



## **Important services of the Public Employment Service (AMS)**

### **Legal basis: AIVG (Unemployment Insurance Act)**

In order to register for an employment agency via the AMS, you must be **able to work, ready for work and unemployed**.

Anyone who is not disabled or unable to work in the sense of ASVG **can work**.

**Those who are willing to work** are willing to accept reasonable employment within the meaning of the AIVG, to retrain and retrain or to take part in a reorganization measure.

Anyone who has ended an employment (employed or self-employed) is **unemployed**.

**Unemployed persons** must be available for an employment relationship with normal weekly working hours of at least **20 hours**.

**People with care responsibilities** for children up to the age of 10 or for disabled children must in principle have at least **16 hours** available. However, you are obliged to find a childcare place quickly and, as a result, to be available for at least 20 hours of employment.

**People receiving childcare allowance** must provide evidence of appropriate **care** for the child.

**Third-country nationals** need a residence permit that allows access to the labour market.

Every person registered with the AMS receives a **supervision agreement** in which the rights and obligations towards the AMS are laid down. These agreements are binding, they specify which activities are to be set up for the next appointment, how and how often contact should be made with AMS.

**a.) Cash benefits from unemployment insurance:** unemployment benefits and emergency assistance

**b.) Employment promotion benefits:** advanced training allowance, partial retirement allowance, partial pension - extended partial retirement and partial retirement allowance.

**c.) Special benefits for older people:** pension advance, transition allowance,

**d.) Special benefit for persons with health problems:** retraining allowance,

### **Unemployment benefit**

Anyone who can provide evidence of a minimum period of employment that is subject to unemployment insurance, is available to the employment agency and is entitled to unemployment benefit the subscription period has not yet been expired.

### **Entitlement**

**When using an unemployment insurance benefit for the first time: 52 weeks** of employment with unemployment insurance within the last **2 years** prior to the application.

**In the event of further use: 28 weeks** of employment with unemployment insurance within the last **12 months**.

**Unemployed before the age of 25: 26 weeks** of employment with unemployment insurance within the last **12 months**.

### **Amount of unemployment benefit**

The unemployment benefit consists of the **basic amount** and the **family allowances** as well as any **supplementary amount**.

The basic amount is approx..55% of the daily net income. The net income is calculated of the monthly gross salary of the last twelve-month unemployment insurance contributions (plus special payment). If you get family benefit and you are responsible for the support of a child than you are allowed to receive family supplement daily € 0,97. In certain circumstances also for the dependent spouse or partner. If the basic amount is lower than the income limit (Ausgleichszulage) than a top-up benefit is entitled.

**After the age of 45** no lower unemployment benefit may be paid out than before (geschützte Bemessungsgrundlage).

**Link zum Arbeitslosengeldrechner:** <https://www.ams.at/organisation/ams-eservices/online-ratgeber#wien>

### Reference period

**Minimum duration: 20 weeks**

**30 weeks:** if a total of **3 years** of employment subject to unemployment insurance can be proven before the claim is made.

**39 weeks: 6 years** contributory employment within the last 10 years **for the unemployed from the age of 40**

**52 weeks: 9 years** contributory employment **within the last 15 years from the age of 50**

### Continuation

Unemployed people who have not used the granted unemployment benefit up to the maximum permissible duration can continue to draw the remaining unemployment benefit **within 5 years** (calculated from the last day of receipt) after the unemployment benefit has been interrupted. If a new entitlement is acquired, there is no entitlement to continued use.

### Suspend (Ruhen)

The unemployment benefit **rests** while receiving sick pay, a reference continued payment, lodging in a medical institution, the stay abroad, the military or civilian service, the child care benefit cover, the termination compensation, a compensation on holiday pay - leave compensation, holiday compensation after the holiday law. **Exception - tolerance:** In principle, you will not receive any unemployment benefit during a stay (vacation, visiting relatives) abroad. However, if there are circumstances worth considering, you can continue to receive unemployment benefit up to a maximum duration depending on the occasion, **but a maximum of 3 months**.

Circumstances worthy of consideration exist, for example, if you are verifiably looking for work abroad, are doing an apprenticeship or there are compelling family reasons, such as attending the funeral of a close relative, etc. So that the unemployment benefit can also be paid for the period of the stay abroad, you must submit a request for leniency to the regional office, stating the reasons and submitting any confirmations.

### Emergency assistance (Notstandshilfe)

The unemployed are entitled to unemployment assistance, whose entitlement to unemployment benefits has been exhausted (within **five years** after the entitlement has been exhausted), who are available for placement and **who are in an emergency**.

If you have an income (e.g. letting or leasing) this will take into account for the emergency assistance. Since July 1st, 2018, **the partner's** income is no longer considered.

Unemployment assistance amounts to **92% or 95% of the basic amount** of unemployment benefit. If the unemployed person has reached the **age of 45**, the assessment of the emergency assistance must be based on the longest granted period of receipt of unemployment benefit.

### Allowance to cover living expenses, allowance for course costs

Unemployed people can receive a living allowance (DLU) for the time they take part in a course or a labour market policy measure, if the unemployment benefit or the emergency assistance are insufficient. The allowance is only available if the course or measure lasts longer than a week and more than 16 hours per week. The AMS assumes minimum amounts for livelihood security (**for young people up to the age of 18 years € 12.85 per day, for adults € 20.88 and € 29.69 per day**). Unemployed receive this aid for labour market policy sensible measures that contribute to an increase in placement opportunities in the labour market. The purpose is to secure financial livelihoods during vocational training or further education or preparation for starting work.

**Subsidized people are insured for health, accidents and pensions.** The aid is linked to a consultation and is granted for the entire duration of a measure.

