



January 14, 2021

## **Extension of Pandemic Unemployment Assistance Programs by the Continued Assistance for Unemployed Workers Act of 2020 and the Consolidated Appropriations Act of 2021 for Independent Contractors and Gig Workers**

Due to the COVID-19 pandemic, 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.

Because of the recent signing in of the **Continued Assistance for Unemployed Workers Act of 2020** and the **Consolidated Appropriations Act of 2021**, many of the benefits and programs first introduced by the CARES Act of 2020 have been extended or modified. Highlighted in this document are the changes brought about by the two most recent acts, as well as which programs have been discontinued for the new year.

The Arts and Business Council is currently awaiting further information and details from both the Federal Government and the Massachusetts Department of Unemployment Assistance (DUA) regarding these new laws, and will update this document accordingly once more information is presented.

The **Continued Assistance Act for Unemployed Workers** was signed into law on December 27, 2020. Individuals collecting benefits under the Pandemic Unemployment Assistance (PUA) and Pandemic Emergency Unemployment Compensation (PEUC) programs will be eligible for payments the week ending January 2<sup>nd</sup>, 2021.

### **Changes contained in the Continued Assistance Act for Unemployed Workers of 2020:**

#### **Federal Pandemic Unemployment Compensation (FPUC)**

**The Federal Pandemic Unemployment Compensation (FPUC)** is a federal program first implemented through the CARES Act of 2020 designed to assist claimants in the wake of the COVID-19 pandemic.

- Will provide 11 weeks of an additional \$300 weekly benefit to eligible claimants.
- A claimant must be eligible through a separate unemployment program to receive FPUC.
- Once implemented, FPUC will be available to cover weeks of unemployment between the week ending January 2, 2021 and the week ending **March 13, 2021**.
- FPUC is **not** retroactive.
- As of **January 6, 2021**, DUA has implemented FPUC for UI claimants. The additional \$300 was added to weekly benefit payments for the week ending January 2, 2021.

- PUA claimants will receive their FPUC payments beginning **Monday, Jan. 11, 2021**.

### **Pandemic Unemployment Assistance (PUA)**

Pandemic Unemployment Assistance (PUA) is a new, temporary unemployment assistance benefit program for people who are unable to work due to COVID-19 and who are not eligible for traditional Unemployment Insurance (UI) benefits.

- PUA claimants will receive their FPUC payments beginning **Monday, Jan. 11, 2021**. Claimants should continue to file weekly claim certifications as scheduled.
- As of January 6<sup>th</sup>, 2021, DUA has implemented FPUC for UI claimants. The additional \$300 was added to weekly benefit payments for the week ending January 2<sup>nd</sup>, 2021.
- Will provide an additional 11 weeks of benefits, to a **maximum of 57 weeks**. The additional 11 weeks are **not** retroactive.
- Weekly certification will be required.
- New Claimants filing **after January 31, 2021** will be required to provide documentation of employment, self-employment, or a qualifying job offer within 21 days of filing. Claimants with established claims receiving payments in 2021 will have 90 days to provide such documentation.
- PUA will be available until at least week ending **March 13, 2021**. Some claimants may be able to claim additional weeks of benefits through week ending **April 10, 2021**, if they have not reached the maximum number of weeks.

### **Pandemic Emergency Unemployment Compensation (PEUC)**

Pandemic Emergency Unemployment Compensation is a temporary federal program designed to provide compensation to individuals who have exhausted all rights to any regular unemployment compensation and who meets other eligibility requirements. PEUC benefits are available through the standard Unemployment Insurance program in Massachusetts and can be accessed at UI online.

- Will provide 11 additional weeks of benefits, to a maximum of 24 weeks. The additional 11 weeks are **not** retroactive.
- Claimants who are receiving PEUC during the week ending March 13, 2021 and have not yet exhausted their 24 weeks will be able to claim PEUC through the week ending April 10, 2021.

