

Please read this book carefully
to protect your benefit rights
www.expressclaim.org

NEVADA UNEMPLOYMENT INSURANCE FACTS FOR CLAIMANTS

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Nevada Department of Employment,
Training and Rehabilitation

Employment Security Division

WHO CAN HELP ME IF I HAVE A QUESTION?
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You should contact the Telephone Claim Center or use our Internet web site if you have any questions about your claim. The following phone numbers and web site are available:

Northern Nevada (775) 684-0350

Southern Nevada (702) 486-0350

**Long Distance
or
Interstate
(888) 890-8211**

Internet Claim System. . .
www.expressclaim.org

Appeals Office	Las Vegas.....	(702) 486-7933
Appeals Office	Reno	(775) 823-6660
Northern Nevada Appeal Toll Free.....		(866) 626-0610
Southern Nevada Appeal Toll Free.....		(866) 626-0629

An Equal Employment Opportunity Employer/Program

Auxiliary aids and services are available upon
request for individuals with disabilities

<u>TTY: Hearing Impaired Service Only</u> Northern Nevada Telephone Claim Center(775) 687-1109 Southern Nevada Telephone Claim Center.....(702) 486-0157 Voice Relay.....(800) 326-6868

TABLE OF CONTENTS

	PAGE
Unemployment Facts	2
Unemployment Insurance Facts for Claimants	2
Use of My Social Security Number	2
Monetary Requirements	2
Where Does the Money Come From?	2
What Types of Claims Are There?	3
What If I Worked in More Than One State?	3
What Is a Base Period?	3
What Are the Wage Requirements?	4
How Is the Weekly Benefit Amount Figured?	4
What if Some of My Base Period Wages Are Missing?	4
Alternate Base Pay	5
Your Claim	6
When Does My Claim Start?	6
Provide True, Accurate and Complete Information	6
What Happens When I File My Claim?	7
Eligibility Requirements	7
What Are the Requirements for Eligibility?	6
Do Programs Administered by Nevada JobConnect Affect My Eligibility?	8
Reemployment Eligibility Assessment Program (REA)	8
Reemployment Service Program (RSP)	9
Worker Profiling and Reemployment Service (WPRS)	9
What Is the Career Enhancement Program?	10
What if I Refuse Reemployment Services?	10
Must I Register With the Job Service?	10
Traveling in Search of Work	11
Reporting Requirements	11
If I Accept Odd Jobs or Part-Time Work, Will I Still Be Eligible for Benefits?	11
Reporting Work, Wages and Self-employment	11
What If I Get a Pension or Retirement?	12
When Do I Contact the Telephone Claim Center?	13
Address Change	13
Moving	14
Reopening a Claim	14
Benefit Rights	14
Suppose I Quit My Job or Get Fired?	14
What Are My Rights if I Disagree With a Decision Denying Benefits?	14
What Happens After I Appeal a Decision?	15
The Day of Hearing	16
The Referee's Decision	16
Fraud	17
Reporting Unemployment Insurance Fraud	18
What if I Am Overpaid?	18
Overpayments Due to Fraud or Willful Non-Disclosure	19
Repayment	19
Bankruptcy	19
Appeals	19
Do I Pay Federal Income Tax on My Unemployment Insurance?	20
Can I Receive Information From My Claim File?	21
Benefits Available Under the Trade Act	21
Keeping Work Search Records	22
Filing Weekly Claims	22
How Do I File a Weekly Claim?	22
How Does QuickClaim Work?	22
When Do I File My Weekly Claim?	23
You May Not Be Able to Use QuickClaim If During the Week	23
Personal Identification Number	23
Internet Claim Filing System	24
Filing Weekly Claims by Mail	25
Prepaid Debit Card Program	25
Finding a Job	27
Work Search Record	30
Record of Unemployment Insurance Benefits Received	31
Reminders	32

Unemployment Facts

UNEMPLOYMENT INSURANCE FACTS FOR NEVADA CLAIMANTS

The Nevada Employment Security Division is processing your claim for Unemployment Insurance benefits. If you have any questions regarding your claim for benefits, contact your Telephone Claim Center or visit our Internet web-site listed in the front of this book. Please be aware that you have certain responsibilities listed in this booklet which you must fulfill. This booklet contains information on how to file your weekly claims by internet, telephone or mail. **Failure to follow these instructions will delay action on your claim and may prevent you from receiving unemployment benefits.**

Unemployment Insurance Fraud is a felony in Nevada. If you commit fraud, you will be subject to significant financial and administrative penalties, and may be prosecuted. Remember to report any work and all income from any source for each week you claim a benefit check.

USE OF MY SOCIAL SECURITY NUMBER

You are required to furnish your Social Security number on claim forms under the legal authority of the Internal Revenue Code of 1954. Your Social Security number will be used for processing your claim, gathering statistics and determining your eligibility for unemployment benefits.

Public Law 98-369 provides for a sharing of income and eligibility verification information among certain state agencies. If this information is requested by any of these agencies, it will be provided to them.

Your Social Security number will also be used to report the unemployment benefits you receive to the Internal Revenue Service.

The Employment Security Division may require that you present two pieces of identification, preferably your Social Security Card and driver's license, when you file a claim. The department representative will document what ID you present.

Monetary Requirements

WHERE DOES THE MONEY COME FROM?

Nevada employers pay all costs of Unemployment Insurance. There is no deduction from your wages.

WHAT TYPES OF CLAIMS ARE THERE?

- A regular Unemployment Insurance claim—Nevada wages only.
- A federal service or military claim—Can be combined with Nevada wages.
- An interstate claim.
- A combined wage claim—Combination of Nevada wages and out-of-state wages.

WHAT IF I WORKED IN MORE THAN ONE STATE?

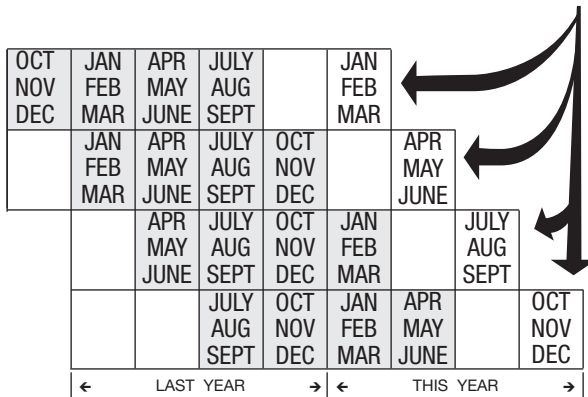
If you worked in more than one state, you may be eligible for a **Combined Wage Claim**. The base period wages from all states in which you worked are combined, and you may be able to make the choice of whether you want to file against one state where you worked or if you want all wages combined. An unemployment claims representative can explain the options and procedures for filing a combined wage claim if you think you might qualify for one.

WHAT IS A BASE PERIOD?

