



**SAG·AFTRA®**

# **Actor's Guide to California Unemployment Benefits**

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The following contributed to the creation of this document:  
Bonnie Chávez, Rae Hamilton, Vicki Shapiro, Pamela Conley Ulich

THIS HANDBOOK IS FOR GENERAL INFORMATION PURPOSES ONLY AND DOES NOT CONSTITUTE LEGAL ADVICE OR HAVE THE FORCE AND EFFECT OF LAW, RULE OR REGULATION. IF YOU FEEL THAT YOU NEED LEGAL COUNSEL, YOU ARE ENCOURAGED TO SEEK OUT THE ADVICE OF AN ATTORNEY WHO CAN ASSESS THE SPECIFIC CIRCUMSTANCES OF YOUR MATTER.

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1. The proper name for the "Unemployment Office" is the State of California Employment Development Department, referred to in this guide as "E.D.D."
2. The unemployment insurance benefits are called "Unemployment Insurance" or "U.I." benefits.

## 1. IMPORTANT TIPS.

1. Keep a complete work history file with an accurate, detailed interview/audition book.

See examples in Appendices A and B.

2. Keep postmarked envelopes in which you receive residuals checks as evidence of date of receipt.

See Section 19 for an explanation.

3. On Employment Development Department forms, SAG-AFTRA is considered a union. Some E.D.D. forms will ask you to write the "name and local of your union." Simply respond "SAG-AFTRA." There is no union local number. If you must enter something, put a "0".

Please note that if anyone at the E.D.D. office tells you that they do not recognize SAG-AFTRA as a union, you should take down that person's full name and ask to speak with a supervisor and report that misinformation because SAG-AFTRA *is* recognized as a union by the E.D.D.

4. Random audits are conducted by the E.D.D. If you are notified that you are being audited, do not panic. Call the telephone number provided in the audit notice if you have questions. The E.D.D. reserves the right to suspend your benefits if you do not cooperate.

5. *Remember: Fill out the E.D.D. forms completely.* The claim processing is computerized and any unanswered questions will delay payment of your benefits. Report all changes of address and/or phone number. Include your full name and nine-digit Social Security number in all correspondence with the E.D.D.

## 2. HOW DO I APPLY FOR CALIFORNIA U.I. BENEFITS?

If all your earnings for the past 18 months originate in the state of California, you may file electronically by logging on to [www.edd.ca.gov](http://www.edd.ca.gov), but if you have any earnings originating in more than one state (i.e. a "combined wages claim"), you cannot file electronically. You must either call the E.D.D. or apply at a local E.D.D. office. See section 29 for more details.

If you decide to file online, through the California UI Online service please note below the filing times:

<b>Days of the Week</b>	<b>Available Time</b>
Sunday	5 a.m. – 8:30 p.m.
Monday	4 a.m. – 10:00 p.m.
Tuesday - Friday	2 a.m. – 10:00 p.m.
Saturday	2 a.m. – 8:00 p.m.

You can find the phone number for E.D.D. online, or you may find an E.D.D. office either by looking in your local phone directory in the Government Section under State of California, Employment Development Department, or by calling directory assistance. All E.D.D. offices will accept an application for U.I. benefits over the telephone. Call the office nearest you and an E.D.D. representative will assist you in filing a claim. To file a claim, one must:

- be out of work for any reason, or working less than full-time;
- know your correct Social Security Number;
- know the name and address of your last employer; and
- know the date of your last employment.
- It is also helpful to have available your past work records and names and addresses of all employers for the past 18 months.

If your eligibility is questioned, you will be given an "Eligibility Rights Interview".

See Sections 10-12 for more information.

### **3. DO I HAVE TO FILE A CLAIM WITH THE STATE OF CALIFORNIA E.D.D. BRANCH CLOSEST TO MY HOME?**

No, you may apply at any E.D.D. office. However, if all your earnings originate in the state of California, filing electronically at [www.edd.ca.gov/UI\\_Online](http://www.edd.ca.gov/UI_Online) is the easiest way to apply for U.I. Calling may involve long holding periods on the phone.

