbook for you to record your earnings. You must keep these records for at least two years from the date you filed your claim. You must bring this handbook with you when asked to report in person to the Workforce Development Center or to our State Office.

### **What If I Move?**

If you move you will need to contact the call center and complete an address change before you certify for the current week. Once you have called to change your address and you call to certify, you must answer **"NO"** to the question **"have you moved?"** during the certification process. Failure to do this can result in a delay of your payment.

- Remember, if you are not actively seeking work or if you are not available for work during the time of your move, you may not be entitled to UI benefits.

### **What If I Am Temporarily Out-Of-State Looking For Work?**

If you go out of state temporarily to seek work, you may continue to file your certifications, by phone or internet, but your benefit payment(s) will go to your New Mexico address.

### **How Do I File a Certification for My UI benefits?**

You will call the Interactive Voice Response (IVR) phone number **(505) 841-2000** and certify that you were able, available and actively seeking work each week.

### **When Do I Call to Submit My Weekly Certification?**

When you filed your claim, the CSR instructed you on what day of the week you would be filing your weekly

certifications. Make your weekly certification on the day the CSR instructed you to.

If you filed your claim over the Internet you will need to certify on Sundays or Mondays.

### **What If I Forget to Call On My Designated Day?**

You may file a certification from 12:01 am MST Sunday until 12:00 noon MST Friday. The system will not be available when the system is processing benefit payments, generally from 7 p.m. to 8 pm and 10 pm to 1 am Monday through Thursday or anytime the system is down due to equipment problems or maintenance. **If you fail to call during the week, you will not be paid and you must contact a CSR for instructions.**

### **Personal Identification Number (PIN)**

You established your four digit PIN when you filed your initial claim. No one but you will know your PIN. Do not give this number out to anyone.

### **How Do I Change My PIN?**

If you forget your PIN, or if you want to change it for any reason call **(505) 841-4000** to speak with a CSR to reset your PIN. Only a CSR can reset your PIN.

### **How Do I Use The Phone To File My Certifications?**

Prior to accessing the IVR, be sure that you have read these instructions and have the following information available:

- Social Security Number;
- Personal Identification Number (PIN);
- Information on total gross wages you earned during the week, Sunday through Saturday. Gross wages are your earnings before any deductions are made.

Using a touch-tone phone, call **(505) 841-2000**. Once you are connected...

Press **1 1 3** to select filing for benefits in **English**

Press **2 1 3** to select filing for benefits in **Spanish**

You will then be asked to enter your Social Security Number. After you enter your Social Security Number the number will be repeated back to you and you will be asked to press **1** if the number is correct. Press **2** if the number is incorrect and you need to re-enter your social security number.

As soon as your Social Security Number is entered correctly, the computer will search for your claim. If your claim has been established, it will ask you to enter your PIN.

A pre-recorded voice will ask you the eligibility questions one at a time. The questions are designed for a **“YES”** or **“NO”** answer. Press the following buttons for your responses:

**1** for **“YES”**

**2** for **“NO”**

You will also be asked to confirm your answer by pressing:

**1** for **“correct”** or

**2** if you want to **“change”** your answer

The IVR will tell you for what week you are certifying. If you need to certify for a prior week or weeks, or if you are having trouble with the phone, contact a CSR at **(505) 841-4000**.

**Remember you are always certifying for the week that just ended. The week runs from Sunday to Saturday. You will not certify for**

<b>Sun</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>
<b>*Sun*</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>

**that week until the week is over.**

For example: if you were told to certify on Sundays, you will certify for the week prior (the highlighted week) on the Sunday marked with an asterisks \*

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## CERTIFICATION QUESTIONS

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Answer the following questions truthfully and please listen carefully to the options.

**WARNING:** Giving false information, certifying for someone other than yourself, or allowing someone to certify for you, constitutes fraud and is punishable by law.

Here is a list of 8 questions you will be asked. Individuals on an approved temporary layoff and those whose training is approved will not be asked all of the following questions, but will have some special questions.

**1. Have you moved since you last certified?**

Press 1 for "yes" press 2 for "no"

If you have moved, you cannot use IVR to file for this week of benefits. You must contact a CSR in the Call Center and submit an address change prior to filing your weekly certification. See the section on **WHAT IF I MOVE?**

**2. Were you physically able to work three or more days of your normal work week if a job was available?**

Press 1 for "yes" press 2 for "no"

**3. Were you available to work for three or more days of your normal work week if a job was available?**

Press 1 for "yes" press 2 for "no"

**4. Did you refuse any job offer or job referral?**

Press 1 for "yes" press 2 for "no"

**5. Did you work for cash, wages, or anything of value during the week from Sunday (date) to Saturday (date)?**

If you answer **"YES"** (Press 1), you must enter the gross dollar amount by pressing the amount on the keypad followed by the "POUND" (#) key and then the cents by pressing the amount, followed by the "POUND" (#) key. The "POUND" key is the key on the lower right corner of your telephone keypad.

Be sure you know what your gross earnings are **BEFORE** you call.

For Example: If you earned \$92.21, press **9 2 #** and then **2 1 #**.

If you performed any work during the week, including self-employment, you must report it here. If you did work, you will be asked what your total (gross) earnings were before any deductions were made. **YOU MUST REPORT YOUR GROSS EARNINGS, EVEN IF YOU HAVE NOT YET BEEN PAID.**

You will then be asked if you are still employed. If unemployed you will be asked the reason for your separation(s). Laid off for lack of work, quit, discharged, or some other reason. NOTE: if you completed a temporary job assignment and you have contacted your temporary agency as agreed upon, your reason for job separation is "laid off for lack of work".

You must keep a list of the dates worked, earnings and the names and addresses of the employers you are reporting on the form provided in the back of this handbook.

**6. Did you meet your work search requirements for this week?**

You must keep a record of your weekly job contacts on the forms which are provided in back of this handbook.

**7. Are you in school or training?**

**8. Do you certify this is your Social Security number, that the information you gave for this claim period is true and correct, and you understand that the law provides penalties for false statements?**

Before your certification can be accepted, you must verify that you are the claimant and that you have provided truthful answers to the questions. If you cancel the filing of this claim by pressing 3, you will need to call again.

