

U.S. Railroad Retirement Board



RAILROAD UNEMPLOYMENT and SICKNESS BENEFITS

U.S. Railroad Retirement Board

MISSION STATEMENT

The Railroad Retirement Board's mission is to administer retirement/survivor and unemployment/sickness insurance benefit programs for railroad workers and their families under the Railroad Retirement Act and the Railroad Unemployment Insurance Act. These programs provide income protection during old age and in the event of disability, death or temporary unemployment and sickness. The Railroad Retirement Board also administers aspects of the Medicare program and has administrative responsibilities under the Social Security Act and the Internal Revenue Code.

In carrying out its mission, the Railroad Retirement Board will pay benefits to the right people, in the right amounts, in a timely manner, and will take appropriate action to safeguard our customers' trust funds. The Railroad Retirement Board will treat every person who comes into contact with the agency with courtesy and concern, and respond to all inquiries promptly, accurately and clearly.

This pamphlet is issued for general information, and does not cover certain limitations, exceptions, and special cases.

At the time this publication went to press, temporary unemployment and sickness benefit flexibilities were in place due to the COVID-19 pandemic. Because these flexibilities are not permanent and may continue to evolve, they are not covered in this publication. Visit RRB.gov/coronavirus for the most up-to-date information.

CONTENTS

	<i>Page</i>
Introduction	2
Base Year-Benefit Year	2
Biweekly Benefits	2
Duration of Benefits	3
General Requirements	4
How to Get Unemployment Benefits	6
How to Get Sickness Benefits	8
Payments.....	9
Free Placement Service	10
Disqualifications	10
Receipt of Other Benefits	11
Damages	12
Protective Allowances.....	12
Appeals.....	12
Income Taxes.....	13
For More Information	14
RRB FIELD OFFICES	15

INTRODUCTION

The Railroad Unemployment Insurance Act provides qualified railroad employees with benefits to restore part of their lost wages arising from periods of unemployment or sickness (including, for female employees, health conditions related to pregnancy, miscarriage, or childbirth).

Benefit payments are based on biweekly claims filed with the Railroad Retirement Board (RRB), the Federal agency responsible for administering the Railroad Unemployment Insurance Act.

The funds to pay unemployment and sickness benefits are provided by payroll taxes on railroad employers only. Employees do not pay unemployment insurance taxes.

This booklet explains requirements for railroad unemployment and sickness benefits, amounts payable, and how to claim them.

BASE YEAR-BENEFIT YEAR

A new benefit year for unemployment and sickness benefits begins every July 1. To qualify during the benefit year beginning July 1, 2021, you must have base year earnings of at least \$4,137.50 in calendar year 2020, counting no more than \$1,655 per month. In the benefit year beginning July 1, 2022, these amounts will increase to \$4,275 and \$1,710, and will then refer to annual and monthly earnings in calendar year 2021. If the base year was your first year of railroad service, you must also have worked in 5 months of that year.

If you do not meet these requirements but have at least 10 years of service, you might still be able to qualify under the conditions described on page 4 for extended and accelerated benefits.

BIWEEKLY BENEFITS

In the benefit year beginning July 2021, the maximum daily benefit rate payable is \$82 and, for biweekly claims, maximum benefits can total \$820. The daily benefit rate will rise to \$85 in July 2022, and may increase in future benefit years depending on the growth in average national wages.

Note: Sickness benefits payable for the first 6 months after the month the employee last worked are subject to tier 1 railroad retirement payroll taxes, unless benefits are being paid for an on-the-job injury.

► **REGISTRATION AND WAITING PERIOD:** Benefits are normally paid for the number of days of unemployment or sickness over 4 in 14-day registration periods. Initial sickness claims must also begin with 4 consecutive days of sickness. However, during the first 14-day claim period in a benefit year, benefits are only payable for each day of unemployment or sickness in excess of 7 which, in effect, provides a 1-week waiting period. Separate waiting periods are required for unemployment and sickness benefits. However, only one 7-day waiting period is required during any period of continuing unemployment or sickness, even if that period continues into a subsequent benefit year.

