

# Unemployment Insurance and COVID-19

#### WHAT IS UNEMPLOYMENT INSURANCE?

If you are not working or have lost hours of work due to COVID-19, and if you qualify, you may apply for unemployment insurance. Unemployment insurance provides temporary income for eligible workers who lose their jobs through no fault of their own. Even if your employer has told you that you will return to work in the future, you may qualify for benefits during the time that you are not working.

On March 30th, a new law was passed that expands unemployment benefits during the COVID-19 pandemic. We'll review these expansions and how they can be applied to your situation below.

Every state in the U.S. has its own unemployment system with its own eligibility rules. If you work in New York State, the New York Department of Labor decides whether you qualify and determines how much you will receive in weekly benefits.<sup>1</sup>

### Do I have to pay back to the government for my unemployment benefits in the future?

**NO.** Unemployment insurance is a benefit that workers get after they have worked for a sufficient time in the U.S. Although you must pay taxes on the unemployment benefits you receive, you will not have to return what you receive to the government in the future or pay any fees.

#### Do unemployment benefits make me a public charge?

**NO.** Unemployment insurance is not a benefit that the government considers when determining whether you are a public charge or not.

#### AM I ELIGIBLE FOR UNEMPLOYMENT?

#### **REGULAR UNEMPLOYMENT**

Currently, you are eligible for regular unemployment if you meet the following four requirements:

- 1. You lost your most recent job through no fault of your own
- For example, you cannot work because

<sup>&</sup>lt;sup>1</sup> If you live in New York State but work in another state such as New Jersey or Pennsylvania, you should apply for unemployment in the state in which you work.

- You or someone in your household was diagnosed with COVID-19 or shows some symptoms of COVID-19
- You are caring for a child whose school or child care center (e.g., daycare or nursery) is closed due to COVID-19
- You are restricted by an official quarantine order or a doctor has advised you to self-quarantine due to COVID-19, and you cannot work from home
- This may also include situations in which you resign for good cause:
  - For example, your employer denied you accommodations (e.g., a change of schedule, or provision of safety equipment) that you requested because you or a member of your household has an increased risk of COVID-19 due to an underlying health condition
- This requirement does NOT include cases where
  - You were fired due to poor performance
  - You can still work from your home (or "telework")
  - You are receiving sick pay or other paid leave

#### 2. You lost all or some of your working hours

- You can qualify for unemployment benefits even if you work part-time. You can receive partial benefits for each week in which you:
  - o work less than four days in the week, and
  - o earn less than \$504 (the maximum you can receive in weekly benefits)
- NOTE: All work, even a few minutes a day, is considered a day's work. For each day you work in a given week, the amount of your benefit will be reduced by 25% for that week.
  - o 1 working day in a given week = 75% of your benefit amount
  - o 2 working days in a given week = 50% of your benefit amount
  - o 3 working days in a given week = 25% of your benefit amount

#### 3. You are available and able to work and are actively looking for work

#### Work authorization

- To be considered "available" for work, you need to have had work authorization for the last
   12-18 months of work, when you apply for unemployment benefits, and throughout the time in which you are receiving unemployment benefits.
- If your work permit expired or was revoked, you would no longer be eligible to receive unemployment benefits.
- NOTE: If you are undocumented but authorized to work, you should have a legal consultation to determine if you are eligible. For example, people with DACA are eligible
- o for unemployment if they have current work authorization.

#### Job Search

 Under normal circumstances, you have to provide documentation to the Department of Labor each week certifying that you are able to work and are actively looking for work. However, during the COVID-19 pandemic, this requirement seems to be relaxed somewhat given the general lack of work.

- 4. Have worked enough weeks and earned enough wages in the last 12-18 months
- This requirement can be a bit complicated. Simply put, it's worth applying for unemployment benefits if:
  - You've worked for at least a few months over the past 12-18 months, <u>AND</u>
  - You've earned at least \$3,900 during that same period, <u>AND</u>
  - o You meet the other requirements detailed above.
- If the Department of Labor needs more information or denies your application for lack of sufficient work, you should consult an attorney.

#### "PANDEMIC UNEMPLOYMENT ASSISTANCE" (PUA)

If you are NOT eligible for regular unemployment, you may still be eligible for unemployment through a new program called "Pandemic Unemployment Assistance" (PUA).

You may be eligible for PUA if you are unable to work AND are

- self-employed
- an independent contractor (i.e., receive a 1099 instead of a W2), OR
- have not worked for sufficient time or earned enough wages in the last four quarters (see the fourth eligibility requirement above).

