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Unemployment and Sickness Benefits for Railroad Employees

The Railroad Retirement Board (RRB) administers the Railroad Unemployment Insurance Act (RUIA), which provides qualified railroaders with unemployment benefits when they become unemployed but are ready, willing, and able to work, and sickness benefits when they cannot work because of sickness or injury. Sickness benefits are also payable to female railroad workers for periods when they are unable to work because of health conditions related to pregnancy, miscarriage, or childbirth. A new benefit year begins each July 1.

The following questions and answers describe these benefits, their eligibility requirements, and how to apply for and claim them. It also explains how the recent resumption of a Federal sequestration order reduces benefit rates.

1. What are the eligibility requirements for railroad unemployment and sickness benefits in July 2023?

To qualify for **normal** railroad unemployment or sickness benefits, an employee must have had railroad earnings of at least \$4,387.50 in calendar year 2022, counting no more than \$1,755 for any one month. Those who were first employed in the rail industry in 2022 must also have at least five months of creditable railroad service in 2022.

Employees can easily determine their eligibility for unemployment and sickness benefits by checking their Certificate of Service Months and Compensation (Form BA-6). The BA-6 includes a field in the lower-right corner that indicates if an employee is eligible to claim unemployment or sickness benefits. The RRB mails these forms each June to railroad employees with creditable compensation in the previous calendar year.

Under certain conditions, employees who do not qualify based on their 2022 earnings *may* still be able to receive benefits in the new benefit year. Employees with at least 10 years of service (120 or more months of service) who received normal benefits in the benefit year ending June 30, 2023, may be eligible for **extended** benefits. Employees with at least 10 years of service (120 or more months of service) *might* qualify for **accelerated** benefits if they have railroad earnings of at least \$4,737.50 in 2023, not counting earnings of more than \$1,895 in any one month.

To qualify for **extended** unemployment benefits, a claimant must not have voluntarily quit work without good cause and not have voluntarily retired. To qualify for extended sickness benefits, a claimant must not have voluntarily retired and must be under age 65.

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To be eligible for **accelerated** benefits, a claimant must have 14 or more consecutive days of unemployment or sickness; not have voluntarily retired or, if claiming unemployment benefits, quit work without good cause; and, when claiming sickness benefits, be under age 65.

2. What is the daily benefit rate payable in the new benefit year beginning July 1, 2023?

Almost all employees will qualify for the maximum daily benefit rate of \$87. Benefits are generally payable for the number of days of unemployment or sickness over four in 14-day claim periods, which yields \$870 for each two full weeks of unemployment or sickness. Sickness benefits payable for the first 6 months after the month the employee last worked are subject to tier I railroad retirement payroll taxes, unless benefits are being paid for an on-the-job injury.

Under provisions of the Budget Control Act of 2011, and a subsequent sequestration order to implement mandated cuts, railroad unemployment and sickness benefits were reduced by 5.7 percent for days after September 30, 2020, and before January 3, 2021. Beginning January 3, 2021, pandemic-related legislation suspended sequestration until 30 days after the end of the Presidential declaration of a national emergency concerning COVID-19.

On April 10, 2023, President Biden signed legislation declaring an immediate end to the national emergency. Consequently, **on May 10, 2023, sequestration resumed** when the RRB began reducing railroad unemployment and sickness insurance benefits by 5.7 percent. This reduction percentage will remain in effect through September 30, 2031.

By applying the sequestration reduction of 5.7 percent, the maximum benefit in a 2-week period decreases from \$870 to \$820.41. As sickness benefits paid to an employee within six months from the date last worked for a reason other than an on-the-job injury are subject to regular tier I railroad retirement taxes, a further reduction of 7.65 percent is applied to those benefits. The maximum amount payable for sickness benefits subject to tier I payroll taxes will be \$757.65 over two weeks.

3. How long are these benefits payable?

Normal unemployment or sickness benefits are each payable for up to 130 days (26 weeks) in a benefit year. The total amount of each kind of benefit which may be paid in the new benefit year cannot exceed the employee's railroad earnings in calendar year 2022, counting earnings up to \$2,267 per month.

If normal benefits are exhausted, extended benefits are payable for up to 65 days (during 7 consecutive 14-day claim periods) to employees with at least 10 years of service (120 or more cumulative service months).

4. What is the waiting period requirement for unemployment and sickness benefits?

There is a 7-day waiting period requirement, prior to any benefits becoming payable under the RUIA. During the first 14-day claim period, benefits are payable for every day claimed in excess of seven days. Subsequent claims are paid for the number of days of unemployment or sickness over four in each 14-day registration period. Initial sickness claims must also begin with four consecutive days of sickness. If an employee has at least five days of unemployment or five days of sickness in a 14-day

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period, he or she should still file for benefits to satisfy the waiting period for the current benefit year. Separate waiting periods are required for unemployment and sickness benefits. However, only one seven-day waiting period is generally required during any period of continuing unemployment or sickness, even if that period continues into a subsequent benefit year.