### **4. WHO IS ELIGIBLE TO COLLECT CALIFORNIA U.I. BENEFITS?**

To meet the basic eligibility requirements, one must:

- Be unemployed or working part-time;
- Be registered for work with the E.D.D.;
- File a claim with an E.D.D. field office;
- Be able to work and be available for work;
- Seek work as directed (to be eligible for benefits, you must
  - conduct an active search for work each week.);
  - Serve a seven-day waiting period;
  - Possess U.S. Citizenship or a proper work visa; and
  - File a "Continued Claim Form" each week you claim U.I. benefits

### **5. EARNINGS REQUIREMENTS AND HOW TO DETERMINE YOUR BASE PERIOD.**

To have a claim, you must have received a specific minimum amount of earnings in covered employment during your base period.

#### **EARNINGS:**

All earnings, including, but not limited to, job wages, residuals, vacation pay, idle time, late pay, strike benefits, holiday pay, self-employment income, board/lodging or other payment in lieu of cash or check, jury fees, bonuses, commissions, tips, witness fees, military reserve or National Guard pay, are included in wages if earned in "covered employment" as described below.

NOTE: SAG-AFTRA does not keep records of your earnings

The E.D.D. can provide you with a print out of your base period earnings from information reported by your employers.

However, it is your responsibility to review your earnings to ensure that the E.D.D. information is accurate and to know the period of your highest wages, so that you can decide the best time to file your claim

See Base Period Earnings Schedule following later in this section.

### **EARNINGS REQUIREMENTS**

You must have:

1. At least \$1,300 in earnings in one quarter of your base period (as explained below); or
2. At least \$900 in earnings in the highest quarter and total base period earnings of 1.25 times your high quarter earnings.

NOTE: Residuals, holding fees, reuse fees, etc. may satisfy either requirement. However, as provided in Section 1277 of the Unemployment Insurance Code, if the claim you are filing is a "back-to-back" claim (a claim for a period subsequent and consecutive to your initial claim), you must have either (1) performed some work (i.e. worked at least one day in "covered employment") during the subsequent base period; or (2) you must wait until the earnings for the subsequent claim do not include earnings from your last employer for the immediately preceding claim (approximately 4-6 months).

### **RESIDUALS:**

Residuals should be reported in section 4E of the applications.

### **COVERED EMPLOYMENT:**

Covered employment is work for an employer who pays unemployment insurance taxes, or reimburses the unemployment insurance fund for benefits paid. SAG-AFTRA's collective bargaining agreement requires that producers pay unemployment insurance taxes.

### **WAGES EARNED BUT NOT PAID:**

If you wish to qualify in a particular base period by using wages earned during that base period but not paid until a date outside the base period, you may be initially turned down because the employer did not pay appropriate taxes during the base period. Ask for a recomputation of the claim and provide evidence which will prove the employer had set aside wages for you during the base period, even though the check was not actually issued during that time. If you cannot provide sufficient evidence to E.D.D., the E.D.D. will send an auditor to your employer's office to double-check your allegations. A recomputation may take as long as six to eight weeks.

**BASE PERIOD EARNINGS SCHEDULE:**

If the Claim begins in:	The Base Period is the four calendar quarters ending the last day of the previous:
January - February - March	September
April - May - June	December
July - August - September	March
October - November - December	June

**6. ESTABLISHING YOUR CLAIM DATE.**

Your U.I. benefits are calculated based on your earnings during a specified base period. The higher your income during this period, the higher your benefits will be up to a maximum. Since your base period is determined by the date you file your claim, you should choose the quarter in which you know you were paid the most, then ensure that this quarter will be included in the base period for your filing date. It is your responsibility to know the period in which you were paid the most and determine the best time to file the claim. You may cancel your claim and file a new claim with a later date if you cancel within 30 days after the mailing of your Unemployment Award notice, provided that no benefits have been received and cashed, or no disqualification has been issued in writing.