**Attention!** - For PUA, you still have to be willing and able to work, i.e. have work authorization (see third eligibility requirement above)

## WHAT ARE OTHER CHANGES TO UNEMPLOYMENT BENEFITS DURING THE COVID-19 PANDEMIC?

- You can apply for unemployment benefits immediately after losing your job.
  - New York State has suspended a rule that requires applicants to wait 7 days before claiming unemployment. This means that if you apply for unemployment benefits and are found eligible, you will receive benefits for the first week of your unemployment.
- You will receive unemployment benefits retroactively, from the time your employment ends.
  - For example, if your job ended on March 15, but you were not able to submit your application for unemployment until April 15, and you were determined to be eligible on April 30, your weekly benefits will go back to March 15 to cover all of the weeks for which you were unable to work.
- You can receive benefits for a longer period of time.
  - From now through December 31, 2020, you can receive benefits for an additional 13 weeks, on top of the maximum 26 weeks of benefits in New York. That amounts to 39 weeks of unemployment benefits in total.
- You will receive an increase in your benefit amount by \$600 per week through the last full week of July 2020.

#### **HOW CAN I APPLY?**

- Each state administers its own unemployment program with its own rules for applying for benefits.
  - You must apply in the state where you work, even if you live in another state.
  - o If you worked in multiple states, you can apply for unemployment in any of those states.
- Currently, the New York Department of Labor (NYSDOL) has a streamlined application with questions about both regular unemployment and PUA. After submitting the application, the NYSDOL will first determine if you qualify for regular unemployment, and if not, if you qualify for PUA.

#### **CHECK LIST**

Before starting the application, you should collect and have in hand the following information:

Your social security number
Your New York State (NYS) driver's license number, the number on your NYS non-driver identification
card, or the number on your idNYC
Gross earnings (before deductions) for each calendar quarter <sup>2</sup> of work since January 2019.
Your gross earnings should be listed on your W2 form
☐ If you don't have a W2, you can find your 2019 gross earnings on your last pay stub of the year
☐ If you don't have pay stubs or a W2, you may be able to estimate your gross earnings by
multiplying the hours you worked each week by your regular hourly wage.
If you have them, your 2019 W2 and/or pay stubs from your last 18 months of work
The name of all your employers from the last 18 months
The full address and zip code of all your employers from the last 18 months
The Employer Identification Number ('EIN' or 'FEIN') for all of your employers from the last 18 months
□ NOTE: the EIN should be listed on your W2 or pay stubs
Your personal contact information
☐ Phone number
☐ Full address and postal code
☐ Email where you can receive mail
If you are not a citizen, your "A-Number"
□ NOTE: your A-number is the eight or nine-digit number that begins with the letter A and that
appears on your green card, work authorization document, or visa.
If you have a bank account, your routing number and account number so that you can receive your
benefit payments by direct deposit
□ NOTE: on a personal check, there should be at the bottom of the check the routing number for
your bank followed by your personal account number.

<sup>&</sup>lt;sup>2</sup> A "calendar quarter" is a period of three consecutive months starting on one of January 1, April 1, July 1 or October 1 of each year.

#### BY PHONE OR ONLINE?

- If possible, it is better to apply for unemployment benefits online instead of by phone because of the high volume of calls that the NYSDOL is currently receiving.
- If you don't have a computer, you can still apply online using a smartphone.

#### BY PHONE

- TIP: Because there are so many people calling the number right now, it is difficult to receive a
  response. Our suggestion is to call very early in the morning, and be very patient and keep calling until
  someone answers.
- The number to complete the application is 888-209-8124.
  - There are translation services. Use the keypad on your phone to enter the number of the language you want to choose and a recorded voice will offer you the options.
- Since so many people are unemployed right now, the NYSDOL is currently overwhelmed by the number of applications it has received. Consequently, the NYSDOL is asking people to apply for unemployment benefits based on their last names:
  - Monday: Last names beginning with the letters A-F can apply
  - Tuesday: Last names beginning with the letters G-N
  - Wednesday: Last names beginning with the letters O-Z
  - Thursday to Sunday: people who were unable to apply Monday-Wednesday
- The NYSDOL has also extended its hours for receiving applicant calls:
  - Monday through Thursday 8am 7:30 pm;
  - Friday 8am 6pm;
  - Saturday and Sunday 7:30 am 8pm.
- Hearing Impaired Individuals: You should call 888-662-1220 first and ask to call the Telephone Request Center at 888-783-1370.
- If you have lost your PIN, call 888-209-8124 to request a new PIN.
- TIP: If your workplace is closed due to COVID-19, the option you should select as the reason why you are currently out of work is "lack of work."