Benefits are not based on need, but on your earnings during a certain period of time—the **base period**. The more money you made during your highest quarter, the more your weekly benefit amount will be until you reach the maximum.

The base period is defined as the **first four of the last five completed calendar quarters** immediately preceding your initial claim for benefits.

If a claim is filed in



the base period is the shaded area

WHAT ARE THE WAGE REQUIREMENTS?

To be eligible for Unemployment Insurance benefits, you must meet one or the other of the following conditions. You must have base period earnings:

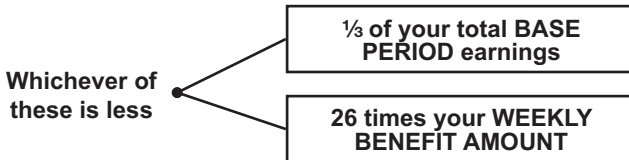
1. Equal to or exceeding one and one-half times the high quarter earnings,
or
2. Wages in each of at least three of the four quarters in the past base period.

Under both conditions, you must earn at least \$400 in the high quarter.

HOW IS THE WEEKLY BENEFIT AMOUNT FIGURED?

If you are monetarily eligible, your **WEEKLY BENEFIT AMOUNT** will be $\frac{1}{25}$, or 4 percent of your highest quarter earnings. This amount cannot be more than the maximum weekly benefit amount, which is set by law each year, beginning July 1.

The **TOTAL AMOUNT OF BENEFITS** for which you may be eligible will be based on:



A maximum of 26 weeks of your full weekly benefit amount is all that can be paid in one **Benefit Year** unless benefits are extended by law.

WHAT IF SOME OF MY BASE PERIOD WAGES ARE MISSING?

Your monetary determination shows the wages reported by your employer(s) during each quarter of your base period. Study this notice carefully. **Be sure that it includes all wages paid during the quarters shown. Are you missing any military, federal or out-of-state wages?**

If you believe some wages that you earned are not shown, you should contact the Nevada Telephone Claim Center and file a request for redetermination or wage protest. Check stubs, W-2s or other proof may be submitted. You have 11 days from the mailing date shown on the monetary determination to make this request. During a redetermination, continue to file weekly claims, unless you get a job.

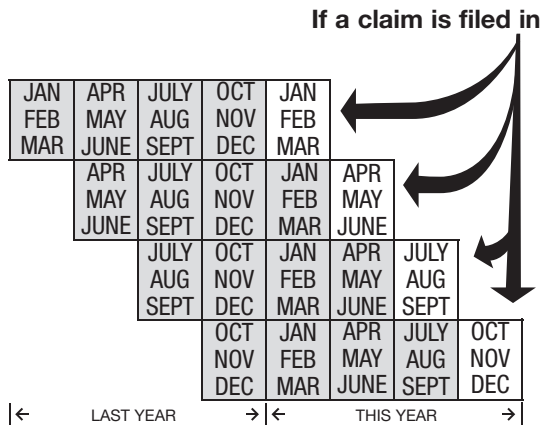
If you become monetarily eligible or your benefits are increased, you will be paid all the money you are due, provided you have met all other eligibility requirements and continued to file weekly claims. If the determination lowers your benefit amount, you may be required to repay any overpayment of benefits. If you still disagree with the amount of wages reported after the redetermination, you have the right to file an appeal. Your appeal rights are explained later in this booklet.

Please note: If wages are reported for you which you did not earn, you must report this fact to the Nevada Telephone Claim Center.

A claim may be cancelled for any reason before the 11-day finality date on the monetary determination. Requests should be made in writing.

ALTERNATE BASE PERIOD

You could be eligible for an alternate base period claim if you do not meet the wage requirements in establishing a standard base period, using the first four of the last five completed quarters. The base period used for an alternative base period is the last four completed quarters at the time the claim is filed. It is essential you meet all other eligibility requirements.



the base period is the shaded area

Your base period is the shaded area. Please notice the first quarter is dropped and the most recently completed quarter is used.

Use of the alternate base period is not a choice. The alternate base period may only be used if you are not eligible for any benefits using the first four of the last five completed quarters to calculate your benefit amount.

If you had an on-the-job injury, you may also be entitled to an extended base period claim that uses wages prior to your injury. Your claims representative will explain the requirements to you.

Your Claim

WHEN DOES MY CLAIM START?

Your claim begins the Sunday of the week you first file an Unemployment Insurance claim.

Benefits cannot be paid for weeks prior to the beginning Sunday of your claim.

PROVIDE TRUE, ACCURATE AND COMPLETE INFORMATION

Accuracy is essential when filing a claim for benefits. Report all facts exactly as they happened. Failing to report all information accurately is fraud.

We send a copy of your claim for Unemployment Insurance to your last and, in some cases, next-to-last employer. The law allows the employer to send us any facts which may affect your **ELIGIBILITY FOR BENEFITS**, including **WHY YOU ARE NO LONGER WORKING THERE**. If you are found to have intentionally or negligently failed to provide true and accurate information regarding your claim for benefits, you will be subject to significant financial and administrative penalties.

When you file weekly claims for benefits, you MUST report any and all work and income derived from that work, including but not limited to: Wages, show up pay, orientation pay, bonuses, commissions and payments of a non-cash nature.

WHAT HAPPENS WHEN I FILE MY CLAIM?

Your MONETARY DETERMINATION will be mailed to you. This determination tells you if you had enough base period wages to qualify for Unemployment Insurance benefits. Keep in mind, however, this is only the first step toward determining if you will receive benefits. It does not mean that your checks will automatically start coming. Your monetary entitlement is explained on your Monetary Determination.

Remember—This is only the first step in determining your eligibility. The reason you became unemployed and other factors will also be considered to determine if you will receive benefits. If you are eligible for benefits you will receive your benefit payment by mail or debt card as chosen when filing your initial claim.

Eligibility Requirements

WHAT ARE THE REQUIREMENTS FOR ELIGIBILITY?

To receive unemployment benefits, you must be:

- **Filing your weekly claims as required**—Weekly claims filed late (7 days after week ending date) may be denied. You may file your claim using the automated system called **QuickClaim** or using our Internet Claim filing system.

- **Able to work**—You must be mentally and physically able to work your normal work week.

EXCEPTION: If you should become physically unable to work while continuously filing for Unemployment Insurance, you must advise your Telephone Claim Center promptly to protect your benefits. You may be eligible to continue to be paid benefits until such time as you are offered suitable work.

- **Available for work**—Be ready to go to work. You must be willing to accept both full-time and part-time work. You must have transportation and have made necessary child care arrangements. You cannot have conditions or barriers that prevent you from accepting work immediately.

