



CARES ACT

Unemployment Insurance and Pandemic
Unemployment Assistance

CARES ACT RELIEF FOR ARTISTS, FREELANCERS, AND GIG WORKERS

This webinar is for informational purposes only. It is not intended to be legal advice and does not constitute an attorney-client relationship.

VOLUNTEER LAWYERS FOR THE ARTS

VLANY.ORG | Twitter: @VLANY | Facebook.com/VLANY.org | Instagram: @VLA_NEWYORK

AGENDA

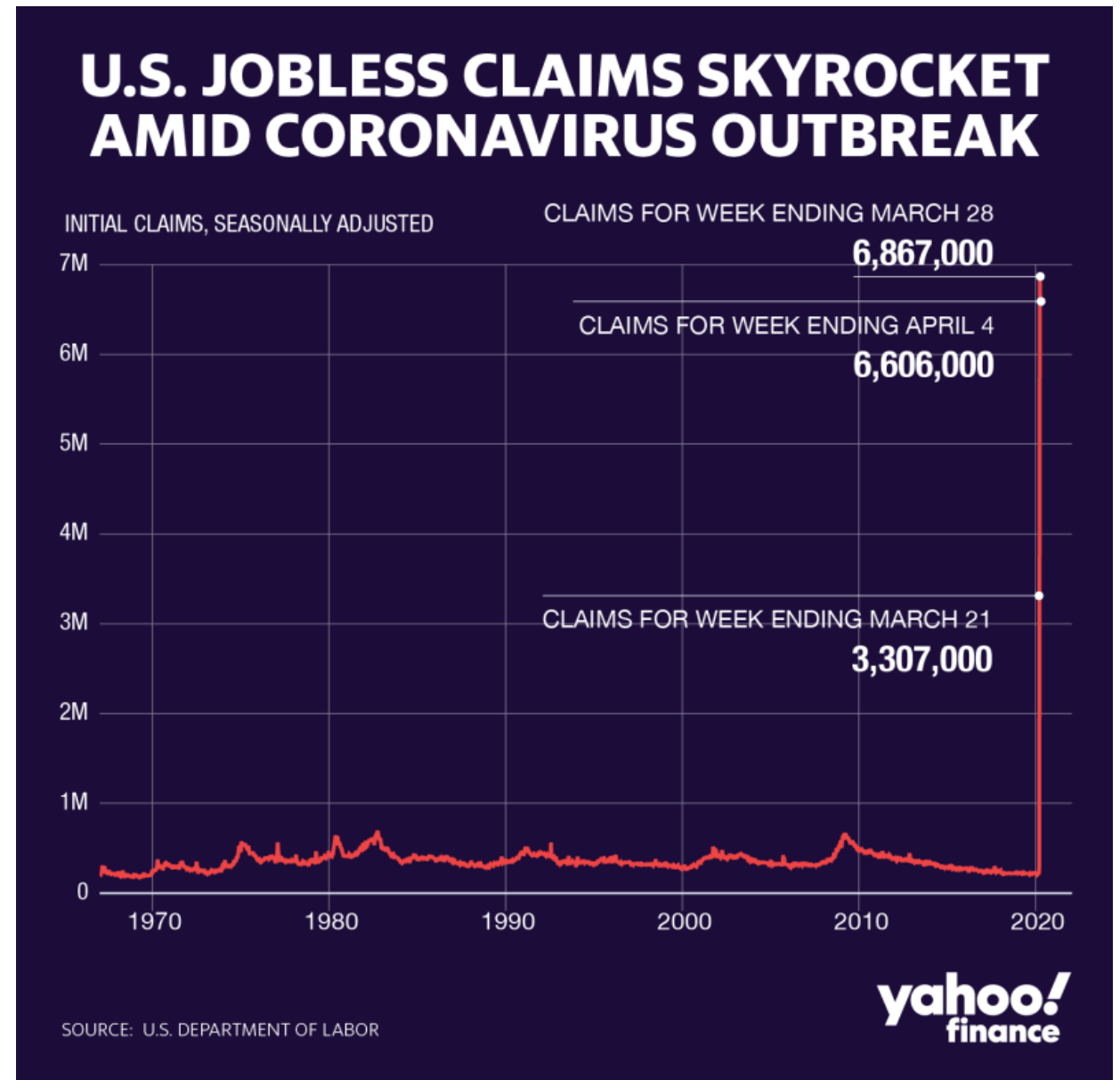
- Overview of CARES ACT
- Unemployment Insurance & Pandemic Unemployment Assistance
- Filing a Claim – focus on NY State & New Developments as of April 10th
- Additional Resources