5. Are there special waiting period requirements if unemployment is due to a strike?

If a worker is 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 two 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 a worker subsequently becomes unemployed for reasons other than a strike later in the benefit year.

6. Can employees in train and engine service receive unemployment benefits for days when they are standing by or laying over between scheduled runs?

No, not if they are standing by or laying over between regularly assigned trips or they missed a turn in pool service.

7. Can extra-board employees receive unemployment benefits between jobs?

Yes, but only if the miles and/or hours they actually worked were less than the equivalent of normal full-time work in their class of service during the 14-day claim period. Entitlement to benefits would also depend on the employee's earnings.

8. How would an employee's earnings in a claim period affect his or her eligibility for unemployment benefits?

If a claimant's earnings for days worked, and/or days of vacation, paid leave, or other 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. That registration period, however, can be used to satisfy the waiting period.

Earnings include pay from railroad and non-railroad work, as well as part-time work and self-employment. Earnings also include pay that an employee would have earned except for failure to mark up or report for duty on time, or because he or she missed a turn in pool service or was otherwise not ready or willing to work. For the benefit year that begins July 2023, earnings of \$1,755 or more in a claim period will disqualify a claim for unemployment benefits, even if there are more than 4 days of unemployment claimed. This amount corresponds to the base year monthly compensation amount used in determining eligibility for benefits in each year. Also, even if an earnings test applies on the first

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claim in a benefit year, this will not prevent the first claim from satisfying the waiting period in a benefit year.

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, a claimant must report all full and part-time work on each claim, regardless of the amount of earnings, so the RRB can determine if the work affects benefits.

9. How does a person apply for and claim unemployment benefits?

Employees can apply for and claim unemployment benefits online or by mail. (Limited in-person service by appointment is also available.) Individuals who have a **myRRB** account at **RRB.gov** can file their applications and biweekly claims online. Employees can create a myRRB account at **RRB.gov/myRRB** by clicking on the button labeled **Sign in with login.gov**. Establishing an account while working will expedite the filing process for future unemployment benefits, and provide ready access to other online services.

To apply by mail, employees must obtain an *Application for Unemployment Benefits* (Form UI-1) from RRB.gov, their labor organization, or railroad employer. The completed application should be mailed to their local RRB field office as soon as possible and must be filed within 30 days from the date the employee became unemployed, or the first day for which he or she wishes to claim benefits. Benefits may be lost if the application is filed late. Employees filing a late unemployment application (or claim) should include a signed statement explaining why they cannot meet the required time frame.

Persons can find the address of the RRB office serving their area by visiting RRB.gov and clicking on **Field Office Locator**, or by calling the agency toll-free at 1-877-772-5772 and selecting the appropriate option from the automated menu.

The local RRB field office reviews the completed application, whether it was submitted online or by mail, and notifies the applicant's current railroad employer and base-year employer, if different. The employer has the right to provide information about the benefit application.

After processing the application and confirming benefit eligibility, biweekly claim forms are provided to the claimant for as long as he or she remains unemployed and eligible for benefits. If a claimant filed an online application, claim forms are *only* made available online. If a claimant filed a paper application, his or her *first* claim form is both available online and mailed to him or her. If the claimant returns the paper claim, future claims will be mailed to him or her. If the claimant files the claim online, all subsequent claim forms will *only* be made available online, and will no longer be mailed. Claimants **must not** file both an online and a paper claim form for the same period(s). Claim forms should be signed and submitted (online or by mail) on or after the last day of the claim. The 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 form was made available online or mailed to the claimant, whichever is later.

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Only one *application* needs to be filed during a benefit year, even if a claimant becomes unemployed more than once. However, in the case of multiple claim periods, a claimant must request a claim form from the RRB within 30 days of the first day for which he or she wants to resume claiming benefits. These claim forms may then be filed online or by mail.

10. How does a person apply for and claim sickness benefits?

An *Application for Sickness Benefits* (Form SI-1a) can be obtained from **RRB.gov**, a railroad labor organization, or a railroad employer. Applications for sickness benefits **must** be submitted to the agency by mail, or by fax to 713-405-2078. However, subsequent claims may be mailed, or completed online by employees who have established a **myRRB** account at RRB.gov.

An application including a doctor's *Statement of Sickness* (Form SI-1b) is required at the beginning of **each** period of continuing sickness for which benefits are claimed. Claimants should make a special effort to have the doctor's statement of sickness completed promptly since claims cannot be paid without it.

The RRB suggests that employees keep an application for sickness benefits on hand, and that family members know where the form is kept and how to use it. If an employee becomes unable to work because of sickness or injury, the employee should complete the application and have his or her doctor complete the attached statement of sickness. If a claimant receives sickness benefits for an injury or illness for which he or she is paid damages, it is important to be aware that 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 deducting the claimant's gross medical, hospital, and legal expenses, whichever is less.

If the employee is too sick to complete the application, someone else may complete it for him or her. In such cases, the individual signing for the employee should also complete a *Statement of Authority to Act for Employee* (Form SI-10), which accompanies the statement of sickness.

