

WILLIG, WILLIAMS & DAVIDSON
MEMORANDUM

TO: Union Clients

DATE: April 20, 2020

FROM: Willig, Williams & Davidson

FILE NO: 001900-060

RE: RE: Unemployment Insurance During the Covid-19 Pandemic:
The Highlights

On March 18, 2020, and on March 27, 2020, the U.S. Congress passed the Families First Coronavirus Response Act (the “FFCRA”) and the Coronavirus, Aid, Relief, and Economic Security (“CARES”) Act, respectively. These laws include numerous emergency measures to combat the ongoing COVID-19 pandemic, including additional funding for states to help manage their unemployment insurance programs, expanded unemployment insurance benefits and eligibility, as well as incentives for states to temporarily relax or modify certain eligibility standards.

Since unemployment insurance programs are operated and administered at the state level, states that enter into conformity agreements with the U. S. Secretary of Labor may access the federal assistance detailed in the above legislation. Many states, including Pennsylvania, New Jersey, Illinois, and West Virginia have already done so or are in the process of doing so. The significant unemployment insurance highlights of the federal legislation include:

- Financial incentives for states that waive the “waiting week” – the first week of eligibility for unemployment insurance for which an individual otherwise may not receive unemployment insurance benefits. Unemployment insurance recipients may now receive benefits for the first week of eligibility.
- Flexibility for states applying the *able and available for suitable work* and *active search for work* eligibility requirements for individuals impacted by COVID-19.
- A flat \$600 per week supplement for unemployment insurance claimants between April 4, 2020, and July 31, 2020, that includes all eligible unemployment insurance claimants whether eligible for a total or a partial unemployment insurance weekly benefit.
- Up to 13 weeks of additional, supplemental benefits through December 31, 2020, for those who exhaust or have already exhausted their state unemployment insurance eligibility.

The CARES Act also created the Pandemic Unemployment Assistance (“PUA”) program, that provides relief for individuals who are unable to work, become unemployed, or who have lost income or revenue for specified reasons related to the current pandemic

and *who are not otherwise eligible for state unemployment insurance*. While PUA is a federal program, it will be administered by states that choose to participate. PUA is available through the end of 2020 only, unless it is extended by the Congress. The significant highlights of the PUA program include:

- Provides comparable benefits to those of state unemployment insurance, including the flat \$600 per week and the up to 13 weeks of supplemental benefits, to individuals impacted by COVID-19, as specified in the law, *who do not otherwise qualify for state unemployment insurance (i.e. gig economy workers, freelance workers, the self-employed, and workers who are not otherwise eligible for state unemployment insurance)*;
- Available to worker who do not qualify for state unemployment insurance benefits if the worker has experienced unemployment, become unable to work, or experienced a reduction in work, for one of the COVID-19 related reasons provided by the law, including:
 - Diagnosed with COVID-19;
 - Experiencing symptoms of COVID-19 and seeking a medical diagnosis;
 - Household member diagnosed with COVID-19;
 - Caring for a family or household member diagnosed with COVID-19;
 - Caring for child or household member unable to attend school or another facility closed because of COVID-19;
 - Cannot reach place of work because of a quarantine or a medical provider has advised to self-quarantine due to COVID-19;
 - Cannot commence new employment or reach a new job because of COVID-19;
 - Head of household died of COVID-19 rendering the individual the major support for the household;
 - Necessary to quit a job as a direct result of COVID-19; and,
 - Place of work closed as a direct result of COVID-19.

A member with a specific question about her or his own eligibility should consult with their union representative or a qualified attorney. The Attorneys at Willig, Williams and Davidson have been counseling union leadership and members regarding the COVID-19 crisis. If you, or any of your members, have questions or need assistance please feel free to contact us at 215-656-3600.