### **Mixed Earners Unemployment Compensation (MEUC)**

**Mixed Earners Unemployment Compensation (MEUC)** was created to give an extra \$100 payment to workers who had a significant cut to their income due to COVID-19 and had both wage income (W2) and self-employment income (1099). MEUC is intended for unemployed "mixed income" workers who have at least \$5,000 a year in self-employment income but are disqualified from receiving PUA because they are eligible for regular state unemployment benefits.

#### **Criteria:**

- Addition of \$100 per week added onto claimant's benefits forthcoming depending on eligibility and state opt-in to program.
- Will provide additional weeks of regular benefits available until at least week ending March 13th, 2021.
- Workers earning at least \$1 per week in traditional unemployment insurance, excluding PUA, will be eligible for this program.
- Workers who earned at least \$5,000 in self-employment income in 2019 will be eligible for the extra \$100 per week effective Dec. 27, 2020 through March 14, 2021.
- Additional updates will be posted at [www.mass.gov/unemployment/covid-19](http://www.mass.gov/unemployment/covid-19) as soon as they are available.

#### **Previous CARES Act Benefits Overview for 2020:**

The CARES Act was enacted to support unemployment claimants during 2020. With the ratification of the newer Continued Assistance for Unemployed Workers Act of 2020 and the Consolidated Appropriations Act of 2021, many of these previous benefits and programs introduced by the CARES Act are now outdated or discontinued. We have highlighted the updates and changes that were made in order to provide you with the most up-to-date information.

- Extended regular weekly benefits for up to 46 weeks
  - Massachusetts benefits are typically 50% of average weekly wage (max. \$823/week)
- Workers were eligible for \$400 weekly benefit in addition to state unemployment payments under Federal Pandemic Unemployment Compensation (FPUC). **Important: Workers are now eligible for \$300 under FPUC in 2021.**
  - To be eligible for FPUC, individuals must be receiving at least \$100 in state unemployment aid
    - Massachusetts DUA added an additional \$400 to weekly benefits, retroactive to **August 1, 2020**, and extended to **December 6, 2020** for individuals who collected:
      - 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 were disbursed immediately to individuals **already collecting unemployment benefits** on regular UC claims.
- Those receiving PEUC, PUA, and EB received the additional \$400 payments retroactive to August 1 **as soon as their claims are processed and determined eligible.**

### **Pandemic Unemployment Assistance (PUA) Program Eligibility: Updated for 2021**

Section 2102 of the CARES Act established a *Pandemic Unemployment Assistance* program, which provided expanded unemployment benefits to individuals who are:

- **Self-employed, including gig workers, freelancers, and independent contractors**
- Seeking part-time employment
- Have insufficient work history to qualify for benefits
- Have exhausted all rights to regular or extended benefits under state or federal law or PEUC
- Have been laid off from churches and religious institutions and are not eligible for benefits under state law
- Are otherwise not qualified for regular or extended benefits or PEUC

You must self-certify that you are otherwise able and available to work, but are prevented from doing so by one of the following COVID-19-related circumstances:

- You have been diagnosed with COVID-19 or are experience symptoms and are seeking a diagnosis
- A member of your household has been diagnosed
- You are providing care to a household or family member who has been diagnosed
- A child or other person you have primary caregiving responsibility for is unable to attend school or another facility as a result of COVID-19
- You are unable to reach your place of employment because you were advised by a health care provider to self-quarantine
- You were scheduled to start work and do not have a job as a result of COVID-19
- You had to quit your job because of COVID-19
- Your place of employment is closed because of COVID-19
- **You work as an independent contractor and the COVID-19 public health emergency has severely limited your ability to continue performing your usual work activities, and are thereby forced to stop performing those activities**

You are **not** eligible for PUA if:

- You are able to telework with pay
- You are receiving paid sick or other leave
- You are eligible for regular unemployment benefits

## Claiming PUA in Massachusetts

PUA benefits are **still available** in Massachusetts. You can file a claim online [here](#).