**7. HOW MUCH CALIFORNIA U.I. MAY I COLLECT?**

The maximum you may receive is any benefit year (the 52-week period beginning on the Sunday prior to the date you filed the claim) is the lessor of:

- (1) 26 times your weekly benefit amount; or
- (2) 2 of your total base period earnings.

Generally, only one claim may be filed in any one-year period. If your claim is denied, you must wait one year to file a new claim.

**8. MAY I WORK PART-TIME AND STILL COLLECT CALIFORNIA U.I. BENEFITS?**

Yes, but you must report all work done during weeks claimed, whether you were paid or not, even if you are self-employed. You may be entitled to U.I. benefits even if earnings from part-time work exceed your weekly benefit. Do not attempt to conceal part-time work; your statements are reconciled with employer's statements at the end of the year. If there are discrepancies, penalties may be assessed.

## 9. WHAT ARE THE RULES ON PART-TIME EMPLOYMENT?

You are entitled to U.I. benefits if, in addition to other requirements, you are able and available to work.

"Able to work" means that you had no sickness or injury that kept you from starting a job or working during any workday of the week.

"Available to work" means that you are ready and willing to take suitable full-time work on every normal day of the week.

Suitable employment is anything that you are qualified to do.

The E.D.D. will probably look at your employment history to see what kinds of jobs you have accepted in the past. Therefore, do not accept a position just to establish a claim if you never want to work as a waiter, clerk, etc. again.

Work as a "background actor" is required only for SAG-AFTRA members who work as background actors on a regular basis. SAG-AFTRA members who are not routinely engaged as background actors can accept such work if they want to.

If and when you secure part-time work, you may still be eligible for part of your weekly benefit. The Earnings Allowance Program is designed to encourage claimants to accept less than full-time work.

The Earnings Allowance Program works like this:

- a. You must report all earnings.
- b. The E.D.D. deducts the first \$25 or 25% (whichever is greater) from your total earnings for the week, and does not count this figure in determining your U.I. benefits for the week.
- c. The remaining amount is deducted from your weekly benefit amount.

### Examples:

1. Your weekly benefit is \$50. From part-time employment you earn \$30:
  - Report \$30
  - The first \$25 is deducted from \$30 by the U.I. office and does not count against your U.I. benefit.
  - The \$5 difference is deducted from your normal weekly benefit of \$50.
  - You receive \$45 in U.I. that week, in addition to the \$30 you earned.
2. Your weekly benefit is \$115. From part-time employment you to earn \$124:
  - Report \$124
  - The first \$31 (25% of \$124) is deducted from \$124 by the E.D.D. office and does not count against your U.I. benefit.
  - The \$93 difference is deducted from your normal weekly benefit of \$115. You receive \$22 in U.I. that week, in addition to the \$124 you earned.



You will not be paid any benefits if, after calculations, the amount of earnings remaining is more than your normal weekly benefit.

## **10. WHAT HAPPENS AFTER I FILE A CALIFORNIA U.I. CLAIM?**

Either your claim will be accepted and your first U.I. benefit payment will arrive or your claim will be questioned and an "Eligibility Rights Interview" will be scheduled. See Section 11. During the Eligibility Rights Interview you will meet with an E.D.D. representative, and you will be given an opportunity to explain fully the details of your own case.

## **11. WHAT SHOULD I BRING WITH ME TO THE ELIGIBILITY RIGHTS INTERVIEW?**

The E.D.D. may attempt to establish that you can and should work in areas other than acting. It is easier to avoid this requirement if you show that you have a "significant attachment to the ACTING labor market." Just working a few days every so often may not be enough. However, even though it has come to the Guild's attention that some offices are requiring a specific minimum, the law requires no particular number of days of work in order to establish an attachment to the acting labor market. Because there is a degree of subjectivity involved with a finding of "significant attachment," be as well prepared as possible in order to prove it.

NOTE: While there are no special requirements for child actors being allowed to establish claims, the E.D.D. will probably demand more proof of "attachment to the labor market" for children. This is because the E.D.D. feels that they cannot send children out for employment in any other job market.

See Appendices A and B for sample record-keeping suggestions.