- **Actively seeking work**—To meet availability requirements, you must make a “**good faith**” effort to find work. You must use those methods which a reasonable, prudent person anxious to find work would use. **FAILURE TO CONDUCT AN ADEQUATE WORK SEARCH CAN RESULT IN A DENIAL OF BENEFITS.** To meet work search requirements, you need to do the following:

- (1) You must actively seek work for which you are suited by experience and/or training. Apply for work in a method that is most likely to result in employment. Apply to employers who hire people with your experience and/or training. You must use all means available to find a job, including your Nevada JobConnect office or the Job Service office in your area. Make repeat contacts with employers only if you are encouraged to do so by the employer or if the employer states there is a chance for a job opening in the near future.
- (2) Apply with the individual who has the authority to hire, and file a written application for work whenever the employer will accept it. Contact employers during the hours of the day and days of the week when hiring is normally done.
- (3) If you are registered and on the out-of-work list with a **union that has exclusive referral to jobs in your occupation, you must**

meet reporting requirements of that union and be available for dispatch to jobs.

- (4) You must be willing to accept the pay and hours that are customary in the area for your type of work. If you are unsure of the prevailing rate of pay or hours for your type of work, ask a division representative in the JobConnect office or the Job Service office in your area. You should be prepared to **immediately accept any offer of suitable work.**
- (5) **You must keep a weekly record of your work search contacts. (Pages for recording the work search are provided at the back of this booklet.)**

DO PROGRAMS ADMINISTERED BY NEVADA JOBCONNECT AFFECT MY ELIGIBILITY?

REA PROGRAM (REEMPLOYMENT ELIGIBILITY ASSESSMENT)

The Employment Service (ES) Representatives at Nevada JobConnect administer the Reemployment Eligibility Assessment (REA) program. This program is designed to conduct eligibility assessments by reviewing work search activities and techniques, discuss potential and existing barriers to reemployment, and develop a work search and reemployment plans with Unemployment Insurance Claimants.

If you are selected, you will receive a Notification letter with appointment day, time, and location. Unless a letter is returned by the United States Postal Service (USPS), all claimants who are sent letters are considered to have received them and must report.

If the JobConnect Representative identifies UI eligibility issues, they will discuss the issue with you and see if it is possible to remove the barrier to employment. If not, it must be reported to the Telephone Centers. Possible issues are: lack of transportation, child care, or requirements related to labor market not being met (i.e., tools, licenses, permits, shift available for, wage requirements, transportation). Any claimant who refuses a job referral, fails to report to an interview, or refuses suitable work will be reported to the Unemployment Insurance Adjudication Department so eligibility can be determined.

The Nevada JobConnect Representative will advise you of work search requirements for the type of work you are seeking, and labor market information, such as the labor market area, prevailing wage, and distance to travel. They will also advise you if an issue is identified that may affect your UI eligibility, and they will allow you an opportunity to remove the barrier if possible.

A representative from the Telephone Claim Center or a Nevada JobConnect Representative may require you to complete an Eligibility Review Form to obtain information from you about your availability for

work and your plans to find work. The form must be completed and returned as instructed. **Failure to complete and return the form as instructed may result in delay of payment or denial of benefits.**

REEMPLOYMENT SERVICE PROGRAM (RSP)

The Reemployment Service Program (RSP) is designed to help Unemployment Insurance (UI) claimants more quickly find suitable employment. The RSP program uses a “one-on-one” approach to ensure you receive personalized help with your speedy return to work.

If you receive a letter from an RSP representative advising you to report to a specific JobConnect office at a certain day/time for a possible job referral based on your prior job experience, you must report in person. Failure to report may result in your Unemployment Insurance benefits being delayed or denied.

Your RSP Representative will work with you to establish a work search plan and may refer you to employment opportunities. Any barriers to employment that cannot or will not be removed by you, refusal of a job referral, failure to report to an interview, or refusal of suitable work will be reported to the Unemployment Insurance Adjudication Department and may result in a delay or denial of benefits.

WORKER PROFILING AND REEMPLOYMENT SERVICE (WPRS)

In November 1993, Congress approved Public Law 103-152, which requires all state agencies to establish and utilize a system to identify those who are likely to exhaust their unemployment compensation and need job search assistance to transition to new employment. The law requires claimants who are profiled and referred to reemployment services to participate unless there is justifiable cause for non-participation or they have recently completed or presently are receiving similar services.

If you are selected for the program, you will be mailed an Appointment Notice advising you that you have been selected to attend an orientation that will provide you with reemployment services information. Failure to attend may delay payment or cause loss of your unemployment insurance benefits.

The Worker Profiling orientation consists of a two-hour presentation and a review of your work search, verification of identification and an Eligibility Review interview. The JobConnect Representative will explain the reemployment services that are available to you; i.e., resource center, job club, job search workshops, labor market information, counseling, and testing. You must select one of the services we provide to assist you in obtaining employment.

Claimants who are members of a hiring hall union and those claimants who are on a temporary layoff (TLO) returning to work for their previous employer with a work date within four weeks from initial claim filing are excluded from profiling. However, if you are selected, even if you meet one of the just-mentioned criteria, you must report to the JobConnect Office and produce verification of your status and proper ID.

WHAT IF I REFUSE REEMPLOYMENT SERVICES?

Public Law 103–152 specifies that an individual who is determined likely to exhaust unemployment benefits and to need job search assistance must be referred to such services. If you are offered reemployment assistance by a Worker Profiling and Reemployment Services Representative and refuse to participate without justifiable reason, benefits will be denied.

THE CAREER ENHANCEMENT PROGRAM (CEP)

The Career Enhancement Program (CEP), sponsored by Nevada employers, is a training and employment program designed to assist Unemployment Insurance claimants to return to work through intensified work search or job skill training that enhances their employability.

The purpose of the program is to place program-qualified job seeking clients into training and retraining programs designed to increase their potential for employment, and decrease the probability of future unemployment. It also ensures that Unemployment Insurance claimants continue to meet eligibility requirements to receive benefits.

You may be randomly selected for the CEP. Should this be the case, you will receive a letter stating that you have been selected to participate in the program. Make sure to follow the instructions on the letter, **as failure to do so may cause your claim to be delayed.**

However, if you are not randomly selected for the CEP, you may contact your JobConnect office CEP representative to inquire about becoming a CEP volunteer.

MUST I REGISTER FOR WORK WITH THE JOB SERVICE?

You must meet the work registration requirements of the state where you live, and by filing a UI claim, you have registered for work in Nevada. If you live outside Nevada, your local Job Service office can advise you how to register in that state.

TRAVELING IN SEARCH OF WORK?

You are allowed to file weekly claims for benefits from outside your normal labor market area and residence for a period of two weeks. If you want to continue to file for unemployment out of the area in excess of two weeks, you must contact your Telephone Claim Center for further claim filing instructions.

If you are currently filing and relocate from out of state to in state or leave Nevada and move to another state, **you must contact the Telephone Claim Center or use our Internet Claim Filing system to initiate an address change.**

Reporting Requirements

IF I ACCEPT ODD JOBS OR PART-TIME WORK, WILL I STILL BE ELIGIBLE FOR BENEFITS?