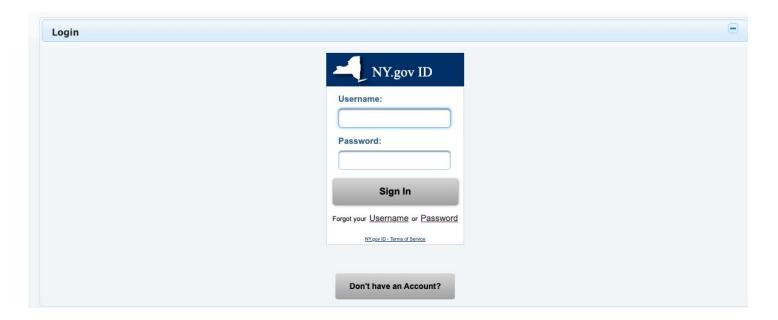
#### ONLINE

- The page to apply for unemployment is:
   <a href="https://doi.ny.gov/unemployment/unemployment-insurance-assistance">https://doi.ny.gov/unemployment/unemployment-insurance-assistance</a>
- NOTE: the application form at the link above is in English only. The linke to apply for benefits in Spanish is: <u>labor.ny.gov/signin</u>
  - You can also review our step-by-step guide to apply for benefits in Spanish <u>here</u>.
- TIP: You should apply when you have time to finish the whole process in one session, to avoid losing any unsaved information.
- Below are step-by-step instructions on how to apply for unemployment online.

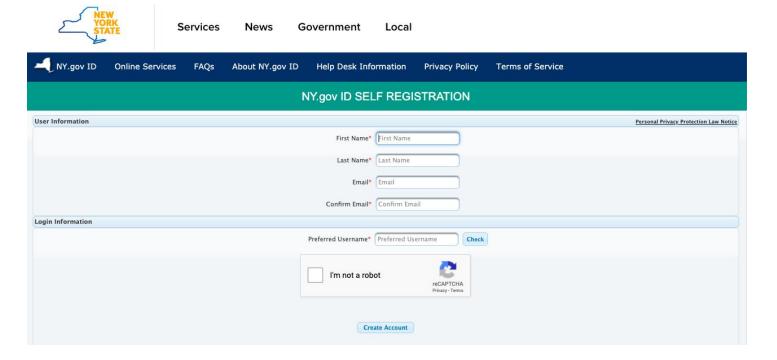
#### STEP BY STEP INSTRUCTIONS FOR APPLYING ONLINE

#### STEP 1: Create an account on NY.gov

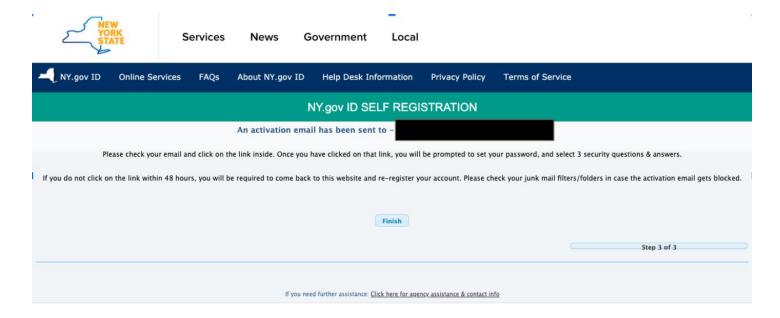
- First, you must create an account with NY.gov.
- To do so, you must have an email address.
- Go to the webpage <a href="https://dol.ny.gov/unemployment/file-your-first-claim-benefits">https://dol.ny.gov/unemployment/file-your-first-claim-benefits</a> and click on the button "Don't have an Account?"



 You will then be asked to enter your name and email and select a username. Click "Create Account" and you will receive an email allowing you to set security questions in case you forget your password.



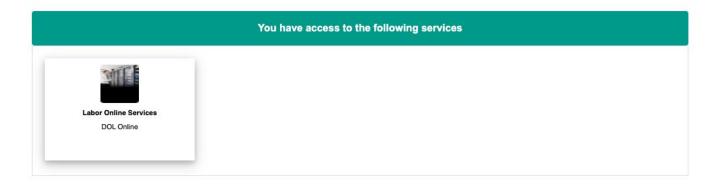
- The next page will confirm the information you entered. Once you have confirmed, you will be taken to the page below. Click "Finish" at the bottom of the page to create your account.
- TIP: Write down and save your username, password, and security questions, because they can be hard to recover if you forget or lose them.