## **12. ESTABLISHING ATTACHMENT TO THE MARKET.**

Primary sources for establishing attachment to the market include:

1. Paycheck stubs for the previous 12-18 months.
2. An interview book containing detailed records of all calls you went on. For each call, keep track of the project name or commercial number, the type of casting-call, wardrobe, looping, etc. - and with whom you met. Also keep records of publicity days, promotional interviews or anything else within the scope of employment as an actor as these extra days worked are not always reflected in your paycheck.
3. Receipts for dues paid to all entertainment unions and union membership cards to indicate you are a member in good standing.
4. Children should bring work permits signed by location teachers.

Secondary sources include:

1. Letters from agents and managers showing that you are a viable commodity in the job market and that you have been going on a lot of calls.
2. Professional resumes and photos.
3. Enrollment records for professional schools. Submitting these records requires a judgment call on your part, because such training could appear as either proof of ongoing work or attempts to "break in."

At the eligibility interview, be prepared to answer questions regarding any of the above. Keep in mind that your goal is to prove to the E.D.D. that you are entitled to benefits. If your claim is challenged, good, accurate records and documents will assist you in rebutting the attempted disqualification.

### **13. HOW DILIGENTLY MUST I PURSUE ACTING OPPORTUNITIES?**

You are required to make every *reasonable* effort to find work on your own behalf. "Reasonable" is a subjective term often used by lawyers. Basically, it means what the *average person in your situation* would do.

From time to time, you will be mailed a notice of appointment for a Periodic Eligibility Review. The E.D.D. will want to know why you are still not acting. Employers (producers, casting directors, etc.) who you have contacted regarding potential work may be contacted to verify your work search efforts.

See Section 30 for more information on the Periodic Eligibility Review.

### **14. WHAT HAPPENS IF MY CALIFORNIA U.I. CLAIM IS APPROVED?**

A Notice of Computation will be sent to you showing:

- Total covered wages paid during your base period;
- Names of base period employers;
- Your weekly benefit amount;
- Your maximum total award.

You must notify your field office of any inaccuracies.

You may immediately request a recomputation if you feel an error has been made. If you disagree with the recomputed award, you may request an appeal.

See Sections 38-40.

If you filed a claim during the preceding year, you will receive a Notice of Lag Period Claim instead of the Notice of Computation. The lag period notice will contain further instructions regarding employment and previously received disability insurance or workers' compensation.

### **15. DO I HAVE TO REPORT TO AN E.D.D. FIELD OFFICE TO COLLECT CALIFORNIA U.I. BENEFITS?**

No. Payments are mailed directly to you in the form of checks or through the EDD Debit Card. Once the debit card is activate, your benefits can be sent directly to your bank via direct deposit. Allow one week to pass after mailing in your form before you start calling to see where your check is.

### **16. WILL I RECEIVE CALIFORNIA U.I. BENEFITS IMMEDIATELY IF MY CLAIM IS APPROVED?**

No. The first week of your claim is normally the "waiting period" and no benefits are paid for that week. There is only one waiting period in each benefit year. The first payment on a new claim will usually be in about three weeks. You will be paid regularly so long as you remain eligible. Payment is not made for any week until after the week ends, no payments are made in advance. You will normally be paid every two weeks.

### **17. HOW DO I CONTINUE RECEIVING CALIFORNIA U.I. PAYMENTS?**

Within about 10 days of EDD processing your application for UI benefits, you will receive your first continued claim form, which you will need to fill out and return to the EDD. You will then receive a Continued Claim Form which should be returned every two weeks. The fastest way is through UI Online<sup>SM</sup>. You can also certify by phone using EDD Tele-Cert<sup>SM</sup> at 1-866-333-4606, or by mailing in your *Continued Claim Form* (DE 4581) by the mail date on the form.

Fill out the Continued Claim Form completely and accurately. Follow all instructions. If you do not answer all questions or improperly complete the form, the E.D.D. will not process your continued claim and will require you to fill out a new claim for those same weeks. This will cause a delay in receiving your payment. Your answers should only concern the weeks for which you are claiming benefits. Notify the office of address changes, income changes, etc. Sign the form after the latest date for which you are claiming benefits.