You are considered “**UNEMPLOYED**” in any calendar week during which you:

Performed no work and earned no wages or worked less than full-time and were paid less than your WEEKLY BENEFIT AMOUNT.

You cannot be paid unemployment benefits for any week:

- (1) If you worked full-time during the week; or
- (2) If you had earnings during the week equal to or more than your weekly benefit amount; or
- (3) If you were self-employed during the week, whether or not you earned any money. **The amount of time devoted to self-employment is considered. Please contact the Telephone Claim Center if you have a question and are self-employed less than full-time; or**
- (4) If you are on a Leave of Absence.

REPORTING WORK, WAGES, AND SELF-EMPLOYMENT

You must report any work performed or any wages earned during the week covered by the claim. “Wages” means GROSS AMOUNT EARNED before deductions. Wages must be reported in the week in which they are earned, not when paid. **Wages include COMMISSIONS, TIPS, CASH, AND ANY OTHER TYPE OF COMPENSATION FOR SERVICES THAT TAKE THE PLACE OF MONEY** (such as working off debt, work in exchange for rent, etc.).

Seventy-five (75) percent of your gross weekly earnings will be deducted from your weekly benefit amount each week you report earnings.

You will not receive benefits for any week your earnings equal or exceed your weekly benefit amount or if you are working full time.

While you are working part time or on call, you must seek other full-time work.

If you work and become unemployed, you must contact the Telephone Claim Center or use our Internet claim filing system to reopen your claim.

The following types of income must also be reported:

- Bonus payments
- Holiday pay
- Residuals
- Back pay awards
- Severance pay
- Vacation pay
- Wages in lieu of notice
- Room and board
- Military active duty

If you work during a week and claim unemployment insurance benefits the same week, **even if you will not be paid until a future date**, you are required to report that work and the amount you will receive for those services. Failure to do so is considered fraud. When you file the claim for benefits, we ask you, "Even though you may not yet have been paid, did you work?" If you answer that you did not work and you actually did, you will be disqualified. No excuses will be accepted. It is your responsibility to accurately report your employment and income when receiving unemployment compensation.

Nevada passed anti-fraud legislation in 2009. Failing to properly report work and earnings is a felony in Nevada. If you are found to have committed fraud, you will be disqualified until you have repaid the money you received from the fraudulent acts, as well as a financial penalty. You will no longer be able to use otherwise payable weeks to repay the overpayment resulting from the fraud. IT IS JUST NOT WORTH IT!

WHAT IF I GET A PENSION OR RETIREMENT?

You must inform the Nevada Telephone Claim Center if you receive any pension or retirement payments such as:

- Private employer plans
- Annuity
- Keogh
- Deferred compensation

Your unemployment benefits may be reduced if you receive income from any of the sources listed above.

ADDRESS CHANGES

The United States Postal Service will not forward Unemployment Insurance Benefit Payments or Debt Cards. You may use the Internet (www.expressclaim.org) or contact the Telephone Claim Center if you move or wish to change your mailing address (even within the same city and state).

You can update your address yourself using our Internet UI Claims System at www.expressclaim.org. You will be at the agreement page. Click on "I agree" and a selection box will appear. Click on the arrow and select "I have an existing claim on file." You will then need to enter your Social Security number and PIN number. You can then update your address and review information regarding your claim.

WHEN SHOULD I CONTACT THE TELEPHONE CLAIM CENTER?

You should contact the Telephone Claim Center when any of the following occur:

- You stopped filing your continued claims for any reason and want to start claiming again.
- You were unable to accept or seek work.
- You refused work.
- You were not available for work. For example, school attendance, illness, out of town.
- You plan to be out of the area for more than two weeks.
- You need to file a wage protest due to incorrect or missing wages on your Monetary Determination.
- You receive or will receive workers' compensation or unemployment benefits from another state.
- You are filing the last week of your claim.

If you have questions about your claim, please call the Nevada Telephone Claim Center for instructions.

MOVING OUT OF STATE

Unless you belong to a hiring hall union, you must report to your Employment Service Office in your new state of residence to register for work.

Before you move out of state, first contact the Telephone Claim Center for proper instructions.

REOPENING A CLAIM

WHAT HAPPENS TO MY CLAIM WHEN I RETURN TO WORK OR IF I JUST QUIT FILING?

You cannot be paid BENEFITS again until you REOPEN your claim, or file a renewal or ADDITIONAL CLAIM.

You will not receive payments for weeks of unemployment that occur BEFORE the week in which the additional claim is filed.

Therefore, if you wish to REOPEN YOUR CLAIM, you must do so IMMEDIATELY following your separation from work and/or as soon as you want your UNEMPLOYMENT INSURANCE TO BEGIN.

Benefit Rights

SUPPOSE I QUIT MY JOB OR GET FIRED?

Unemployment Insurance is for the benefit of persons unemployed through NO FAULT OF THEIR OWN. Every person has the right to leave any job for any reason. But if it is determined that you quit without good cause or were discharged for misconduct in connection with the work from your last job, you must be denied benefits.

If you worked for your employer for less than 16 weeks, the separation from your next-to-last job will also be considered in determining your eligibility.

If you were fired, quit your job, or if additional information must be obtained from you and/or your employer due to a potential issue, you must file your weekly claim to be called for an interview and to receive a determination of your eligibility. Continue to file your weekly claim while you remain unemployed. It may take 21 days (or more) to resolve the separation issues and make a determination.

If you are disqualified because of the reason for your separation, you must return to work for an employer who pays Unemployment Insurance tax and earn your weekly benefit amount in each of the specified number of weeks. If you satisfy this requirement with subsequent work and are otherwise eligible, you would no longer be disqualified.

Benefits are not retroactive.

There are other reasons that would result in disqualification. Some of these are:

- Failing to apply for or accept suitable work
- Participating in a labor dispute
- Receiving disability payments for an on-the-job injury
- Withholding or giving false information may affect your claim

- Seeking or receiving unemployment benefits from another state while drawing unemployment benefits from Nevada
- Receiving vacation pay, wages in lieu of notice, severance pay, or deductible retirement equal to or greater than your weekly benefit amount
- Alien status—If you are not legally authorized to work in the United States
- Between academic terms

When it is determined that an individual has been discharged for crimes in connection with the work (gross misconduct), wages paid to that individual by that employer prior to the time of the discharge cannot be used to determine monetary eligibility to receive benefits. Gross misconduct includes: assault, grand larceny, arson, embezzlement, sabotage and wanton destruction of property.

The wages earned from that employment cannot be used to determine monetary eligibility for benefits.

If you are disqualified, found ineligible, or your benefits reduced, you will receive a written decision—a nonmonetary determination that will state the reason for the denial.