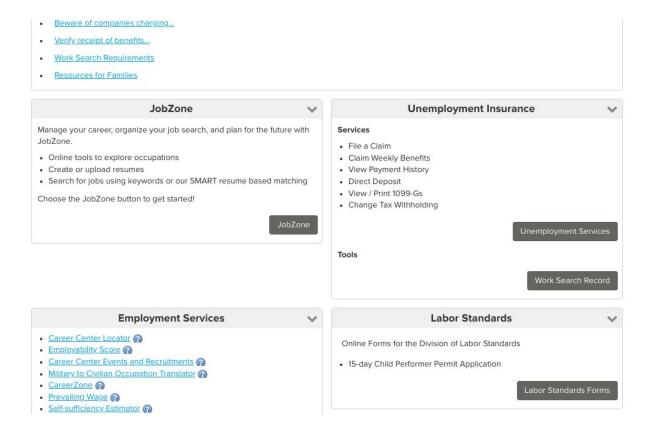
You will then sign in using the NY.gov ID that you just created.



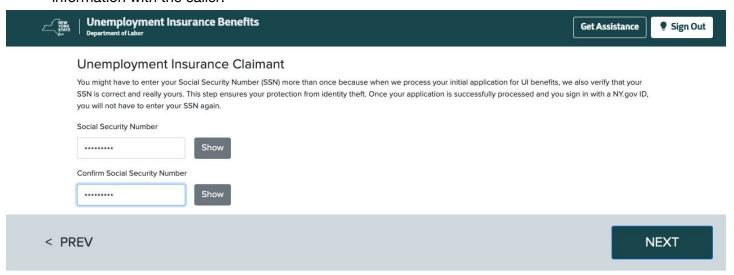
• On the following page, find and click on "Online Services."



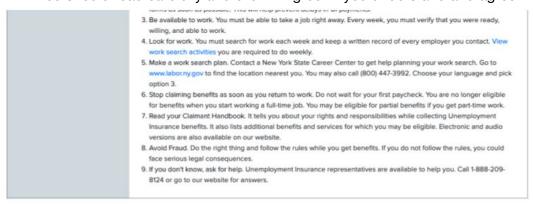
• Next, click on the button to the right that says, "Unemployment Services."



- You will then be asked to enter your Social Security Number (SSN).
- NOTE: after finishing your application, it's possible that someone from the NYSDOL might call you from an unknown number to confirm the information in your application. They may ask you for personal information like your Social Security Number. If the call is legitimate, the caller will know the date you submitted your application and will provide that information before asking you to answer any personal questions. If they do not have the date, it may be a scam and you should NOT share personal information with the caller.



• You will then come to a page explaining the terms of applying for unemployment insurance benefits. You should read carefully and click "I Agree" if you understand and agree with all of the terms.

