COVID-19, Unemployment Insurance, and Unemployed Workers
Welcome

Unemployment Insurance Overview

Federal Policy Overview

Gig Workers

Pandemic Unemployment Assistance

Immigrant Workers

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Q&A
Rebecca Dixon, NELP Executive Director
About NELP

NELP provides legal expertise, research and policy analysis, and communications and coalition-building support to labor and worker organizations, policy makers, and economic justice advocates around the nation to improve labor standards and access to good jobs for working people.

NELP has advocated in partnership with working people to defend their rights, to establish new protections, and to build collective power.
Overview of Unemployment Insurance
Judy Conti, NELP Government Affairs Director
CARES Act Programs

**Pandemic Emergency Unemployment Compensation (PEUC):**
- 13 weeks more for workers who exhaust state UI
- Same benefit level as state UI
- Available through 2020

**Pandemic Unemployment Compensation (PUC):**
- $600 increase in weekly benefits for all those on state UI and PUA (ends July 31st, unless extended)

**Short-Time Compensation (“Work Sharing”):**
- States reimbursed 100% for STC programs enacted into law/50% for new programs adopted by state policy
Federal UI Priorities

- $30-40B in State UI Admin/IT Grants
- Fix the Extended Benefits Program
- Extra Tiers of UI/PUA Benefits (Economic Indicator Triggers)
- Continue $600 Weekly Increase (Economic/Health Indicator Triggers)
- Require Short-Time Compensation
- UI Loan Relief for Responsible States
UI tests for “employee” status

ABC test

A. Worker is free from employer’s control
B. Worker provides services outside the usual course of business of the company; and
C. Worker is customarily engaged in independently established trade

Right-to-control test

• Extent of control that hiring entity may exercise
• Skill required in particular occupation
• Whether hiring entity supplies tools and place of work
• Whether work is part of the regular business of the hiring entity
• And other factors...
On-demand worker carveouts from UI coverage

*In states with no carveout, we believe many app-based workers, under a fair reading of the law, are employees eligible for UI. However, the reality is that some states have already announced they will process app-based workers for PUA, not UI. Doing so may be the most expedient way to get benefits, especially since many app companies do not make wage data available to the states. Where state agencies have clearly expressed that app-based workers should apply for PUA, misclassified workers should follow that guidance.*
Pandemic Unemployment Assistance (CARES Act)

- Covers workers **not** eligible for UI (including self-employed) who are unemployed for 11+ COVID-19-related reasons.
- For example: quarantined, self-quarantined, caring for children who can’t attend school, place of business is closed, had to quit job.
- 39 weeks (retroactive to January 27th through 2020)
- PUA weekly benefit is the same as the state’s UI, except there’s a higher minimum weekly benefit.
- Does **not** cover those who can telework with pay or are receiving paid sick or paid leave benefits.
PUA Covered Conditions

Applicants will need to provide self-certification that they are (1) partially or fully unemployed, OR (2) unable and unavailable to work because of one of the following circumstances:

- They have been diagnosed with COVID-19 or have symptoms of it and are seeking diagnosis;
- A member of their household has been diagnosed with COVID-19;
- They are providing care for someone diagnosed with COVID-19;
- They are providing care for a child or other household member who can’t attend school or work because it is closed due to COVID-19;
- They are quarantined or have been advised by a health care provider to self-quarantine;
- They were scheduled to start employment and do not have a job or cannot reach their place of employment as a result of a COVID-19 outbreak;
- They have become the breadwinner for a household because the head of household has died as a direct result of COVID-19;
- They had to quit their job as a direct result of COVID-19;
- Their place of employment is closed as a direct result of COVID-19; or
- They meet other criteria established by the Secretary of Labor.
Rebecca Smith,
NELP Director of
Work Structures
Immigrant Worker Eligibility – State UI

The general rule is that workers must have valid work authorization at the time that they apply for benefits and throughout the period during which they are receiving benefits.

- DOL says that workers must have work authorization during the base period.
- DOL says workers must have work authorization in order to be “able and available” to work.
Which Immigrants Qualify?

- Work authorization inherent in status:
  - Lawful permanent residents
  - Refugees
  - Asylees, and some applicants
  - Compact of Freely Associated States

- Work Authorization:
  - DACA recipients;
  - TPS recipients and applicants
  - Applicants for cancellation of removal.
Immigrants’ Eligibility for Federally-Funded benefits

DOL considers federally-funded benefits differently and says only “qualified aliens” are eligible.