It is a good idea to keep copies of your completed Continued Claim Forms and record the dates on which you mailed the forms.

If corrections are required, you will need a record of your prior answers to fill out the new claim form. The improperly completed claim form will not be returned to you for reference.

Your check should arrive about 10 days after mailing the Continued Claim Form. Each check should include a Continued Claim Form for the next two weeks and an envelope to be used to return the Continued Claim Form to the central office.

## **18. WHAT EARNINGS MUST BE REPORTED ON THE CONTINUED CLAIM FORM?**

All earnings described in Section 5 must be reported on the Continued Claim Form, including residuals (as explained in Section 19). Payments for mileage, wardrobe, meal penalties, etc., will generally not be considered "earnings" for U.I. benefits; however, it is a good idea to include these payments with an explanation.

Do not try to hide any earnings. Failure to report money earned may result in substantial penalties.

Remember: employers report "wages paid" at the end of the year.

These two sets of statements are reconciled and verified.

See Section 9 regarding notes on part-time employment.

## **19. WHAT ARE THE SPECIAL INSTRUCTIONS FOR REPORTING RESIDUALS (ALSO HOLDING FEES, IDLE TIME PAY, AND STANDBY PAY) ON MY CONTINUED CLAIM FORM?**

Attach an explanation of the payment, and include the following information:

- The name and address of the employer or payroll house that paid the wages;  
  
NOTE: You report the payroll company who issued the check. Do not list the agent or producer (unless the producer is the employer who issues the check).
- The gross amount earned before deductions; (Clearly state that it is a "residual" or "holding fee," etc.)
- State the date you "received" the payment. This is designated as the first week in which one of the following occurs:
- The payment/fee is personally given to you or delivered to your home or mailing address (keep your postmarked envelopes for at least one year for evidence of postmarks showing delay between issuance from company and receipt from SAG-AFTRA); or
- The payment/fee is credited to your bank account, credit union or other financial institution; or
- The payment/fee is delivered to your business manager, accountant, or any other person who you have designated to handle your financial affairs or who you have authorized to retain or use the payment/fee to pay your financial obligations; or

- You are notified (orally or in writing) by your talent agent, union, etc. that a payment/fee has been paid to you.

## **20. WHAT IS A “NOTICE OF POTENTIAL OVERPAYMENT”?**

Your residual payments are mailed to SAG-AFTRA and then forwarded to you. The producer reports residuals as paid when issuing the check. By the time you receive payment some time may have elapsed. The E.D.D. may challenge the discrepancy between the date of issue and the date you reported being paid with a Notice of Potential Overpayment. Keep the postmarked envelope which contained the residual check for at least one year because the postmark will be the best evidence of the date you actually received the check.

## **21. HOW DO SOCIAL SECURITY BENEFITS AFFECT MY CALIFORNIA U.I. BENEFITS?**

They do not. In 1985, the California Governor signed a bill stating that Social Security benefits are not deductible as income from U.I. benefits.

## **22. HOW DO SAG-AFTRA PENSION BENEFITS AFFECT MY CALIFORNIA U.I. BENEFITS?**

If the work you performed during the base period either: (1) made you eligible for your pension; or (2) increased the amount you receive as a pension, then your U.I. benefits will be affected.

If the work you performed during the base period made you eligible for your pension, then you may want to wait to file your claim until the effective date of your pension no longer falls within the applicable base period (this will usually be about 18 months after the effective date).

If your pension has increased, a determination of whether the work performed during the base period led to the increase in the amount that you are receiving may be obtained by contacting the SAG-Producers Pension Plan. If your average weekly pension exceeds the weekly U.I. benefit, you will be ineligible for U.I. benefits.

If your average weekly benefit does not exceed the weekly U.I. benefit, the weekly U.I. benefit will be reduced.

Please contact an E.D.D. representative to determine the amount of the reduction.

An "across-the-board" cost of living increase to your pension will not affect your U.I. benefits. You will need to contact the SAG-Producers Pension Plan to determine the reason for any increase to your pension.