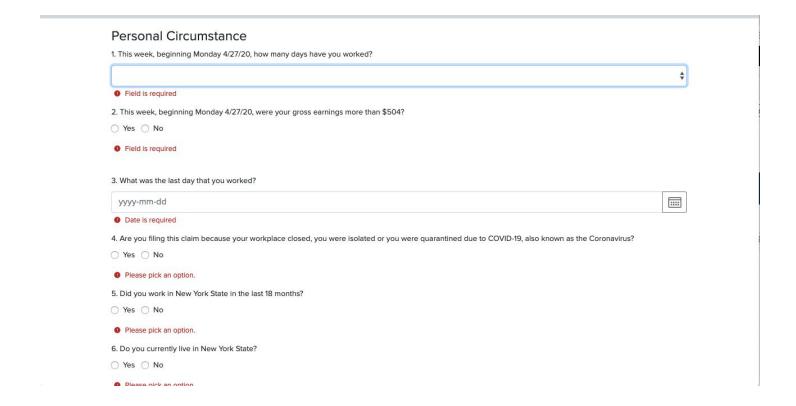


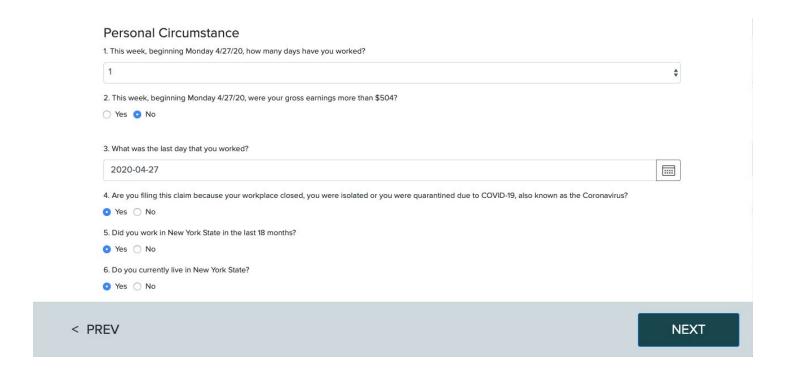
I HAVE READ AND UNDERSTAND ALL OF THE ABOVE INFORMATION. I WISH TO CONTINUE WITH THE INTERNET CLAIM FILING PROCESS. UNDER PENALTY OF PERJURY, ALL INFORMATION I PROVIDE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

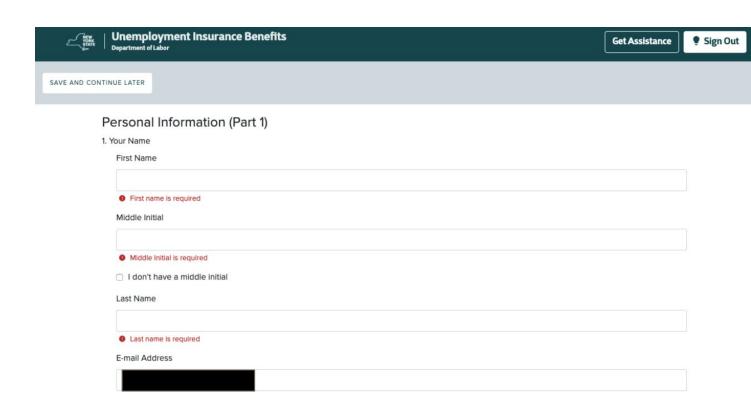
I DO NOT AGREE

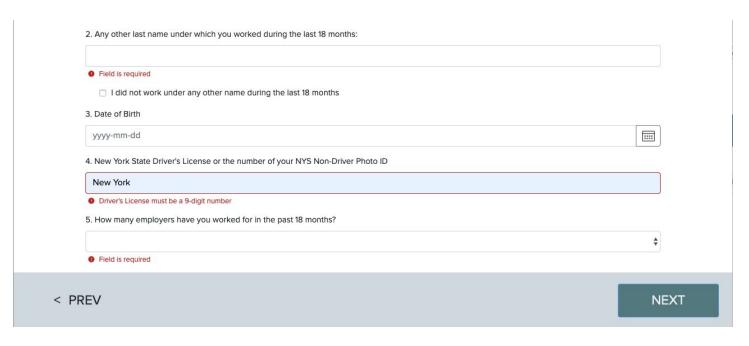
#### **PASO 3: Begin Your Application for Unemployment Insurance**

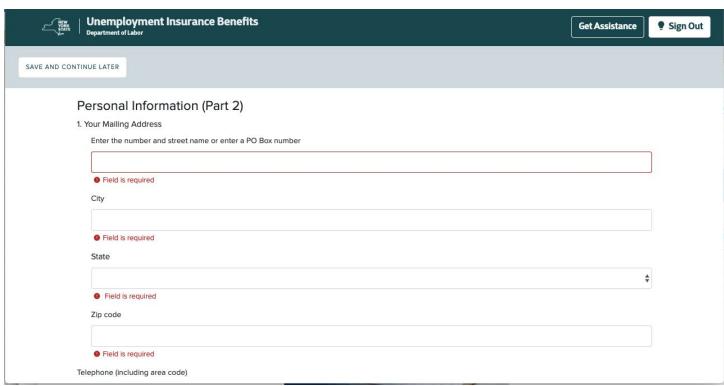
• Answer the series of questions about the circumstances of your unemployment. When you come to the end of each section, click "Next" to move on to the next questions.





