



OFFICE OF POLICY, PROCEDURES, AND TRAINING

James K. Whelan, Executive Deputy Commissioner

Adam Waitzman, Assistant Deputy Commissioner
Office of Procedures

POLICY BULLETIN #20-26-ELI

TREATMENT OF FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION FOR CASH ASSISTANCE, SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM AND HOME ENERGY ASSISTANCE PROGRAM (HEAP)

Date: May 11, 2020	Subtopic(s): COVID-19, Budgeting
<p>See PD #17-07-ELI for the CA lump sum rules.</p>	<p>The purpose of this policy bulletin is to inform all Job Center, Non-Cash Assistance (NCA) Supplemental Nutrition Assistance Program (SNAP) Center, and HIV/AIDS (HASA) staff on how to treat Federal Pandemic Unemployment Compensation (FPUC) benefits authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). This policy bulletin is informational for all others.</p> <p>The CARES Act provides an additional \$600 each week to the unemployment compensation benefit of each eligible worker.</p> <p><u>Cash Assistance</u></p> <p>FPUC benefits are considered unearned income and must be counted in full when determining eligibility for Cash Assistance (CA).</p> <p>For applicants or recipients who are receiving unemployment insurance benefits (UIB), the FPUC should be added to the basic unemployment insurance benefits amount and budgeted as a combined amount using income source code 36 (Unemployment Insurance Benefits [UIB]).</p> <p>Retroactive UIB payments are subject to the lump sum rules as described in Policy Directive 17-07-ELI.</p>

HAVE QUESTIONS ABOUT THIS PROCEDURE?
Call 718-557-1313 then press 3 at the prompt followed by 1 or send an e-mail to *FIA Call Center Fax* or fax to: (917) 639-0298

Supplemental Nutrition Assistance Program (SNAP)

FPUC benefits are considered unearned income and must be counted in full when determining eligibility for SNAP benefits. For applicants or recipients who are receiving unemployment insurance benefits (UIB), the FPUC portion of the UIB should be added to the basic unemployment insurance benefits amount and budgeted as a combined amount using income source code **36**.

Any amount of retroactive UIB issued is exempt as income under the SNAP lump sum exemption rule.

For the few SNAP households who are subject to a resource test because they are not categorically eligible for SNAP, the amount received as a lump sum payment would count as a resource in the month received. For these households, the resource test will be applied at application and recertification. Only households subject to change reporting (not simplified reporting) and the resource test are required to report when their resources exceed the household limit during their SNAP certification period.

Home Energy Assistance Program (HEAP)

FPUC payments are considered unearned income for HEAP eligibility and benefit determinations and must be counted in the HEAP budget. FPUC payments will be counted towards the HEAP household's income when determining eligibility for Regular HEAP, Emergency, Heating Equipment Repair and Replacement (HERR), Heating Equipment Clean and Tune (C&T), and Cooling Assistance benefits.

FPUC payments are not considered a liquid resource for the Emergency and HERR benefit components.

Note: Based on guidance received from the Office of Temporary, Disability and Assistance (OTDA), staff cannot assume that individuals in receipt of regular UIB are also in receipt of the \$600 weekly FPUC supplement.

If information provided by the household on their application, documentation provided (e.g. UIB statement) by the household and any income matches available to the Agency, do not show issuance of the FPUC, then staff must not budget assumed receipt of FPUC. In addition, we are not to defer the household to verify if a household member who is in receipt of UIB is also in receipt of the FPUC.

The Unemployment Insurance Benefits: Updated FAQ's (**Attachment A**) which was created by the New York State Department of Labor, contains helpful information on Pandemic Unemployment Assistance, Pandemic Unemployment Compensation, and Pandemic Emergency Unemployment Compensation.

Effective Immediately

References:

20 TA/DC035
7 CFR 273.9(c)(8)

Related Items:

[PD #17-07-ELI](#) Cash Assistance Resource Policy
[PB #20-23-ELI](#) Treatment of One-Time COVID-19 Emergency Relief for Cash Assistance (CA), Supplemental Nutrition Assistance Program (SNAP) and Home Energy Assistance Program (HEAP)

Attachment:

Attachment A Unemployment Insurance Benefits: Updated FAQs

WE ARE YOUR DOL



UNEMPLOYMENT INSURANCE BENEFITS: UPDATED FAQs

*Guidance Subject to Change
Current, as of March 31, 2020*

On March 27, 2020, the President of the United States signed a law that provides additional Unemployment Insurance ("UI") assistance to workers impacted by COVID-19. This new law provides:

- **Pandemic Unemployment Assistance** – Extended eligibility for individuals who have traditionally been ineligible for UI benefits (e.g., self-employed workers, independent contractors);
- **Pandemic Unemployment Compensation** – An additional \$600 per week, on top of regular benefits, to all UI recipients; and,
- **Pandemic Emergency Unemployment Compensation** – An additional 13 weeks of UI benefits, beyond the regular 26 weeks already provided, for a total of 39 weeks of coverage.