It is possible you may receive more than one determination on your claim. It is important you examine each determination carefully to protect your appeal rights explained below. **Any ineligible determination prohibits payment of benefits even though other determinations may indicate benefits are allowed.**

WHO HAS THE RIGHT TO APPEAL ELIGIBILITY DETERMINATIONS?

You and your former employer(s) have the right to appeal that decision and obtain a fair hearing before a separate and impartial appeals referee.

An appeal must be filed within **11 days** of the date the decision was mailed to you. You may appeal the decision by sending a letter to the address shown on the decision requesting an appeal.

Be sure to include your name, Social Security number, and the basis of your appeal. You must sign your appeal request. You may fax or mail your appeal.

WHAT HAPPENS AFTER I APPEAL A DECISION?

When you file an appeal at any level, you must continue to file claims for the weeks that you remain unemployed. If you are found eligible to receive benefits, you will be paid for each week that you have filed and met all requirements of eligibility. Weeks cannot be filed retroactively. It

is your responsibility to make sure claims are filed correctly and on time.

The Appeals Tribunal will send you a “Notice of Hearing” at least seven (7) days before the hearing. Review the document carefully when it arrives and note the time, date, location of the hearing, and whether the hearing will be by telephone. Also review the notice to see what issues may be discussed at the hearing so you can present your side of the story. If there is more than one issue involved, you should be prepared to discuss all of them. You may be represented at the hearing by anyone of your choice, such as an attorney. However, it is not essential, and most people who appeal do NOT hire a lawyer.

With each Notice of Hearing, you will be sent an Appeals pamphlet (NUCS 4216a) that further explains the appeals process.

If there is a language barrier, please inform the Appeals Office that an interpreter will be needed. An interpreter will be provided.

Once an appeal has been filed, NO ONE has the authority to intervene.

THE DAY OF HEARING

Read your “Notice of Hearing.” This notice will give you instructions on how the hearing will be conducted.

Normally, the Appeals Office will schedule a hearing in which you and any other interested party have the opportunity to present testimony to the referee either in person or by telephone.

For telephone hearings you may be required to call the referee 15 minutes prior to your scheduled hearing time.

Conduct at hearing—All hearings are informal and conducted in a courteous manner. The referee begins the hearing by identifying the case name, number, and by referring to the decision which was appealed. The referee identifies all persons present at the hearing and administers an oath or affirmation to all persons who intend to testify. All witnesses must testify truthfully.

This hearing is normally your only opportunity to present any testimony, witnesses, or documents that you think are necessary. So be prepared to present your entire case at this hearing. **Documents must be submitted to the Appeals Office before the hearing.**

THE REFEREE'S DECISION

A verbal decision will not be issued at the hearing. A written referee's decision will be mailed to you and all other parties. The decision may be to keep the original decision the same (affirmation); to change it in some manner (modification); or to reverse it entirely (reversal).

If you or any interested party, including the Division and your former employer, are dissatisfied with the referee's decision, you have **11 days** from the mailing date shown on this decision to file a written appeal to the Board of Review. Include your name and Social Security number, and attach a copy of the referee's decision. You must sign your appeal request.

If you or any interested party, including the Division and your former employer, are dissatisfied with the decision of the Board of Review, all parties may petition the District Court for appeal.

- File your petition through District Court in the county where the employment giving rise to the claim was performed.
- The petition must be filed within 22 days of the mailing date of the Board of Review decision.



In 2009, Nevada enacted legislation that both defined unemployment insurance fraud as well as imposed significant penalties for commission of fraud. Commission of unemployment insurance fraud is a serious crime in Nevada and results in significant financial, administrative and criminal penalties.

DON'T JEOPARDIZE YOUR FINANCIAL SECURITY BY COMMITTING UNEMPLOYMENT INSURANCE FRAUD. IT'S NOT WORTH IT!

Fraud is defined as:

- Making any false statement relating to a claim for benefits, or deliberately failing to provide complete and accurate information relating to your circumstances;
- Failing to report all work and income from work for each week you claim benefits;
- Filing a claim for unemployment benefits while incarcerated, or allowing another person to file a claim on your behalf while you are incarcerated and not disclosing the fact of being incarcerated;
- Using a name and/or Social Security Number other than your own legal name and the number issued to you by the Social Security Administration to file a claim for benefits.

In an effort to ensure that no one else claims benefits using your name and Social Security number, the Division will ask you personal identifying information. This information is compared against records on file

with other government agencies, including the Department of Motor Vehicles and the Social Security Administration, to verify your identity. This information is kept strictly confidential and is used to protect you from identity theft. You may also be asked to complete an identity affidavit, which must be notarized and mailed back to the Division. You may also be asked to report in person for verification of your identity. Failure to complete and return the form as instructed, or to appear for an appointment to verify your identity, may result in delay of payment or denial of benefits.

Employers report the names and Social Security numbers of their newly hired employees. The Employment Security Division's computer system matches the employer's information with benefit payments and investigates all cases where it appears a person worked at the same time they filed for unemployment benefits. The division also verifies work search contacts, school attendance, and job separations. You **MUST** tell us about anything which keeps you from working or looking for work. You **MUST** truthfully answer all questions that affect your rights to benefits. Withholding information is just as serious as giving false information. If you knowingly make a false statement or fail to disclose information to get benefits, you may be prosecuted. **If you are found to have committed fraud, you WILL be disqualified until all money is repaid, plus any penalties and interest, and may even be prosecuted for felony theft.**

REPORTING UNEMPLOYMENT INSURANCE FRAUD

If you have any information about unemployment fraud, please contact our Fraud Investigation Unit at (775) 684-0470 in Carson City or (702) 486-0271 in Las Vegas to speak to an investigator. If calling from outside the state or from rural areas, you may call 1-800-992-0900, extension 40475. The information you provide will be kept confidential.

We appreciate your help.

WHAT IF I AM OVERPAID?

Occasionally, benefits are improperly paid. Overpayments may occur for a variety of reasons that may include, but are not limited to, claimant error, appeal reversals, fraud, failure to report earnings or income, or division errors. All overpaid benefits must be repaid to the division.

IF YOU ARE OVERPAID UNEMPLOYMENT INSURANCE BENEFITS, the division will notify you. **If you were not at fault for creation of the overpayment**, the division may withhold your weekly benefit entitlement and apply that amount to repay the overpayment. You may be eligible for a reduced weekly withholding. Contact the Benefit

Payment Control Collections office at (775) 684-0475 to discuss your eligibility for this option. You may also apply for this option through the Telephone Claim Center.

OVERPAYMENTS DUE TO FRAUD OR WILLFUL NON-DISCLOSURE

The division will take civil and criminal action to collect fraud overpayments if no repayment is received.

Benefits may not be withheld to repay the fraudulent amount received except in circumstances where you have been making good faith efforts to repay the amount overpaid and subsequently become unemployed through no fault of your own, upon approval of the Administrator. This change in the law has the effect of leaving a person disqualified for fraud ineligible until they repay all benefits received due to the fraud, as well as any penalties and interest. Nevada has legal authority to intercept any Federal Income Tax refund you may be due to recover fraudulent overpayments that have not been repaid.

