

Pandemic Unemployment Assistance (PUA) Fact Sheet and Q&A

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The Massachusetts Executive Office of Labor & Workforce Development (EOLWD) announced that claimants were able to file for Pandemic Unemployment Assistance (PUA) beginning on April 21. The new federal PUA program provides up to 39 weeks of unemployment benefits to people who are unable to work because of a COVID-19-related reason but are not eligible for regular or extended unemployment benefits.

How can someone apply?

PUA claimants [may apply here](#). Read details in Spanish, [en espanol aqui](#).

You may also reference the state's [Pandemic Unemployment Assistance Guidebook](#)

Who is eligible?

- Self-employed individuals, including “gig” workers, freelancers, and independent contractors
- Those seeking part-time employment
- Claimants who have an insufficient work history to qualify for benefits
- Claimants who have been laid off from churches and religious institutions and are not eligible for benefits under state law

To be eligible for this new program, individuals must provide self-certification that they are otherwise able and available to work but are prevented from doing so by circumstances relating to COVID-19, including their own illness or that of a family member.

Those able to telework with pay and individuals receiving paid sick or other leave will not qualify for PUA. Individuals receiving paid sick leave or other paid leave benefits for less than their customary work week, however, may still be eligible for PUA. Those working fewer hours, resulting in a loss of income due to COVID-19, who are not eligible for regular unemployment benefits may be eligible for PUA.

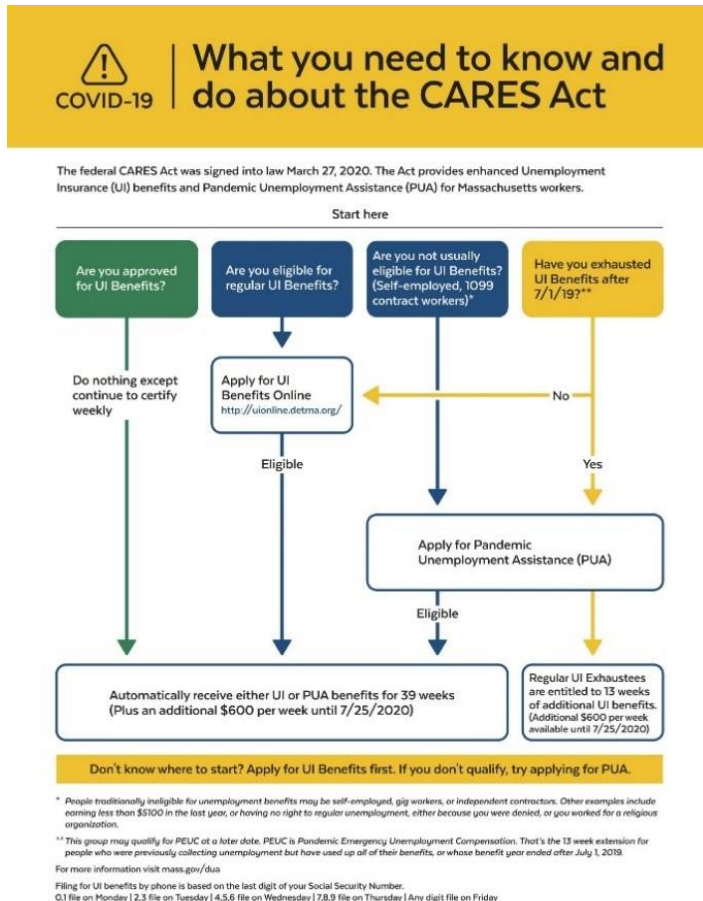
How is the PUA different than the federal CARES Act?

The federal CARES Act signed into law on March 27 created PUA, as well as another temporary federal program called Federal Pandemic Unemployment Compensation (FPUC) that provides an additional \$600 weekly benefit for those receiving unemployment benefits or PUA. FPUC provides that additional benefit through July 25, 2020. Massachusetts [announced implementation of FPUC earlier this month](#).

All approved PUA applications will initially receive the minimum weekly benefit amount, plus the additional \$600 FPUC weekly benefit. Once a worker's wages are verified, weekly benefit amounts may increase. The amount of PUA benefits received is based on the individual's reported previous income. PUA benefits may not be more than the state's maximum weekly benefit rate for regular unemployment, which is \$823 in Massachusetts.

Weekly benefits, including any increase to the weekly benefit amount, will be retroactive to January 27, 2020, or the date when the claimant became unemployed, whichever is more recent, as long as the claimant became unable to work because of a COVID-19 related reason.

What is the PUA application process?



Individuals must provide their Social Security number or US Citizenship and Immigration Services (USCIS) number if not a citizen of the United States, and their wage records for 2019. Those records include 1099 forms, pay stubs, or bank statements. Applicants will also need the Social Security numbers and dates of birth for dependent children and, if requesting direct deposit for payment, bank account and routing numbers. A full list of required documents is available at www.mass.gov/pua.