Pandemic Unemployment Assistance ("PUA") – Extended Eligibility for UI Benefits

QUESTION: Who is eligible for PUA?

ANSWER: Individuals are eligible for PUA if they do not qualify for regular UI benefits (including self-employed workers and independent contractors) and cannot work because they:

- Are diagnosed COVID-19 or have COVID-19 symptoms and are seeking diagnosis;
- Have a member of the household who is diagnosed with COVID-19;
- Are providing care for a family or household member diagnosed with COVID-19;
- Are the primary caregiver for a child whose school or care facility closed, due to COVID-19;
- Are unable to reach their place of employment due to an imposed quarantine, or because advised by medical provider to self-quarantine, due to COVID-19;
- Were scheduled to start new employment and cannot reach the workplace as direct result of COVID-19;
- Became the major breadwinner because the head of household died from COVID-19;
- Quit their job as a direct result of COVID-19;
- Had their place of employment closed as a direct result of COVID-19; or
- Meet any additional criteria specified by U.S. Secretary of Labor.

Individuals are not eligible for PUA if they can telework or are receiving paid sick leave or other paid leave benefits (regardless of meeting a category listed above).

QUESTION: How do I apply for PUA?

ANSWER: You can file a PUA application online at labor.ny.gov. Please note, you cannot apply for PUA until you

ATTACHMENT A

have been determined ineligible for UI benefits. You must apply for UI before you apply for PUA.

QUESTION: What is the maximum benefit I can receive from PUA?

ANSWER: Your benefit rate is based on your recent wages. In New York, the current maximum weekly benefit rate is \$504. The minimum PUA benefit rate is 50% of the average weekly benefit amount in New York. For January 27, 2020 - March 31, 2020, the minimum benefit rate is \$172. For April 1, 2020 - June 30, 2020, the minimum benefit rate is \$182.

QUESTION: Will I also receive the additional \$600 per week for Pandemic Unemployment Compensation?

ANSWER: Yes. PUA benefits will include an additional \$600 per week until July 31, 2020.

QUESTION: Do I have to wait a week after I became unemployed before I can receive PUA benefits?

ANSWER: No, there is no weeklong wait period for PUA.

QUESTION: How long do benefits from PUA last?

ANSWER: PUA benefits may cover periods of unemployment up to 39 weeks.

QUESTION: Are benefits from PUA retroactive?

ANSWER: Yes, PUA benefits can be paid retroactively for periods of unemployment, beginning on or after January 27, 2020.

QUESTION: I can work remotely. Am I eligible for PUA?

ANSWER: No. If you are being paid to work remotely, you are not eligible for PUA benefits.

Pandemic Unemployment Compensation – Additional \$600/Week of UI Benefits

QUESTION: I am already receiving UI. What do I have to do to receive this additional \$600 per week?

ANSWER: Nothing. The additional \$600 per week will be automatically added to all regular UI and PUA benefits.

QUESTION: Will this additional \$600 per week reduce my regular UI benefits?

ANSWER: No. The additional \$600 per week benefit will not reduce any UI or PUA benefits.

QUESTION: How long will I receive this additional UI benefit?

ANSWER: The additional \$600 per week benefit ends July 31, 2020.

QUESTION: Will this additional \$600 per week be counted towards my eligibility for other government programs?

ANSWER: The additional \$600 per week payment will not be counted towards your income eligibility for Medicaid

ATTACHMENT A

and the Children's Health Insurance Program (CHIP).

Pandemic Emergency Unemployment Compensation – 13 Additional Weeks of UI Eligibility

QUESTION: I am already receiving UI. How will this program assist me?

ANSWER: If you exhaust your 26 weeks of regular UI, you will receive an additional 13 weeks of additional benefits.