REPAYMENT

You will be directed to repay the amount by mailing in a check or money order made payable to the Nevada Employment Security Division. Be sure your name and Social Security number is written on your check or money order. However, if you are unable to pay the amount in full, a repayment agreement can usually be arranged that will allow you to repay the overpaid amount in monthly installments.

If you feel that repaying the overpayment would cause you extreme hardship, you may request that the overpayment amount be waived. Waiver request must be in writing and include all financial and/or personal circumstances to support your claim of hardship. **Waivers can NOT be granted if the overpayment is due to fraud or willful non-disclosure regardless of the hardship.**

BANKRUPTCY

Unemployment insurance benefit overpayments are eligible to be discharged via bankruptcy if the overpayment is not due to fraud or willful non-disclosure. Should you file bankruptcy, you must advise the court as to why you were overpaid. If you fail to disclose a fraudulent act that resulted in the receipt of benefits, the court may dismiss your bankruptcy petition.

APPEALS

In certain circumstances, you have the right to file an appeal to any amount overpaid. If your overpayment was caused by a determination

of an adjudicator or investigator, you must appeal the determination that caused the overpayment to have the resulting overpayment considered, regardless of whether the overpayment is fraudulent or non-fraudulent. Appeals to only the amount overpaid may be filed in cases where the overpayment was caused by a decision of a referee or the Board of Review that found you ineligible after benefits had already been paid. You must file your appeal within the date requirements stated on the decision that created the overpayment. You will be notified of the date and time of the appeal hearing.

DO I PAY FEDERAL INCOME TAX ON MY UNEMPLOYMENT INSURANCE?

The employment security division is not qualified to answer income tax liability questions. Please contact the Internal Revenue Service (IRS) for answers to questions regarding your Federal Income Tax liability.

Section 121 of the Tax Reform Act of 1986 amended the law to provide that all unemployment benefits received are considered gross income.

You may choose to withhold Federal Income Tax from your unemployment insurance weekly benefits. The amount withheld must be 10 percent (10%) of your gross weekly entitlement. If your weekly entitlement is reduced because of earnings, child support, pension or overpayment offset, and the balance is less than 10 percent, the entire balance is withheld. Taxes must be withheld to the extent funds are available. Requests to have Federal Income Tax deducted from your Unemployment Insurance benefits should be directed to your Telephone Claim Center.

WARNING: You will be furnished a statement by January 31 of the **BENEFITS PAID** for the **PREVIOUS YEAR**. The **IRS** will be given the same information. **Be sure to keep the division informed of any address change until you receive your tax statement.**

If you have not received this notice by February 15, you should write a letter including your name and Social Security number to:

**EMPLOYMENT SECURITY DIVISION
ATTENTION: BENEFITS
500 E. THIRD STREET
CARSON CITY, NEVADA 89713**

IMPORTANT**CAN I RECEIVE INFORMATION FROM MY CLAIM FILE?**

While you are filing for benefits, you will receive important documents about your claim. Keep these documents for your records in case you need information about your claim to give to other agencies, insurance, mortgage and credit card companies, future employers, etc.

Confidentiality and disclosure of information—The Employment Security Division is restricted by law, in most cases, from providing copies of claim documents, answering questionnaires or verifying information about your claim. For this reason, it is very important for you to keep copies for your records of all documents and messages you receive about your claim. Although you may have originally provided the information, the division may not be able to give information about your claim to you or anyone else if you need it for the purposes listed above.

BENEFITS AVAILABLE UNDER THE TRADE ACT

If you were laid off as a result of competition from imports, you may be eligible for TRADE READJUSTMENT ALLOWANCES (TRA/TAA) and other worker benefits under the Trade Act of 1974 as amended 1981, 1986, 1988 and 1993.

OR

If you were laid off as a result of your employer being affected by imports from Canada or Mexico, or by relocation of production to those countries, you may be eligible for North American Free Trade Allowances (NAFTA) and other worker benefits under the North American Free Trade Implementation Act, Public Law 103-102.

Benefits may include:

- Relocation and job search allowances
- Training assistance
- Weekly readjustment allowances
- Job search assistance
- Employment services

If you think you qualify for these benefits, contact your local Nevada JobConnect or Employment Service office. A representative will assist you in filing worker petitions or claims.

KEEPING WORK SEARCH RECORDS

YOU MUST KEEP A RECORD OF YOUR WORK SEARCH IN THE LOG PROVIDED IN THE BACK OF THIS BOOKLET.

YOUR WORK SEARCH WILL BE VERIFIED. You may be asked to produce your record periodically. If you need more space to record your work search, a sheet of plain paper may be used. During an Eligibility Review Interview, you will be asked what you did to try to find a job. **FAILURE TO PROVIDE YOUR WORK SEARCH RECORDS WHEN REQUESTED MAY RESULT IN A DENIAL OF BENEFITS.**

Filing Weekly Claims

How Do I File a Weekly Claim?

There are two steps to UI claims filing.

1. Establish a claim for benefits, either by telephone or using the Internet Claim Filing System.
2. Certify a week of unemployment and request a weekly benefit payment.

When you establish a claim for benefits, you have not requested a week's payment. You have created a claim. A new claim for benefits is available for one year from the date the claim is filed, or until all available benefits have been exhausted. If you return to work and again become unemployed within that year, you will file an additional claim for benefits on the existing year.

To receive a weekly payment, you must call into our weekly claim filing system, called **QuickClaim**, or use the Internet Claim Filing System the following Sunday and request payment for the week. You may not claim a week's payment until the week is completed.

For example, you create a claim for benefits on Friday, January 3. The claim week ends Saturday, January 4. You may claim the week ending Saturday, January 4, any time between Sunday, January 5, and Saturday, January 11.

Claims become effective the Sunday prior to the date the new or additional claim is filed. If you wish to claim a week previous to the week you file the claim, you must call the telephone claim center to file. We cannot give you credit for previous weeks if you file a claim via the Internet. The Internet system defaults the claim to the current week.

HOW DOES QUICKCLAIM WORK?

To file a weekly claim for Unemployment Insurance benefits, obtain benefit payment information, or your benefit balance, just dial the **QuickClaim** telephone number for your area: Northern Nevada call (775) 684-0350, Southern Nevada call (702) 486-0350, or Rural Nevada/Interstate call (888) 890-8211. The first time you call it may take

four or five minutes to file your claim. It is important that you listen to each question before answering.

If you have any problems or doubts about how to answer the questions or how to file your weekly claim, contact the Telephone Claim Center

IMPORTANT: You must receive confirmation that your claim has been accepted.

If you want your weekly claim canceled after it has been accepted by the system, you must contact the Telephone Claim Center **BEFORE** 5 p.m. **THAT DAY**, or the next working day if you filed your claim on a Sunday or holiday.

