

These Questions were compiled from the ESD website and DOL website based on themes of questions asked during the webinar.

Overview of the Acronyms and Federal Programs:

PUEC – Pandemic Emergency Unemployment Compensation

Under the CARES Act states are permitted to extend unemployment benefits by up to 13 weeks under the new Pandemic Emergency Unemployment Compensation (PEUC) program. PEUC benefits are available for weeks of unemployment beginning after your state implements the new program and ending with weeks of unemployment ending on or before December 31, 2020. The program covers most individuals who have exhausted all rights to regular unemployment compensation under state or federal law and who are able to work, available for work, and actively seeking work as defined by state law. Importantly, the CARES Act gives states flexibility in determining whether you are “actively seeking work” if you are unable to search for work because of COVID-19, including because of illness, quarantine, or movement restrictions.

In addition, if you have exhausted the 13 weeks of additional benefits available under the PEUC program, you may be eligible to continue receiving benefits under the PUA program. PUA benefits are available for a period of unemployment of up to 39 weeks, meaning that if you have exhausted regular UC and PEUC benefits in fewer than 39 weeks, you may be eligible to receive assistance under PUA for the remaining weeks within PUA’s 39 week period.

PUA – Pandemic Unemployment Assistance

States are permitted to provide Pandemic Unemployment Assistance (PUA) to individuals who are self-employed, seeking part-time employment, or who otherwise would not qualify for regular unemployment compensation. To qualify for PUA benefits, you must not be eligible for regular unemployment benefits and be unemployed, partially unemployed, or unable or unavailable to work because of certain health or economic consequences of the COVID-19 pandemic.

The PUA program provides up to 39 weeks of benefits, which are available retroactively starting with weeks of unemployment beginning on or after January 27, 2020, and ending on or before December 31, 2020. The amount of benefits paid out will vary by state and are calculated based on the weekly benefit amounts (WBA) provided under a state’s unemployment insurance laws. Under the CARES Act, the WBA may be supplemented by the additional unemployment assistance provided under the Act.

PUC – Federal Pandemic Unemployment Compensation

The new law creates the Federal Pandemic Unemployment Compensation program (FPUC), which provides an additional \$600 per week to individuals who are collecting

regular UC (including Unemployment Compensation for Federal Employees (UCFE) and Unemployment Compensation for Ex-Servicemembers (UCX), PEUC, PUA, Extended Benefits (EB), Short Time Compensation (STC), Trade Readjustment Allowances (TRA), Disaster Unemployment Assistance (DUA), and payments under the Self Employment Assistance (SEA) program). This benefit is available for weeks of unemployment beginning after the date on which your state entered into an agreement with the U.S. Department of Labor and ending with weeks of unemployment ending on or before July 31, 2020.

Questions Related to School Closures:

Q. My child's school is closed due to the Governor's order to close. Am I eligible for unemployment benefits?

A. It depends. If you cannot go to work because you don't have childcare for your child while school is closed, you should call your employer and let them know why you are absent. If your employer fires you or lays you off while you are absent, you may qualify for benefits. However, you are required to be able and available for work that can be performed while following the recommendations from the state Department of Health each week you collect unemployment benefits. If you do not have childcare so that you can return to your job or accept a work offer, you will not be eligible for regular unemployment benefits but may be eligible for benefits under the federal CARES Act. If your situation changes, let us know. Remember, your first and best option should always be employer-paid time off.

Q. My employer will let me work from home with pay. However, because my children are out of school and my spouse is working, I need to care for them and it is too difficult to work from home. Under Section 2102(a)(3)(A)(ii)(I)(dd) of the CARES Act, I self-certify that I need my kids to be at school in order for me to be able to work. Do I qualify for PUA?

A. You may qualify. The CARES Act does provide PUA to an individual who is the "primary caregiver" of a child who is at home due to a forced school closure that directly results from the COVID-19 public health emergency. However, to qualify as a primary caregiver, your provision of care to the child must require such ongoing and constant attention that it is not possible for you to perform your customary work functions at home. For example, if your employer allows you to telework and you are caring for a more mature child who is able to care for him or herself for much of the day, you likely would not qualify for PUA because you are still able to work.

In addition, you should bear in mind that the CARES Act provides PUA only when a child is home because of a school closure that is a direct result of the COVID-19 public health emergency. A school is not closed as a direct result of the COVID-19 public health emergency, for purposes of 2102(a)(3)(A)(ii)(I)(dd), after the date the school year was originally scheduled to end. That means that, once the school year is over, parents should rely on their customary summer arrangements for caring for their children, and

will not, absent some other qualifying circumstances, be eligible to receive PUA. If, however, the facility that they rely on to provide summer care for the child is also closed as a direct result of the COVID-19 public health emergency, they may continue to qualify for PUA. Similarly, if there is some other reason under which they qualify for PUA, they will continue to be eligible to receive benefits.