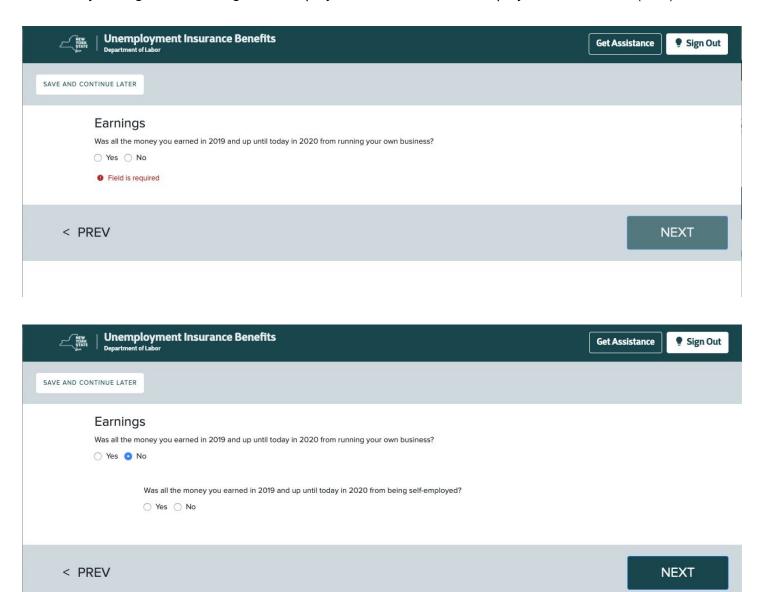




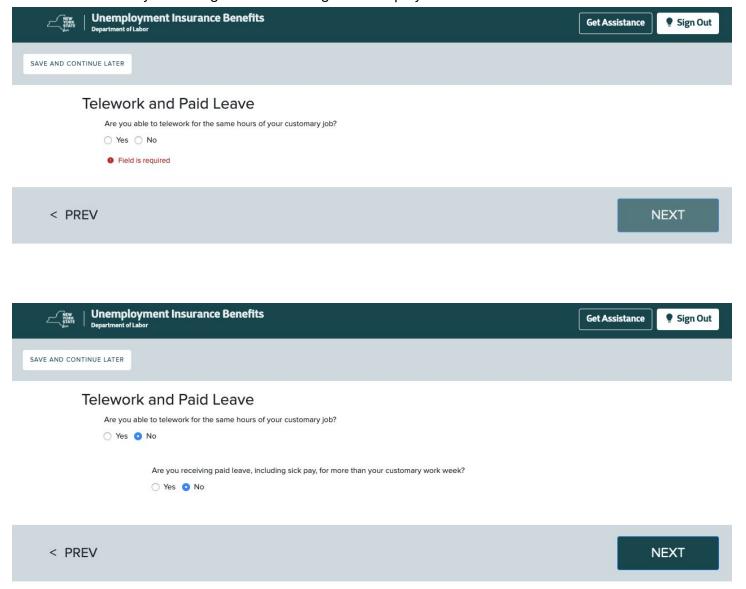


	\$
Field is required	
are you a veteran?	
Yes O No	
Field is required	
are you a citizen of the U.S?	
Yes O No	
Field is required	
oo you want 10% of your weekly Unemployment Insurance benefits witheld for Federal taxes?	
Yes O No	
Field is required	
o you want 2.5% of your weekly Unemployment Insurance benefits withheld for State taxes?	
Yes O No	
Field is required	
Vould you like to register to vote or make changes to your current voter registration?	
Oo you want 10% of your weekly Unemployment Insurance benefits witheld for Federal taxes?	
Yes O No	
o you want 2.5% of your weekly Unemployment Insurance benefits withheld for State taxes?	
Yes O No	
Vould you like to register to vote or make changes to your current voter registration?	
Yes O No	
ethnicity	
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Field is required	
Race	
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NOT THE TOTAL OF	
Are you a person with a disability?	

• You will then be asked if you made all of your money from running your own business or being self-employed. This is important, because it affects the type of unemployment insurance benefits you may be eligible for, i.e. regular unemployment or Pandemic Unemployment Assistance (PUA).



• You will then be asked if you are able to telework or if your job offers paid leave. This will also factor into whether you are eligible for either regular unemployment or PUA.



You'll then be asked if you lost your job or out of work as a result of COVID-19. Keep in mind that, as
discussed under the section regarding eligibility, people may currently be eligible for unemployment
benefits for pandemic-related reasons that are different from reasons that qualified a person for
unemployment benefits previously.