If you hang up before the system tells you "goodbye" your weekly certification will **NOT** be completed and you

will have to make your call again. **If the system tells you that your claim is “pending on open issue” or “disqualification, your certification has been successfully completed but NO payment will be issued.** The Adjudication unit will work to clear any pending or open issues on your claim. If it has been longer than six weeks and you have not yet received a letter of determination, please call the Adjudication Unit at **(505) 841-8623**.

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### **QUESTIONS FOR CLAIMANTS WHO HAVE HAD THEIR TRAINING APPROVED**

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Instead of question #2 above, you will be asked the following:

**Are you still attending school or training?**

Press 1 for “yes” press 2 for “no”

If you are no longer in your approved classes, you will be referred back to the regular questions.

### **YOU MUST START TO LOOK FOR WORK IMMEDIATELY**

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### **QUESTIONS FOR CLAIMANTS ON APPROVED TEMPORARY LAYOFF**

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**Are you still on temporary lay off of 4 weeks or less?**

If you are still in the period of your temporary layoff, you will be asked to report any vacation and/or holiday pay, paid to you or owed to you for the week. If this applies to you, be sure you know how much to report before you make your call. Report the earnings in the amount you earned before any deductions have been made.

**Example:** You are on a two-week layoff, which starts Labor Day, you will receive pay for the Labor Day Holiday, and you are entitled to one more day of vacation pay because you worked for your employer over 6 months.

You need to report two days gross pay for the first week of your layoff and no earnings for the second week.

See question #5 on the previous page for information on how to enter amounts paid. You will then go to questions #5 and #8.

If you have not returned to work on the day your employer stated you would, you will be referred back to the regular questions.

### **YOU MUST START TO LOOK FOR WORK IMMEDIATELY**

**I was Told to Stay on the Line or Call Back. Now What?**

If more information is needed from you and you are calling during normal business hours, the IVR will advise you to stay on the line and your call will be transferred to the next available CSR in the order your call was received. Call between 8:00 am and 4:30 pm, MST, Monday through Friday, excluding holidays. Your certification will not be processed until you call.

The number that you can call if you were referred to a CSR:

**(505) 841-4000 Customer Service**

8:00 am to 4:30 pm MST Monday through Friday excluding holidays.

**If you hang-up or are disconnected before you are either told “Goodbye” or asked to stay on the phone, your certification is NOT saved and you must call back again.**

### **HOW DO I USE IVR FOR SPECIFIC INFORMATION ABOUT MY CLAIM?**

The IVR allows you to receive specific information about your claim for benefits. Call the IVR and press **1** for

English or **2** for Spanish, listen carefully and select the appropriate option. You can access the following information using the IVR.

- General information on the status of your claim
- Information on your last payment
- Amounts and wages earned in a completed calendar year
- Filing appeals
- Information on the status of a pending appeal.

Payment information is normally available within one business day from the day you filed your weekly phone certification. Allow at least one business day if you file by IVR or internet before calling for payment information. If you file by phone on Sunday or Monday, you will usually be able to obtain information on Tuesday.

## QUICK ACCESS OPTIONS

First, call IVR at **(505) 841-2000** and then press **1** for English or **2** for Spanish.

Next, press the following for the information you need.

- 1 1** 1099 IRS Tax Information
- 1 3** To file a weekly certification
- 1 1** General Information on filing a claim
- 1 1 2** General information on reporting earnings/deductions
- 1 3** Information on your most recent claim payment
- 1 3** Information for your claim status and balance
- 1 2** General Information on how to file an appeal
- 1 6** General information on filing an appeal to a decision of the hearing officer
- 1 4** Specific Information on your appeal
- 1 7** Specific Information on your overpayment

## DETERMINATION

At the time you complete your application for UI benefits you must provide the details of your separation from employment. By law, we must notify your employer and

provide them with a copy of your separation statement. Your employer will then respond with their statement regarding the separation. An Adjudicator will review both statements. If there are conflicting statements, both parties may be contacted to gather additional information. Based on the facts presented, the Adjudicator will apply the UI law and issue a determination. This determination will be mailed to you and to the interested employer. All parties involved will be advised of appeal rights on the determination.

Your benefits may be denied if you:

- voluntarily quit your most recent job without good cause connected to the work;
- were discharged or suspended without pay for misconduct connected with your work.
- are not able, available, and actively seeking work.

This may be due to lack of transportation, childcare or illness, etc. The CSR or Adjudicator will have to obtain facts from you in order to determine your eligibility. You may be denied benefits until the eligibility requirements are met.

Your benefits may be denied if you:

- refuse suitable work or refuse a referral to suitable work;

You cannot refuse suitable work without good cause. If you do, you will be denied benefits until you return to work, earn five times your weekly benefit amount and subsequently become unemployed through no fault of your own.

If you are disqualified for one of these reasons, you will be denied benefits until you return to work, earn at least five times your weekly benefit amount, and subsequently become unemployed through no fault of your own.

You do not have to look for work that is not “suitable” for you. We would not consider work to be suitable if it can be established that:

- the work is unreasonably dangerous;

- the work is not compatible with your prior training or experience, unless regular work in that field does not exist in your labor market area;
- the work is outside the area where you normally find work. You must be willing to travel the same distance to work as other people who live in your area;
- the wages, hours or other conditions of the work are substantially less favorable than comparable work in your area;
- the work is available only because of an organized labor strike or lockout; or,
- the work is available only to those who join a company union. You cannot be made to resign from or be prohibited from joining a recognized union.

### **Labor Dispute (Strike, Work Stoppage or Lockout)**

You may be denied benefits if you are unemployed because of your participation in an organized labor dispute. (The words “labor dispute” includes strikes and lockouts.) However, there are many exceptions to this law. You should always apply for benefits so this Department can make a formal determination on your eligibility.

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## **OTHER REASONS YOU MAY NOT BE PAID OR WHY YOUR BENEFITS MAY BE REDUCED**

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### **Child Support Payments**

The Child Support Enforcement Agency may request that a portion of your benefits be withheld based on a court order. These benefits are then paid to the Child Support Enforcement Agency. You will receive notice if such a deduction is requested.

