

Pandemic Unemployment Assistance and Pandemic Emergency Unemployment Compensation under the CARES Act

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What is the CARES Act?

The Coronavirus Aid, Relief, and Economic Security (CARES) Act is the federal stimulus law enacted in March 2020 to provide unemployment insurance for workers impacted by the Covid-19 pandemic. The law has many different parts, including an enhanced unemployment insurance benefit, a 13-week extension in the duration of benefits, and an extension of eligibility to independent contractors and other workers who are ordinarily ineligible for unemployment benefits.

What is the Pandemic Unemployment Assistance (PUA) program?

The Pandemic Unemployment Assistance Program extends benefits to workers who have not traditionally been eligible for UI.

This program covers workers who:

- Are self-employed, independent contractors, 1099 employees
- Quit their jobs due to family care needs
- Have insufficient work history to qualify for NYS UI
- Are experiencing other COVID-related conditions

How do I qualify for Pandemic Unemployment Assistance (PUA)?

To qualify for PUA benefits, you must be found ineligible for regular unemployment benefits and be unemployed, partially unemployed, or unable or unavailable to work because of certain health or economic consequences of the COVID-19 pandemic. You do not have to apply separately for it. (Please see our Unemployment Insurance FAQ for eligibility requirements for regular unemployment benefits).

How much can I receive in Pandemic Unemployment Assistance (PUA) benefits?

The base rate is roughly half of your average weekly wages (this rule of thumb applies as long as your wages have not fluctuated a lot in the last 15 or so months). The minimum weekly rate is \$182 and the maximum weekly rate is \$504. If you are currently receiving benefits, you will also get an extra \$600/week (PUC) on top of your base rate until 7/31/20.

What is the enhanced unemployment insurance benefit under the Pandemic Unemployment Assistance (PUA) program?

The CARES Act provides for an enhanced benefit in the amount of \$600 per week (this is called Pandemic Unemployment Compensation, or PUC). This extra \$600 is on top of your base rate, and

is effective from April 5, 2020 through July 26, 2020. If you have been approved for benefits, you do not need to do anything else besides certify weekly to receive the additional \$600.

What is the 13-week extension of benefit under the CARES Act?

Among other things, the CARES Act extends unemployment benefits by up to 13 weeks for individuals who have exhausted all rights to regular unemployment compensation (called Pandemic Emergency Unemployment Compensation, or PEUC). In normal times, claimants are eligible for 26 weeks of unemployment insurance benefits. Now, all current claimants can claim and collect benefits for up to 39 weeks retroactive to January 27, 2020 through December 31, 2020.

What if I ran out of unemployment insurance benefits since 7/1/19? Can I receive the additional 13 benefit weeks of PEUC?

Claimants who ran out of their 26 weeks of benefits after July 1, 2019 can claim an additional 13 weeks (PEUC) if they are currently unemployed.

Is there a distinction between being terminated and furloughed for the purposes of Pandemic Unemployment Assistance (PUA)?

No, if you were terminated or furloughed as a result of COVID-19-related circumstances you should apply for UI. However, regular NYS UI laws still apply. If you were terminated as a result of misconduct, you would be disqualified from receiving NYS UI. (Please see our Unemployment Insurance FAQ for eligibility requirements for regular unemployment benefits).

What if my employer reduced my hours, but has not fired me? Do I qualify for NYS UI or PUA?

Part-time workers are eligible for both NYS UI and federal PUA. You must work LESS THAN 4 days per week, and earns LESS THAN \$504 per week, to be eligible. We encourage part-time workers to apply.

What if I am an independent contractor and/or self-employed? Do I qualify for PUA?

PUA extends unemployment insurance benefits to independent contractors and self-employed individuals. If you are a true independent contractor, you may not qualify for Unemployment Insurance (UI) but may qualify for Pandemic Unemployment Assistance (PUA). You should apply (online is the fastest route). If you are found not eligible for regular NYS UI because you are an independent contractor or self-employed, you will be screened for PUA.

If you have been misclassified as an independent contractor, you can challenge the company's claim that you are an "independent contractor" and not an employee by sending in a reconsideration form to the NYS Department of Labor. We recommend that you also apply to PUA while waiting for a decision from the NYS Department of Labor.

I do not have work authorization. Am I eligible for Pandemic Unemployment Assistance?