CARES ACT – Overview & Key Provisions

Coronavirus Aid, Relief and Economic Security Act (“Cares Act”) became law March 27

- \$2 Trillion for individuals, small business (Non Profits), large corporations
- Includes est. \$249 Billion enhanced and expanded unemployment insurance
- Expands traditional Unemployment Insurance
 - *Who is eligible*
 - *Amount and duration of relief that may be received*
- Important to act and to file: Department of Labor overwhelmed with claims
 - April 9th > 6mm new claims filed; >17mm over last month
- ***April 10th – NY issued new guidelines and website to streamline the process for self-employed to file claims.***

Scale of US Jobless Claims during crisis



New Developments in NY

- **As of this morning (April 10th) NY released a new, streamlined application process for self employed and independent contractors**
- **Where to go:**
 - <https://www.labor.ny.gov/unemploymentassistance.shtm>
- **Includes a step-by-step guide for filing**
 - <file:///C:/Users/info/Dropbox/CARES%20ACT/Unemployment-Filing-Instructions.pdf>
- **Includes specific guidance for self-employed individuals**
 - <https://www.labor.ny.gov/ui/pdfs/self-employed-ui-guide.pdf>
- ***Events are moving quickly; important to keep up to date on new developments with application process***

Certain Changes to NY Application

- ***Some key changes: also highlighted here***
 - <https://www.labor.ny.gov/ui/pdfs/self-employed-ui-guide.pdf>
- Applicants *no longer required* to phone Department of Labor after applying.
 - ***Call center staff will call the applicant within 72 hours***
- When asked ***number of employers over last 18 months – answer is One***
- When asked for ***Federal Employer Identification Number – leave blank***
- ***When asked most recent employer – answer Self Employed***
- ***Business of activity that brings in income – think of your self employment as your business activity and answer “NO” if that activity no longer generates income***

CARES ACT – Unemployment Insurance

The new application process in NY covers *both* traditional employees as well as freelancers and independent contractors – referred to as “workers not eligible for UI.”

- **State Unemployment Insurance** (employees)
- **Pandemic Unemployment Assistance** (workers not eligible for UI)
- **Pandemic Unemployment Compensation:** A \$600 per week payment, in addition to regular unemployment benefits through the July 31, 2020.
- **Pandemic Emergency Unemployment Compensation:** An additional 13 weeks of unemployment after state benefits are no longer available.



Important: Payments will be made by your state unemployment department, and you can [file for unemployment benefits online](#).

CARES ACT – Unemployment Insurance

- **What does this mean for those seeking/entitled to Unemployment Insurance:**
 - **More people benefit -- Pandemic Unemployment Assistance (PUA)**
 - *You can apply for and receive benefits if you are self-employed, freelancer, Independent Contractor affected by the Coronavirus*
 - Applies from the period January 27, 2020 to December 30, 2020
 - ***Eligibility checklist – see slide 10***
 - **More money -- Pandemic Unemployment Compensation (PUC)**
 - *Additional \$600 per week above what you would be entitled to under traditional UI*
 - *Even if entitled to \$1 per week you will receive the \$600 / week in PUC*
 - *Applies to traditional W2 workers and freelancers/self-employed*
 - **Longer term benefits -- Pandemic Emergency Unemployment Compensation (PEUC)**
 - *Increase from 26 weeks to 39 weeks (max) in NY/self – employed*
 - *Applies to traditional W2 workers and freelancers/self-employed*

Outline of Basic Eligibility for Unemployment Insurance and Pandemic Unemployment Assistance:

RELIEF FOR WORKERS AFFECTED BY CORONAVIRUS ACT WHAT YOU NEED TO KNOW AND DO ABOUT THE CARES ACT



The federal CARES Act was signed into law March 27, 2020. The Act provides enhanced Unemployment Insurance (UI) benefits and Pandemic Unemployment Assistance (PUA) for New Yorkers. Here's what you need to know.