The following can be **funded**: course fees, medical reports, examination fees, travel expenses, etc.

**However, there is no legal entitlement to funding from the AMS.**

### **Additional amount for the duration of the participation:**

While participating in retraining or relearning or in a reintegration measure on behalf of the AMS, unemployed people are entitled to an additional amount to the unemployment benefit of € **2.49 (2024) per day**.

### **Benefits when applying for a disability or occupational disability pension**

Unemployed people who are receiving unemployment benefit or unemployment assistance and have applied for a disability or occupational disability pension continue to receive the same benefits, but are not placed for 3 months. **(Attention: if you stay abroad you will not receive any benefit)**. Afterwards, you must be available for placement again, even if the retirement procedure has not yet been completed.

If you have applied for an inability to work pension (Invaliditäts- oder Berufsunfähigkeitspension) you only receive an advance payment if:

- the "Pensionsversicherung" issued a certificate for incapacity to work and the AMS submit it
- they (AMS) can reckon with this advance payment
- the decision from the deadline will not take place within 2 months

### **Important instructions**

Applications for these benefits must be submitted to the responsible regional office of the Public Employment Service. In addition, all changes (economic circumstances, sick leave, relocation, stay abroad, etc.) must be reported to the Public Employment Service immediately, but no later than **within one week**. If you are IT-savvy, you have the option of having an e AMS account - you can, for example, apply for unemployment benefit electronically via the **e AMS-account**.

### **Ban**

In **the event of an unfounded refusal or frustration of taking up work**, you will not receive any benefits for **6 weeks** - in the event of repetition for **8 weeks (ban)**. However, there is a possibility of complaint!

### **Health, accident and pension insurance**

While receiving AMS benefits, you have **health, accident and pension insurance** according to the ASVG. During a stay abroad or after the end of the drawing of benefits, there is health insurance cover for a further **6 weeks** if the insurance period lasted **6 weeks or at least 26 weeks** in the previous year.

### **Additional earnings**

The AMS must be notified immediately of any commencement of employment. In addition to receiving benefits from the labour market service, it is possible **to earn additional** monthly earnings up to the marginal earnings limit of **€ 518.944 (2024) gross**. Additional income from the same employer, with whom there was previously an employment relationship subject to full insurance, is only possible after an interruption of at least **1 month**. Marginal employees are insured against accidents. **Voluntary health and pension insurance** are recommended to you. For such a self-insurance, the preferential contribution of **€ 73.20 (value for 2024) has to be paid**.

### **Resignation**

If an employment has been terminated through termination by the employee or as a result of one's own fault, no unemployment benefit or emergency assistance is due for **4 weeks** from the end of the employment. However, this does not reduce the entitlement period.

### **Control reports and control of failure to report**

Recipients of unemployment benefit or unemployment assistance must report to the regional office by the specified dates. **If you fail to register**, the benefit will be discontinued from this day until your personal re-registration. The subscription period is reduced by the number of days until re-registration, unless there was a valid reason. If there are more than 62 days between the day of the missed control report and the assertion, the unemployed person will not receive any unemployment benefit or emergency assistance for the period exceeding 62 days.

### Advance payment of benefits from the pension insurance

People who have applied for a disability or occupational disability pension will only receive a pension advance if the pension insurance institution issues a confirmation that they are incapable of work and that the pension is expected to be awarded, but no decision will be made **within 3 months** from the reference date.

### Special provisions

#### 1.) Receipt of Austrian unemployment benefit while looking for a job in the EEA / EU area and in Switzerland

While receiving benefits in Austria, there is the option of looking for work in the EEA or Switzerland and during this time the Austrian benefit for a maximum of **3 months**.

A previous AMS notification of at least **4 weeks** in Austria and a notification or reservation within **1 week** from the time agreed with the Austrian AMS are **required** at the labour market administration in the country of job search.

The Austrian AMS continues to pay out the benefit even while looking for work in other EU countries. If the job search remains unsuccessful, the beneficiary must return to Austria before the **three-month period (or the "maximum")** has expired - otherwise he / she loses all further claims.

**Attention:** Such an export of an Austrian claim abroad must be applied for personally at the responsible regional AMS before departure.

#### 2.) Receipt of unemployment benefit from the EEA / EU area and Switzerland while looking for a job in Austria

In order to be able to continue to claim unemployment benefits from the EEA or Switzerland while looking for work in Austria, a personal interview with the responsible regional AMS in Austria with the submission of the "**Portable Document U2**" completed and confirmed by the foreign institution is necessary. The cash benefit can only be paid out after the job search has been reserved. The eligibility requirements for receiving unemployment benefit are always based on the respective national regulations of the EEA country or Switzerland.

**1-day rule:** if there is at least **1 day** of employment in Austria that is subject to unemployment insurance, previous periods of insurance in an EEA country or in Switzerland will be considered for entitlement to an Austrian benefit.

**Attention: Cross-border commuters** are people who are employed in an EEA / EU country or Switzerland and live in another member state and who return to their home country (country of residence) regularly, but at least once a week. After the end of their employment, the above-mentioned cross-border commuters can take their working hours with them to their country of residence with a "**Form U1**" completed by AMS in order to claim their unemployment benefit there if they fulfill the requirements of the legal provisions of this Member State.

A benefit from the unemployment insurance in the country of employment (Austria) is only possible **with proof of the center of life**.

**Attention:** As only the most important provisions are given here, we ask you to obtain more detailed information from the responsible authorities or advisory bodies. We point out that despite careful processing, errors can occur and therefore no guarantee can be given for the information in this information sheet!

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