► **STRIKE BENEFITS:** If you are unemployed because of a strike conducted in accordance with the Railway Labor Act, benefits are not payable for days of unemployment during the first 14 days of the strike, but benefits are payable during subsequent 14-day periods. If a strike is in violation of the Railway Labor Act, unemployment benefits are not payable to employees participating in the strike. However, employees not among those participating in such an illegal strike, but who are unemployed on account of the strike, may receive benefits after the first 2 weeks of the strike.

While a benefit year waiting period cannot count toward a strike waiting period, the 14-day strike waiting period may count as the benefit year waiting period if you subsequently become unemployed for reasons other than a strike later in the benefit year.

DURATION OF BENEFITS

► **NORMAL BENEFITS:** Normal benefits are paid for up to 130 days (26 weeks) in a benefit year. Benefit rights are exhausted when a benefit year ends (normally June 30) or earlier if benefit payments equal base year creditable earnings. Maximum normal benefits payable in the benefit year beginning July 2021 cannot

exceed your railroad earnings in base year 2020, counting monthly earnings of up to \$2,138. In the benefit year beginning July 2022, monthly earnings up to \$2,209 in base year 2021 will be counted.

To qualify for normal unemployment benefits, you must not have voluntarily quit work without good cause and not have voluntarily retired.

► **EXTENDED BENEFITS:** If you have 10 or more years of service (120 or more cumulative service months) and exhaust your normal unemployment or sickness benefits, you may be eligible to receive extended benefits for up to 65 days (during 7 consecutive 14-day registration periods). Also, if you are not qualified for normal benefits in the current benefit year, but received normal benefits in the previous year, you may still be eligible for extended benefits.

In order to qualify for extended unemployment benefits, you must not have voluntarily quit work without good cause and not have voluntarily retired. To qualify for extended sickness benefits, you must not have voluntarily retired and must be under age 65.

► **ACCELERATED BENEFITS:** If you have 10 or more years of service (120 or more cumulative service months) and your earnings do not qualify you for unemployment or sickness benefits in the current benefit year, but will qualify you in the next benefit year, you may be able to receive normal unemployment or sickness benefits before the regular beginning date of the next benefit year. To be eligible for accelerated benefits, you must have 14 or more consecutive days of either unemployment or sickness and not have voluntarily retired, or quit work without good cause if claiming unemployment benefits, and be under age 65 when claiming sickness benefits.

GENERAL REQUIREMENTS

To be eligible for unemployment benefits, you must be ready, willing, and able to work and be available for work. A *day of unemployment* is a day on which you meet these conditions, and for

which you do not receive any pay, are not disqualified, and have properly registered for unemployment benefits. If you are in train and engine service, any calendar day on which you do not work solely because of a mileage limitation or work-restriction agreement or solely because you are between regularly assigned trips or tours of duty, or because you missed a turn in pool service, is *not* considered a day of unemployment.

If you are an extra-board employee, you can receive unemployment benefits between jobs if the miles and/or hours you actually worked were less than the equivalent of normal full-time work in your class of service during the 14-day claim period. Entitlement to benefits would also depend on your earnings.

To be eligible for sickness benefits, you must be unable to work because of illness or injury. A *day of sickness* is a day on which you meet this condition, and for which you do not receive any pay and have filed an application for sickness benefits including a statement of sickness signed by your doctor or other authorized individual. This statement provides evidence of your medical condition and its expected duration.

You may not receive benefits for any day for which you receive pay. This includes railroad and nonrailroad wages, salary, pay for time lost, pay while sick, dismissal allowances, most wage guaranty payments, vacation pay, holiday pay, military reservist pay, earnings from self-employment, or remuneration other than subsidiary remuneration.

However, payments received under a nongovernmental supplemental unemployment or sickness insurance plan approved by the RRB, your own health/accident insurance policy, or a group insurance policy will not affect entitlement to unemployment or sickness benefits and should not be reported on your claims.

An earnings test is applied to unemployment claims. If your earnings for days worked, and/or days of vacation or paid leave, in a 14-day registration period are more than a certain indexed amount, no benefits are payable for *any* days of unemployment in

that period. Earnings include pay from self-employment and railroad, nonrailroad, and part-time work. Earnings also include pay that you would have earned except for your failure to mark up or report for duty on time, or because you missed a turn in pool service or were otherwise not ready or willing to work.