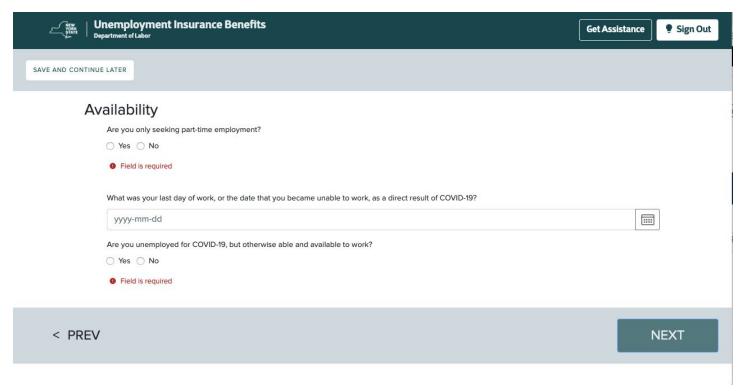
### COVID-19 Was your place of employment closed as a direct result of COVID-19? Are you the primary caregiver of a child who is home due to a forced school closure because of COVID-19? ○ Yes ○ No Are you providing care to a family or household member diagnosed with COVID-19? ○ Yes ○ No Are you unable to reach your place of employment due to an imposed quarantine or because you were advised by a medical provider to self-quarantine ○ Yes ○ No Are you the major breadwinner of your household because the head of household died from COVID-19? ○ Yes ○ No Were you diagnosed with COVID-19 or seeking a medical diagnosis as a result of symptoms? ○ Yes ○ No Were you scheduled to begin employment but could not start as a direct result of COVID-19? O Yes O No Are you providing care to a family or household member diagnosed with COVID-19? O Yes O No Are you unable to reach your place of employment due to an imposed quarantine or because you were advised by a medical provider to self-quarantine because of COVID-19? O Yes O No Are you the major breadwinner of your household because the head of household died from COVID-19? O Yes O No Were you diagnosed with COVID-19 or seeking a medical diagnosis as a result of symptoms? Yes O No Were you scheduled to begin employment but could not start as a direct result of COVID-19? O Yes O No

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**NEXT** 

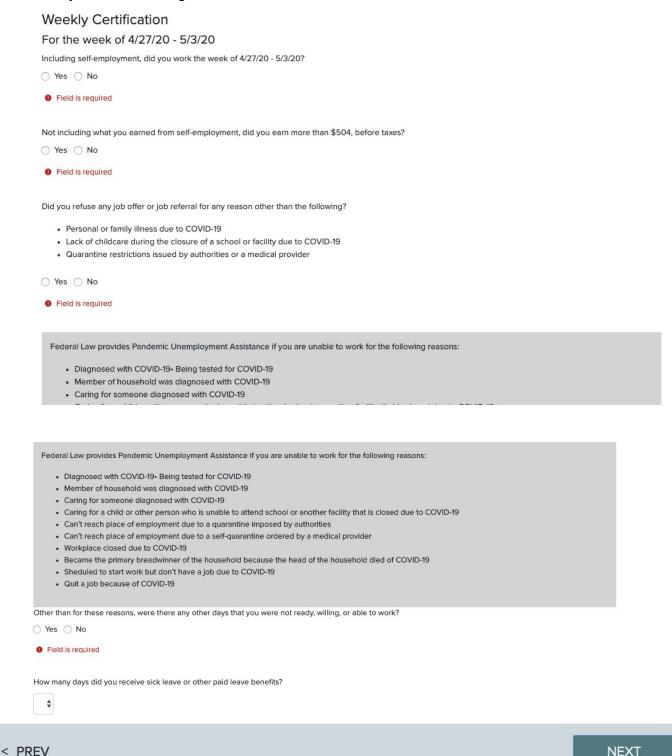
 You will then be asked if you are able and available to work, in spite of the COVID-19 related reason for which you are out of work. This is an important requirement to be eligible for unemployment benefits so, as long as it is true, you should say "yes."



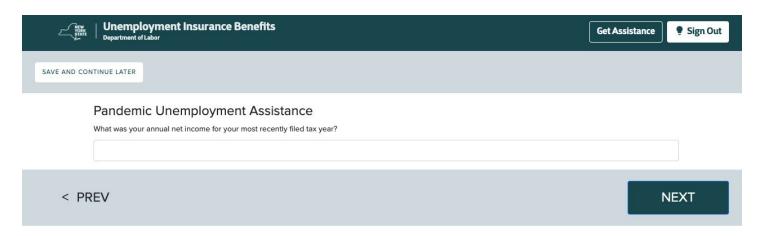
• You will then be able to select if you want your payments paid by debit card (that is mailed weekly to your home), or by direct deposit. If you select direct deposit, you'll need to have your bank account information (routing number and account number) on hand.



