CARES Act Unemployment for Independent Contractors and Gig Workers

Due to the Coronavirus outbreak, many individuals have found themselves seeking assistance navigating the waters of unemployment. The Arts & Business Council of Greater Boston is committed to helping our community of artists and arts organizations through this challenging time by being a resource for both information and personal assistance as they work through these circumstances.

What is the CARES Act?
The Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law on March 27, and provides $250 billion in federal funding allocated to unemployment support due to the pandemic. Key points of the CARES Act:

- Relaxes eligibility criteria for unemployment
- Extends duration of benefits
- Increases amount of money people receive

CARES Act Benefits Overview

- Extends regular weekly benefits for up to 39 weeks
  - Massachusetts benefits are typically 50% of average weekly wage (max. $823/week)
- Workers are eligible for $600 weekly benefit in addition to state unemployment payments under Federal Pandemic Unemployment Compensation (FPUC)
  - Massachusetts Department of Unemployment Assistance (DUA) will add additional $600 to weekly benefits, retroactive to March 29, 2020, and extending to July 31, 2020 for individuals who are collecting:
    - Regular Unemployment Compensation (UC)
    - Pandemic Emergency Unemployment Compensation (PEUC)
    - Pandemic Unemployment Assistance (PUA)
    - Extended Benefits (EB)
    - Trade Readjustment Act (TRA), and
    - Disaster Unemployment Assistance (DA)
  - These benefits will be disbursed immediately to individuals already collecting unemployment benefits on regular UC claims.
  - Those receiving PEUC, PUA, and EB will receive the additional $600 payments retroactive to March 29 as soon as their claims are processed and determined eligible.

Eligibility
Section 2102 of the CARES Act established a Pandemic Unemployment Assistance (PUA) program, which provides expanded unemployment benefits to:

- Individuals who are not working as a result of COVID-19, and are self-employed, independent contractors, gig workers, and individuals who otherwise would not qualify for UC or EB under state or federal law, or PEUC

Claiming PUA in Massachusetts

- PUA benefits are not yet available in Massachusetts, and claimants will not be able to claim benefits through Massachusetts’s UI Online System. Massachusetts’s DUA is working on a new
platform specifically for PUA benefits. They are planning to begin accepting PUA claims on or around April 30, 2020.

- Eligible claimants under PUA will be retroactively compensated with this benefit beginning February 2, 2020 or the first week a claimant was unable to work as a result of COVID-19, whichever date is later.
- This benefit is payable until the week ending December 26, 2020.
- Updates will be posted at www.mass.gov/unemployment/covid-19 as soon as they are available.

What if I Had Two Jobs and Lost One of Them?
While it is unclear how CARES Act unemployment laws are structured around partial unemployment, based on Massachusetts traditional unemployment laws, in some cases you may work part time and receive unemployment benefits.

- If you work part time, you may still qualify for benefits. The amount you receive may be adjusted based on how much you earn.
- If you continue to work full time, you cannot continue to receive benefits. If you lose your full-time job again, you may qualify for benefits again.
- You must report any income you receive while getting benefits. If you don’t report your income, you may be disqualified from getting any benefits at all.

What if I Previously Applied for Unemployment?
Individuals who previously applied for traditional unemployment benefits and were rejected can file an appeal request, either via mail or through their UI Online account. You can find appeal process guidelines here.

As no application guidelines are currently in place for self-employed individuals, gig workers, and the like seeking to utilize the Pandemic Unemployment Assistance program, appealing your case due to newly-eligible benefits will likely not be handled the same way. Guidelines for applying or reapplying for unemployment under new CARES Act benefits will be provided as the Massachusetts Department of Unemployment Assistance makes them available.

How to Prepare
While the state has not yet issued guidelines and application requirements, here are some things you will likely need to file for unemployment:

- Personal Information (Date of Birth, Social Security Number, Home and Mailing Address, Phone Number, and Email Address (optional))
- Information about your complete employment history for the last 15 months, including:
  - Employer names, addresses, and phone numbers
  - Work start and end dates, and reasons for leaving those jobs
  - Recall date (if you were laid off but have a set date to return to work)
- Proof of income prior to unemployment (tax forms, pay stubs, invoices, bank statements, etc.)
- Bank name, address, account number, and routing number for direct deposit

Questions?
We understand you likely have a number of unanswered questions. The Arts & Business Council will regularly publish updated information regarding unemployment assistance as it is made available, and we invite any questions you may have in the meantime.