






Greater Boston Legal Services
Summary of Unemployment Insurance (UI) Benefits During the Pandemic
(current as of 9/8/2020)


	Federal Pandemic Unemployment Compensation (FPUC)	Pandemic Emergency Unemployment Compensation (PEUC)	Pandemic Unemployment Assistance (PUA)	Extended Benefits (EB)	Lost Wages Assistance (LWA)
<p>What does this program do?</p>	<p>Provides additional \$600/week in federally funded benefits to anyone getting UI under any program including work share. AVAILABLE BETWEEN 3/29/20 and 7/25/20.</p>	<p>Provides an additional 13 weeks of UI benefits funded 100% by feds. after other state UI benefits run out. AVAILABLE BACK TO 3/29/2020.</p>	<p>Provides up to 46 weeks of emergency UI to workers usually left out. See: www.mass.gov/pua AVAILABLE BACK TO DATE IMPACTED BY COVID-19 ON OR AFTER 2/2/2020.</p>	<p>Permanent federal/state program that “triggers on” during periods of high unemployment. Provides additional weeks of UI benefits funded 100% by feds under CARES for the lesser of 13 weeks or 50% of # of weeks of regular UI. AVAILABLE BACK TO THE LATER OF MAY 9TH OR THE EXHAUSTION OF PEUC.</p>	<p>Provides additional \$300/week in federally funded benefits through FEMA to anyone unemployed since 8/1/2020 who is getting at least \$100 UI (counting dependency allowance) under any program including work share in UI. AVAILABLE NOW for PUA, and on or about 9/15/2020 for regular UI, PEUC, EB until FEMA \$\$ for program runs out. First allotment is for 3 weeks, and then on a week by week basis.</p>
<p>What types of workers</p>	<p>Everyone on regular state UI plus everyone getting any federal</p>	<p>Workers who have “exhausted” ,i.e., they have used up all rights to regular UI benefits under state or</p>	<p>Covers everyone eligible for state UI who “exhausted” all rights to state and federal UI AND workers who are usually</p>	<p>All workers who have exhausted rights to regular UI and PEUC and</p>	<p>All workers who are determined monetarily eligible for \$100 or more in UI</p>


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are covered?	<p>UI including PEUC, PUA, EB or Work Share.</p> <p>Non-citizens with SSN and work authorization.</p>	<p>federal law with respect to a benefit year (the 52 weeks after applying for UI) that ended after July 5, 2019 (i.e., claim filed after July 6, 2018) or the most recent benefit year.</p> <p>Must be actively engaged in work search but states can be flexible because of COVID-19.</p> <p>Non-citizens with SSN and authorization.</p>	<p>excluded, e.g., self-employed, independent contractors (IC), gig workers, free-lancers, clergy and workers in religious organizations, part-time workers including college or high school students with part-time jobs OR workers who didn't earn enough or work long enough to qualify and denied state UI as long as these workers are totally or partially not working for COVID-19 related reasons. (See last page below).</p> <p>Non-citizens with valid SSN and alien registration number (showing work authorization) are covered.</p>	<p>1) the worker's benefit year (the 52-week period after applying for regular UI) ended on or after May 9, 2020</p> <p>2) the worker meets the "20 weeks of earnings test" in base period (the year preceding the claim for regular UI), i.e., (i) earnings exceed 40 X weekly benefit amount (WBA); or (ii) earning = 1.5 times earnings in high quarter of base period; or (iii) had 20 weeks of full-time work in base period.</p>	<p>benefits from any source (including dependency allowance). This means that everyone who is getting PUA is eligible.</p> <p>Additionally, as the \$100 weekly benefit amount (WBA) is the amount received at the initial monetary determination, so that subsequent partial earnings that may lower the WBA should not result in ineligibility.</p>
Which workers are excluded?	<p>Workers who are not collecting some form of state or federal UI benefits.</p> <p>Workers getting extended benefits while in training.</p>	<p>Workers who have not exhausted their state UI benefits.</p> <p>Undocumented workers.</p>	<p>Workers who have not yet exhausted rights to state UI or other federal benefits.</p> <p>Undocumented workers.</p> <p>Workers who can telework (unless DV prevents this).</p>	<p>Workers who have not exhausted rights to PEUC; whose benefit year ended before May 9, 2020, or who do not meet the base period earnings test.</p>	<p>Workers who were determined monetarily eligible for less than \$100 (the dependency allowance counts toward the \$100).</p>