WHEN DO I FILE MY WEEKLY CLAIM?

The **QuickClaim** system or **Internet Claim Filing System** will accept claims for the prior week only.

It is important that you file your claim for the previous week within seven (7) days of the week ending date. **If you do not file within seven days, your claim may be considered untimely and potentially disqualifying. You must contact the Telephone Claim Center to resume filing your weekly claims.**

EXAMPLE: Because the claim week ends at midnight Saturday, February 17, the last day to file would be Saturday, February 24. **If you have not called by that date, you must contact the Telephone Claim Center.**

REMEMBER: You are filing every week and you will be paid Unemployment Insurance benefits weekly.

YOU MAY NOT BE ABLE TO USE **QuickClaim** IF DURING THE WEEK . . .

- You are working on call.
- Your Benefit Year ends.

If you have returned to work full time, you may file your last week by telephone. However, if you again become unemployed, you must contact the Telephone Claim Center or use the Internet Claim Filing System to reopen your claim.

PERSONAL IDENTIFICATION NUMBER

Our systems require that you enter a Personal Identification Number (PIN). Your PIN protects you from having another person file your claim or obtain information about your claim.

NEVER TELL ANYONE YOUR PIN. Your PIN is your electronic signature for claiming and receiving Unemployment Insurance benefits. You are responsible for all activity on your claim, which is part of your permanent record.

Be sure to select a PIN that will be easy for you to remember since you must use it each time you file a claim or receive benefit information. Do not select a number that will be easily guessed by another person, such as all similar digits or consecutive numbers.

The first time you select the claim filing or benefit inquiry functions on the **QuickClaim** system, you will hear the following:

“Your Personal Identification Number (PIN) needs to be changed or a new number selected. Enter your new four-digit PIN now.”

NOTE: You will enter that PIN number on all subsequent calls to **QuickClaim**.

If you forget your PIN or if you believe someone else knows your PIN, immediately contact the Telephone Claim Center and advise them that you need to change your PIN. Our claims representatives do not know your PIN, but will arrange for you to establish a new one.

INTERNET CLAIM FILING SYSTEM

www.expressclaim.org

The Nevada Employment Security Division has an Unemployment Insurance Claim Filing System for the Internet. Any instructions or availability of additional services listed on the website supersede information in this booklet.

You can use the Internet Claims System if you:

- Wish to establish a new claim for benefits.
- Are no longer working, or working fewer hours and wish to reopen your Unemployment Claim.
- Wish to file a weekly claim for Unemployment Benefits.
- You have an existing Nevada Unemployment Claim.

You cannot use the Internet Claims System if you:

- Wish to establish a new claim for benefits and have worked in more than one state in the last 18 months.

Services Available:

- Personal Information changes such as address, phone number, and e-mail addresses.
- Information regarding your Unemployment Claim.
- Duplicate 1099 Requests (for previous year only).

When you can use this system:

- **Hours:** Every attempt will be made to have the Internet Claims System available 7 days a week, 24 hours a day.
- **Maintenance:** The Internet Claims System will be down for maintenance periodically. When there is a scheduled maintenance, we will post it. However, there are times when we are unable to predict when maintenance is required. Every attempt will be made to inform users of the system status.

System Requirements:

- The Internet Claims System works best with Internet Explorer 4.0 or higher (earlier versions of Internet Explorer will not work with this application). Use of this application with other browsers may produce unpredictable results.
- Your browser must be JavaScript enabled.

FILING WEEKLY CLAIMS BY MAIL

If you are not able to use the **QuickClaim** or Internet Claim Filing system, you will be given instructions by our claims representative on how to file your weekly claims by mail.

PREPAID DEBIT CARD PROGRAM

If you do not already have a debit card for unemployment insurance, you will receive one within 7 to 10 days of filing a claim. The card is valid for three years of claim filing.

Weekly benefits will be paid and loaded on the card within 48 hours of filing for an eligible week.

You must call the VISA call center to activate the card. You will be required to provide the card number, your date of birth and the last four numbers of your SSN. At this time, you will create a PIN to use with your debit card.

Card account numbers or transaction details are not used for any other purpose than paying unemployment insurance.

Use the Internet or contact the telephone claims center for all matters regarding your claim.

Contact the VISA Call Center for all matters concerning your debit card, such as:

- Issuing and Activating Card
- Cardholder Information
- Personal Identification Number used for Debit Card
- Replacing Lost, Damaged or Stolen Cards
- Balance Inquiries
- Fees Associated with Use of the Debit Card

The Visa® Prepaid Debit Card is the easiest and fastest way to receive your unemployment insurance payments. **Nevada's Employment Security Division (ESD)** will post your payments to your personal Visa prepaid debit account for your convenience. You are not allowed to spend more than the amount of funds posted to your account.

Benefits of the New Visa® Debit Card

- Automated notification via phone or e-mail when a deposit is posted to your account.
- Customer service toll-free number to answer questions and obtain your balance.
- Web access to your account and personal transaction history.
- Access to your funds anywhere Visa debit cards are accepted.

To Make Purchases

- Simply present your card when paying.
- The money is automatically deducted from your account.
- You may also ask for “cash back” with your purchase at most merchant locations.

To Get Cash at an ATM or Bank

- Each month you are allowed one (1) free Wells Fargo ATM withdrawal with every weekly deposit at any Wells Fargo ATM.
- After the free monthly ATM cash withdrawal is used at a Wells Fargo ATM and for all withdrawals at other ATMs, your account will be charged \$1.75 for each withdrawal.
- When using your card at an ATM, insert the card and enter your PIN.
- Press either the checking or savings button on the ATM.
- Select “Cash Withdrawal.”
- Enter the amount of cash needed and press “Enter.”
- Don’t forget to take your receipt.
- When using your card at a Visa bank teller window, present your card and tell the cashier the amount of cash you wish to receive. You may be asked to sign a receipt. There is no fee for this service.

ATM Balance Inquires

- You may check your account balance at ATMs for \$0.50. You are allowed one free ATM inquiry each month.
- Insert your card and enter your PIN.

ATM Balance Denials

- You are allowed two (2) free ATM denial transactions, each month.
- You are charged a fee of \$0.50 each time thereafter.
- Avoid this fee by checking your account balance online.

Surcharge Fees

- Some bank ATMs will apply a surcharge fee to use their ATM.
- Avoid this fee by using Wells Fargo Bank and 7-Eleven ATMs.
- Always read the ATM messages carefully.
- You may cancel the transaction if you wish to avoid the fee.
- Press “Enter” if you wish to continue the transaction and pay the fee.

How to Avoid Fees

- Ask for Cash Back with your purchases for cash throughout the month.
- Use your free cash withdrawals at participating bank ATMs or any Visa Member bank teller window.

Are there fees for using the card?