The only people who categorically cannot collect benefits are immigrants who do NOT have work authorization and did not have work authorization during some part of the last year-and-a-half (you have to have had work authorization for at least a period of your employment in order to qualify). This includes workers whose visas are tied to a specific employer or are only authorized to work at certain locations.

What if I am an essential worker and fear contracting coronavirus at work? If I quit, am I eligible for benefits?

Employees over 60 years of age and/or have underlying health conditions which put them at a high risk for severe illness or death from COVID should apply for NYS UI. The NYS DOL will most likely consider it a **voluntary quit with good cause** (DOL may require documentation of the underlying serious illness). Claimant should consider obtaining **medical documentation** identifying work restrictions to submit with claim. **But, first, ask for an accommodation before quitting.** If an accommodation is not provided, you can apply for regular NYS UI. Other situations are less clear, and workers may run a risk. Contact us.

I am sheltering in place because of a quarantine or because I am in a high risk group. Can I get NYS UI or Pandemic Unemployment Assistance (PUA)?

The rules on being “available to work” during the pandemic aren’t clear yet. If you aren’t able to search for work only because of COVID-19 or shelter-in-place orders, you are most likely still eligible and will be able to receive either UI or PUA if you otherwise qualify. Workers unable to work due to COVID-related conditions may also be eligible for PUA. We encourage you to apply if you think that you are eligible.

What if I have to take care of a child because the child’s school or care provider is closed due to COVID-19?

Yes, PUA provides benefits for workers who must care for a child because their child’s school or care provider closed due to COVID-19.

I applied but was unable to complete my application. I was told that someone would contact me within 72 hours, however, I have not heard back from anyone yet. What should I do?

The Department of Labor is overwhelmed by the number of applications that they have been receiving ever since the onset of COVID-19. Please continue to certify for benefits and you should receive a call soon. If it has been more than one week, please contact us.

I applied several weeks ago, but still have not received any benefits. When will I receive my first payment?

The Department of Labor does not have any specific timelines to make a determination or to release benefits. Unfortunately, because of the overwhelming number of applications that are currently pending it could take an average of 5 weeks or so to receive your first payment, but it could take more or less time. Please continue to certify for benefits in the meantime.

Will I be paid retroactive benefits even though there was a big gap in time since I lost my job and my application was processed/approved?

The Department of Labor is doing the best they can to process the high volume of applications they have currently pending. You should receive retroactive benefits back to the date you became unemployed or experienced a reduction in hours, if it was related to COVID-19, or back to the date that you filed if job loss or reduction in hours was not related to COVID-19. Once approved, you should receive your approved benefit amount on a weekly basis (as well as the \$600 PUC benefit until July 31, 2020).

What is the definition of availability to work under the PUA?

Individuals who are otherwise not eligible for regular NYS UI because they are unavailable for work due to COVID-related reasons may be eligible for PUA. We encourage individuals to apply.

What is the new work search standard? If so, what level of documentation?

The federal government has advised states to adopt relaxed work search standards. The NYS DOL has not yet released official guidance on any changes to the work search standard. We expect the standard to be greatly relaxed. (Please see our Unemployment Insurance FAQ for eligibility requirements for regular unemployment benefits).

I lost my job long before the coronavirus pandemic, but was found not eligible because of income requirements/disqualifying circumstances. Am I eligible now given the difficulties of finding work?

Unfortunately, NYS DOL has not issued any exceptions relating to disqualifying circumstances. If you were deemed ineligible before the COVID crisis as a result of misconduct in the job, the wages that you earned in the course of that employment cannot be used as a basis for an unemployment insurance claim. However, if you were deemed ineligible due to insufficient income over the past quarter, you should reapply to determine if any subsequent income before you lost your most recent job now makes you eligible. In general, we encourage claimants to apply.

I was denied PUA. When will I receive a hearing?

If you have been denied PUA, you should request a hearing. The NYS Department of Labor postponed all hearings, but is now scheduling hearings. You will get a new notification in the mail as well as a phone call when it has been scheduled. Keep an eye out on your mail and your phone and contact the Employment Law Unit hotline if you are seeking representation.

Am I entitled to benefits if I do not go back to work after my employer reopens his/her business?

It depends on the reason why you do not want to go back to work. Please contact us to discuss your specific individual circumstances.

Hotline Services

If you have any questions or need assistance, please call our Employment Helpline at (888) 663-6880, Monday - Friday, from 10 AM to 3 PM.