

FAQ: UNEMPLOYMENT BENEFITS

OVERVIEW

The Coronavirus Aid, Relief and Economic Security Act, or “CARES Act,” was signed into law on Friday, March 27, 2020. A nearly \$2 trillion economic stimulus package, the Act provides an estimated \$260 billion in enhanced and expanded unemployment insurance (UI) to millions of workers throughout the country who are being furloughed, laid off, or finding themselves without work through no fault of their own because of the COVID-19 pandemic and our public health response to it.

The Act creates three new unemployment programs: Pandemic Unemployment Compensation, Pandemic Emergency Unemployment Compensation, and Pandemic Unemployment Assistance. All three programs are fully federally funded.

What programs are available?

Pandemic Unemployment Compensation

The CARES Act provides for a weekly payment of \$600 in addition to the unemployment benefits to which an individual is entitled. Pandemic Unemployment Compensation (PUC) is a flat amount, fully funded by the federal government, and will be available through July 31, 2020. Pandemic Unemployment Compensation is intended to provide full wage replacement for the average worker in the United States and is not subject to reduction if it exceeds the wages actually earned by the individual prior to becoming eligible for unemployment benefits. PUC includes those who are receiving a partial unemployment benefit check.

Pandemic Unemployment Assistance

The CARES Act extends emergency assistance to individuals who are not otherwise eligible for unemployment benefits.

Pandemic Emergency Unemployment Compensation

The CARES Act provides for up to 13 weeks of emergency unemployment benefits for eligible individuals who remain unemployed after exhausting their rights to unemployment benefits under state law.

How much will workers receive?

Generally, the weekly amount of Pandemic Unemployment Assistance is the applicable state weekly benefit amount, which cannot be less than the minimum amount available under the Disaster Unemployment Assistance program, *plus* the Pandemic Unemployment Compensation (PUC) payment of \$600.

Under these expanded benefits, eligible workers will receive an additional \$600 per week in addition to the amount workers would traditionally receive in state benefits. West Virginia's maximum weekly benefit amount is \$424 per week.

The Federal PUC payments will be provided on a weekly basis. States have the option of providing the entire amount in one payment or sending the extra portion separately. This means a worker may receive two checks as opposed to the traditional single check they would normally receive.

The CARES Act provides for a "non-reduction rule". This means that as long as the states are participating in these programs, they may not do anything to decrease the maximum number of weeks of unemployment or the weekly benefits available under state law as of January 1, 2020.

Who is covered?

The CARES Act wraps in far more workers than are usually eligible for unemployment benefits, including self-employed people and part-time workers. It generally provides for Pandemic Unemployment Assistance to individuals who are unemployed, partially unemployed, or unable to work due to COVID-19, and are not otherwise eligible for unemployment benefits.

Applicants will need to provide self-certification that they are:

- (1) Partially or fully unemployed, or
- (2) Unable and unavailable to work because they meet of one of the following conditions:
 - Have been or have had a household member diagnosed with COVID–19 or are experiencing symptoms of COVID–19 and seeking a medical diagnosis;
 - Are providing care for a family or household member who has been diagnosed with COVID–19;
 - Have primary caregiving responsibility for a child who is unable to attend school or another facility that is closed as a direct result of the

COVID-19 public health emergency and such school or facility care is required for the individual to work;

- Are unable to reach work because of a quarantine imposed as a direct result of the COVID-19 public health emergency or self-quarantine advised by a health care provider;
- Were scheduled to commence employment and do not have a job or are unable to reach the job as a direct result of the COVID-19 public health emergency;
- Have become the breadwinner or major support for a household because the head of the household has died as a direct result of COVID-19;
- Had to quit their job as a direct result of COVID-19;
- Worked in a place of employment that is closed as a direct result of the COVID-19 public health emergency; or
- Meet any additional criteria established by the Secretary of Labor for unemployment assistance.

The Act also covers persons that are self-employed, independent contractors, freelancers, seeking part-time employment, do not have sufficient work history, otherwise would not qualify for regular unemployment or extended benefits, including because they have exhausted their benefits, and meets the foregoing criteria is eligible for Pandemic Unemployment Assistance. Thus, “gig” workers, independent contractors, and others who are typically excluded from unemployment insurance coverage are eligible for Pandemic Unemployment Assistance.

Are part-time workers covered?

Yes. Part-time workers are eligible for benefits. They are also eligible for the additional \$600 weekly benefit. In West Virginia, workers can receive unemployment benefits while working part-time, if they report their gross earnings for that week even if they have not yet received them.

Who is excluded?