QUESTION: I exhausted my 26 weeks of benefits a few weeks ago. Am I still eligible for these 13 weeks of extended UI benefits?

ANSWER: Yes. Anyone who exhausted UI benefits after July 1, 2019 is eligible to receive 13 additional weeks of benefits.

QUESTION: Will I also receive the additional \$600 per week during these 13 weeks of UI eligibility?

ANSWER: Yes. The additional 13 weeks of benefits will include an additional \$600 per week until July 31, 2020.

General Information about Unemployment Insurance

QUESTION: What is Unemployment Insurance?

ANSWER: Unemployment insurance (also known as UI) provides temporary cash benefits to employees who have lost their jobs. If you have worked in New York State within the last 18 months and lost your job, through no fault of your own, you may be eligible for UI.

QUESTION: What is the maximum benefit I can receive through Unemployment Insurance?

ANSWER: A person's benefit rate is based on the recent wages they received from their employer(s). The current maximum weekly benefit rate is \$504.

QUESTION: How long do Unemployment Insurance benefits last?

ANSWER: Currently, the limit is 26 weeks per year. The federal government recently created a new program called Pandemic Emergency Unemployment Compensation that would allow claimants who exhaust their regular UI benefits, to receive up to 13 additional weeks of benefits.

QUESTION: How do I apply for Unemployment Insurance?

ANSWER: You can file a claim by visiting labor.ny.gov. You can also call the Telephone Claim Center at **888-209-8124**. Due to larger than normal call volume, we are strongly encouraging individuals wishing to file a claim to first visit the website, if possible.

QUESTION: When should I file my claim?

ANSWER: You should file your claim in the first week you worked less than four days and earned a gross income of less than \$504. If you worked four or more days or earned more than \$504, you should file the following week.

QUESTION: I keep getting bumped from the UI call center. Will my claim be processed?

ANSWER: You will receive all benefits to which you are entitled. Your claim will start on the day you were separated from your employer. There is unprecedented call volume and web traffic. Please be patient and keep trying. It is best to apply online.

QUESTION: I was unable to file my claim during the week I was separated from my employer because of issues with the DOL website and/or UI call center. Will I still receive that week's benefits?

ANSWER: Yes, you will receive all benefits to which you are entitled. Your claim will start on the day you were separated from your employer, and DOL will backdate any claims that are not timely processed due to any issues with the DOL website or UI call center.

QUESTION: What is the waiting week and what does it mean that it was waived?

ANSWER: Typically, the first full week of a claim is an unpaid waiting week. This means you are not paid but you must still claim weekly benefits and fulfill eligibility requirements. Beginning March 12, 2020, the Governor has suspended the one-week waiting period for individuals impacted by the COVID-19 public health crisis. This means that if you are found eligible for benefits, you will be credited from the first week of your claim (not the second week). It does not mean that you will be paid as soon as you open your claim.

QUESTION: If I am found eligible for Unemployment Insurance, when can I expect first payment?

ANSWER: If you are eligible for UI, your first payment will generally be made in two to three weeks from the time you file your claim. In some cases, additional information must be obtained before payment can be made and your first payment may take longer. We use this time to review and process your application for benefits. You will not receive benefits during this period. Continue to claim weekly benefits as long as you are unemployed and meet the eligibility requirements. Also, check your mail and respond to any questionnaires or phone calls from DOL, right away, to prevent delays in your payments. If you are found eligible, you will receive any back weeks of benefits owed with your first payment. You will receive your benefits via direct deposit or bank debit card.

QUESTION: My employer has reduced my hours because of COVID-19. Am I eligible for Unemployment Insurance?

ANSWER: It depends. If you work less than four days a week and earn \$504/week or less, you may be eligible to receive partial UI benefits.

QUESTION: I work part-time. Am I eligible for UI?

ANSWER: If you work less than four days in a week and earn \$504 or less, you may receive partial benefits. Each day, or part of a day, of work causes your weekly benefit rate to drop by one-quarter.

QUESTION: My employer has temporarily closed. Am I eligible for Unemployment Insurance?

ANSWER: You should file a claim if you have been laid off from your job. Our goal is to ensure benefits are paid to all people who apply and are legally entitled to receive them.

QUESTION: I am self-employed or an independent contractor. Am I eligible for Unemployment Insurance?