### **Back Pay Awards**

If you receive a payment from your former employer as a result of arbitration (a back pay award), you must report it to a CSR immediately. By Law, back pay awards are treated like wages earned during the period covered by

the award. Any unemployment benefits you received during that period will have to be repaid. A back pay award may also apply to weeks in the future depending on the conditions of your award.

### **Deductions for Pensions, Annuities or Retirement Pay**

Any pension or similar payment must be reported. The payments will be deducted from your weekly benefit amount if:

- the pension or payment is from a base period employer(s);
- the work you did for a base period employer made you eligible for the pension or increased the pension amount.

The contributions you made to your pension fund are not deducted from your UI benefits. Only the amount of your pension financed by your employer is deductible from your UI benefits.

Pension payments will be prorated on a weekly basis. Your weekly benefit amount will be reduced dollar-for-dollar of your deductible weekly pension amount.

You must report any other type of pension payment you receive. This includes 401K plans. If receiving a lump sum payment, it may be deductible also. If you fail to report a pension or payment you may be required to repay any UI benefits that you received.

### **Deductions for Wages in Lieu of Notice, Holiday or Vacation Pay**

Wages in lieu of notice, holiday or vacation pay must be reported. Payments of this type may be considered deductible income and may be deducted from your weekly benefit amount. The deduction will be based on a 40-hour workweek unless you worked less than 40 hours or are ex-military. Military wages are based on a 7-day workweek. This figure is then applied to the days you were unemployed until the total gross amount is exhausted. Wages in Lieu of Notice payments are deducted from your weekly benefit amount on a dollar-for-dollar basis. Vacation pay and holiday pay is reportable only if you have a definite return to work date that is established by your employer. However, Holiday

pay is reportable even if you do not have a definite return to work date if the Holiday falls during a week you are claiming for benefits.

### **If You Were Employed by an Educational Institution**

Wages you earned from an educational institution cannot be used to determine eligibility during summer vacation or holidays unless any of the following apply:

- you have been notified that you will not be rehired the following semester/term or after the holiday;
- your employer has notified you there is only a chance that you will be rehired. You must tell us when you are notified that you will be rehired. Substitute teachers who have a reasonable assurance of rehire are not entitled to UI benefits unless, at the discretion of the Educational Institution, they do not return back to work when school resumes. You must continue to file your weekly certifications or reopen your claim and then advise us that you were not rehired at the start of the new term.

If there is a historical pattern of reemployment or you have been notified in writing that you will be rehired doing the same or similar work, the wages you earned cannot be used on your claim. You may receive benefits based on other wages if you worked for another employer(s) during your base period and if you would be monetary eligible without the wages from the educational institution.

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## **SPECIAL UNEMPLOYMENT INSURANCE PROGRAMS**

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### **Ex-Military (UCX)**

**IMPORTANT:** You may be entitled to benefits as a former member of the Armed Forces. However, this will depend on the length of service and the nature of your discharge. If you were separated from the Armed Forces within the last 18 months, you should provide this information when you file your claim.

If you have filed a claim in another state based on your military wages, be sure to tell a CSR.

### **Determination and Assignment of Military Wage Credits**

Federal military wage credits are assigned to the state in which you first file a claim after separation from active duty. Your military service wages are determined by your grade or rank at date of separation. Wages are not assigned to any state until you provide this Department with a copy of your Form DD-214, member 4.

### **Reports from the Branch of Military Service and Notice of Non-qualifying Service**

If information is missing or you fail to provide your Form DD-214, member 4, your claim will not be established. A Notice of Initial Redetermination of Benefits will be issued when the information is received.

Be sure to continue filing your weekly certifications. If you are eligible, benefits will be paid only for those weeks for which you have filed a certification and have met all other eligibility requirements.

### **Vocational Rehabilitation Training and War Orphans Educational Assistance**

Military benefits may not be paid for any weeks you receive Veterans Administration Training or a subsistence allowance under the Vocational Rehabilitation Training Act or the War Orphans' Educational Assistance Act (Chapters 31 and 35 of Title 38 of the U. S. Code).

Information from the Branch of Military Service regarding length of service and nature of discharge is final and binding. If you disagree with their findings about the length of service or type of discharge, you must appeal directly to the Branch of Service you were discharged from. If you do not know how to do this, contact a Veteran's Representative at your Workforce Development Center. Continue to file your weekly certifications. If the Branch of Service rules in your favor, payment will be made only for the weeks for which you have filed a certification.

### **Unemployment Compensation for Federal Employees (UCFE)**

You may be eligible for unemployment benefits if you were a civilian employee of the federal government. If you worked for the federal government within the last two years, you must inform a CSR. Unlike other wages, federal wages are not reported to any state until you file a claim and the wages are requested.

### **Assignment of UCFE Wage Credits**

UCFE wage credits will not appear on your wage file and Initial Determination until they are assigned to New Mexico. They can be assigned to New Mexico only if:

### **Your Last Official Duty Station was in New Mexico.**

After you separated from your federal employer, you worked in New Mexico for an employer who paid unemployment insurance taxes or, your last duty station was outside the 50 states, the District of Columbia, Puerto Rico, or the Virgin Islands, and you are now living in New Mexico.

Otherwise, your UCFE wages belong to another state and we will have to request them from that state. (See Combined Wage Claim on page 13.) Your UCFE wages will be added to your claim when received by the department. Continue to file your weekly certifications while you are waiting for additional wages. If they cannot be used on your claim, an explanation will be provided. If you disagree with the findings, you may file an appeal; continue to file your weekly certifications. You must provide a copy of your SF50 and SF8 that you received from your federal employer upon separation and proof of earnings for your base period from that federal employer.

### **Finality of Findings**

Reports from the federal agency regarding your service or the location of your official duty station are final. If you disagree with the findings, you may ask that federal agency that you worked for additional information or a re-consideration of the findings. If you request the federal agency to reconsider its findings, continue to file your weekly certifications. If the determination is in your

favor, payments for benefits will not be made for the weeks you did not file a certification.

### **Trade Adjustment Assistance**

The Federal Trade Adjustment Act (TAA) or NAFTA/TAA pays special benefits under certain conditions. If you were laid off or had your hours reduced because of increased importation of foreign goods or if you worked for an employer who relocated under the NAFTA Agreement you may qualify. These benefits include:

- training and remedial education;
- special weekly benefits; and,
- financial help for job search or relocation.

