



"HBFSituatioredoesn'teautomatically disqualify er, though, which is why she should apply. DOL will examine the specifics unique to her."

Your situation could well fall under the category of quitting your job for "a compelling personal reason," which the department's website indicates could qualify as quitting with "good cause." If you need an official court document to buttress your claim, I'm sure the department will let you know.

Your eligibility will also depend on other factors such as whether you earned enough income and worked enough hours in your benefit year, which would be the 52 weeks preceding the date that you file a claim.

To file by phone, call 1-888-209-8124. See the accompanying link with information on how to file online.

**DEAR CARRIE:** I am a unionized office employee. Last summer my employer said it was withdrawing from the union's pension plan. Since I had just over three years on the job at that time, I was not vested in the pension. But my employer paid contributions for all union employees. So I have a hard time believing that us nonvested folks won't get anything. Could that be true? -- Lost Pension?

**DEAR LOST PENSION:** Unfortunately it's true. When an employer funds a pension plan you have to fulfill certain seniority requirements to qualify for that money in retirement.

"Contributions made by your employer may be lost under this scenario, if you did not have enough service to vest," said Victoria Quesada, a pension-rights attorney in West Hempstead.

Had you contributed any money, you would be entitled to get that back, however.

"Any employee contributions should not be lost," Quesada said.

**DEAR CARRIE:** Can a person who is a manager and exempt, also belong to the same union as the nonexempt employees he or she supervises? -- **Managers Allowed?** 

**DEAR MANAGERS:** It's legal, said employment attorney Michael J. Borrelli & Associates in Great Neck.

"There is no law that prohibits a manager or an exempt employee . . . from being in the same union as nonexempt . . . employees," he said.

Managers, as you noted, generally are exempt, which means companies don't have to pay them overtime or even minimum wage. Nonexempt employees, on the other hand, are generally hourly employees who have to be paid overtime and minimum wages.

Though managers may belong to a union, they don't have the same protections under the law as nonexempt employees. For example, they don't have protections under the National Labor Relations Act, "the primary law designed to protect employees who engage in union activity," Borrelli said.

And a manager's union membership could prove awkward.

"As a practical matter, a conflict of interest may arise when you have union members who are being disciplined by other members of the same union," he said.

For more on unemployment benefits go to http://bit.ly/nn1nWS

For more on vesting rights in a pension plan go to http://1.usa.gov/AE7YWA

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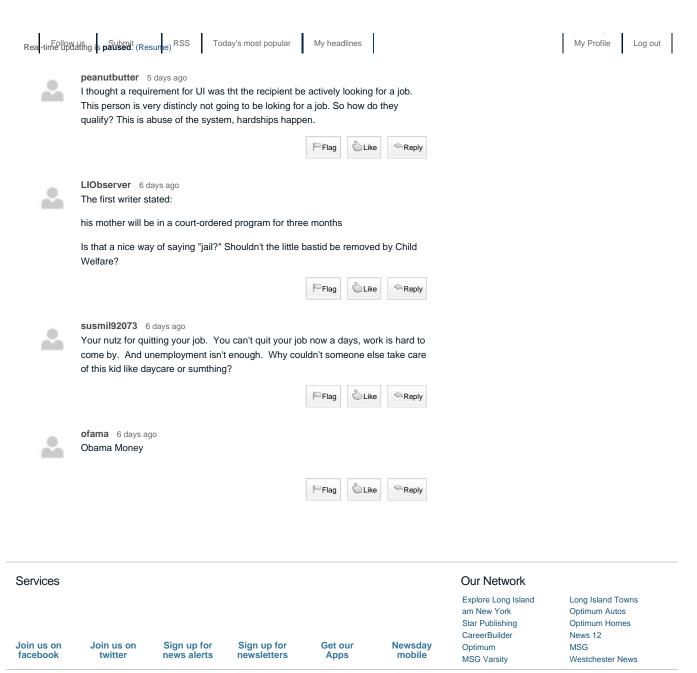
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