

WE ARE YOUR DOL



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?

DOL recommends that you file after the suspension period ends, on or after the 15th day the strike began.

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

Weekends from 12:01 a.m. Saturday through 7:00 p.m. Sunday

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**. Be sure to indicate your separation reason as an "Industrial Controversy" (strike).

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 DOL has on file for you. It will also tell you how much money you will receive weekly, if you are eligible for UI benefits.

If you are not eligible for benefits, you will receive a determination letter (denial). The determination will explain your next steps including how to file an appeal.

HOW DO I GET MORE INFORMATION?

To find out more about UI, visit the DOL website at labor.ny.gov. Click on "Unemployment Benefits," and then on "File Your First Claim for Benefits." There you can find links to our Frequently Asked Questions and the UI Claimant 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 filed your claim after the suspension period is over, the first week of your claim is an unpaid waiting period. You must claim benefits for that week to receive credit, as well as to collect any future weeks of UI benefits. If you filed your claim during the suspension period, your claim will likely be denied and you will need to file a new claim. 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.