If you worked for an employer that has been impacted either by the TAA or NAFTA/TAA you will receive notification of potential eligibility for this program.

### **Combined Wage Claim**

If you have wages in two or more states in the base period, you may be able to use them to establish a New Mexico liable claim. Simply inform a CSR and they will provide you with information on your best filing options. You must be able to provide complete details of all employers for whom you have worked.

### **Worker's Compensation**

You may file an initial claim for benefits if you had a continuous period of sickness or injury for which you received benefits under the Worker's Compensation Act or the New Mexico Occupational Disease Disablement Law. Your claim must be filed no later than the fourth week after the award or settlement. If you have any questions about this provision, please talk to a CSR. You will be required to provide information pertaining to your Worker's Compensation claim.

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## **REPORTING REQUIREMENTS**

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You must comply with the Department's reporting requirements to receive UI benefits. This means you must file your weekly certifications on time and follow any other instructions you have been given. You must keep a written record of your work search contacts in the

back of this handbook or on as separate sheet of paper for at least two years.

If a problem arises on your claim, the department will contact you. You may be called into the office for an interview or sent forms to complete. Failure to comply may result in a denial of benefits.

### **Can I Work and Receive Benefits?**

Yes, depending on how many hours you work and how much you earn. You still must be able, available for, and willing to accept additional permanent full time or part time work (Part time work that is a minimum of 20 hours of work per week). You must be willing to accept part-time work if it is work you applied for and it is offered.

You must report your total gross wages (amount earned prior to deductions) earned each week, whether or not you were paid. You must also provide the employer's name and address, dates worked, and your employment status (still employed, laid off, on call, quit, discharged, etc.) Work is anything you do for wages, including self-employment, during the seven days of the week you are claiming UI benefits. You may be entitled to a reduced amount of UI benefits while you are working.

Earnings received from National Guard and reserve duty must be reported during the week they are earned. Remember, the benefit week ends on Saturday, therefore, weekend duty is reportable on two different weeks, Saturday earnings on one and Sunday's on the next.

Wages are any kind of payment you receive for work you do, which includes food, lodging or anything of value. Each calendar quarter (three-month period) wages you report are compared with the wages reported by your employer. If you do not report the correct amount of wages, you may have to repay benefits you have already received. You can earn up to 20% of your weekly benefit amount without reducing your benefit payment, but you must report all gross wages earned. Your benefit payment will be reduced for each dollar you earn over under certain conditions, you may receive benefits if you are attending academic training.

this amount. You will not receive any benefits if you earn wages equal to or in excess of your weekly benefit amount.

### **You MUST be Able to Work**

You are able to work when you are physically and mentally able to do your usual work. A day or two of temporary sickness may not effect your claim; however, you must report it. You must be able to work the majority of the week.

### **You MUST be Available for Work**

You are available for work when you are willing to work full-time in any suitable employment. Employers and the Department must be able to contact you. You must arrange your own affairs such as: self-employment, childcare arrangements, transportation, domestic or family responsibilities, being on vacation, etc., so they will not prevent you from being available to accept suitable work when the opportunity occurs.

### **Available While Traveling**

You must make your required work search contacts and be willing to accept work in the area through which you are traveling. Remember to continue to file your weekly certifications. Any UI benefits paid will be mailed to your address of residence.

### **Jury Duty**

You will be considered available to the labor market when you are serving as a juror. Payment received for this service will not be deducted from your weekly benefit amount. You are required to provide the summons in order to document your availability.

### **Training and Academic Schooling**

If you are attending or plan to attend vocational training or academic schooling, notify a CSR immediately. You must submit your application for approval of training prior to the school session. You may be eligible to receive benefits while attending vocational training, and

### **UI Profiling Program**

All UI claims are screened to determine who are most likely to need re-employment services in order to make a

successful transition back to the work force. These services include an initial meeting at the Workforce Development Center and may include referrals to job search assistance and job placement services such as counseling, testing, assessment, job search workshops, referrals to employers, or other re-employment services that assessment may show you need.

If you are selected, you will be sent a letter asking you to report to a mandatory workshop/meeting. The letter will be sent within four weeks from your last payment. This letter will list a telephone number to call if you must reschedule.

If you wish to attend but are not selected, you may request to attend by calling the Workforce Development Center in your area. Volunteers will be included on a “space available” basis.

You may be excused from participating in this re-employment service for any of the following reasons:

- you live 50 miles from your Workforce Development Center;
- you are in approved training; or,
- you are currently attending or have recently attended re-employment services.

You will need to provide all relevant documents concerning the training or services in order to be excused.

These sessions are mandatory for those individuals selected. If you fail to participate in this re-employment service, you may be held ineligible for unemployment insurance benefits.

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## APPEALS

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### Appealing a Notice of Determination

You may appeal any Notice of Determination with which you disagree. Other interested parties, such as your

#### Appeal Hearings

You have the right to bring witnesses, an attorney or other representative with you. However, it is not required. You may also subpoena witnesses or records although it is not

employer(s) may also appeal the same determination. Both have 15 calendar days from the date of the determination in which to appeal the determination. If you file a late appeal, you must provide an explanation. The Appeal Tribunal will determine if good cause for filing a late appeal is established.

You may either send a letter, send a fax directly to the Appeals Tribunal at **(505)-841-8633** or contact a CSR to appeal the determination. Always include your social security number on each page of your correspondence. Your appeal rights are on all determinations you receive. Once an appeal is filed you will receive a copy of the Appeal Information form.

**NOTE:** If you are filing from out-of-state, tell your Workforce Development Center that you want to appeal the Notice of Determination. They will help you complete the necessary forms or you may write a letter or send or fax it directly to the New Mexico Department of Workforce Solutions, Appeals Tribunal, P.O. Box 1928, Albuquerque, NM 87103, fax number **(505) 841-8633** or contact a CSR.

### YOU MUST CONTINUE FILING YOUR WEEKLY CERTIFICATIONS WHILE YOU ARE IN AN APPEAL PROCESS!

### Appealing a Notice of Initial Determination of Benefits

If you appeal your Notice of Initial Determination, we will consider it as a request for a Notice of Initial Determination re-determination. If you disagree with the Notice of Initial Determination re-determination, you may appeal it. The rules are the same as for appealing a Notice of Initial Determination.

required. If you have any questions, contact the Appeals Tribunal at **(505) 841-8682**.