For the benefit year beginning July 2021, the earnings test is \$1,655; and for the benefit year that begins July 2022, the test will rise to \$1,710. These amounts correspond to the base year monthly compensation amounts used in determining eligibility for benefits in each year. But, even if an earnings test applies on the first claim in a benefit year, this will not prevent the first claim from satisfying the waiting period in that benefit year.

On the other hand, earnings of \$15 or less per day from work which is substantially less than full-time and not inconsistent with the holding of normal full-time employment may be considered subsidiary remuneration and may not prevent payment of any days in a claim. However, be sure to report all full and part-time work on your claims, regardless of the amount of your earnings, so the RRB can determine if it affects your benefits.



HOW TO GET UNEMPLOYMENT BENEFITS

Apply for and claim unemployment benefits online or by mail.

► **APPLY ONLINE:** If you already set up an account for using **myRRB**, log in to conveniently apply for unemployment benefits online. To create your account, visit **RRB.gov/myRRB** and click on the button labeled **Sign in with login.gov**. The RRB encourages employees to establish their **myRRB** accounts while still working to expedite the filing process for future unemployment benefits, and for access to other online services.

► **APPLY BY MAIL:** You can obtain an *Application for Unemployment Benefits* (Form UI-1) from your employer, labor organization, **RRB.gov**, or any RRB field office. Once complete, the application should be mailed to your local field office as soon as possible.

You must file an application within 30 days from the date you become unemployed or the first day for which you wish to claim benefits. You risk losing benefits if you do not file your application and/or claims timely.

Whether you file online or by mail, the local field office will review your application and notify your current employer, and base-year railroad employer if different. Your employer has the right to provide information about your benefit application.

► **BIWEEKLY CLAIMS:** After your application is processed, the RRB will provide you with biweekly claims as long as you remain unemployed and eligible for benefits. These biweekly claims are available online and/or mailed to you, and should be filed only on or after the last day of the claim. Your completed claim must be received by the RRB within 15 days of the end of the claim period, or within 15 days of the date the claim was made available online or mailed to you, whichever is later. Do not file both an online and a paper claim for the same claim period. Once you submit a claim for unemployment benefits online, all subsequent claims will be made available online only, and will no longer be mailed.

Before making an initial determination, the RRB must notify your base-year employer (and current year employer if different) each time you file a claim for unemployment benefits and give that employer an opportunity to submit information relevant to the claim. The RRB will also notify your base-year employer each time benefits are paid to you.

You only need to file one application during a benefit year even if you become unemployed more than once. However, in that case, you must request a new claim form from the RRB within 30 days of the first day for which you want to claim benefits. These claims may then be filed online or by mail.



HOW TO GET SICKNESS BENEFITS

*File an application for sickness benefits by mail,
and claim sickness benefits online or by mail.*

► **APPLICATION PROCESS:** You can obtain an *Application for Sickness Benefits* (SI-1a) from your employer, labor organization, **RRB.gov**, or any RRB office. An application and statement of sickness signed by a doctor are required at the beginning of each *period of continuing sickness* for which benefits are claimed.

The RRB suggests keeping an application for sickness benefits on hand, and making sure your family has access to it and knows how to use it. If you become unable to work because of an illness or injury, complete the application and have your doctor complete the attached *Statement of Sickness* (SI-1b). If you are too sick to complete the application yourself, someone else may do it for you. In such cases, a member of your family should also complete a *Statement of Authority to Act for Employee* (Form SI-10) which accompanies the statement of sickness.

Mail your completed forms to the RRB's headquarters in Chicago within 10 days from when you become sick or injured. Upon receipt, the RRB will process your application and determine if you are eligible for sickness benefits.

► **BIWEEKLY CLAIMS:** After processing your application, the RRB will provide you with biweekly claims which will be made available online and/or mailed to you, as long as you remain unable to work due to illness or injury and are eligible for benefits.