IF YOU ARE ALREADY APPROVED FOR UI BENEFITS:

WHAT YOU SHOULD DO

- **Do nothing except continue to certify weekly.** Your benefits will automatically be updated. **Please do not call**, it will only make it difficult for others to reach an agent.

WHAT YOU MAY QUALIFY TO RECEIVE

- 39 weeks of UI benefits.
- An additional \$600/week until 7/31/2020. (Payments begin 4/5/2020)

IF YOU ARE FILING A NEW UI CLAIM:

WHAT YOU SHOULD DO

- Apply online at labor.ny.gov/signin.
- You may also call 1-888-209-8124 if you do not have access to a computer.

WHAT YOU MAY QUALIFY TO RECEIVE

- 39 weeks of UI benefits.
- An additional \$600/week until 7/31/2020. (Payments begin 4/5/2020)

IF YOU ARE NOT TRADITIONALLY ELIGIBLE FOR UI BENEFITS:

WHAT YOU SHOULD DO

- Check your eligibility for PUA labor.ny.gov/ui/pdfs/pandemic-unemployment-assistance.pdf
- If you believe you are eligible, apply online at labor.ny.gov/signin.
- You may also call 1-888-209-8124 if you do not have access to a computer.

WHAT YOU MAY QUALIFY TO RECEIVE

- 39 weeks of PUA benefits.
- An additional \$600/week until 7/31/2020. (Payments begin 4/5/2020)

IF YOU'VE EXHAUSTED 26 WEEKS OF BENEFITS AFTER 7/1/2019:

WHAT YOU SHOULD DO

- Apply online at labor.ny.gov/signin.
- You may also call 1-888-209-8124 if you do not have access to a computer.

WHAT YOU MAY QUALIFY TO RECEIVE

- 13 weeks of benefits.
- An additional \$600/week until 7/31/2020. (Payments begin 4/5/2020)

Pandemic Unemployment Assistance (PUA)

Checklist for Expanded Eligibility:

Standard: Able & available for work but unemployed, partially employed or unable to work due to COVID-19

Guidance is these requirements will be interpreted with flexibility

RELIEF FOR WORKERS AFFECTED BY CORONAVIRUS ACT Pandemic Unemployment Assistance (PUA)



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.

COVID-19 SCENARIOS	COVERED	NOT COVERED
Diagnosed with COVID-19 or with COVID-19 symptoms and seeking diagnosis	✓	
Member of household has been diagnosed with COVID-19	✓	
Providing care for family or household member diagnosed with COVID-19	✓	
Primary caregiver for child unable to attend school or another facility closed due to COVID-19	✓	
Unable to reach place of employment due to an imposed quarantine or because advised by medical provider to self-quarantine due to COVID-19	✓	
Scheduled to commence new employment and cannot reach workplace as direct result of COVID-19	✓	
Became major breadwinner because head of household died from COVID-19	✓	
Quit job as a direct result of COVID-19	✓	
Place of employment closed as a direct result of COVID-19	✓	
Self-employed / Independent Contractors / 1099 filers / Farmers – and affected by COVID-19	✓	
Seeking part-time employment but affected by COVID-19	✓	
With insufficient work history and affected by COVID-19	✓	
Otherwise not qualified for regular or extended UI benefits and affected by COVID-19	✓	
Individuals that can telework with pay		X
Individual receiving paid sick leave or other paid leave benefits		Y

DOL Specific Guidance on Freelancers

- Independent contractor may qualify for PUA if:
 - *Unemployed, partially employed, or unable or unavailable to work because the COVID-19 has severely limited their ability to continue performing their customary work activities, and has thereby forced the individual to suspend those work activities.*
- Individuals who have the ability to telework with pay or who are receiving paid sick leave or other paid leave benefits *may not be eligible for PUA.*
- However, individuals who are receiving sick leave or other paid leave benefits that provide them *less pay than their customary work week pay may still be eligible for PUA, as will individuals who are teleworking but are working less hours than the individual customarily worked before the COVID-19 pandemic.*
 - In these cases, the income from paid leave and telework will be subtracted from the PUA benefits in the calculation of benefits

