



LAES has developed a series of immigrant issue instructional modules entitled "Tierra de Oportunidad" for orientation to our complex society.

INSTRUCTIONAL AREA: *Advancing Work and Career*

Tierra de Oportunidad - Module 3

Unemployment Insurance

Overview

Immigrant dominated industries have a tremendously high rate of worker turnover. Agricultural work is a paradigm case where there are tremendous levels of seasonal unemployment but other industries, such as tourism, and food services, have similar seasonal fluctuations in employment level and very high turnover.

Unemployment, as much or more than low hourly wages, puts a tremendous stress on immigrant workers, in part because a worker may suddenly discover that he or she is laid off for reasons beyond his or her control. Thus, unemployment insurance is a critical social safety net for immigrant workers. The system is complicated and unfamiliar for immigrants since other countries do not always have an unemployment insurance system.

The Unemployment Insurance System expects workers who receive benefits to be actively seeking work and to be able and available to accept work every day of the work week. This is a seemingly straightforward requirement that is, however, more complicated in some circumstances. In some cases, unemployed workers can participate in employment training while receiving unemployment insurance benefits.

Learning about unemployment insurance is not simply part of understanding workers' rights but, also, a way of beginning to think of work not simply in terms of jobs -- but in terms of careers, that is, constantly evolving strategies to get ahead.

Basic Skills Development

This curriculum module serves to build several basic, generic skills. It will be useful for the instructor to emphasize to the class how the module and the class activities contribute to these skills.

<i>Reference skills:</i>	Use of administrative forms, including tables and charts.
<i>Computational skills:</i>	Estimating earnings in base period. (multiplication, factoring, adding, subtracting) projecting benefits.
<i>Communication skills:</i>	Interactions with employers, and with agency staff.
<i>Survival skills:</i>	Documentation of earnings, key interactions, seeking help.
<i>Problem-solving analytic skills:</i>	Discriminating between new concepts: laid-off, fired, walked off; available for work, searching for work, assessing consequences of actions
<i>Team work:</i>	Group help to individuals, working in pairs.

Teaching Points

The teaching objective of this module is not to assure that learners know all the facts about the Unemployment Insurance System but, instead to make certain that the learners can interact successfully with agency representatives who form the system, take the availability of unemployment insurance into consideration in their job choices, and successfully use, not abuse, the system to improve their earnings.

1. **Every employment-authorized worker has a right to Unemployment Insurance (UI).** Unemployment insurance is not public assistance or welfare. It is an insurance system paid for by employer contributions, which presumes that most employment is permanent, full-time employment. It is every worker's right to receive unemployment while they look for another job.
2. **Practically, many workers are not eligible for UI.** To be eligible for UI a person needs to meet a number of qualifications. Some may seem to be fair, some may not seem fair. They are the law, however:
 - UI is only available to workers who are laid off, not to those who are fired.
 - To receive UI, a worker must be available for work and search for work.
 - To receive UI, a worker must have made a minimum amount of money in the last eighteen months.
 - A worker's employer needs to have paid into the UI system for you. However, even if an employer has, illegally, not paid into the system, a worker may still be provided with UI.
 - To receive UI, a worker must be employment-authorized i.e., a citizen, a permanent resident, or authorized by INS to work. The unemployment insurance office is required by law to check employment authorization documents to see if they are genuine, but not all offices do this.
3. **What are UI benefits?** Different unemployed people get different amounts of unemployment insurance.
 - UI benefits usually amount to slightly less than half a worker's usual salary.
 - There is a week waiting period before becoming eligible, but it is useful for a worker to file a claim as soon as they can.
 - UI benefits usually last for about 13 weeks of unemployment, but, sometimes, are extended to 26 weeks. However, every claim has a maximum amount based on the amount the worker earned the previous year and once the maximum amounts of the claim pay outs are made, the worker will receive no more unemployment help.
 - UI benefits are not what is called earned income, but must now be reported on income tax returns. The Internal Revenue Service is notified of UI payments made to unemployed workers.
4. **Qualifying for Unemployment Insurance and dealing with problems that arise.** Reasonably, to receive unemployment insurance a worker must have quit the job for good cause or been fired without misconduct. Sometimes employers may dispute whether a worker has been fired for cause or been laid off or voluntarily left their job. Workers should be clear about the differences between these different situations. A worker must also be available for work and looking for work, even if they know their chances of being offered a job are not very good. Workers should understand the following concepts and read and complete these relevant forms:
 - The unemployment insurance application form;
 - The unemployment insurance handbook and notifications;
 - The notice of unemployment insurance award;
 - UI recipients biweekly reporting form (Continued Claim Form);
 - The distinction between being laid off and fired;
 - The meaning of able and available for work;
 - Guidelines about reasonable and unreasonable job search requirements; terms of distance traveled to work, and appropriate employment;
 - Penalties for supplying false information.