An individual is not eligible if:

- The individual has the ability to telework with pay; or
- The individual is receiving paid sick leave or other paid leave benefits.

Workers must be authorized to work to be eligible for PUA, meaning that undocumented workers will not qualify.

How will benefits be determined for newly eligible workers?

Benefit amounts will be calculated based on previous income, using a formula that would calculate the weekly amount of compensation the individual would have been

paid as regular compensation, as computed under the provisions of the applicable State law for a week of total unemployment. Self-employed workers will also be eligible for the additional \$600 weekly benefit provided by the federal government.

How long will the payments last?

West Virginia provides 26 weeks of benefits. If eligible, the expanded benefits provide for an additional 13 weeks which will become available after a worker exhausts all regular state benefits. This will result in a total of 39 weeks. The extra \$600 payment will last for up to four months, (covering 16 weeks of unemployment) and is scheduled to end July 31.

How long will the expanded benefits last?

The expanded coverage will be available to workers who are newly eligible for unemployment benefits for weeks beginning Jan. 27, 2020 and through Dec. 31, 2020.

How before benefits begin?

States have been incentivized to waive the one-week waiting period, Governor Jim Justice's executive order allows WorkForce WV to waive the one-week waiting period for eligible West Virginians to receive unemployment benefits.

Are there other standard unemployment eligibility requirements that have been waived?

Traditionally, to receive unemployment benefits workers are required to be actively engaged in searching for work. The CARES Act explicitly provides that “a State shall provide flexibility in meeting work search requirements in case of individuals unable to search for work because of COVID-19, including because of illness, quarantine, or movement restriction.”

Governor Jim Justice's executive order allows WorkForce WV to waive the able and available work requirements and to waive the work search requirements.

Is a worker eligible who has been diagnosed with Covid-19 or needs to care for a family member who has it?

If a person has received a diagnosis, is experiencing symptoms or is seeking a diagnosis and he or she is unemployed, partly unemployed or cannot work as a result they will be covered. The same is true if they are caring for a family member of their household who has received a diagnosis.

What if a worker's child's school or day care shut down?

If a worker relies on a school, a day care or another facility to care for a child, elderly parent or another household member to allow them to work and that facility has been shut down because of coronavirus then the worker is eligible.

What if a worker has been advised by a health care provider to quarantine because of exposure to coronavirus? And what about broader orders to stay home?

People who must self-quarantine are covered. The Act says that individuals who are unable to get to work because of a quarantine imposed as a result of the outbreak are eligible.

What if a worker was about to start a new job and now can't get there because of an outbreak?

The worker is eligible for benefits. There is also coverage if the worker is immediately laid off from a new job and did not have a sufficient work history to qualify for benefits under normal circumstances.

If a worker has to quit a job as a direct result of coronavirus, would he or she be eligible to apply for benefits?

It depends. The worker would be eligible if the employer did not lay the worker off but the worker had to quit because of:

- A quarantine recommended by a health care provider, or
- Because a child's day care closed, and
- The worker is the primary caregiver.

But this provision is not intended to cover people who quit or want to quit because they fear that continuing to work puts them at risk of contracting coronavirus.

Are workers eligible when his or her employer shut down my workplace because of coronavirus?

Yes. If a worker is unemployed, partly unemployed or unable to work because an employer closed down, then coverage is available.

Is coverage available if the breadwinner of a household has died as a result of coronavirus. I relied on that person for income, and I'm not working.

Yes. If the worker relied on that person for income and is not worker they are eligible.

How will this effect workers currently receiving unemployment benefits?

Workers who are already receiving unemployment benefits for reasons unrelated to the coronavirus will continue to receive state-level benefits. These benefits will be extended by 13 weeks. These workers will also receive the extra \$600 weekly benefit from the federal government.

How will expired benefits be affected?

If benefits have been exhausted eligible workers can generally reapply. At the very least, they are eligible for at least another 13 weeks along with the extra \$600 payment through July 31.

Are any unemployment benefits retroactive?

Maybe. If a person is newly eligible for benefits, he or she may be able to claim state-level benefits retroactively, back to January 27, 2020. WorkForce WV which will consider the date that the unemployment began and any extenuating circumstances that prevented an earlier filing.

People who are already receiving unemployment will not get any retroactive benefits. If benefits run out, a person will be eligible for the added 13 weeks of state-level benefits as long as they continue to meet the eligibility criteria.

The extra \$600 payment being paid by the federal government is also not retroactive.

How will this income impact eligibility for other programs?

The additional \$600 benefit counts as income when determining eligibility for means-tested programs, except for Medicaid and the Children's Health Insurance Program, known as CHIP.

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