CARES ACT Expands Assistance

- Traditional benefits NY: half of average weekly wage *up to \$504 per week* for up to 26 weeks
- CARES Act provides:
 - *Insurance for previously uninsured (PUA) – i.e. freelancers & self-employed*
 - *Additional 13 weeks (PEUC)*
 - *Additional \$600 per week (PUC)*
 - *So, if you are entitled to receive \$300 per week under traditional UI, you will now receive \$900 per week for up to 39 weeks*
 - *Even if entitled to \$1 of UI, you will still receive the additional \$600 in PUC*
- You can calculate your benefits due here
<https://labor.ny.gov/benefit-rate-calculator/>
- NYDOL has not yet issued guidance on benefit rate for freelancers
 - Expectation is the DOL will look at 2019 tax returns/reported income
 - If you haven't filed 2019 tax returns, be prepared to provide a statement of your earnings.

Outline of Basic Eligibility & Application Process

(As of April 1, 2020, you cannot apply for PUA unless you have been determined ineligible for UI benefits.)

Basic eligibility:

- Able to work
- Available to work
- Actively seeking work

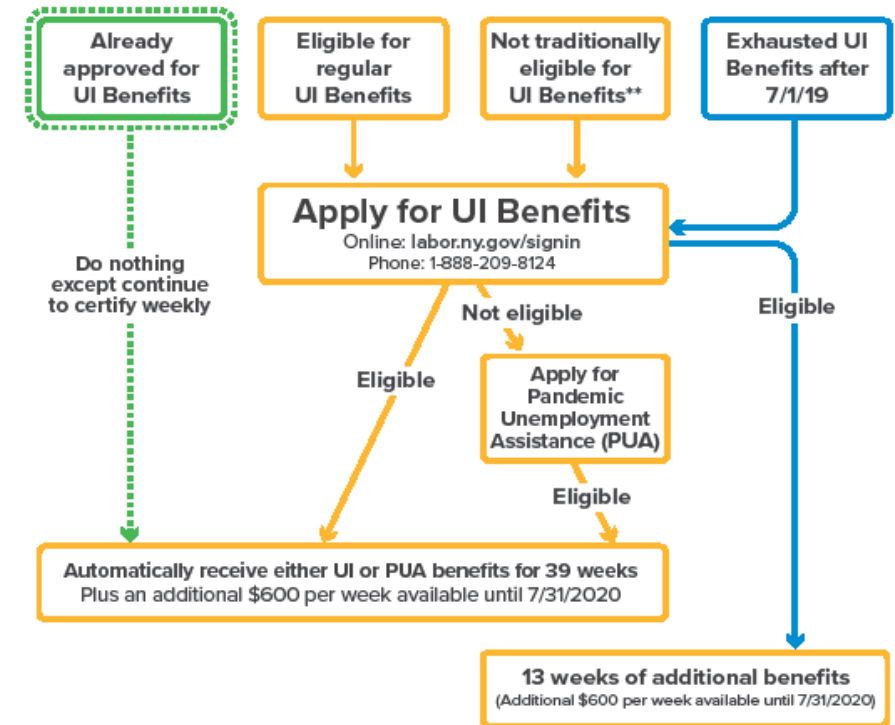
Flexibility due to COVID-19

- **NOTE: cannot quit work and seek UI**

RELIEF FOR WORKERS AFFECTED BY CORONAVIRUS ACT WHAT YOU NEED TO KNOW AND DO ABOUT THE CARES ACT



The federal CARES Act was signed into law March 27, 2020. The Act provides enhanced Unemployment Insurance (UI) benefits and Pandemic Unemployment Assistance (PUA) for New Yorkers. Here's what you need to know.



**labor.ny.gov/ui/pdfs/pandemic-unemployment-assistance.pdf

MORE INFORMATION:

See Frequently Asked Questions About UI During the Coronavirus Emergency:
labor.ny.gov/ui/coronavirus-faq.shtm

To apply for UI benefits file on these days:

Filing for UI benefits is based on your last name.

A - F file on Monday | G - N file on Tuesday | O - Z file on Wednesday

Missed your day? File on Thurs-Fri-Sat

Revised v2 (3/30/20)

Some commonly asked questions

Q: What if I do not have a single employer and/or am paid through 1099s. How should I answer the questions or document my income?

