

RHODE ISLAND DEPARTMENT OF LABOR AND TRAINING

RULE 22

WAITING PERIOD CREDIT AND BENEFITS FOR TOTAL AND PARTIAL UNEMPLOYMENT

- A. Every otherwise eligible individual who is totally unemployed shall be deemed to have established the first day of the required seven (7) day waiting period as of the Sunday of the calendar week in which the individual contacted the Department of Labor and Training's Call Center to file a claim. To receive a waiting period as provided in this paragraph, an individual must have filed a claim for such waiting period in accordance with the requirements of Rule 17.
- B. Any otherwise eligible individual claiming a waiting period based on partial unemployment, as defined in Section 28-42-3 of the Employment Security Act, may file his/her claim within a period of twenty-nine (29) days after the receipt of appropriate notice from the employer of the amount of wages earned with respect to such week of partial unemployment.

The waiting period shall be deemed to have been effective as of the Sunday of the week in which the claim is filed provided that the individual files the claim in accordance with Rule 17, and grosses less than his/her benefit rate..

- C. For good cause shown, an individual who failed to file a claim for a waiting period or benefits based on partial unemployment within the time limit set forth in Paragraph B, above, shall be permitted to file such claim at any time thereafter, but in no case subsequent to a thirty (30) day period after the end of the benefit year during which the period of partial unemployment occurred.
- D. Every employing unit shall furnish written evidence of the amount of gross wages earned to each individual who worked within any calendar week less than the normal, customary, full-time hours. Such evidence shall include the following information:
 - (1) The individual's name and social security number
 - (2) The name and address of the employing unit
 - (3) The week-ending date of the calendar week involved
 - (4) The number of hours worked within said week
 - (5) The gross wages earned for such period, and
 - (6) An entry indicating "unavailable" when the individual worked less than full time although there was more work available.

- E. If an individual has been partially unemployed due to lack of work for seven (7) consecutive days, within two (2) calendar weeks, the employing unit shall, upon request, furnish written evidence specifying:
- (1) The exact days of unemployment
 - (2) The amount earned on each day worked, and
 - (3) That the unemployment was due to lack of work.
- F. Any individual who claims a waiting period or benefits based on partial unemployment shall present to the department's Call Center the evidence required to support the claim. However, nothing contained in this Rule shall prevent the establishment of a waiting period or the payment of benefits based on partial unemployment because of the failure or refusal by the employing unit to supply the individual with the required evidence. In such case the waiting period may be established and benefits may be paid on the basis of such other evidence as the Director may obtain; provided, however, that the claim is filed in accordance with the provisions of this Rule as set forth herein above.

[Reference to Employment Security Act: Sections 28-42-3; 28-44-7 and 28-44-14]