Q. If I've been collecting unemployment benefits and either I or a family member gets sick with COVID-19, what options do I have for benefits if I need to recover or must care for another?

A. If you have been receiving unemployment benefits and are now sick with COVID-19, or need to take care of a loved one who is sick with COVID-19, you may not be considered able and available for work. However, you may be eligible for federal Pandemic Unemployment Assistance. You also can apply for benefits with [Paid Family and Medical Leave](#). You cannot receive both unemployment benefits and Paid Family and Medical Leave during the same week. You need to stop claiming unemployment benefits when you start receiving Paid Family and Medical Leave. Cancellation of your unemployment claim is not necessary. Please visit [Paid Family and Medical Leave's website](#) for more information. If you receive Paid Family and Medical Leave benefits for fewer than your normal work hours, federal Pandemic Unemployment Assistance may be available for the difference in hours. Eligibility decisions for both unemployment and Paid Family and Medical Leave are made on a case-by-case basis.

[Questions about Self-Employed/Independent Contractors:](#)

Q: I am a gig worker. Am I eligible for unemployment?

A: Maybe! Coverage under Washington's unemployment insurance law is broader than under most other laws. This means that just because you are classified as an independent contractor under some laws does not mean that you are an independent contractor under Washington's unemployment laws. If you are a gig worker who has been laid off or lost work, we encourage you to apply for benefits. We will evaluate each application for eligibility on a case by case basis. You may also be eligible for federal Pandemic Unemployment Assistance.

We realize that there are some challenges with the online application, and it is not currently designed for the way you work. We are working to resolve those issues. For now, fill it out the best that you can.

If you do apply, to help speed the process for determining your eligibility and potential benefit amount, please be prepared to gather your payment records from the last year to provide to the claims staff. This process may take some time, but we are doing everything we can to increase efficiency and hire more staff.

example, if your school has closed, return your paperwork and tell us.

Based on the conversation during the webinar, folks are encouraged to apply for normal UI and then if denied as a self-employed / gig worker, the weekend of April 18th they can apply for PUA (pandemic unemployment assistance) through the online portal. PUA may be available as far back as early February for affected businesses. The PUA requires a denial. So if someone is ineligible and apply as part of this expansion (for gig workers) they can apply, get denied and then this will kick them into the PUA application this weekend.

Q: I am an independent contractor. Am I eligible for unemployment benefits under the CARES Act?

You may be eligible for unemployment benefits, depending on your personal circumstances and how your state chooses to implement the CARES Act. States are permitted to provide Pandemic Unemployment Assistance (PUA) to individuals who are self-employed, seeking part-time employment, or who otherwise would not qualify for regular unemployment compensation. To qualify for PUA benefits, you must not be eligible for regular unemployment benefits and be unemployed, partially unemployed, or unable or unavailable to work because of certain health or economic consequences of the COVID-19 pandemic.

The PUA program provides up to 39 weeks of benefits, which are available retroactively starting with weeks of unemployment beginning on or after January 27, 2020, and ending on or before December 31, 2020. The amount of benefits paid out will vary by state and are calculated based on the weekly benefit amounts (WBA) provided under a state's unemployment insurance laws. Under the CARES Act, the WBA may be supplemented by the additional unemployment assistance provided under the Act.

Q. I'm partially employed because I'm a student and work part time doing ride-sharing. Can I certify that I cannot work and get PUA under the CARES Act?

A. You may be eligible for PUA, depending on your personal circumstances. A gig economy worker, such as a driver for a ride-sharing service, is eligible for PUA provided that he or she is unemployed, partially employed, or unable or unavailable to work for one or more of the qualifying reasons provided for by the CARES Act. For example, a driver for a ride-sharing service may be forced to quit his or her job if he or she was diagnosed with COVID-19 by a qualified medical professional, and although the driver no longer has COVID-19, the illness caused health complications that render the driver objectively unable to perform his or her essential job functions, with or without a reasonable accommodation. Similarly, under an additional eligibility criterion established by the Secretary of Labor pursuant to 2102(a)(3)(A)(ii)(I)(kk), a driver who receives an IRS Form 1099 from the ride-sharing service may qualify for PUA benefits if he or she has been forced to suspend operations as a direct result of the COVID-19 public health emergency, such as if an emergency state or municipal order restricting movement makes continued operations unsustainable. Relatedly, widespread social distancing

undertaken in response to guidance from federal, state, or local governments may so severely reduce customer demand for a driver's services as to force him or her to suspend operations, and thus make the driver eligible for PUA.