A: If paid by several employers your W-2 employers will typically show up in the application and you should be able to write in at least one of your 1099 employers. If you *only* an independent contractor, you will receive a monetary benefit determination with 0 benefits, *and you may be eligible for PUA.*

Q: What if I live in one state and work in another (or have gigs in many) where should I apply for unemployment?

A: You should apply in the state that you work--not where you live.

Q: Can I apply for unemployment based on my future work that has been cancelled? How do I document that?

A: If you do not have work now, then you can apply for UI/PUA. However, if you are still working you have to wait until you are no longer working to apply.

Q: If I am a permanent resident or have a temporary work visa can I apply for unemployment?

A: Yes, If you are a permanent resident or had work authorization (e.g. DACA) during the relevant period and continue to have work authorization.

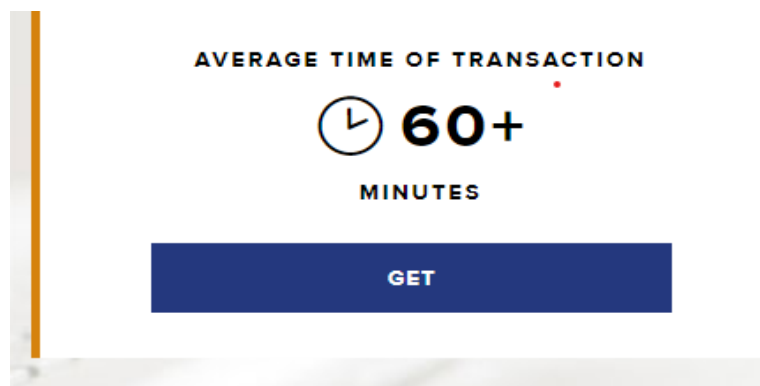
Filing for benefits – be prepared

- **Personal Identification Number (PIN)**
 - **If you have never filed a claim for benefits in New York State, you must create a PIN. This is a four-digit number that you must keep confidential.**
 - **Things you need to file your claim – *prepare in advance***
 - Your Social Security Number
 - Your drivers license or Motor Vehicle ID card number (if you have one)
 - Your complete mailing address and zip code
 - A phone number where you can be reached from 8am-5pm Monday – Friday
 - Your Alien Registration card number if you are not a US Citizen and have a card
 - **Names and addresses of all your employers for the last 18 months, including those in other states**
 - Employer Registration number or Federal Employer ID number (FEIN) of your most recent employer (found on your most recent W-2)
 - Your copies of forms SF and SF50 if you were a federal employee
 - Your most recent separation form (DD214) for military service

Filing for benefits

Where to go to file claims in NY:

- NY CLAIM CENTER 1-888-209-8124 <https://www.ny.gov/>
- <https://www.ny.gov/services/get-unemployment-assistance>
- To address the increased demand, the DOL has changed how its accepts new applications.
 - *Claimants with last names starting with A through F should apply on Mondays, G-N on Tuesdays and O-Z on Wednesdays. Thursdays and Fridays are for people who missed their filing day.*



Additional Resources for Support

VLA

- <https://vlany.org/coronavirus-covid-19-resources/>

DOL Guidance for Self-Employed Individuals: How to file an Unemployment Insurance Claim:

- <https://labor.ny.gov/ui/pdfs/self-employed-ui-guide.pdf>

DOL FAQs

- <https://eligibility.com/unemployment/coronavirus-unemployment-faqs>

Other State & Local organizations providing support

- <https://www.labor.ny.gov/ui/faq.shtm>
- [NY.GOV ID](#)
- <https://www.americansforthearts.org/news-room/press-releases/federal-economic-stimulus-relief-funds-provide-encouraging-support-to-the-nations-community-based>
- <https://www.freelancersunion.org/resources/freelancers-relief-fund/>



THANK YOU

VOLUNTEER LAWYERS FOR THE ARTS

1 East 53rd Street, 6th Floor
New York, NY 10022
Art Law Line: (212) 319-2787 ext. 1

Email: vlany@vlany.org

Follow Us!

VLANY.ORG | Twitter: [@VLANY](https://twitter.com/VLANY) | Facebook.com/VLANY.org | Instagram: [@VLA_NEWYORK](https://www.instagram.com/VLA_NEWYORK)