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What is the size of the benefit based on?	<p>\$600 per week. This is a flat amount and not prorated when receiving partial UI benefits.</p> <p>Earnings while working are deducted from underlying UI benefits, not from FPUC.</p>	<p>Same as provided under state UI, plus \$600 per week between 3/29/2020 and 7/25/2020.</p> <p>However, at the end of each calendar quarter, the state must check if the individual is still an “exhaustee,” i.e., if the individual had interim earnings, can they establish a new claim and benefit year, possibly reducing the weekly check.</p>	<p>Varies state-by-state. It is the greater of: 1) the state’s UI amount if sufficient reported earnings (maximum in MA is \$823); or 2) 50% of the MA average weekly benefit (AWB) of \$267/week; plus \$600/ week between 3/29/2020 and 7/25/2020 plus \$300/week of LWA when available starting 8/1/2020.</p> <p>After providing documents, workers’ income and dependents are included and benefits may increase up to \$823.</p>	<p>Same as provided under state UI, plus \$600 per week between 3/29/2020 and 7/25/2020 and \$300 per week if eligible from 8/1/2020 until \$\$ runs out.</p>	<p>\$300 a week. This is a flat amount and not prorated when receiving partial UI benefits.</p>
Time period for UI: start and end date?	<p>While receiving UI under any state or federal law between 3/29/20 to 7/25/2020.</p>	<p>13 weeks during 3/29/20 to 12/26/20. However, if individual has earnings that reduce WBA and receives smaller amount, benefits could last longer than 13 weeks.</p>	<p>46 weeks during 2/2/20 – 12/26/20.</p> <p>39 week total of PUA is extended by 7 weeks when EB is “triggered on,” therefore, current total is 46 weeks.</p>	<p>Up to 13 weeks. If regular benefits were less than 26 weeks, the maximum is 50% of the number of weeks of regular UI.</p>	<p>While receiving UI from 8/1/2020 until 12/26/2020 or until FEMA \$\$ is used up. The first FEMA allotment to MA is for 3 weeks. Program started for PUA 9/5 and estimated to start on 9/15 for regular UI, PEUC, EB.</p>


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Is this program retro-active?	Retroactive for anyone eligible for UI back to 3/29/20.	Available during time period after someone exhausts all rights to state or federal UI starting 3/29/2020.	Retroactive to date first lost work or impacted by CV back to 2/2/20.	Retroactive to exhaustion of PEUC if other eligibility tests are met.	Retroactive to 8/1/2020 but only if funds from FEMA are still available.
# of weeks available under program.	While on UI from 3/29/20 until 7/25/2020.	Regular state UI (maximum in MA is 26 weeks) + 13 weeks. Non-reduction rule i.e., states cannot decrease the # of weeks of state UI benefits available as of 1/1/2020.	Maximum is 46 weeks plus any additional federal emergency benefit available later. The 46 weeks can be in addition to weeks of PEUC benefits. (The prior 39 week duration extended to 46 weeks due to state “triggering on” EB.)	Regular state UI up to 26 weeks + 13 weeks of PEUC + up to 13 weeks of EB (50% of # of weeks on regular UI).	While on UI from 8/1/2020 to 12/26/2020 but actual determination depends on when FEMA runs out of \$\$ - i.e., when \$44 billion is spent nationally or when Disaster Relief Fund reserves are less than \$25 billion.