If the hearing officer's decision is not in your favor, you may appeal to the Secretary of the Department. You **MUST** write your reasons for disagreeing with the decision in

detail in order for the Secretary to consider referring the case to the Board of Review. Your appeal must be filed within 15 calendar days from the date of the decision. If you file the appeal late, you must show that the late filing was not your fault. If the case is referred to the Board of Review, an in-person hearing will not be held. The transcript and decision are reviewed to ensure the decision is supported by the evidence and UI law. If it is not, the decision may be reversed, or if the Board members are unclear about important aspects of the case, or have other questions about the decision, the case may be remanded to the Appeal Tribunal for another hearing. You will be notified in writing of the Board's decision and any subsequent hearing.

If the Secretary or the Board's decision is not in your favor, you may appeal it to the district court within the time limit stated on the decision.

### **Penalties and Prosecution**

We are responsible for protecting the Unemployment Insurance Trust Fund. Anyone who collects or attempts to fraudulently collect UI benefits to which they are not entitled:

- will be barred from receiving UI benefits for up to one year;
- will have to repay the UI benefits received; and,
- will be subject to civil and criminal penalties.

### **Overpayments**

If you receive more UI benefits than you are entitled to, you have been overpaid. Here are some of the most frequent causes of overpayments:

- failing to report gross earnings or other deductible income correctly. Remember, you must report your earnings before deductions;
- continuing to receive UI benefits after returning to work. You must report your earnings in the week you earned them, NOT when you received them. Earnings can be in a form other than cash such as room and board;

### **Protecting Your Rights While Appealing a Determination**

#### **Denying Your Benefits**

You must continue to file your weekly certifications on a timely basis while appealing any determination. If the appeal decision is in your favor, benefits will be paid **ONLY** for the weeks you have claimed and are eligible.

If your employer appeals a determination that approved you for benefits and the Appeals Tribunal decision reverses the approved determination, you will be required to repay all UI benefits paid to you for the period you are denied. You may appeal the Appeals Tribunal decision that denied you benefits and deemed you overpaid benefits.

If you are denied benefits because of a labor dispute, you may appeal it. You must attend the appeal hearing. You may also have a union representative or an attorney accompany you as your representative.

- failing to report all earnings from work while claiming benefits OR failing to provide any other information that could affect your claim;
- being reinstated in a job with retroactive pay, back pay award after a grievance hearing. (This may affect weeks for which you received UI benefits and can possibly affect future weeks;)
- being paid UI benefits, and later being disqualified because you were deemed not eligible; or
- being paid UI benefits, but later being disqualified.

#### **Repayment of Benefits**

You must repay all benefits that are determined as overpaid. You can make a lump sum payment or installment payments. If you are currently filing for and receiving UI benefits, these UI benefits may be credited against your overpayment account. If you do not repay the overpayment, this Department may ask the courts to intervene. This may result in a judgment or execution on your property, Tax refunds, fines and/or imprisonment. Contact the Benefit Payment Control Section at **(505) 841-2220** to obtain the necessary forms for repayment. You may also request a partial offset of your weekly benefit amount to be applied toward offsetting your overpayment. This request must be in writing. If your

overpayment was due to fraud, your request may be denied.

### **Fraud and Misrepresentation**

Fraud, for UI purposes, is knowingly making a false statement, misrepresenting a material fact, or withholding information to obtain UI benefits. Any statement you make in order to obtain UI benefits will be verified. Consequences include being barred from receiving benefits for up to one year. You will be required to repay the benefits. All fraud cases are subject to possible criminal prosecution, fines and imprisonment.

### **UI Cross Match**

Employer wage records are compared to UI benefits paid to claimants. This cross match will detect if an individual has worked and failed to report earnings. This may be considered fraud and misrepresentation.

- you have missed filing your certification(s) for one week or more;
- you have earned over your weekly benefit amount for one week or more;
- you are now unemployed or earning less than your weekly benefit amount and want to begin receiving benefits again; or
- you have moved from one state to another state.

### **How to Reopen Your Claim Within New Mexico**

Contact a CSR to reopen your claim. If you have not worked since you last filed, you will need to explain why you stopped filing. If you have worked since you last filed your claim, you will be required to provide all the employer information. We need to know the employer's name, address, dates you worked, the reason you are no longer working, and gross wage information.

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## AUDITS

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### **Quality Control**

Based on federal requirements, all claims are subject to weekly random audits. A claim may be selected at random for examination at any time. This ensures that all payments and UI Bureau actions have been made properly. Information you, your employer, and your work search contacts provide is checked for accuracy including verification of work search contacts. The examinations are thorough and involve completing a questionnaire through in-person interviews, phone interviews or mail questionnaire with you, your base period employers, and other interested parties. If you fail to respond to any request from Quality Control for an audit, UI benefits may be denied.

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## WHEN TO REOPEN YOUR CLAIM

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To reopen your claim contact a CSR or fill out the form online at [www.dws.state.nm.us](http://www.dws.state.nm.us). You need to reopen your claim if:

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## INTERSTATE SECTION

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If you live outside of New Mexico and you are filing a claim against New Mexico and have eligible wage credits, this information applies to you. It is in addition to the information you have already read.

### **Filing a New Claim for Benefits**

If you are not a union member you must register with the Department of Labor office in your state of residence and be available for work in the area where you are living. New Mexico has no seasonal status as you might find in some other states. You must be available for work and actively seeking work even if it is not the season for your kind of work. You must be willing to accept work in the area where you are living.

### **Re-opening Your Interstate Claim**

If you move to another state, contact a CSR for instructions.

After you have earned more than your weekly benefit amount for two consecutive weeks, you must reopen your claim.



**If You Need Help with Your Interstate Claim**

Contact a CSR at (505) 841-4000 and they will be available to assist you by answering any questions you may have. Remember, we are in the Mountain Time

Zone. If you wish to file your interstate claim by Internet visit our website at [www.dws.state.nm.us](http://www.dws.state.nm.us).