After completion, the forms should be faxed or mailed to the RRB within 10 days from when the employee became sick or injured. However, applications received after 10 days but within 30 days of the first day for which an employee wishes to claim benefits are generally considered timely filed if there is a good reason for the delay. (Employees cannot currently file their sickness *applications* online.) Upon receipt, the RRB will process the application and determine if the employee is eligible for sickness benefits.

After processing the application and statement of sickness, the RRB makes the *first* biweekly claim form available online (for employees with myRRB accounts) **and** mails a paper form to the employee as long as he or she is eligible for benefits and remains unable to work due to illness or injury. Those choosing to file the paper claim received by mail should return the completed form to RRB headquarters for processing. If the claimant returns the paper claim, future claims will be mailed to him or her. If the claimant files the claim online, all subsequent claim forms will *only* be made available online, and will no longer be mailed. Claimants must **not** file both online and paper claim forms for the same claim period(s). Employees who need to create a myRRB account should visit RRB.gov/myRRB and click on the button labeled **Sign in with login.gov**.

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Completed claim forms must be received at the RRB within 30 days of the last day of the claim period, or within 30 days of the date the claim form was made available online or mailed to the claimant, whichever is later. Benefits may be lost if an application or claim form is filed late. Claimants filing a late sickness application or claim form should include a signed statement explaining why they were unable to meet the required time frame.

Claimants are reminded that while claim forms for sickness benefits can be submitted online, applications for sickness benefits must be mailed or faxed to the RRB at 713-405-2078. Statements of sickness may be included with the completed sickness application, or submitted separately by mail or fax. Also, to prevent a delay in processing applications or claims, employees are advised against sending any sickness benefit forms to the RRB in Chicago via certified mail.

11. Is a claimant's employer notified each time a biweekly claim for unemployment or sickness benefits is filed?

Yes. The RUIA requires the RRB to notify the claimant's base-year employer each time a claim for benefits is filed. That employer has the right to submit information relevant to the claim before the RRB makes an initial determination on the claim. Benefits may not be paid at this time but the employee will receive a notice and have the right to appeal. In addition, if a claimant's base-year employer is not his or her current employer, the claimant's current employer is also notified. The RRB must also notify the claimant's base-year employer each time benefits are paid to a claimant. While the base-year employer may protest the decision to pay benefits, such a protest does not prevent the timely payment of benefits. However, a claimant may be required to repay benefits if the 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.

In addition, the RRB checks with other Federal agencies and all 50 States, as well as the District of Columbia and Puerto Rico, to detect fraudulent benefit claims, and with physicians to verify the accuracy of medical statements supporting sickness benefit claims.

12. How long does it take to receive payment?

Under the RRB's Customer Service Plan, if an employee files an application for unemployment or sickness benefits, the RRB will release a claim form or a denial letter within 10 days of receiving his or her application. If a claim for subsequent biweekly unemployment or sickness benefits is filed, the RRB will certify a payment or release a denial letter within 10 days of the date the RRB receives the claim form. Claimants who are entitled to benefits will generally be paid within one week of that decision.

However, some benefit claims may take longer to handle than others, especially if they are more complex, or if an RRB office requires information from other people or organizations to make a decision. If a claimant does not receive a decision notice or payment within the specified time period, he or she may expect an explanation for the delay and an estimate of the time required to make a decision.

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Claimants who think an RRB office made the wrong decision about their benefits have the right to ask for review and to appeal. They will be notified of these rights each time an unfavorable decision is made on their claims.

13. How are payments made?

Railroad unemployment and sickness benefits are paid by direct deposit to an employee's bank, savings and loan, credit union or other financial institution. First-time applicants for unemployment and sickness benefits will be asked to provide information needed for direct deposit enrollment.

14. How can claimants get more information about their railroad unemployment or sickness claims?

Claimants with **myRRB** accounts can use the View RUIA Account service to review their individual railroad unemployment and sickness insurance account statement. This statement displays the type and amount of the claimant's last five benefit payments, the claim period for which the payments were made, and the dates that the payments were approved. Individuals can also confirm the RRB's receipt of applications and claims.

In addition, claimants can call the agency toll-free at 1-877-772-5772 to access information about the status of unemployment and sickness claims or payments from an automated menu 24 hours a day, 7 days a week.

More information is available by visiting RRB.gov, clicking on **FAQ**, and then selecting **Unemployment and Sickness Benefits**, or by calling an RRB office toll-free at 1-877-772-5772. Persons can find the address of the RRB office serving their area by clicking the **Field Office Locator** tab at RRB.gov or by calling the agency's toll-free number. As stated earlier, RRB field offices currently offer **limited in-person service by appointment**. To schedule an appointment, call 1-877-772-5772. Individuals should bring a photo ID when visiting a field office, and, depending on guidance from the Centers for Disease Control and Prevention for the county in which the field office is located, may be required to wear an appropriate face mask. In such circumstances, if visitors do not have a mask, one will be provided for them.

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