Questions About Layoffs/Shared Work/Standby/Partial Work:

Q. What if my employer goes out of business as a result of COVID-19?

A. You may be eligible for unemployment benefits if you're out of work due to a lack of work. [Download this checklist](#) to prepare to apply for unemployment if your job has been affected by COVID-19.

Q. Do I need to look for work right now if I am on unemployment?

A. Until the Stay at Home order is lifted, there is not a requirement to look for additional employment.

Q. What if I am temporarily laid off work because business has slowed down as a result of COVID-19?

A. If you are laid off work temporarily or if your hours are reduced due to a business slowdown or a lack of demand as a result of COVID-19, you may be able to receive unemployment benefits. Eligibility decisions are made on a case-by-case basis.

- Standby is a tool that allows workers to collect unemployment benefits without needing to search for work because they have a definitive return to work date. We have made the work search requirement optional at least through May 4, the duration of the Governor's "Stay Home, Stay Safe" order. That means we do not need workers to request, or employers to authorize or deny, standby at this time. Once work search requirements are reinstated, we will once again require workers to request and employers to approve or deny standby. For continued updates on this and other unemployment insurance matters, please sign up for our [COVID action alerts](#).

Q. My employer has shut down operations temporarily because an employee is sick and we have been asked to isolate or quarantine as a result of COVID-19. Am I eligible for unemployment benefits?

A. If you are not receiving payment from your employer, such as paid sick leave or paid time off, you may be eligible for unemployment benefits. If you receive paid sick leave or paid time off for fewer than your normal hours worked, you may qualify for federal pandemic unemployment assistance, for the difference in hours. Eligibility decisions are made on a case-by-case basis. Use this [eligibility checker on the "unemployment" page of the website](#) to learn more about whether you may qualify for regular unemployment or expanded benefits under the federal pandemic unemployment assistance in the CARES Act.

Q. What if I am asked by a medical professional or public health official to quarantine as a result of COVID-19, but I am not sick?

A. If you are following guidance issued by a medical professional or public health official to isolate or quarantine yourself as a result of exposure to COVID-19 and you are not receiving paid sick leave from your employer, you may be eligible to receive regular unemployment benefits. Eligibility decisions are made on a case-by-case basis. If you do not qualify for regular unemployment benefits, you likely qualify under the expanded benefits from the federal CARES Act.

Questions About the \$600 Additional Weekly Benefit (FPUC)

Q: If I elected 10% tax withholdings on my regular UI claim, will the same be withheld on the additional \$600 weekly benefit amount available through CARES?

Yes

Q: Who qualifies for this extra \$600 per week benefit?

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Questions Related to Being an Employer:

Q. How am I supposed to meet deadlines related to my existing unemployment claim if I am in isolation or quarantine as a result of COVID-19?

A. Under the emergency rules we put into place as a result of COVID-19, we are providing more leniency for many UI deadlines, such as deadlines for training programs. Submit your documents as soon as you are able and provide as much information as you can. Progress reports for training programs can be submitted with whatever information you have available.

Q. One of my workers quit because he said he would prefer to receive the unemployment compensation benefits under the CARES Act. Is he eligible for unemployment? If not, what can I do?

A. No, typically that employee would not be eligible for regular unemployment compensation or PUA. Eligibility for regular unemployment compensation varies by state but generally does not include those who voluntarily leave employment. Similarly, to receive PUA, an individual must be ineligible for regular unemployment compensation or extended benefits under state or federal law, or pandemic emergency unemployment compensation, and satisfy one of the eligibility criteria enumerated in the CARES Act, as explained in [Unemployment Insurance Program Letter 16-20](#). There are multiple qualifying circumstances related to COVID-19 that can make an individual eligible for PUA, including if the individual quits his or her job as a direct result of COVID-19. Quitting to access unemployment benefits is not one of them. Individuals who quit their jobs to access higher benefits, and are untruthful in their UI application about their reason for quitting, will be considered to have committed fraud.

If desired, employers can contest unemployment insurance claims through their state unemployment insurance agency's process.

Q. Do I need to reply to the notices sent by ESD?

A. Yes, the most helpful thing to do is to respond. This can be done via fax, mail, or through eservices within your ESD employer account online.