- Lawful permanent residents
- Refugees
- Asylees
- People granted withholding of removal;
- Parolees for more than one year
- Cuban/Haitian immigrants
- Certain survivors of domestic violence
“public charge”

Not implicated – these are earned benefits.
Nzingha Hooker, NELP Staff Attorney
Resources for Partners

FEATURED RESOURCES

TOOLKIT:
Worker Salary & Health During COVID-19 Pandemic: Briefs & Resources

FACT SHEETS:
Understanding the Unemployment Provisions of the Families First Coronavirus Response Act

POLICY BRIEFS:
Impact Policies on Essential Workers: The Fight Continues
Unemployment Insurance and Coronavirus: Options for Policymakers to Mitigate Job Loss
Helping Diverse Unemployed Assistance - Stay for a Reason

Unemployment Insurance Protections in Response to COVID-19: State Developments

On March 27, 2020, the US Department of Labor issued a guidance clarifying what measures states can take to improve access to unemployment insurance (UI) for workers who are not currently unemployed due to a lack of unemployment insurance benefits from work due to the coronavirus. Below is a summary of the most helpful state provisions adopted as of March 27, 2020.

The guidance also provided a set of recommendations for states to expand the unemployment insurance provisions of the Coronavirus Aid, Relief, and Economic Security (CARES) Act and the Families First Coronavirus Response Act, which mandates states to adopt certain federal reforms, such as easing the waiting week and work-search requirements that limit access to UI.

States are moving quickly to adopt changes, so it is likely that this document may not be comprehensive, although we will update it regularly. Please contact Maurice Stovall (stovall@elp.org) or Ben Samuels (b.samuels@elp.org) if you have information about additional state actions taken to expand unemployment benefits in response to the pandemic.

States Have Adopted a Range of Helpful Policies to Expand Access to UI Benefits:

- At least 35 states have taken action (either legislatively, by executive order, or by administrative action) to expand access to unemployment insurance benefits.
- At least 27 states have increased the duration of UI benefits.
- At least 9 states have placed additional restrictions on benefits.
- At least 6 states have implemented work-search requirements.

It is important to ensure employers do not try to discriminate against employees who look for work under these new rules.

As with any new program, there will be challenges. Thus, to best respond to any changes, state agencies, employers, and employees need to be informed of new developments. We recommend staying informed by following state agencies and employers.

We hope you find these resources helpful. Please contact us if you have any questions or need additional assistance.
Resources for State & Local Partners

- Fact sheets
- Issue Briefs
- Toolkits
- News Releases, Press Coverage
- Take Action items
- And more!
COVID-19 Resources for Partners and Policymakers: NELP UI Listserv

To subscribe, please send an email to

nelp-uiadvocates-subscribe@yahoogroups.com
Resources for Workers

COVID-19 RESOURCES FOR UNEMPLOYED AND FRONTLINE WORKERS

In this unprecedented moment, workers are coming together to fight for their health, safety, and economic security. For 50 years, NELP has advocated in partnership with working people and we believe the only way forward is together. We are in this with you. Please use and share these resources for unemployed and front line workers. Check back frequently for updated materials.

Frequently Asked Questions

- I have lost my job or my hours have been reduced. Can I get unemployment insurance?
- Could I qualify for the new Pandemic Unemployment Assistance?
- I am working but am worried about my health and safety at work. What can I do?
- I am an immigrant worker and have lost my job. Am I eligible for unemployment insurance?
- I filed for unemployment insurance but was denied. What can I do?

Resources to Learn More about Unemployment Eligibility

- Are you out of work because of COVID-19? Read this fact sheet to find out more about new and expanded unemployment benefits.

What are the three new unemployment insurance programs in the CARES Act? This fact sheet explains the programs created in the latest federal stimulus bill in these languages:
- ENGLISH
- SPANISH
- CHINESE

What are the existing laws and new changes state unemployment programs have made? Download this data brief for a state-by-state summary.

Resources about Health and Safety on the Job

- Worker Safety & Health During COVID-19 Pandemic: Safety & Resources Toolkit

Resources for Independent Contractors & Temp Workers

- Independent Contractors and COVID-19: Working Without Protections
- Contratistas Independientes y COVID-19: Trabajando Sin Protecciones
- COVID-19 Information for Temporary Workers (Temp Worker Justice)

Learn More about Paid Sick Days and Paid Family Leave

- Paid Sick Days and Paid Family Leave: A Guide for Workers (Family Values @ Work)
- Know Your Rights: Paid Sick and Paid Family Leave (National Partnership for Women and Families)

State & Local Resources

- List of unemployment insurance websites, by state
- List of Legal Aid by State
- List of Worker Advice Organizations
Resources for Workers

- FAQs
- Know Your Rights materials
- Toolkits
- Links to State UI websites, Legal Aid, and Mutual Aid sites
- And more!
COVID-19 Resources for Unemployed and Frontline Workers

www.unemployedworkers.org
Question & Answer
Thank You

Visit www.nelp.org

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