If you have an account for using **myRRB**, log in to conveniently file your sickness claims online. To create your account, visit **RRB.gov/myRRB** and click on the button labeled **Sign in with login.gov**. The RRB encourages employees to establish their **myRRB** accounts while still working to expedite the filing process for future sickness benefits, and for access to other online services.

The RRB must receive your claims within 30 days of the last day of the claim period, or within 30 days from when your claim was made available online or mailed to you, whichever is later. Once you submit a claim for sickness benefits online, all subsequent claims will be made available online only, and will no longer be mailed. You risk losing benefits if your application and/or claims are not filed on time. If you know in advance that you may be filing an unemployment or sickness application or claim late, you should include a signed statement explaining why you are unable to meet the required time frame.

As with claims for unemployment benefits, the RRB must notify your base-year employer each time you file a claim for sickness benefits. That employer has the right to submit information relevant to your claim before the RRB makes its initial determination. The RRB will also notify your current employer (if different from your base-year employer). In addition, the RRB notifies your base-year employer each time sickness benefits are paid to you.

PAYMENTS

Under the RRB's Customer Service Plan, if you file an application or claim for unemployment or sickness benefits, the RRB will determine if you are eligible for benefits within 10 days of receiving the application or claim. If eligible, your benefits will be paid generally within one week of that decision.

Handling may take longer than expected if the RRB has to get information from other people or organizations, or if a claim for benefits is especially complex. If you do not receive a decision notice or payment within the specified time period, you can call the RRB toll-free at 1-877-772-5772 to check the status of your claim.

Because railroad unemployment and sickness benefits are paid by Direct Deposit, payments are issued directly to your bank, savings and loan account, credit union, or other financial institution. The RRB will ask you to provide information needed to enroll in Direct Deposit the first time you apply for unemployment or sickness benefits.

FREE PLACEMENT SERVICE

Under the Railroad Unemployment Insurance Act, the RRB is authorized to operate a free placement service. The primary purpose of this service is to secure new employment for experienced railroad workers who lose their jobs. When you file an application for unemployment benefits, you also apply for the RRB's employment placement service.

A representative from the RRB will try to help you secure employment if you do not have good prospects of returning to your former job. The representative may interview you, and then refer you to a suitable railroad job; otherwise, they will attempt to place you in a nonrailroad job for which you appear qualified. As part of its placement service, the RRB maintains a list of job openings reported by railroads. The **Railroad Jobs List** is available online at **RRB.gov** and at all field offices. The booklet *Guide to Finding the Right Job* (Form UB-12) is also available online and at any field office.

DISQUALIFICATIONS

If your employer pays you a separation allowance, you cannot receive unemployment or sickness benefits for the period of time it would have taken to earn the amount of the allowance.

If you leave either your railroad or nonrailroad job voluntarily without good cause, you will be disqualified from railroad unemployment benefits until you return to railroad work and earn wages sufficient to qualify for benefits again.

If you leave work voluntarily with good cause, you will be disqualified from unemployment benefits for periods in which you could receive unemployment benefits under another law. If you are not qualified for other unemployment benefits, you may receive railroad unemployment benefits.

If you refuse to accept suitable work, or do not follow instructions to apply for work or report for an interview at a State unemployment office or an RRB office, you may be disqualified from unemployment benefits for 30 days.

You will be disqualified from unemployment benefits for any day on which you take part in a strike which begins in violation of the Railway Labor Act or the established rules and practices of your labor organization.

You may be disqualified from sickness benefits if you fail to take a medical examination when required by the RRB.

You will be disqualified from both unemployment and sickness benefits for 75 days if you make a false or fraudulent statement or claim to obtain benefits. You may also be subject to a fine or imprisonment. The RRB conducts checks with Federal agencies, all 50 States (as well as the District of Columbia and Puerto Rico), and railroads to detect fraudulent benefit claims. The RRB also checks with physicians to verify the accuracy of medical statements supporting sickness benefit claims.