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Relationship to state or federal UI benefits	<p>Available to everyone getting a state or federal UI check during 3/29/20 to 7/25/20 even if amount of UI check is \$1.00.</p>	<p>Add-on after exhaustion of state benefits. At end of benefit year, state must determine every calendar quarter if individual is eligible for state UI.</p> <p>Extended Benefits (EB), a shared state/federal program that has now “triggered on” during high employment for 13 weeks, is deferred during receipt of PEUC.</p>	<p>Regular state UI and federal EB are deducted from the 46 weeks of PUA, PEUC benefits are not.</p> <p>When state “triggers on” EB, an additional 7 weeks was added to the 39 weeks bringing the total to 46 weeks.</p>	<p>Separate permanent federal/state program. “Triggers on” when insured unemployment rate (IUR) is 120% higher than comparable 13 week period in the last 2 years and is greater than 5%. MA triggered on May 3rd with a week ending date of May 9, 2020. Triggers off when IUR no longer meets above requirements.</p> <p>If on PUA having exhausted PEUC, but go back to UI Online to get EB.</p>	<p>Available to everyone getting a state or federal UI check during 8/1/2020 to 12/26/2020 if the worker’s initial monetary eligibility is for \$100 or more counting dependency allowance.</p> <p>Program will terminate immediately if other legislation (e.g., FPUC extension) is enacted.</p>
How will benefits be distributed?	<p>Through Dept. of Unemployment Assistance either at same time as regular check or separately through UI Online and PUA.</p>	<p>Through Dept. of Unemployment Assistance via UI Online. For those exhausting UI, automatically extended. For those whose benefit year ended, will need to apply for regular UI first. For those who started PUA after exhausting UI, will need to stop PUA and apply for PEUC through UI Online.</p>	<p>Through Dept. of Unemployment Assistance via FAST on-line portal available at www.mass.gov/pua.</p>	<p>Through Dept. of Unemployment Assistance via UI Online.</p>	<p>Presumably same as FPUC (although as \$\$ is from FEMA, requires separate accounting).</p>

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Relationship w/ other paid benefits	Cannot get both paid family or other paid leave and UI for same time period (unless reduced amount). Receipt of needs-based benefits does not affect UI check.	Cannot get both paid family leave or other paid leave and UI for same time period (unless reduced amount). Receipt of needs-based benefits does not affect UI check.	Cannot get both paid family leave or other paid leave and UI for same time period (unless reduced amount). When PEUC available, must get PEUC first. Receipt of needs-based benefits does not affect UI check.	Same criteria of other programs. Heightened work search requirements under EB may be modified or suspended in response to pandemic without amending state law.	Probably same as FPUC but not spelled out.
Waiver of (non-fraud no fault overpayments)	Yes, overpayment can be waived if no-fault and “against equity & good conscience.” State can add its own criteria (in MA – “defeat the purposes of benefits.”) However, even if 100% of check is intercepted for an overpayment offset, still entitled to \$600.	Yes, overpayment can be waived if no-fault and “against equity and good conscience.”	No waiver of overpayment.	Yes.	Not spelled out.

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Offsets from UI benefits?	May be used to offset overpayments in other state and federal UI programs for up to 3 years. However, cannot offset more than 50% of FPUC for state overpayments, but state can choose to offset less.	Can be used to offset overpayment of other state or federal UI benefits up to 50% of UI check.	May use other federal UI payments to recover PUA overpayment.	Cannot find guidance on this.	Other than payments for tax withholding, offsets including for child support payments are not permitted.

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Notes	<p>Does not count as income for purposes of Medicaid or CHIP eligibility or public housing, but may count for SNAP (food stamps).</p>	<p>State must identify individuals potentially eligible for PEUC and provide appropriate written notification of potential PEUC entitlement, including filing instructions. This includes notifying individuals who established a benefit year ending after July 5, 2019 (i.e., filed a claim after July 6, 2018) and who exhausted all benefits on this or a more recent benefit year.</p>	<p>Initial application creates “presumptive eligibility” requiring proof later. For individuals not getting a regular paycheck, required proof of income can include W-2s, 1099s, tax returns, pay stubs, bank receipts and billing notices.</p> <p>Advocacy tip: If denied or blocked from completing PUA application, apply for regular UI and if denied, the denial will then permit a successful PUA application.</p>	<p>Feds do not pay EB costs for state and local government entities.</p> <p>State is not required to charge EB to experience rated employers.</p> <p>Reimbursable employers are eligible for reimbursement of 50% of EB cost for any week paid after 3/13/2020 and before 12/26/2020.</p>	<p>MA Grant Application approved 8/21/2020.</p> <p>Eligibility through self-certification and no documentation required. Like PEUC and EB, most recent job separation does not need to be directly related to COVID-19.</p> <p>Because this program is administered by FEMA, it does not count for purposes of SNAP.</p> <p>State can provide \$400 with state paying for \$100; or \$300 with feds paying the whole amount. As MA trust fund has a negative balance, MA chose the latter.</p>