- There are no monthly fees for managing your funds.
- Each month you are allowed one (1) free ATM cash withdrawal with each weekly deposit at any Wells Fargo Bank ATMs .

**Claimants may contact the
VISA Call Center at
(877) 829-4130 or
www.EPPICard.com**

FINDING A JOB**MAKE YOUR JOB SEARCH WORK FOR YOU**

Nevada's Employment Security Division (ESD) is your full-service, no-fee employment resource. For more than 60 years, the division has served the needs of Nevada's job seekers through a statewide network of offices providing a full line of employment services.

- **Career Information System**—The Nevada Career Information System is a **comprehensive career guidance system** that provides information and exploration tools to people throughout Nevada.
- **Job Opportunities**—Nevada JobConnect has lists of jobs received from employers in your community, as well as listings of jobs throughout the state. The office can and may refer you to any job opening for which you are qualified.
- **Job Search Online**—Internet Services available at no cost.
- **Job Search Workshops**
- **Resource Centers**—Like having your own office, Nevada JobConnect Offices offer computers, fax machine, telephones and copiers to assist in your job search.

- **Veteran Services—The Veterans Employment Service** provides one of the highest quality job referral and placement systems in the nation. Employer job orders immediately gain statewide exposure to Nevada's labor force. And, for hard-to-find specialized workers, our affiliation with America's Job Bank offers exposure to employer job openings in employment service offices throughout the nation.
- **Vocational Counseling**—All job seekers can take advantage of vocational counseling for help in making career decisions applicable in today's job market. By arranging an appointment with a trained employment counselor, job seekers can assess their goals and interests, develop an effective job search plan, gain useful contacts, and receive valuable suggestions.
- **Trade Adjustment Assistance (TAA)**—If foreign imports or free trade have affected your job, in Nevada the Department of Employment, Training and Rehabilitation's Employment Security Division administers the U.S. Department of Labor's program designed to assist individuals who are unemployed as a result of foreign imports or free trade. The program, Trade Adjustment Assistance (TAA), helps dislocated workers find suitable employment at an equal or higher skill level.

LOOKING FOR WORK ON YOUR OWN

Find out what companies or employers hire workers who do your kind of work.

Any or all of the following sources can be very helpful in obtaining information on where job openings exist. Expand your job search to include:

- Former employers
- Friends and relatives
- Unions
- Trade journals
- Private employment agencies
- Federal, state, county, and local governments
- Community service organizations
- Yellow pages in the telephone directory
- Newspapers—classified ads, news articles about new plants, company expansions and business trends
- Professional and trade organizations

HOW TO HANDLE JOB INTERVIEWS

- (1) When you have a job interview, arrive on time.
- (2) Your personal appearance is important! Be neat, clean, and

dressed ready to start work.

- (3) Try to relax. Avoid gum chewing, fiddling with a purse or jingling coins in your pocket.
- (4) Be ready to talk about the kind of work you have done and skills you have to offer.
- (5) Be prepared to furnish names and addresses of former employers, dates worked, your Social Security number, and permits or licenses, if required.
- (6) Speak clearly and answer questions honestly. Be businesslike and brief.
- (7) If the interview does not result in your being hired, thank the interviewer for his/her time and ask about any openings elsewhere in the company.
- (8) After applying at one business, try other nearby companies.

The more places you try, the sooner you will find a job. To increase your chances of finding work, we also suggest you:

- (1) Avoid repeat contacts with the same employer unless the employer encourages you to try again.
- (2) Ask only for the types of work you are willing and qualified to take.
- (3) Apply for a job by mailing résumés only if this is the customary way to find work in your occupation.
- (4) Always contact employers during the hours of the day or days of the week in which business is normally conducted and they are more likely to consider the hiring of new employees. Do not apply during lunch hours or after working hours.
- (5) Always go alone to a job interview.
- (6) Attend one of the Group Job Search Workshops offered at or through JobConnect offices to improve your work search skills.

WORK SEARCH RECORD

List all the employers and labor unions you contact each week while claiming unemployment benefits. You may be asked to send this list to the Telephone Claim Center for evaluation. **Remember**, you must contact several different employers each week in person unless otherwise instructed. **Your work search is subject to verification.**

[illegible]

*T = Telephone; P = In Person; R = Résumé; I = Internet

REMEMBER, YOU MUST ALWAYS:

- **Include your Social Security number** any time you write or call concerning your claim.
- Let us know if you change your **address** or **telephone number**.
- Let us know about anything that could keep you from working or looking for work.
- Tell us about any **job offers** or **job referrals** you receive and/or refused.
- Tell us about **any work** you did or **any wages** you earned **in each week you claim**. **Remember**, report wages when you **do** the work, not when you get paid.
- Be **ready, willing** and **able** to take any offer of suitable work.
- Use the Unemployment Insurance payment log to keep a record of the dates you receive your benefits for each week you claim. A good record will help you identify any missing payments.
- **Restart** your claim if you stop reporting for any reason or earn more than your Weekly Benefit Amount and wish to begin receiving benefits again.
- Carefully **read any letters or report forms you receive** and **follow the instructions**.

**CLAIMS ARE CHECKED FOR ABUSE OF THE
UNEMPLOYMENT INSURANCE PROGRAM**

Each claim is thoroughly checked! All claims are matched by a computer to find out who worked while claiming benefits. All violators are prosecuted, fined and/or jailed. Others are penalized by disqualification, which may run up to 52 weeks.

You must volunteer full information about anything that affects your claim. **Withholding information** is just as serious as giving false information. In any case, money improperly received must be repaid. Take our word, **it is not worth it!**



NEVADA JOBCONNECT LOCATIONS/ZIP CODES AND PHONE NUMBERS

Henderson.....	119 Water Street	89015.....	(702) 486-0300
Las Vegas.....	3405 S. Maryland Parkway	89109.....	(702) 486-0100
North Las Vegas.....	2827 Las Vegas Boulevard		
	North	89030.....	(702) 486-0200
Carson City.....	1929 N. Carson Street	89706.....	(775) 684-0400
Reno.....	4001 S. Virginia Street	89502	
	(Reno Town Mall, Suite H).....		(775) 834-1970
Sparks.....	1675 E. Prater Way, Suite 103	89434.....	(775) 336-5400
Elko.....	172 Sixth Street	89801.....	(775) 753-1900
Ely.....	1500 Avenue F, Suite 1	89301.....	(775) 289-1616
Fallon.....	121 Industrial Way	89406.....	(775) 423-5115
Winnemucca.....	475 W. Haskell Street	89445.....	(775) 623-6520
Pahrump.....	1541 E. Basin	89060.....	(775) 537-2323

Visit JobConnect on the Internet . . .

www.nevadajobconnect.com



America's Workforce Network
Toll Free Help Line



DETR – a member of America's Workforce Network



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Employment Security Division
500 E. Third Street
Carson City, NV 89713

First Class