**New Mexico Department of Workforce Solutions  
P.O. Box 1728  
Albuquerque, New Mexico 87103**

**States currently taking claims by telephone:**

AL - ALABAMA.....	866-234-5382	ME - MAINE.....	800-593-7660	OH - OHIO.....	877-644-6562
AK - ALASKA.....	888-252-2557	MD - MARYLAND.....	410-853-1600	OK - OKLAHOMA.....	800-555-1554
AZ - ARIZONA.....	877-600-2722	MI - MICHIGAN.....	866-500-0017	OR - OREGON.....	877-877-9996
CA - CALIFORNIA.....	800-300-5616	MN - MINNESOTA.....	877-898-9090	PA - PENNSYLVANIA.....	888-313-7284
CN - CANADA.....	877-486-1650	MS - MISSISSIPPI.....	888-844-3577	PR - Puerto Rico.....	888-238-8889
CO - COLORADO.....	800-388-5515	MO - MISSOURI.....	800-320-2519	RI - RHODE ISLAND.....	866-557-0001
CT - CONNECTICUT.....	800-942-6653	MT - MONTANA.....	406-247-1000	SC - SOUTH CAROLINA.....	800-529-8339
DC - DIST. OF COLUMBIA ..	877-319-7346	NE - NEBRASKA.....	877-725-9918	SD - SOUTH DAKOTA.....	605-626-2008
FL - FLORIDA.....	800-318-0133	NV - NEVADA.....	888-890-8211	TN - TENNESSEE.....	877-813-0950
HI - HAWAII.....	877-215-5793	NH - NEW HAMPSHIRE .	800-266-2252	TX - TEXAS.....	888-872-8417
ID - IDAHO.....	208-332-3574	NJ - NEW JERSEY.....	888-795-6672	UT - UTAH.....	888-848-0688
IA - IOWA.....	866-239-0843	NM - NEW MEXICO.....	505-841-4000	VT - VERMONT.....	877-214-3330
KS - KANSAS.....	800-292-6333	NY - NEW YORK.....	877-358-5306	VA - VIRGINIA.....	866-832-2363
KY - KENTUCKY.....	859-547-3362	NC - NORTH CAROLINA .	888-927-8939	WA - WASHINGTON.....	800-318-6022
LA - LOUISIANA.....	866-783-5567	ND - NORTH DAKOTA....	701-328-4995	WI - WISCONSIN.....	800-822-5246
				WY - WYOMING.....	866-729-7799

## EXTENDED BENEFITS

Federal law permits extended benefits to be paid when New Mexico's insured rate of unemployment (people covered by unemployment insurance) is 6% or above. When the insured rate of unemployment falls below 6%, the payment of extended benefits must stop. The insured rate of unemployment is not the same as the total rate of unemployment. If an extended benefit period begins in New Mexico, announcements will appear in the news media and you will receive correspondence from this Department if you are potentially eligible.

February 1 of each year, we will send you form 1099-G listing the amount of benefits you received the prior year. This information is also furnished to the Internal Revenue Service. If you have a change of address notify us by December 31 to ensure delivery. Otherwise, your 1099-G will be delivered to your address on file.

You may elect to have federal taxes withheld from your unemployment benefits on a weekly basis. If you choose to have the taxes withheld, it will be at a rate of 10% of the gross amount of your payment for each week. You may change your answer from "yes" to "no" once during your benefit year.

## ARE YOUR BENEFITS TAXABLE?

Yes. You must report 100% of the UI benefits you receive when you file your income taxes. Prior to

## IMPORTANT

Now that you have read this handbook, if there is anything you do not understand contact a CSR and ask for an explanation. The department is here to help you receive the benefits to which you are entitled.

## NEW MEXICO DEPARTMENT OF WORKFORCE SOLUTIONS WORKFORCE DEVELOPMENT CENTERS

City	Address	Zip	Phone No.
ALAMOGORDO.....	901 Alaska Ave -	88310.....	575-437-9210
ALBUQUERQUE.....	501 Mountain Rd NE/PO Box 1928 -	87103.....	505-222-4600
ARTESIA.....	704 W Main -	88210.....	575-748-1303
CLOVIS.....	111 N. Main -	88101-4610.....	575-762-4571
DEMING.....	322 E. Oak -	88030.....	575-546-0192
EDDY COUNTY.....	323 S Halagueno, Carlsbad -	88220.....	575-887-1174
ESPANOLA.....	319 Oate St -	87532.....	505-753-2285
FARMINGTON.....	600 W Arrington St -	87401.....	505-327-6126
GALLUP.....	506 W. Highway 66, Ste 14 -	87301.....	505-863-8884
GRANTS.....	551 Washington Ave -	87020.....	505-287-5650
HOBBS.....	204 W Park -	88240.....	575-393-5188
LAS CRUCES.....	226 S Alameda St -	88005.....	575-524-6250
LAS VEGAS.....	833 Grand Ave -	87701.....	505-425-6451
PORTALES.....	100 South Avenue A -	88130.....	575-356-5408
RATON.....	1144 S Second St, Ste A -	87740.....	575-445-2874
RIO RANCHO.....	661 Quantum, Rio Rancho -	87124.....	505-896-1765
ROSWELL.....	2110 South Main St. -	88201.....	575-624-6040
RUIDOSO.....	707 Mechem Dr. -	88345.....	575-257-9296
SANTA FE.....	301 W DeVargas -	87501.....	505-827-7434
SILVER CITY.....	410 W Broadway -	88061.....	575-538-3737
SOCORRO.....	109 Faulkner -	87801.....	575-835-0067
SUNLAND PK.....	141 Quinella Rd. Ste. 800 -	88063.....	575-589-0377
TAOS.....	7425 NDCBU -	1036 Salazar Rd. 87571.....	575-758-4219
T or C.....	1301 N. Pershing -	87901.....	575-894-1263
TUCUMCARI.....	421 W. Tucumcari Blvd. -	88401.....	575-461-2734

Please keep track of your payments, check numbers, and employer contacts for the weeks for which you file. This will help the department assist you if you have a problem with your claim.

If you need additional information regarding your claim, please call the:

**Interactive Voice Response**

**(505) 841-2000**

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**WORK SEARCH LISTINGS**

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1. You **must** list your work search contacts as required.
2. You **must** bring this handbook, along with any documentation of work search contacts, with you to your appointment at our office.
3. You **must** keep this handbook for two years.
4. **Failure** to follow these rules could result in denial of your UI benefits and possible overpayment.

**WORK SEARCH LISTING**

NAME:			SSN:		
Week	Date	Employer Name, Address, Telephone	Work Sought	Method Used	Result
1		Name			
		Address			
		Telephone			
		Name			
		Address			
		Telephone			
2		Name			
		Address			
		Telephone			
		Name			
		Address			
		Telephone			
3		Name			
		Address			
		Telephone			
		Name			
		Address			
		Telephone			
4		Name			
		Address			
		Telephone			
		Name			
		Address			
		Telephone			
5		Name			
		Address			
		Telephone			
		Name			
		Address			
		Telephone			

**WORK SEARCH LISTING**

NAME:			SSN:		
Week	Date	Employer Name, Address, Telephone	Work Sought	Method Used	Result
6		Name			
		Address			
		Telephone			
		Name			
		Address			
		Telephone			
7		Name			
		Address			
		Telephone			
		Name			
		Address			
		Telephone			
8		Name			
		Address			
		Telephone			
		Name			
		Address			
		Telephone			
9		Name			
		Address			
		Telephone			
		Name			
		Address			
		Telephone			
10		Name			
		Address			
		Telephone			
		Name			
		Address			
		Telephone			

**WORK SEARCH LISTING**

NAME:			SSN:		
Week	Date	Employer Name, Address, Telephone	Work Sought	Method Used	Result
11		Name			
		Address			
		Telephone			
		Name			
		Address			
		Telephone			
12		Name			
		Address			
		Telephone			
		Name			
		Address			
		Telephone			
13		Name			
		Address			
		Telephone			
		Name			
		Address			
		Telephone			
14		Name			
		Address			
		Telephone			
		Name			
		Address			
		Telephone			
15		Name			
		Address			
		Telephone			
		Name			
		Address			
		Telephone			

**WORK SEARCH LISTING**

NAME:			SSN:		
Week	Date	Employer Name, Address, Telephone	Work Sought	Method Used	Result
16		Name			
		Address			
		Telephone			
		Name			
		Address			
		Telephone			
17		Name			
		Address			
		Telephone			
		Name			
		Address			
		Telephone			
18		Name			
		Address			
		Telephone			
		Name			
		Address			
		Telephone			
19		Name			
		Address			
		Telephone			
		Name			
		Address			
		Telephone			
20		Name			
		Address			
		Telephone			
		Name			
		Address			
		Telephone			

**WORK SEARCH LISTING**

NAME:			SSN:		
Week	Date	Employer Name, Address, Telephone	Work Sought	Method Used	Result
21		Name			
		Address			
		Telephone			
		Name			
		Address			
		Telephone			
22		Name			
		Address			
		Telephone			
		Name			
		Address			
		Telephone			
23		Name			
		Address			
		Telephone			
		Name			
		Address			
		Telephone			
24		Name			
		Address			
		Telephone			
		Name			
		Address			
		Telephone			
25		Name			
		Address			
		Telephone			
		Name			
		Address			
		Telephone			

**WORK SEARCH LISTING**

NAME:			SSN:		
Week	Date	Employer Name, Address, Telephone	Work Sought	Method Used	Result
26		Name			
		Address			
		Telephone			
		Name			
		Address			
		Telephone			

## EARNINGS

- Must be reported when earned not paid.
- Must be reported as gross pay (before taxes).

NAME:					SSN:		
Date:	Date:	Date:	Date:	Date:	Date:	Date:	
Sun.	Mon.	Tue.	Wed.	Thu.	Fri.	Sat.	Total
\$	\$	\$	\$	\$	\$	\$	\$
Employer Name:							
Employer Address:							
Employer Telephone:							
Separation:    Still Employed <input type="checkbox"/> Laid off, Lack of Work <input type="checkbox"/> Discharged <input type="checkbox"/> Quit <input type="checkbox"/> Other <input type="checkbox"/>							

Date:	Date:	Date:	Date:	Date:	Date:	Date:	
Sun.	Mon.	Tue.	Wed.	Thu.	Fri.	Sat.	Total
\$	\$	\$	\$	\$	\$	\$	\$
Employer Name:							
Employer Address:							
Employer Telephone:							
Separation:    Still Employed <input type="checkbox"/> Laid off, Lack of Work <input type="checkbox"/> Discharged <input type="checkbox"/> Quit <input type="checkbox"/> Other <input type="checkbox"/>							

Date:	Date:	Date:	Date:	Date:	Date:	Date:	
Sun.	Mon.	Tue.	Wed.	Thu.	Fri.	Sat.	Total
\$	\$	\$	\$	\$	\$	\$	\$
Employer Name:							
Employer Address:							
Employer Telephone:							
Separation:    Still Employed <input type="checkbox"/> Laid off, Lack of Work <input type="checkbox"/> Discharged <input type="checkbox"/> Quit <input type="checkbox"/> Other <input type="checkbox"/>							

Date:	Date:	Date:	Date:	Date:	Date:	Date:	
Sun.	Mon.	Tue.	Wed.	Thu.	Fri.	Sat.	Total
\$	\$	\$	\$	\$	\$	\$	\$
Employer Name:							
Employer Address:							
Employer Telephone:							
Separation:    Still Employed <input type="checkbox"/> Laid off, Lack of Work <input type="checkbox"/> Discharged <input type="checkbox"/> Quit <input type="checkbox"/> Other <input type="checkbox"/>							

### EARNINGS

NAME:					SSN:		
Date:	Date:	Date:	Date:	Date:	Date:	Date:	
Sun.	Mon.	Tue.	Wed.	Thu.	Fri.	Sat.	Total
\$	\$	\$	\$	\$	\$	\$	\$
Employer Name:							
Employer Address:							
Employer Telephone:							
Separation:    Still Employed <input type="checkbox"/> Laid off, Lack of Work <input type="checkbox"/> Discharged <input type="checkbox"/> Quit <input type="checkbox"/> Other <input type="checkbox"/>							

NAME:					SSN:		
Date:	Date:	Date:	Date:	Date:	Date:	Date:	
Sun.	Mon.	Tue.	Wed.	Thu.	Fri.	Sat.	Total
\$	\$	\$	\$	\$	\$	\$	\$
Employer Name:							
Employer Address:							
Employer Telephone:							
Separation:    Still Employed <input type="checkbox"/> Laid off, Lack of Work <input type="checkbox"/> Discharged <input type="checkbox"/> Quit <input type="checkbox"/> Other <input type="checkbox"/>							

NAME:					SSN:		
Date:	Date:	Date:	Date:	Date:	Date:	Date:	
Sun.	Mon.	Tue.	Wed.	Thu.	Fri.	Sat.	Total
\$	\$	\$	\$	\$	\$	\$	\$
Employer Name:							
Employer Address:							
Employer Telephone:							
Separation:    Still Employed <input type="checkbox"/> Laid off, Lack of Work <input type="checkbox"/> Discharged <input type="checkbox"/> Quit <input type="checkbox"/> Other <input type="checkbox"/>							

NAME:					SSN:		
Date:	Date:	Date:	Date:	Date:	Date:	Date:	
Sun.	Mon.	Tue.	Wed.	Thu.	Fri.	Sat.	Total
\$	\$	\$	\$	\$	\$	\$	\$
Employer Name:							
Employer Address:							
Employer Telephone:							
Separation:    Still Employed <input type="checkbox"/> Laid off, Lack of Work <input type="checkbox"/> Discharged <input type="checkbox"/> Quit <input type="checkbox"/> Other <input type="checkbox"/>							

**EARNINGS**

NAME:					SSN:		
Date:	Date:	Date:	Date:	Date:	Date:	Date:	
Sun.	Mon.	Tue.	Wed.	Thu.	Fri.	Sat.	Total
\$	\$	\$	\$	\$	\$	\$	\$
Employer Name:							
Employer Address:							
Employer Telephone:							
Separation:    Still Employed <input type="checkbox"/> Laid off, Lack of Work <input type="checkbox"/> Discharged <input type="checkbox"/> Quit <input type="checkbox"/> Other <input type="checkbox"/>							

NAME:					SSN:		
Date:	Date:	Date:	Date:	Date:	Date:	Date:	
Sun.	Mon.	Tue.	Wed.	Thu.	Fri.	Sat.	Total
\$	\$	\$	\$	\$	\$	\$	\$
Employer Name:							
Employer Address:							
Employer Telephone:							
Separation:    Still Employed <input type="checkbox"/> Laid off, Lack of Work <input type="checkbox"/> Discharged <input type="checkbox"/> Quit <input type="checkbox"/> Other <input type="checkbox"/>							

NAME:					SSN:		
Date:	Date:	Date:	Date:	Date:	Date:	Date:	
Sun.	Mon.	Tue.	Wed.	Thu.	Fri.	Sat.	Total
\$	\$	\$	\$	\$	\$	\$	\$
Employer Name:							
Employer Address:							
Employer Telephone:							
Separation:    Still Employed <input type="checkbox"/> Laid off, Lack of Work <input type="checkbox"/> Discharged <input type="checkbox"/> Quit <input type="checkbox"/> Other <input type="checkbox"/>							

NAME:					SSN:		
Date:	Date:	Date:	Date:	Date:	Date:	Date:	
Sun.	Mon.	Tue.	Wed.	Thu.	Fri.	Sat.	Total
\$	\$	\$	\$	\$	\$	\$	\$
Employer Name:							
Employer Address:							
Employer Telephone:							
Separation:    Still Employed <input type="checkbox"/> Laid off, Lack of Work <input type="checkbox"/> Discharged <input type="checkbox"/> Quit <input type="checkbox"/> Other <input type="checkbox"/>							

### EARNINGS

NAME:					SSN:		
Date:	Date:	Date:	Date:	Date:	Date:	Date:	
Sun.	Mon.	Tue.	Wed.	Thu.	Fri.	Sat.	Total
\$	\$	\$	\$	\$	\$	\$	\$
Employer Name:							
Employer Address:							
Employer Telephone:							
Separation:    Still Employed <input type="checkbox"/> Laid off, Lack of Work <input type="checkbox"/> Discharged <input type="checkbox"/> Quit <input type="checkbox"/> Other <input type="checkbox"/>							

NAME:					SSN:		
Date:	Date:	Date:	Date:	Date:	Date:	Date:	
Sun.	Mon.	Tue.	Wed.	Thu.	Fri.	Sat.	Total
\$	\$	\$	\$	\$	\$	\$	\$
Employer Name:							
Employer Address:							
Employer Telephone:							
Separation:    Still Employed <input type="checkbox"/> Laid off, Lack of Work <input type="checkbox"/> Discharged <input type="checkbox"/> Quit <input type="checkbox"/> Other <input type="checkbox"/>							

NAME:					SSN:		
Date:	Date:	Date:	Date:	Date:	Date:	Date:	
Sun.	Mon.	Tue.	Wed.	Thu.	Fri.	Sat.	Total
\$	\$	\$	\$	\$	\$	\$	\$
Employer Name:							
Employer Address:							
Employer Telephone:							
Separation:    Still Employed <input type="checkbox"/> Laid off, Lack of Work <input type="checkbox"/> Discharged <input type="checkbox"/> Quit <input type="checkbox"/> Other <input type="checkbox"/>							

NAME:					SSN:		
Date:	Date:	Date:	Date:	Date:	Date:	Date:	
Sun.	Mon.	Tue.	Wed.	Thu.	Fri.	Sat.	Total
\$	\$	\$	\$	\$	\$	\$	\$
Employer Name:							
Employer Address:							
Employer Telephone:							
Separation:    Still Employed <input type="checkbox"/> Laid off, Lack of Work <input type="checkbox"/> Discharged <input type="checkbox"/> Quit <input type="checkbox"/> Other <input type="checkbox"/>							

## ES-408 ADDRESS CHANGE

This form is to be used only if you need to have your address changed.

NAME \_\_\_\_\_

SSN \_\_\_\_\_

NEW ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

Send this form to: New Mexico Department of Workforce Solutions, P.O. Box 1728, Albuquerque, NM, 87103 or call (505) 841-4000.