**23. IS WORKERS' COMPENSATION EQUIVALENT TO CALIFORNIA U.I. INSURANCE**

No. Workers' Compensation benefits are provided under insurance paid for or provided by your employer if you are injured or become ill due to your employment (a single incident or repeated/prolonged exposure to activities or substances at work). Further information is available from your employer.

**24. IS DISABILITY INSURANCE EQUIVALENT TO CALIFORNIA U.I. BENEFITS?**

No. Disability benefits are payable when you cannot work due to sickness, pregnancy, or injury not caused by your job, or when you are entitled to temporary workers compensation at a rate less than your daily benefit amount. You must file a separate claim form (available at your E.D.D. office or from most doctors and hospitals). You must file WITHIN TWENTY DAYS after the first day for which benefits are payable. If you remain unemployed after your illness or injury has ended, you may reopen your claim for U.I.

**25. HOW DO WORKERS' COMPENSATION AND/OR DISABILITY BENEFITS AFFECT MY CALIFORNIA U.I. BENEFITS?**

Since they reflect an inability to work, you are not eligible for U.I. However, there is one exception for workers' compensation. If, for example, a stunt performer is injured and can work in another labor market (e.g. acting), he/she may collect U.I. benefits, minus the dollar amount of the workers compensation.

**26. ARE INCOME TAXES WITHHELD FROM CALIFORNIA U.I. BENEFITS RECEIVED?**

No, but benefits are taxable on your tax return.

**27. HOW DOES MY LOAN-OUT CORPORATION AFFECT MY CALIFORNIA U.I. BENEFITS?**

If you are an officer of a loan-out corporation, you are not self-employed for E.D.D. purposes. The California courts have found that it would be against public policy to declare a person "employed" and thus deny him U.I. benefits solely because he has a loan-out corporation. Therefore, fill out U.I. paperwork as though you have been employed by a production company rather than your loan-out company.

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## **28. WHAT HAPPENS IF I TRAVEL TO GO TO AUDITIONS (INCLUDING TRAVEL TO ANY OF THE 50 STATES, CANADA, PUERTO RICO, THE VIRGIN ISLANDS OR THE DISTRICT OF COLUMBIA)?**

Do not mail in the Continued Claim Form. Instead, take it to the nearest field office (which will forward it to your field office). Contact that office each week to file your claim. If you move, have your claim transferred as soon as possible. Make sure you take the appropriate records with you. If you travel out of the above areas, mail in the Continued Claim Form as usual. Your checks will be mailed to the last address the field office has on record.

## **29. WHAT IF I HAVE WORKED IN TWO OR MORE STATES?**

You cannot claim U.I. benefits in two states at one time. However, you may be able to combine these wages in a claim against one state. If you worked in California, but are now unemployed and living in another state, Canada, Puerto Rico, the Virgin Islands or the District of Columbia, you may be eligible for benefits based on California wages. File a claim (i.e. "combined wages claim") with the nearest office, which will, in turn, forward it to California. California eligibility rules govern this type of claim. The reverse applies to claimants who have recently moved to California.

## **30. WHAT IS A PERIODIC ELIGIBILITY REVIEW?**

From time to time, you will be mailed a notice of appointment for a Periodic Eligibility Review ("PER") to make sure that you are still able and available to work and to review your search for work.

You must report to your local E.D.D. office for an interview. Benefits will stop if you do not keep your appointment. Included in the notice will be a Periodic Eligibility Review Form which requires you to list your most recent employer contacts. Therefore, it is essential that you keep a complete and accurate record of the employers (producers, casting directors, etc.) you contact for work. Complete the Periodic Eligibility Review Form before you arrive at the interview.

## **31. WHAT SHOULD I DO WHEN I RETURN TO WORK?**

Simply mail in the Continued Claim Form, as you have been doing, for the last week ending date you are claiming and wait for your final check.