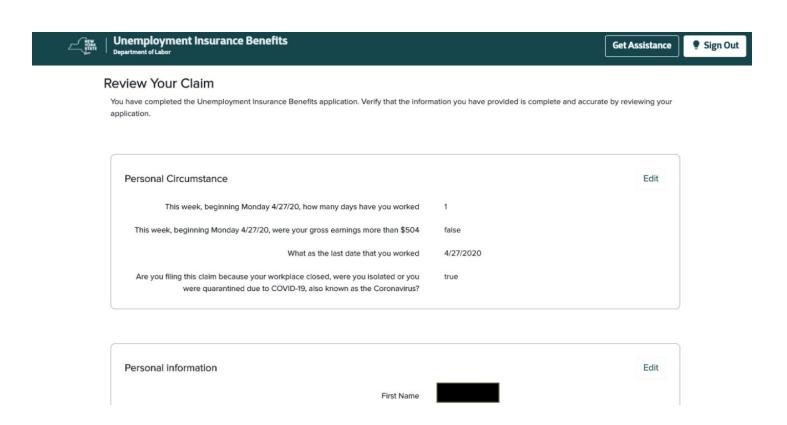
You will then be asked to certify whether you worked in the last week. When you are receiving
unemployment insurance benefits, you have to certify each week that you continue to be out of work,
but that you remain willing and available to work.



You will then be asked to enter your gross income for the last tax year.



Finally, you can review your claim and submit it!



Are you filing this claim because your workplace closed, were you isolated or you	true
were quarantined due to COVID-19, also known as the Coronavirus?	

ersonal information		Edit
First Name		
Middle Inittial	С	
Last Name		
Any other last name under which you worked during the last 18 months:		
Date of Birth		
lew York State driver's license or the number of your NYS Non-Driver Photo ID card		
I don't have a NY driver's license or NYS Non-Driver Photo ID card		
How many employers have you worked for in the past 18 months?	1	

SUBMIT

#### WHAT ELSE SHOULD I DO AFTER COMPLETING MY APPLICATION?

#### Some claimants should receive a callback within 72 hours

- After completing your application, you may be notified that you will be receiving a call from the NYSDOL to finish your application. Applicants should be receiving these follow-up calls within 72 hours of submitting their application.
  - If at any point in the application process it has been recommended that you call a specialist to complete your claim, call <u>888-209-8124</u> as soon as possible. Keep calling back, even if you are disconnected or if no one answers.
  - Otherwise, you should wait for the NYSDOL to call you. If you miss the call, the NYSDOL says that they will call you back at a later time.
    - NOTE: It is possible that the NYSDOL will call you from an unknown number. They may ask you for personal information, such as your Social Security Number. If the call is legitimate, the caller will know the date you submitted your application and will provide that information before asking you to answer any personal questions. If they do not have the date of your application, it may be a scam and you should NOT share personal information with the caller.

#### **WEEKLY CERTIFICATION**

- To continue receiving benefits, you need to certify each week that you are eligible to receive benefits.
- By phone or online?

- If you applied online, you must certify your weekly benefits online. Login to your account and click on "Claim Your Weekly Benefits" here:
   https://dol.ny.gov/unemployment/unemployment-insurance-assistance
- If you applied by phone, you must certify by phone at 888-581-5812. We understand that
  contacting the NYSDOL by phone can be frustrating, but you should keep calling until you can
  talk to someone.
- To certify that you are eligible, you must answer:
  - If you worked for any amount of time in the past week
  - o If you received paid sick days and other paid leave
  - o If you refused the job offered for any of the following reasons:
    - A family member is ill with COVID-19
    - You are caring for a child whose school or child care center is closed due to COVID-19
    - You have been ordered to quarantine by the government or a doctor by COVID-19, or are experiencing COVID-19 symptoms and seeking medical treatment.
  - o If for any other reason you were unwilling or unable to work
    - TIP: Please note that during the COVID-19 period the Department of Labor has relaxed the requirement explained in more detail on page 2 of this guide, <u>You are available and able to work and are actively looking for work.</u> Therefore, check "Yes" even if no job is currently available.
- **ATTENTION:** It may take a few weeks to receive an eligibility determination. During this time, it is very important that you continue to certify your benefits each week.

Thanks to LSNYC and other legal services organizations that collected much of the information included in this guide.