On January 18, 2021, Former Governor Andrew M. Cuomo announced that under his direction NYS DOL will implement a new rule that redefines how part-time work impacts unemployment benefits. This change makes New York's partial unemployment system fairer and more equitable for New Yorkers who have the opportunity to work part-time while collecting unemployment and pandemic benefits.

Effective August 16, 2021, New York State has modified the rules for partial unemployment eligibility. This update will apply to the benefit week of Monday, August 16, 2021 to Sunday, August 22, 2021 and all benefit weeks going forward. When certifying for benefits, New Yorkers should refer the new guidelines for reporting part-time work, available below.

Q: What changes have been made to partial unemployment?

A: NYS DOL's new partial unemployment system uses an "hours-based" approach. Under the new rules, claimants can work up to 7 days per week without losing full unemployment benefits for that week **if they work 30 hours or fewer and earn $869 or less in gross pay excluding earnings from self-employment**. With this change, claimants' benefits will not be reduced for each day they engage in part-time work and will be reduced in increments based on total hours of work for the week.

For comparison, NYS DOL's previous system for partial UI counted part-time work in full-day increments. Under this approach, a claimant who worked part-time would lose 25% of their weekly benefits for each day worked regardless of the number of hours worked on each of those days. For example, a claimant who earned just $45 during a three-hour shift would have lost a quarter of their weekly benefits.

Q: What has changed with my weekly certification?

A: This system update modifies how claimants calculate the number of days they report working each week. Claimants should refer to the chart below to determine how their weekly hours worked translates to the number of days to report. For example, if a claimant works 10 hours or fewer in a week, they should report they worked 0 days when certifying. A claimant who works 30 hours, would report 3 days worked.

Another change is that claimants are only required to report up to 10 hours worked each day.

HOURS WORKED PER WEEK	NUMBER OF DAYS TO REPORT TO UI	% REDUCTION IN UI
0 - 10	0 *DAYS*	0
11 - 16	1 *DAY*	25%
17 - 21	2 *DAYS*	50%
22 - 30	3 *DAYS*	75%
31+	4 *DAYS*	100%

When calculating your hours worked, round up to the nearest whole hour.

Q: What has not changed with my weekly certification?

A: Claimants are still required to certify their weekly claims for benefits online or through the automated phone system. When certifying, the system will still ask for the number of days worked. Claimants should refer to the chart below to determine how their weekly hours worked translated to the number of days to report.

In addition, claimants will still be required to report the amount of money earned during the week for which they are claiming. Any claimants who earns more than $869 in weekly gross pay (excluding earnings from self-employment) will not be eligible for unemployment or pandemic benefits regardless of hours worked.

HOURS WORKED PER WEEK	NUMBER OF DAYS TO REPORT TO UI	% REDUCTION IN UI
0 - 10	0 *DAYS*	0
11 - 16	1 *DAY*	25%
17 - 21	2 *DAYS*	50%
22 - 30	3 *DAYS*	75%
31+	4 *DAYS*	100%

When calculating your hours worked, round up to the nearest whole hour.

Q: How should I calculate my hours if I work more than 10 hours on one day?

A: When totaling hours for the week, claimants should use a maximum of 10 hours per calendar day. To determine how many days of work to report to UI, claimants should add together all hours worked for each calendar day (with a maximum of 10 hours for any day claimants worked more than 10 hours) and refer to this chart.

For example, a claimant who works a total of 11 hours in a week should report one day of employment, and a claimant who works a total of 17 hours in a week should report two days of employment if they worked more than one day. If the 17 hours of work occurred on one calendar day, then that claimant should report one day of employment because of the 10-hour maximum rule.

HOURS WORKED PER WEEK	NUMBER OF DAYS TO REPORT TO UI	% REDUCTION IN UI
0 - 10	0 *DAYS*	0
11 - 16	1 *DAY*	25%
17 - 21	2 *DAYS*	50%
22 - 30	3 *DAYS*	75%
31+	4 *DAYS*	100%

When calculating your hours worked, round up to the nearest whole hour.

Note: This formula does not change the $869 gross weekly payments rule – claimants must still report their total earnings for the week. Any claimant who earns more than $869 in weekly gross pay (the amount of money earned before taxes and deductions are taken out) excluding earnings from self-employment will not be eligible for unemployment or pandemic benefits regardless of hours worked.

Q: When does this change to partial unemployment go into effect?

A: Starting Sunday, January 24, 2021, New Yorkers will report using the new method for the benefit week of Monday, January 18, 2021 to Sunday, January 24, 2021 – and all benefit weeks forward.

Note: Starting Sunday, August 22, 2021, New Yorkers will report using the updated hours matrix for the benefit week of Monday, August 16, 2021 to Sunday, August 22, 2021 – and all benefit weeks going forward

Q: Is there still an earnings cut-off for partial unemployment benefits?

A: Yes, if a claimant earns more than $869 in weekly gross pay (the amount of money earned before taxes and deductions are taken out excluding earnings from self-employment, then they will not be eligible for unemployment or pandemic benefits for that week no matter how few hours they worked.

Q: Does this change also apply to weekly certifications for Pandemic Unemployment Assistance (PUA) benefits?

A: Yes. Claimants who are eligible for PUA benefits will report their days of work using the new calculation method. Unlike regular UI benefits (or extended benefits), PUA claimants must report earning in self-employment over $869 as per Federal requirements.

Q: If I work four hours in a week over four days, should I still report that I worked 0 days?

A: Yes, under NYS DOL's new partial unemployment system, four hours of work in a week -- regardless of the total days worked -- is equivalent to less than one day worked for certification purposes, as long as the claimant does not earn more than $869 in gross pay (excluding earnings from self-employment) for those three hours worked.

Q: How does this change impact my benefits if I am not working part-time?

A: NYS DOL's change in how partial unemployment benefits are calculated will not impact claimants who work 0 hours in a week.

Q: How will this change to partial unemployment impact the overall time that I can receive unemployment benefits?

A: NYS DOL's change in how partial unemployment benefits are calculated will not impact the number of weeks of unemployment available to New Yorkers.

Q: I'm on Shared Work. How does this change affect my benefits?

A: Partial unemployment benefits for claimants enrolled in the Shared Work program are calculated differently. **Click here for additional information about certifying for Shared Work benefits**.

Q: What should I do if I reported the wrong number of hours worked while certifying?

A: If a claimant mistakenly reports the number of days worked for weeks starting January 18, 2021 or later, instead of the using the new formula **or** if you use the outdated reporting guidelines for weeks starting August 16, 2021 or later, they should let NYS DOL know so we can ensure they are paid all the benefits they are entitled to.

Q: What should I do if I'm certifying for back payments for weeks that I was partial unemployed between January 18, 2021 and August 16, 2021?

To certify for part-time work between January 18, 2021 and August 16, 2021, you should refer to the previous partial employment guidelines below.

- 0 – 4 hours of work (equivalent to 0 days worked): 100% of weekly benefit rate
- 5 – 10 hours of work (equivalent to 1 day worked): 75% of weekly benefit rate
- 11 – 20 hours of work (equivalent to 2 days worked): 50% of weekly benefit rate
- 21 – 30 hours of work (equivalent to 3 days worked): 25% of weekly benefit rate
- 31+ hours of work (equivalent to 4 days worked): 0% of weekly benefit rate

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