- Eligible claimants under PUA were 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 was later.
- This benefit is payable until the week ending **December 26, 2020**.
- Continued PUA as extended by the **Continued Assistance Act for Unemployed Workers** is **not** retroactive to December 2020, but **payments will begin January 2<sup>nd</sup>, 2021 and continue until March or April depending on claimant's eligibility**.
- Additional updates will be posted at [www.mass.gov/unemployment/covid-19](http://www.mass.gov/unemployment/covid-19) as soon as they are available.

## Information and Documents Needed to Apply for PUA Benefits

- Social Security Number
- Alien Registration Number, if not a U.S. Citizen
- Residential address
- Mailing address (if different from residential address)
- Telephone number
- Email address
- Date of birth
- Wage records from 2019, including:
  - 1099 forms
  - Pay stubs
  - Bank statements
- Social Security Numbers and birth dates for dependent children, if applicable
- Bank account and routing number for direct deposit (optional)

## Pandemic Emergency Unemployment Compensation (PEUC)

- The PEUC program provides up to 13 weeks of unemployment insurance benefits to individuals who have exhausted their previous unemployment benefits.
  - The first week a claimant could be compensated on this benefit was the week beginning March 29, 2020
  - This 13-week extension ends December 31, 2020, unless extended further by the federal government.
- The weekly benefit amount will be the same as your weekly benefit amount during your benefit year, including dependency allowances, plus the \$600 FPUC weekly benefit.
  - **Note:** The FPUC benefit has been extended under the Continued Assistance Act of 2021 and will provide 11 weeks of an additional **\$300** weekly benefit to eligible claimants.

## PEUC Eligibility

There are four major requirements:

1. The benefit year for your claim for regular UI must have expired after July 6th, 2019.
2. Those seeking PEUC cannot otherwise have rights to benefits under state or federal law.
3. You cannot be receiving benefits from Canada.
4. You must be able to work, available to work, and actively seeking work, except that a state shall apply flexibility in meeting work search requirements for individuals unable to search for work because of COVID-19, including because of illness, quarantine, or movement restriction.

### **How to Apply for PEUC**

- Individuals who have exhausted their UI benefits after July 6th, 2019 may receive PEUC by successfully applying to PUA. If you are approved for PUA, you will receive information on transferring to PEUC as soon as it is available.

### **FAQs: Unemployment, PUA, and PEUC**

#### **I am self-employed but also had another (W-2) job in 2019. Where should I apply?**

If your W-2 income from 2019 is over \$5,100, you must apply under the traditional Unemployment Insurance system first. If you are denied, you may then apply for MEUC or PUA.

**Important:** Individuals receiving PUA **do not** qualify for Mixed Earners Unemployment Compensation. We strongly suggest applying for MEUC before applying for PUA under the new guidelines for self-employed workers who also had a W-2 job in 2019.

#### **Do I still need to certify my unemployment every week if my application is still pending?**

Yes. You must certify every week that your work is impacted by COVID-19, or you will not receive benefits for that week. If you are still receiving income, you must provide that information for the week you worked, not the week you were paid.

#### **I worked in multiple states. Where do I apply?**

The general rule is to apply for unemployment where you worked, as long as you qualify for unemployment benefits in that state. The Department of Unemployment in that state will collect wages from the other states where you worked to provide your benefits. You may not apply for unemployment benefits in more than one state.

\*Massachusetts typically has the best unemployment benefits (in New England), so if you earned income in Massachusetts, we recommend you apply with the Massachusetts DUA.

#### **Do I need to actively search for work?**

If you are unable to work due to COVID-19, as long as you stay in contact with your employer and are available to return to work when asked, you satisfy the work search, availability, and capability requirements.

If your current unemployment claim is *not* due to COVID-19, you will still need to conduct a weekly work search. Acceptable work search activities include reviewing job postings online and working on your resume. You do not need to accept work offered to you if you are under quarantine or have been instructed to stay at home.

### **How much will I receive in PUA benefits?**

The amount of PUA benefits you will receive is based on your previous income reported. PUA benefits may not be more than the state's maximum weekly benefit rate for regular unemployment benefits (\$823 in Massachusetts).

All individuals collecting PUA will also receive \$300 per week from FPUC, in addition to the weekly benefits as calculated above. FPUC payments will be made for the weeks ending January 2<sup>nd</sup>, 2021 through March 13<sup>th</sup>, 2021.

