

Unemployment Insurance and Other Benefits

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Benefits Potentially Available

- Unemployment Insurance
- Disability Insurance (File With EDD)
- Paid Family Leave (Request From Employer)
- Workers Compensation (Employee and/or Employer Commences - WCAB)
- Company Paid Sick And PTO (Employer Pays)

California Unemployment Insurance

COVID -19 Related Claims:

- Layoff, “Furlough” (Not Like That Term) = Termination
- Reduced Work Hours
- School Closures

Traditional UI Claims:

- Traditional TERMINATION
- Self-Employed (Misclassification Tests)

Federal Unemployment Insurance

CARES Act:

- Extra \$600/Week
- If Employee Eligible For At Least \$1 In A Regular UI Payment Each Week – Gets The Extra \$600!
- “Automatic” Payment By EDD
- **Starts:** Week Starting March 29, 2020 (EDD Uses Sunday Through Saturday Weekly Period)
- **Ends:** Week Ending July 25, 2020 (EDD Uses Sunday Through Saturday Weekly Period)
- Will It Be Extended? (Stay Tuned)

Federal Unemployment Insurance

Pandemic Unemployment Assistance PUA

- Administered Through EDD
- Up To Additional 39 Weeks Of Benefits
- Start: Week Starting February 2, 2020
- End: Week Ending December 26, 2020*

Federal Unemployment Insurance

Eligibility:

For Persons Who:

- **Do not** qualify for “regular” UI benefits in California or another state **and**
- **Do not** qualify for State Disability Insurance or Paid Family Leave benefits. This includes:
 - Business owners – Criteria For Business Owners Vague*
 - Self-employed individuals*
 - Independent contractors*
 - Qualified for “regular” UI benefits, but have collected all benefits for which eligible
 - Non-citizen of the United States limitations:
 - Legally permitted to work in the United States at the time such services were performed; **and**
 - Authorized to work for any week of PUA benefits claimed to be eligible for payments.

Federal Unemployment Insurance

❖ **Note: Friday, April 24, 2020: Per DOL congressional liaison J. Joseph Wheeler:**

DOL “...guidance is a work in progress...”

Independent contractors who experience “a significant diminution of work as a direct result of COVID-19” can collect benefits under the Pandemic Unemployment Assistance program even if they have some work.

What does that mean? Stay tuned...

Federal Unemployment Insurance

And Who Also Meet One of the Following “COVID-19 Related” Criteria:

- You have been diagnosed with COVID-19 or are experiencing symptoms of COVID-19 and are seeking a medical diagnosis.
- You are unable to work because a health care provider advised you to self-quarantine due to concerns related to COVID-19.
- A member of your household has been diagnosed with COVID-19.
- You are providing care for a family member or a member of your household who has been diagnosed with COVID-19.
- A child or other person in the household for whom you have primary caregiving responsibility is unable to attend school or another facility that is closed as a direct result of the COVID-19 **and** the school or facility care is required for you to work.
- You became the breadwinner or major support for a household because the head of the household has died as a direct result of COVID-19.

Federal Unemployment Insurance

And Who Also Meet One of the Following “COVID-19 Related” Criteria (continued):

- You have to quit your job as a direct result of COVID-19.
- Your place of employment is closed as a direct result of COVID-19.
- You were scheduled to start a job that is now unavailable as a direct result of the COVID-19 public health emergency.
- You are unable to reach the place of employment as a direct result of the COVID-19 public health emergency.
- If you work as an independent contractor with reportable income, you may also qualify for PUA benefits if you are unemployed, partially employed, or unable or unavailable to work because the COVID-19 public health emergency has severely limited your ability to continue performing your customary work activities, and has thereby forced you to stop working.

Federal Unemployment Insurance

Benefit Payments – 3 Phases:

Phase 1:

- \$167 per week for each week you were unemployed from February 2, 2020 to March 28, 2020 due to a COVID-19 related reason.

Phase 2

- \$167 plus \$600 per week for each week you were unemployed from March 29, 2020 to July 25, 2020 (Cares Act), due to a COVID-19 related reason.

Phase 3

- \$167 per week, for each week from July 26, 2020 to December 26, 2020, that you are unemployed due to a COVID-19 related reason, up to a total of 39 weeks (minus any weeks of regular UI and certain extended UI benefits that you have received).

False Statement Penalties

California:

- False Statement Or Representation Regarding:
- Termination Of Employees' Employment
- Employees' Reemployment
- Assessed Against Employer, Employer's Agent (sometimes) Or Both (Depending On Penalty)
- 2x To 10x The Claimants' Weekly Benefit Amount

Federal:

- Required to "certify" (answer basic questions) for benefit payments Every Two Weeks:
- Still Unemployed
- Still otherwise eligible to continue receiving biweekly payments.

Final Thoughts

- Programs Are A Work in Progress
- Key an eye on further guidance from DOL and EDD
- Likely to Be Changes in How Administered
- Per EDD:
 - File any and all claims you think you may be eligible and EDD will make the Determination
- Potential for Fraud, Abuse, Misrepresentation, etc.
- May Be Living With the Fallout/Ramifications of this for some Time to Come