RECEIPT OF OTHER BENEFITS

If you receive a regular retirement or survivor benefit under the Railroad Retirement Act, the Social Security Act, or any other social insurance law for any days for which you are also entitled to benefits under the Railroad Unemployment Insurance Act, your unemployment or sickness benefits are payable only to the extent they exceed the other payments for those days. Examples of other such social insurance payments are military pensions, firefighter and police pensions, or certain workers' compensation payments. *You should report all such payments to the RRB promptly to avoid having to refund benefits later.*

There is no reduction in your unemployment or sickness benefits if benefits are paid to you by an RRB-approved nongovernmental supplemental unemployment or sickness insurance plan, your own health/accident insurance policy, or a group insurance policy. However, unemployment and sickness benefits provided under the Railroad Unemployment Insurance Act are not payable to you if you also receive Federal/State unemployment or sickness benefits under other laws, including Canadian law, for the same period of time.

DAMAGES

If you receive sickness benefits and are paid damages based on the same illness or injury, the RRB is entitled to reimbursement of either the amount of the benefits paid for the injury or illness, or the net amount of the settlement (after gross medical, hospital, and legal expenses are deducted), whichever is less.

PROTECTIVE ALLOWANCES

Unemployment benefits can sometimes be paid even if you are covered by a job protection plan that guarantees you a certain amount of work or wages each month. However, if you receive a protective allowance from your employer and are paid benefits for the same period, you will have to refund some or all of the unemployment benefits. You should report such protective allowances promptly to the RRB.

APPEALS

► **EMPLOYERS:** Employers may protest the payment of your benefits, but these kind of protests do not prevent the timely payment of benefits. However, you may be required to repay benefits if your employer's protest is ultimately successful. The employer also has the right to appeal an unfavorable decision to the RRB's Bureau of Hearings and Appeals.

► **EMPLOYEES:** If you disagree with a decision made on your claim, you have 60 days from the date of the initial notice of the decision in which to file a written statement requesting reconsideration from the RRB office that made the decision. This step is mandatory before a decision may be appealed to the Bureau of Hearings and Appeals. Failure to request reconsideration within 60 days will result in forfeiture of further appeal rights.

If your case involves a benefit overpayment of more than 10 times the maximum daily benefit rate, you may request a waiver of repayment. In certain cases, a waiver request filed within 60 days will defer recovery of the overpayment from subsequent benefit payments. If you request a waiver, you may be asked to complete a financial statement on a form provided by the RRB.

If you are dissatisfied with the reconsideration or waiver decision, you may, within 60 days, appeal to the Bureau of Hearings and Appeals. To file this appeal, you must use RRB Form HA-1 which is available at **RRB.gov** or any RRB field office.

If not satisfied with the Bureau of Hearings and Appeals' decision, you may further appeal, within 60 days, to the three-member Board which heads the agency.

If you are dissatisfied with the three-member Board's decision, you may file a petition for a review of your claim by a U.S. Court of Appeals. A petition for review must be filed within 90 days of the notice of the Board's decision.

INCOME TAXES

Unemployment benefits paid by the RRB are subject to Federal income tax, just like unemployment benefits paid under State government programs.

Sickness benefits paid by the RRB, except for sickness benefits resulting from on-the-job injuries, are subject to Federal income tax under the same limitations and conditions that apply to the taxation of sick pay received by workers in other industries.

The Railroad Unemployment Insurance Act specifically provides that railroad unemployment and sickness benefits are not subject to State income taxes. In January of each year, the RRB sends railroad employees Form 1099-G showing the total amount of unemployment benefits paid during the previous year and/or a Form W-2 showing the net amount of sickness benefits paid.

FOR MORE INFORMATION

For your convenience, you can check the status of your unemployment and sickness claims or payments by calling the RRB's **HelpLine** service toll-free at 1-877-772-5772. The service is available 24 hours a day, 7 days a week. Press **1** to access the self-serve menu, and press **1** again for options regarding unemployment and sickness benefits. To confirm your identity, you will be prompted to enter the Personal Identification Number (PIN) printed on the back of the claim form mailed to you.

The RRB also maintains a TTY number (312-751-4701) to accommodate those with hearing/speech impairments.

If you already set up an account for using **myRRB** at **RRB.gov**, you can log in to file unemployment applications and claims, file claims for sickness benefits, and view your individual railroad unemployment insurance account statement. This statement displays the type and amount of your last five benefit payments, the claim period for which the payments were made, and the dates that the payments were approved. You can also confirm the RRB's receipt of your latest unemployment/sickness application or claim, along with the receipt of any supplemental statement from your doctor. In addition, you can view your mailing address currently on record at the RRB and, if applicable, your Direct Deposit information.