### **I am self-employed or a gig worker and did not receive regular paychecks. How do I calculate my income?**

You may use a variety of documents, including W-2s, 1099s, tax returns, pay stubs, bank receipts, and billing notices. Retain all documents establishing your income for verification purposes.

### **My hours have been reduced. Can I collect benefits under PUA?**

If you are working fewer hours due to COVID-19 and it has resulted in a loss of income, and you are **not** eligible for regular unemployment benefits, you may be eligible for PUA. You must report any income you still receive while getting benefits, and your weekly benefits may be reduced based on your earnings.

### **I am self-employed and my income/hours have greatly declined because of COVID-19. Am I eligible for PUA?**

Self-employed individuals, independent contractors, and gig workers who have had to suspend their work, or had a significant reduction in work, because of COVID-19 may be eligible for PUA. In cases where an individual has partial earnings, those earnings must be reported, and their weekly benefit amount may be reduced.

### **I am a small business owner. Am I eligible for PUA?**

You may be eligible for PUA if your primary source of income is from work you do for your own business.

### **Can I apply for PUA if I am currently receiving or am eligible for regular unemployment?**

No. PUA benefits are not payable to individuals eligible for traditional unemployment insurance.

### **How do I determine if I should apply for regular unemployment benefits or PUA?**

If you answer "yes" to any of the following, file a claim for **regular** unemployment benefits to see if you are eligible **before** filing a claim for PUA:

- Did you earn more than \$5,100 in 2019 working for an employer who took taxes out of your paycheck?
- Did you earn more than \$5,100 in 2019 working for the federal government or military?
- Are you eligible for, or receiving, benefits from other unemployment insurance programs, such as regular unemployment benefits, Trade Readjustment Allowances (TRA), Disaster Unemployment Assistance from a prior natural disaster, or WorkShare benefits?
- Did you work in another state in addition to working in Massachusetts in 2019?
- If you filed a claim for unemployment assistance in the past 52 weeks, did you return to work or stop working collecting benefits before you claimed all the available benefits on that claim?

**Important: Individuals receiving PUA do not qualify for Mixed Earners Unemployment Compensation. We strongly suggest applying for MEUC before applying for PUA under the new guidelines for self-employed workers who also had a W-2 job in 2019.**

#### **What if I previously applied for unemployment?**

If you have a **pending** application for unemployment, **do not** apply for PUA.

If you applied for and **did not qualify** or were **denied** for regular employment, then apply for PUA if you are out of work due to COVID-19.

#### **Will I have to pay taxes on unemployment benefits I receive?**

Yes, all PUA and FPUC benefits will be subject to Massachusetts and federal taxes.

#### **I recently exhausted my unemployment benefits. What should I do?**

Individuals who have exhausted their right to unemployment benefits can now apply for PUA. If you have already exhausted your unemployment benefits and apply and get approved for PUA now, you will receive information on transferring to PEUC as soon as it is available.

#### **I receive Social Security and/or Pension benefits. Will that impact my eligibility for Unemployment Benefits?**

Receiving Social Security benefits will have no effect on your eligibility for unemployment benefits.

Your unemployment benefits **may** be affected by any pension benefits you are collecting. You must report to the DUA that you are receiving a pension. You will be asked to provide the amount and source of any type of pension or retirement payments you receive when you file your claim.

#### **Will receiving Federal Pandemic Unemployment Compensation (FPUC) make me ineligible for other programs?**

The additional \$300 per week benefit will count as income when determining eligibility for means-tested programs, except for Medicaid and the Children's Health Insurance Program (CHIP).





### **Contact the Department of Unemployment Assistance**

Fill out this [Contact Request Form](#) to receive a call-back from the DUA. \*Filling out this form is **not** filing a claim.

You can also contact the DUA Call Center directly, at 877-626-6800.

Call Center Hours:

Monday through Friday: 8:30am – 4:30pm

Saturday: 8:00am – 12:00pm

### **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.