ATTACHMENT A

ANSWER: Currently, most self-employed individuals and independent contractors working in New York State are not authorized to obtain unemployment insurance benefits. However, self-employed individuals and independent contractors may be eligible for benefits under PUA. PUA is available for individuals who would normally not be eligible for regular unemployment benefits but are unable to work because of COVID-19. PUA is available for periods of unemployment between January 27, 2020 and December 31, 2020. The maximum benefit rate is \$504, the same as the maximum benefit rate for regular unemployment insurance benefits. The minimum PUA rate is calculated by USDOL, quarterly, as 50% of the average weekly benefit amount in each state. For January 1, 2020 – March 31, 2020, the minimum benefit rate is \$172. For April 1, 2020 – June 30, 2020, the minimum benefit rate is \$182.

QUESTION: I'm a small business owner who has had to shut down due to COVID-19. Am I eligible for UI?

ANSWER: Self-employed individuals impacted by COVID-19 may apply for PUA benefits.

QUESTION: I cannot work because my child's school or daycare facility has closed due to COVID-19, and I need to stay home to take care of my child. Am I eligible for Unemployment Insurance?

ANSWER: While you are only eligible for unemployment insurance benefits if you are able and available to work, under PUA you can receive benefits if you are the primary caregiver for a child whose school or care facility closed due to COVID-19. PUA is available for periods of unemployment between January 27, 2020 and December 31, 2020. The minimum PUA benefit rate is 50% of the average weekly benefit amount in New York. For January 1, 2020 – March 31, 2020, the minimum benefit rate is \$172. For April 1, 2020 – June 30, 2020, the minimum benefit rate is \$182. The maximum benefit rate is \$504, the same as the maximum benefit rate for regular unemployment insurance benefits.

QUESTION: If I am not able to go to work because a medical professional told me I need to quarantine, am I eligible for Unemployment Insurance benefits?

ANSWER: Probably not, if you are still employed. However, the Governor recently passed a law that provides job protection and paid leave for individuals who are subject to an order of quarantine or isolation by a governmental entity because of COVID-19.

You can learn more information here: [ny.gov/COVID19/paid-sick-leave](https://www.ny.gov/covid19/paid-sick-leave). There are also additional protections for workers who are sick or have been directed to quarantine. For more information, please visit the New York State Department of Health's COVID-19 website at: [ny.gov/coronavirus](https://www.ny.gov/coronavirus).

QUESTION: The federal government has recently passed laws that provide additional Unemployment Insurance benefits. How do those changes impact New Yorkers?

ANSWER: The federal government recently created three new programs related to unemployment insurance compensation and COVID-19: Pandemic Unemployment Assistance ("PUA"); Pandemic Unemployment Compensation (additional \$600/week of benefits); and Pandemic Emergency Unemployment Compensation (additional 13 weeks of benefits for claimants who have exhausted benefits). Additional information on these programs is available at: labor.ny.gov.

QUESTION: I am an older worker and/or am immuno-compromised. I work near a lot of people and am personally uncomfortable going to work due to concerns about my health. Am I eligible for Unemployment Insurance?

ANSWER: Generally speaking, you are not eligible for unemployment insurance if you voluntarily leave your job.

ATTACHMENT A

Before leaving work, please consider speaking with your employer for alternatives that may be available such as using sick time or annual leave, requesting a reasonable accommodation such as working remotely, asking your employer for a leave of absence, or seeking temporary disability benefits. If alternative options are not available, you may file a claim for unemployment insurance. You should consider obtaining medical documentation that identifies any work restrictions and submit that with your claim. If you are found ineligible for unemployment insurance benefits, you may be eligible for benefits under PUA.

QUESTION: I was advised to call a specialist to complete a claim I already started, but I can't get through. What should I do?

ANSWER: You must continue to contact the Telephone Claims Center at **1-888-209-8124**: this is the only way to complete your claim (you cannot complete this portion of your claim online).

QUESTION: I cannot log in to my NY.GOV ID account to file a claim. What should I do?

ANSWER: Call **1-800-833-3000**. Select language, then press 2.

QUESTION: I need to reset my PIN. What should I do?

ANSWER: You must call the Telephone Claims Center at **1-888-209-8124** and speak with an agent. This is the only way to reset your PIN.

QUESTION: I'm concerned that if I apply for UI that my employer might retaliate against me or not call me back to work after the pandemic ends. What are my rights?

ANSWER: State law provides all workers with the right to file for unemployment and the labor law provides that an employer cannot retaliate against a worker's engagement in a protected activity.