RRB FIELD OFFICES

RRB field offices are currently located in the cities listed below. Find contact information and operating hours for any office by going to **RRB.gov** and clicking on **Field Office Locator**, or by calling toll-free (**1-877-772-5772**) and using the automated self-serve menu. Offices are also listed in telephone directories with other U.S. Government agencies. All RRB offices are closed on Federal holidays.

ALABAMA

Birmingham

ARIZONA

Mesa

ARKANSAS

Little Rock

CALIFORNIA

Covina
Oakland
Roseville

COLORADO

Denver

FLORIDA

Jacksonville
Tampa

GEORGIA

Atlanta

ILLINOIS

Chicago
Decatur
Joliet

INDIANA

Indianapolis

IOWA

Des Moines

KANSAS

Wichita

KENTUCKY

Louisville

LOUISIANA

New Orleans

MARYLAND

Baltimore

MASSACHUSETTS

Boston

MICHIGAN

Detroit

MINNESOTA

Duluth
St. Paul

MISSOURI

Kansas City
St. Louis

MONTANA

Billings

NEBRASKA

Omaha

NEW JERSEY

Newark

NEW MEXICO

Albuquerque

NEW YORK

Albany
Buffalo
Central Islip
New York

NORTH CAROLINA

Charlotte

NORTH DAKOTA

Fargo

OHIO

Cincinnati
Cleveland

OREGON

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PENNSYLVANIA

Altoona
Harrisburg
Philadelphia
Pittsburgh
Scranton

TENNESSEE

Nashville

TEXAS

Fort Worth
Houston

UTAH

Salt Lake City

VIRGINIA

Richmond
Roanoke

WASHINGTON

Seattle
Spokane

WEST VIRGINIA

Huntington

WISCONSIN

Milwaukee

NON-DISCRIMINATION ON THE BASIS OF DISABILITY

Under Section 504 of the Rehabilitation Act of 1973 and RRB regulations, no qualified person may be discriminated against on the basis of disability. The RRB's programs and activities must be accessible to all qualified applicants and beneficiaries, including those with impaired vision and/or hearing. Individuals with disabilities needing assistance (including auxiliary aids or program information in accessible formats) should contact the nearest RRB office. Complaints of alleged discrimination by the RRB on the basis of disability must be filed within 90 days in writing with the Director of Administration, U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-1275. Questions about individual rights under this regulation may be directed to the RRB's Director of Equal Opportunity at the above address.



COMMENTS?

If you have any comments or suggestions regarding the presentation of information in this publication, please let us know.

Public Affairs
U.S. Railroad Retirement Board
844 North Rush Street, Chicago, IL 60611-1275
email: opa@rrb.gov | fax: 312-751-7154

FRAUD, WASTE, AND ABUSE HOTLINE

1-800-772-4258

The RRB's Office of Inspector General(OIG) established its Hotline as a public service. The Hotline provides individuals with a means to report or discuss any suspected misconduct relating to the RRB, its programs, or employees.

If you believe a doctor, hospital, or other health care provider is billing Medicare for services not provided or for unnecessary medical procedures or supplies; someone is illegally receiving RRB benefits; or you wish to report or discuss any other suspected misconduct relating to the RRB, its programs, or employees, please contact the OIG at:

Toll-Free Hotline: 1-800-772-4258

Mailing address: RRB-OIG Hotline Officer
844 North Rush Street, 4th Floor
Chicago, Illinois 60611-1275

fax: (312) 751-4342

email: hotline@oig.rrb.gov

*Please review the RRB's email notice and Internet privacy policy at **RRB.gov** before submitting any information online.*

Note: Please do not contact the OIG's Hotline with questions regarding benefit eligibility requirements, delayed payments, or similar issues. These types of matters should be directed to any RRB field office.

U.S. RAILROAD RETIREMENT BOARD
844 North Rush Street
Chicago, Illinois 60611-1275
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ADDRESS SERVICE REQUESTED
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UB-9
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