## **32. IF I STOP CLAIMING CALIFORNIA U.I. BENEFITS, HOW DO I START A CLAIM AGAIN?**

If you stop claiming U.I. benefits because you returned to work, took a vacation, were ill or for some other reason, just go to the nearest field office and ask to have your case re-opened. You may re-open or renew benefits at any time during the benefit year.

Bring proper records with you. See paragraph 11. If you worked since your last payment, you must provide the name and address of your last employer.

### **33. WHAT HAPPENS IF MY CALIFORNIA U.I. CLAIM IS DENIED?**

A written notice of determination will be provided, showing the reason for disqualification. If this occurs, APPEAL IMMEDIATELY as instructed in the written notice. You have 20 calendar days to appeal in *writing* after notice is given. When filing an appeal, you should state the reasons for your appeal.

### **34. WHAT HAPPENS IF THE E.D.D. HAS MADE AN ERROR IN MY FAVOR AND MY U.I. BENEFIT CHECKS ARE TOO HIGH?**

You may have to repay the money. Nevertheless, if you can demonstrate in an appeal that repayment of the monies would create a hardship or that the amount you have been receiving is justifiable due to hardship, you probably will not have to repay anything or suffer a deduction in your benefit amount.

### **35. HOW DO I HANDLE AN HONEST MISTAKE REPORTING MY EARNINGS?**

If you voluntarily disclose the mistake to E.D.D., there will be no fine, but you will have to return the excess of benefits received to the E.D.D. Failure to report the error to the E.D.D. may subject you to double disqualification, which is denial of benefits for a period of two to ten weeks plus a 30% penalty on the amount of overpayment.

### **36. WHAT SHOULD I DO IF THE E.D.D. ASKS THAT I ATTEND AN "INITIAL ASSISTANCE WORKSHOP" ("IAW")?**

Participation in an IAW is mandatory. Failure to participate in the workshop will result in denial of your U.I. benefits, unless you can show good cause for not attending; examples of good cause would be: death in your immediate family or an audition. You may be asked to provide proof of the death or your audition to the E.D.D.

In addition, if you have attended an identical IAW within the last 6 months you may not be required to participate. Simply notify the E.D.D. in writing of this fact and give them the date and location of the IAW workshop you previously attended. The E.D.D. will notify you whether your attendance at the IAW workshop is required.

### **37. CAN I BE DISQUALIFIED OR DENIED PAYMENT OF CALIFORNIA U.I. BENEFITS?**

Yes, and penalties may be involved depending upon the reason(s) for disqualification.

POSSIBLE GROUNDS FOR DISQUALIFICATION ARE:



- Failure to seek work each week;
- Refusal of suitable employment (See Section 9 for definition of "suitable");
- Willful omissions or misstatements of material facts;

Voluntarily quitting your job without good cause; "Good cause" like "suitable employment," is a subjective determination made by the E.D.D., so be careful! Do not quit a job because you have an audition during your shift. Try to work something out with your boss. Look for work that will not interfere with auditioning. If you are shooting for a period of time, though, you may have no other choice. Remember, you are applying for U.I. benefits as an actor. Therefore, your main concern should be trying to support yourself as such.

- Being discharged from work for misconduct (e.g. consumption of intoxicants while on the job, etc.).
- Unable to or unavailable for work;
- School employee claims; if you have reasonable assurance of employment with a school after the vacation period.
- You left your job because of a trade dispute;
- Failure to apply for a job when referred by a public employment office;
- Failure to submit your claim for a week of benefits within 14 days of the week ending date;
- Failure to participate in required E.D.D. "Initial Assistance Workshop";

If you are disqualified more than once, additional penalties may be involved.

### **38. WHAT APPEAL RIGHTS DO I HAVE?**

You may appeal ANY determination by the E.D.D. with which you disagree. Your rights and time limits are stated on the determination notice you receive. You may use an appeal form or you may write a letter, mailed or hand-delivered to the field office. In order to receive past monies due if you prevail, you must have filed regular claims while the appeal was pending. Due to the large number of SAG-AFTRA appellants and SAG-AFTRA's limited legal staff, SAG-AFTRA cannot represent you at a hearing.