5. **Getting Help.** Workers can get help with unemployment insurance claims and in searching for employment but should help themselves first by being careful about whom they work for and how they are treated at work. Workers should be urged to:
- Keep records -- notice of hire, pay stubs, layoff notice;
 - Be aware -- Does the employer seem legitimate? Does the pay stub show a UI contribution?
 - Practice remembering details -- Remember things in detail, clearly and calmly. Write down notes if you think there may be conflict;
 - Get help from the Employment Service (EDD). Workers deserve help and a speedy decision on their unemployment claim;
 - Request help in their own language orally and in writing if they don't know English well -- farm workers guaranteed by monitor advocates, other immigrants under Dymally-Alatorre (farm workers in "significant" MSFW offices, others if >5 percent of population);
 - Receive free legal services. These are available, in California, from CRLA, or, in some cases, from a legal services office or the local bar association.

Suggested Learning Activities

1. Survey the class orally to see how many have been unemployed -- in the last three months, in the last six months, in the last year? Estimate lost earnings from unemployment. Estimate benefits from unemployment.
2. Survey who in the class has applied for unemployment insurance and who found it easy and who found it hard.
3. Use the Employment Development Department Table of benefits to estimate how much people's UI claims amount to, based on the amount of earnings they had in their "base quarter".
4. Role play different scenarios of employer-employee conflict which can result in either layoff-, being fired, or walking off the job.
5. Pass out Unemployment Insurance claimants handbooks in class.
6. Given a standard ambiguous scenario of a typical claimant's week -- e.g., car broken one day, a child sick another day, have the class fill out UI claims for the fictional claimant. Compare if and how reports are different.
7. Ask the class to compare good and bad experiences with UI. Ask the class to see if they could give advice, with their new information on UI, on how to handle the situation more successfully. Emphasize the assumptions made by the system about applicant's duties, about the feasibility of seeking help, and the right to appeals.
8. Role play visit to a UI office in English. Have role-playing applicants, if necessary, ask for Spanish-speaking claims worker.
9. Using the Applicant's handbook and the calendar practice calculating application dates for UI.
10. Ask students in class to begin keeping records of their earnings if they do not already do that and help them keep records for the first several weeks.
11. Ask students to pair off and for each pair to help each other estimate their claim amount if they were to become unemployed immediately and help them with the task.
12. Invite an UI claim processing worker or local office manager to talk to the class.
13. Review and fill out an UI Initial Claim, an UI Continued Claim, an Employment Separation Statement, or a Job Service Application.
14. Review EDD legal notification about job applicants' and unemployment insurance claimants' rights, and Work Authorization Documents' list.

Resource List

1. UI Claimant's Handbook --English and Spanish.
2. Important Information for Job Applicants and Unemployment Insurance Claimants including Table -- "Determining Weekly and Maximum Benefit Amounts".
3. Notice of UI award

4. UI Continued Claim Form
5. Handout -- The Meaning of Able and Available -- Employment Law Office/Legal Aid Foundation of Los Angeles.

Commercial ESL Textbooks

- Speaking Up at Work, Oxford University Press
 - Unit 7, Section 3, Understanding Benefits
 - The Working Culture, Career Development for New Americans, Book 2, Prentice Hall Regents
 - Part 3, Economic and Legal Awareness: Chapter 11, Work Hours, Pay, Deductions, and Benefits
 - Workplace Dynamics, SLRC Library
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