The system can initially pay benefits retroactively to the week ending March 14, 2020. Eligible workers will be able to certify for benefits and will be able to request benefits retroactively to January 27, 2020, if their dates of unemployment make them eligible.

The Executive Office of Labor and Workforce Development has advised claimants not to apply for PUA if they are currently receiving UI payments or if they have a pending UI claim. Individuals out of work due to COVID-19 who were not eligible, or were denied for regular UI benefits, should apply for PUA

Individuals who are determined ineligible for PUA will receive a written disqualification along with information on how to pursue an appeal. Additional information about the appeals process will be separately posted at a later date. Please visit www.mass.gov/dua for the latest information.

What should employers know and do next?

The Coronavirus Aid, Relief, and Economic Security Act (CARES) Act was recently adopted by the federal government in response to the adverse economic impact of the COVID – 19 economic crises. As part of that legislation, the Congress made a number of changes that significantly broadened the traditional definition of eligibility for unemployment insurance by creating an entirely new class of unemployment insurance benefits recipients that now includes independent contractors and self-employed individuals - which will have a direct impact on employers. This notice is designed to inform employers about the specific changes and what rights and responsibilities employers may have in response to these changes.

The new category of UI eligible individuals includes the self-employed, often referred to as independent contractors, who file a 1099; people seeking part-time employment; and people who have historically not collected UI benefits due to earning insufficient wages. Newly established access to UI benefits for this group of individuals will be retroactive to February 2, 2020 and will remain in effect until the end of the year.

What documents are needed?



Pandemic Unemployment Assistance (PUA) provides payment to workers not traditionally eligible for unemployment benefits (self-employed, independent contractors, workers with limited work history, and others) who are unable to work as a direct result of the coronavirus public health emergency.

Applicants will need to provide:

- Your social security number
- If you are not a citizen of the United States, your A Number (USCIS Number)
- Your residential address
- Your mailing address (if different from residential address)
- Your telephone number
- Your email address
- Your birth date
- Your earning records for 2019, which includes:
 - 1099 forms
 - Pay stubs
 - Bank statements
- The social security number(s) and date(s) of birth for your dependent child(ren)
- If you want to use direct deposit for payment, your bank account and routing numbers

What can employers do now in anticipation of these claims?

Employers need to be vigilant that any claims filed by “gig” economy workers should not have their claims charged to your company’s individual Unemployment Insurance trust-fund account. The primary concern is the potential for an adverse impact on the employer’s individual experience rating system for a claim that should not be there. Employers need to prevent inappropriate claims from being filed against their account in advance as it is next to impossible for an employer to undo the wrongful claim that has gone through the process and been assigned to the company without a challenge.

This simple checklist is designed to help employers to determine what action they must take to ensure claims are not inappropriately charged to their account.

1. Determine whether any gig economy workers have worked at your facility in the past year. Indicia of a gig economy worker or workers would be the issuing of IRS 1099 forms, documentation demonstrating that you have contracted with independent contractors, or the use of any other non-traditional employment relationship.
2. If any names are uncovered, maintain that information separately for easy access during an appeal process. Details should include things that demonstrate why you believe the individual is a gig economy worker and not an employee. Important information would include start date, end date, bid selecting process (if applicable), the nature of how funds were paid to the individual individuals (Accounts Payable payments), and nature of the work performed for the company.
3. Effective immediately and throughout 2020 regularly check your company’s UI account on the Quest system to determine whether anyone has filed a claim for benefits who you believe is a gig economy worker rather than a regular employee of your company.
4. If you determine that a gig economy worker claim has been linked to your company file in the Quest system, immediately file an appeal with the DUA hearings department. This step is crucial as an employer only has 10 days to file an appeal.
5. Once the appeal date has been set, prepare your necessary evidence to demonstrate why this person is not an employee and is not entitled to UI benefits from your individual employer account.

What other UI law changes should employers be aware of?

Two other noteworthy unemployment insurance benefit changes were made in the law, though neither requires the employer to take any unusual actions.

1. Extra weekly benefit payment - An additional \$600 per week for individuals collecting benefits from regular unemployment compensation effective March 29 through the end of July. This benefit will be paid to anybody collecting unemployment on a full-time or part-time basis during those weeks.
2. 13-week UI benefit extension - provides up to 13 weeks of UI insurance benefits to individuals who have exhausted their previous unemployment benefits. Program effective as of March 29, 2020 and will last till the end of the year.

Employers with 1099 workers or any possibly other claimants above are also encourage to reference [AIM’s previous guidance on how to manage this new group of claimants](#).

Who can I call at AIM?

If you have any questions about this aspect of the new CARES Act please contact [AIM HR solutions hotline or AIM's Government Affairs team](#).