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### **39. WHAT HAPPENS AT A U.I. APPEAL HEARING?**

A U.I. appeal hearing is conducted informally before an administrative law judge. An attorney is not required, but you may designate one, or any other representative, at the time you file your appeal.

Bring all records with you that you had during your Eligibility Rights Interview, plus any additional records which will substantiate your claim. The judge is supposed to be a neutral party; the more "evidence" you can present, the more likely it will be that the judge will rule in your favor. Representatives from the E.D.D. will be present at the hearing in order to present the E.D.D.'s case.

**REMEMBER: EITHER SIDE CAN APPEAL THE DECISION** beyond the informal hearing, including former employers who are involved. The next step is filing an appeal before the California Unemployment Insurance Appeals Board. An unfavorable decision by the Unemployment Insurance Appeals Board allows either side to take its case to the court system.

**NOTE:** Any decisions which are reversed by a higher authority may entitle you to prompt payment of claim monies due or may require you to repay benefits which you have improperly collected, in accordance with the judge's decision.

### **40. GENERAL APPEAL GUIDELINES.**

If your claim is rejected - **APPEAL**. Follow instructions and appeal promptly, in writing. Keep copies of all written material. The E.D.D. will send you notice of the hearing which will be scheduled before an Administrative Law Judge ("ALJ").

At the appeals hearing, bring all the documentation listed in Section 12 in order to prove attachment to the "acting" labor market.

You will be allowed to make a concise opening statement. Do not get emotional and rave about how unfair things are. It has nothing to do with your claim, and the Judge has probably heard it before. In the course of your testimony, we suggest you talk about your career, the time devoted to it, the sums expended on it, etc. Written declarations or the personal appearance of a personal manager and/or agent may prove helpful. These individuals should provide information regarding your current, as well as potential professional status and attachment to the labor market. Remember, it is almost impossible to bring in additional "evidence" of attachment to the labor market at a later date, no matter how many times the case is appealed, so be as complete as possible.

Ten or more days after the hearing, you should receive notice of the ALJ's decision. If you win, the E.D.D. may appeal. However, the E.D.D. still must begin to pay benefits. Put the payments in the bank while the decision is on appeal because you may be required to pay back benefits if the California Unemployment Appeals Board rules against you.

If the E.D.D. does not appeal the decision in your favor, you may use the U.I. payments; however you should expect periodic eligibility reviews.

While an appeal regarding disqualification is pending, and you remain unemployed, you must continue to submit Continued Claim Forms. If you are found eligible, you will only be paid for weeks for which you submitted Continued Claim Forms.

#### **41. SPECIAL CONSIDERATIONS FOR CHILD ACTORS.**

A child actor may be eligible for U.I. just like any other out-of-work actor; however, it is clear that the E.D.D. closely scrutinizes the child's attachment to the acting labor market (as discussed in Sections 11 and 12). Carefully check the eligibility requirements (as outlined in Sections 4 and 5). Even if your child fulfills the monetary qualifications, the E.D.D. probably will not consider your child attached to the acting labor market after just one job. It will be your responsibility to prove that your child is attached to the acting labor market.

When filing the claim, have available the names and addresses of all your child's employers for the past 12 months. If your child's claim is questioned, bring all of the documentation listed in Section 12 to the interview to determine eligibility. If your child's claim is rejected, appeal immediately. At the appeal hearing, it may be helpful to either submit written declarations or have your child's personal manager or agent appear. The agent or manager should provide information regarding your child's current and potential professional status and attachment to the labor market.

## **APPENDIX A**

SAMPLE RECORD FOR TYPICAL THEATRICAL INTERVIEW Record as much of the following information as possible: Call number and Production:  
Time and place:  
Casting director:  
Any specific role info:  
Producer:  
Director:

## **APPENDIX B**

SAMPLE RECORD FOR TYPICAL COMMERCIAL INTERVIEW Record as much of the following information as possible: Call number and product:  
Time and place:  
Casting director:  
Production company:  
Any specific role info:  
Production number:  
Commercial title:  
Advertising Agency: