

Unemployment Insurance: Eligibility Requirements

Purpose

This document describes Research Foundation (RF) and Department of Labor (DOL) unemployment insurance eligibility requirements.

Who is Eligible

The DOL will determine a person's eligibility for benefits. However, Research Foundation employees (including student employees) who terminate employment may apply for unemployment insurance benefits.

Who Is Not Eligible

The DOL will determine a person's ineligibility for benefits.

Note: Research Foundation fellowship recipients and independent contractors are not eligible to apply for unemployment insurance benefits.

When to Apply

Research Foundation employees may apply for unemployment insurance benefits immediately following termination from RF employment.

DOL Eligibility Rules

The following unemployment insurance eligibility rules apply to all persons claiming benefits under the New York State Unemployment Insurance Law. Direct quotes (only RF-relevant passages are quoted) are from the DOL publication "[Unemployment Insurance Benefits—An Employer's Guide.](#)" (IA318.2—10/03).

Waiting Period

"The first week of unemployment after the claim is filed is a waiting week for which no benefits are paid." A 7-day waiting period must be met following application for unemployment insurance benefits. Benefits eligibility begins on the eighth day.

Employment and Earnings Requirements

"To qualify for benefits, the law requires that a person have:

1. work in covered employment in at least two quarters out of the first four of the last five completed calendar quarters prior to the filing of the claim for benefits, with wages of at least \$1,600 paid in the quarter with the highest wages, and total wages paid equal to at least one and one-half times the wages in the quarter with the highest wages,
OR
2. work in covered employment in at least two quarters out of the last four completed calendar quarters prior to the filing of the claim for benefits, with wages of at least \$1,600 paid in the quarter with the highest wages, and total wages paid equal to at least one and one-half times the wages in the quarter with the highest wages.

"Those claimants who have some covered employment and earnings in the last five completed calendar quarters prior to filing the claim but do not qualify for benefits under either of the above conditions due to insufficient earnings, may have their base period of the first four of the last five completed calendar quarters extended by the equivalent number of quarters they received Workers' Compensation payments up to a maximum of two quarters.

"Wages earned in employment that was lost due to misconduct or the commission of a felony in connection with that employment cannot be used to establish a valid original claim under either of the above conditions. Those wages will not be used in the computation of the claimant's benefit rate."

Conditions that Affect A Former Employee's Eligibility for Benefits

"Claimants are ineligible for benefits if:

1. They left their job without good cause, or due to marriage; were dismissed for job-related misconduct; or after filing for benefits, refused suitable employment without good reason. Benefits are denied until they work again and earn an amount equal to at least five times their weekly benefit rate, and then lose that later job through no fault of their own. However, a claimant may be eligible if the reason for leaving the employer is to follow a spouse.
2. They are not ready, willing and able to work or not actively seeking employment for which they are fitted by training and experience.
Note: Benefits are denied for as long as any of these conditions exist.
3. Not applicable.
4. They lose their employment because of a criminal act which involves the commission of a felony in connection with their jobs. No benefits are payable for a year after discharge.
5. They are not totally unemployed. No benefits are payable for any day on which they performed some work whether full-time or part-time, or on a self-employed or freelance basis.
6. Not applicable.
7. They are receiving vacation or holiday pay for a previously designated period.
8. They are employees of educational institutions and file claims for benefits based on such employment between academic years or terms and during customary vacation or holiday recesses provided they have a contract or reasonable assurance of employment in the ensuing academic period.

"Note: After receiving 13 weeks of benefits, claimants who do not have a definite date to return to work and do not obtain employment...will be required to accept employment they are capable of performing, even if they are not suited for the job by training and experience, as long as the position pays not less than the prevailing local wage for the job and 80% of the claimant's high calendar quarter earnings in the base period."

Change History

- **April 19, 2006** - Reformatted, renamed file, and made other small edits.