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Sources of Federal Law: Unemp. Ins. Program Letter (UIPL)	CARES, sec. 2104; UIPL 15-20; UIPL 15-20, Change 1; UIPL 15-20, Change 2.	CARES, sec. 2107; UIPL 14-20; UIPL 17-20; UIPL 17-20, Change 1.	CARES, sec. 2102; UIPL 16-20; UIPL 16-20, Change 1; Change 2; Change 3; 20 CFR 625; Minimum amount: UIPL 3-20.	Families First Coronavirus Response Act, sec. 4102, 4105; 26 USC 3304 note; 20 CFR Part 615; UIPL 24-20; UIPL 16-11; UIPL 18-20; UIPL 13-20, Change 1; UIPL 12-09, Change 1.	Robert T. Stafford Disaster Relief, 42 USC 5121 et seq.; Pres. Memo (8/8/2020); FEMA Website: https://www.fema.gov/disasters/coronaviruss/supplemental-payments-lost-wages

Sources of State Law:

Mass. General Laws chapter 151A. The Extended Benefits (EB) program is at G.L. c. 151A, sec. 30A and 430 CMR 4.01(7).

430 CMR 22.00: COVID 19 Emergency Regulations (3/16/2020); updated (8/5/2020)

Dept. of Unemployment Assistance (DUA) UI Policy and Performance Interoffice Memorandum (UIPP) 2020.05 (3/13/20); UIPP 2020.06 (3/18/20); UIPP 2020.07 (4/7/20); UIPP 2020.10 (8/6/2020).

DUA landing page: www.mass.gov/unemployment

For more information on UI policies, see www.masslegalservices.org that provides access to DUA Adjudication Handbook (policies for regular UI).

For more information about eligibility for MA regular UI plus all these programs, see www.masslegalservices.org/covid-19-and-ui.

Federal sources for state flexibility of regular UI: UIPL 10-20; UIPL 13-20; UIPL 13-20, Change 1; waiting week waiver, UIPL 20-20; improving UI access, UIPL 2-16.

COVID-19 Related Reasons for Regular UI & PUA:

- 1) you were diagnosed with COVID-19 or have symptoms
- 2) a member of your household was diagnosed with COVID-19
- 3) you are caring for a family or household member who tested positive or was diagnosed with COVID-19
- 4) you cannot work because you have been advised by your employer, government order, or health care professional to self-quarantine
- 5) you were laid off, quit, or your place of work closed or reduced your hours due to COVID-19

Additional COVID-19 Reasons for Regular UI:

- 1) Your immune system is compromised due to a serious health condition
- 2) You have a “reasonable belief” that because of COVID-19, going to work could harm your health (e.g., age or underlying medical condition).

Additional COVID-19 Reasons for PUA:

- 1) A child or other person you are the main caregiver for cannot attend school or another facility as a result of COVID-19 (if school is fully or partially closed for in-person teaching).
- 2) You are self-employed or an independent contractor and COVID-19 has severely limited your ability to perform your normal work
- 3) You do not have a recent history of full-time work and you were either a) scheduled to start a new job with an employer but the job offer was withdrawn because of COVID-19, or b) you became the major support for a household because the household head died as a result of COVID-19.

Additional categories of workers eligible for PUA:

- A. Individuals who have W2 earnings but not enough to be monetarily eligible for regular UI (less than \$5,100 in W2)
- B. Individuals who have been denied regular UI and have a COVID-19/PUA reason for being out of work.
- C. Independent contractors, gig workers, Americorps, Peace Corps
- D. Clergy, religious worker, full-time college or high school students who lost part-time job, & other part-time workers who are all categorically ineligible for regular UI. Note: if these workers have \$5,100 or more in W2 wages, they must apply for regular UI first, get denied, and then apply for PUA. Currently, this also applies to workers who have no child or adult care in the home and cannot work for that reason or have other reasons that are covid-19 related under PUA but worker is denied under regular UI for not being “able and available.”