

WE ARE YOUR DOL

NEW YORK
STATE OF
OPPORTUNITY

Department
of Labor

UNEMPLOYMENT INSURANCE (UI) AND STRIKES

CAN I GET UNEMPLOYMENT INSURANCE (UI) IF I AM OUT ON STRIKE?

If you lose your job due to a labor dispute, such as a strike, you may be eligible for UI benefits. Normally, the strike must last for 14 days before you are eligible to receive benefits. This is called a suspension period. However, you may be eligible sooner if:

- There is a lockout
- Your employer hires permanent replacement workers
- The labor dispute ends and you are still unemployed

WHEN DO I FILE A CLAIM?

Contact the Department of Labor when the strike starts. File a claim right away to see if you are eligible for benefits now or after the 14 days.

If we determine there is a lockout or permanent replacement workers are hired during the 14-day period, your claim will be activated.

HOW DO I FILE A CLAIM?

The best way to file is on our website:

Monday-Thursday, 7:30 am - 7:30 pm

Friday, 7:30 am to 5:00 pm

Saturday all day and Sunday until 7:00 pm

Go to labor.ny.gov/signin. You must sign in with your NY.Gov ID. If you don't have an NY.Gov ID, it's easy to create one.

You can also file by phone, Monday - Friday from 8:00 am - 5:00 pm, by calling our Telephone Claims Center (TCC) at **1-888-209-8124**.

WHAT HAPPENS AFTER I FILE A CLAIM?

You will get an Unemployment Insurance Monetary Benefit Determination letter in the mail. This will tell you the work history and earnings we have on file for you. It will tell you how much money you would receive weekly, if we approve you for UI benefits.

If your UI benefits are not approved, you will receive a determination letter (denial). During a strike, this likely means that there is no lockout and no replacement workers were hired. The determination will explain your next steps.

HOW DO I GET MORE INFORMATION?

To find out more about UI, visit our website at labor.ny.gov. Click on "Individuals," and then on "Unemployment Assistance." There you can find links to our Frequently Asked Questions and UI Handbook.

WHAT IF I HAVE A QUESTION ABOUT UNEMPLOYMENT OR ABOUT MY CLAIM?

You can call the TCC during the hours listed to the left. Or, send us an email through your online services account. Sign in with your NY.Gov ID, and click on "messages."

WILL I RECEIVE BENEFITS AUTOMATICALLY AFTER THE 14 DAYS?

If you are still not back to work after the 14-day suspension period, we generally recommend you file a new claim if your first claim was denied. The first week of your claim is a waiting period, which is unpaid. You must claim benefits for that week to receive credit, as well as to collect any future weeks of UI benefits. You do not get credit for the waiting period until after the end of the 14-day suspension period.

WHAT IF MY UNION PAYS ME FOR PICKETING (STRIKE PAY)?

If you were not required to provide strike services in order to receive the payment, there is no effect on your unemployment benefits. (Reference 12 NYCRR Section 490.2.)

WHAT IF I GET BACK PAY AFTER THE STRIKE IS OVER?

You may be required to pay back some or all of the Unemployment Benefits you received during the strike if your employer pays you back wages after the strike is over. This requirement does not apply if you experienced a lockout.