

TIPS

Apply on-line at www.edd.ca.gov or call 1-866-333-4606 (English/ Español); 한국어 1-800-547-3506 ; Việt 1-800-547-2058.

- There are many “how to” videos and fact sheets on EDD’s website: www.edd.ca.gov.
- Get legal advice **before** you **quit** your job **and before** your **EDD interview**. Ask questions if you are not sure what the interviewer is asking of you.
- *Always* tell the truth! Ask questions if you are not sure what EDD is asking of you.
- You have the right to a free interpreter at hearings and interviews by EDD, if you are not completely fluent in English.
- For more detailed information, go to www.las-elc.org, click on “resources,” then “factsheets,” and then “unemployment.” Or our office can print this for you.
- You have the right to review your personnel file (Labor Code Section 1198.5) and to get a copy of any document you signed (Labor Code section 432).
- Get legal advice *before* you go to a hearing.

Call Legal Services

Prepared by
Legal Services of Northern California
www.lsnr.net

Unemployment Insurance

Getting and Keeping Your Benefits



UNEMPLOYMENT BENEFITS

Who is Eligible?

People who:



- Become unemployed or have their hours cut to less than full-time;
- Able to work (physically/mentally and legally);
- Worked in the last 18 months;
- Have not been fired from their last job for “misconduct” or quit without a good reason.

TIP: “Laid off” means you were let go because your job was eliminated for business reasons.

Do not say you were laid off if you were *fired* (your position still exists, but your boss won’t let you keep working)

What if I’m an Immigrant?

You must have work authorization—both now and at the job(s) whose earnings were used to qualify you for UI. You will need to prove you are legally in the U.S.

What if I’m sick?

If you can’t work because of an illness



or condition, file for State Disability Insurance (SDI).

You can switch between UI and Disability, but you must apply for the right program. You can’t get *both UI and Disability at the same time!* You can also get Family Paid leave through SDI.

What is “Misconduct”?

Misconduct is a *serious* and *intentional* violation of your job duties. What you did must *harm* your employer’s business interests. Some things, like stealing, lying, or violence (not self-defense) are always misconduct. One time negligence or bad judgment usually isn’t. Poor performance or inability to do the job well is generally not misconduct. **Get legal advice before applying for UI if you were fired or denied UI for misconduct.**

Quitting

Quitting means that the job remained available to you, but you decided not to stay.

- If you quit, you must have a “*compelling*” reason. **Talk to a legal advocate before you quit!**
- You must have tried to work something out with your boss before quitting, unless it was an emergency or *would have been hopeless*. At a minimum, explain the problem to your boss and ask if there is anything they can do.
- Example: You are having child care problems. You would have to tell your employer, and see if the employer can give you a different schedule or a period of leave, while you try to find more suitable child care arrangements.
- Reasons that generally are not good cause are: not liking the job, looking for other work, you *think* you are

going to get fired.

Get legal advice before quitting and before applying for UI if you quit, and if denied for quitting without good cause.

Why do I have an interview with EDD?



If EDD has questions about your application, they may set up a telephone interview. This may mean that what you said about why your job ended is different from what your employer said.

How Do I Keep Getting UI?

You must file a “continuing claim” form. The due date is listed.

- It cannot be sent in early.
- If you send it in late, you may not get paid for that period. (You would have to have a good reason.)
- Report any wages you earned, even if you were not paid.
- If you are so sick you can’t work, list only the days you *could* work.
- Don’t turn down suitable work.
- There are special rules if you enroll in school while unemployed.



What if I’m denied?

Ask for a hearing *right away*. *Don’t write a long story*. Just say that you “disagree with the denial of Unemployment benefits.” Call Legal Services for advice.