

Frequently Asked Questions About Unemployment Insurance During the COVID-19 Pandemic

If you do not find the answer to your question in this document, please call our office at 845-338-9610 and we will be happy to assist you in any way we can.

Uncertainty over federal unemployment benefits *Update by NYS Assembly 8-12-20*

The weekly \$600 Federal Pandemic Unemployment Compensation (FPUC) benefit has expired and there is considerable confusion regarding the President's executive order regarding additional unemployment benefits. As we await clarification, please continue to certify weekly to ensure you receive your Unemployment Insurance (UI) or Pandemic Unemployment Assistance (PUA) benefits. The Department of Labor (DOL) will process any additional benefits if/when they come due if you continue to certify.

To allow your fellow New Yorkers to reach a representative for regular UI or PUA matters, please do NOT call the DOL to inquire about the federal administration's announcement at this time.

State benefits are still available to New Yorkers

- File online 7 days a week from 7:30 a.m. to 7:30 p.m. or call 888-209-8124 Monday-Friday, 8:00 a.m. to 7:30 p.m.
- Any claim you file will be backdated to the date you became unemployed. If you are eligible, you will be paid for all benefits due.
- Certifying your benefits: Continue to claim weekly benefits as long as you are unemployed and meet the eligibility requirements.
- Check your mail and email, and respond to any questionnaires, online forms or phone calls from the Department of Labor right away to prevent delays in your payments.
- First-time claim? Sign in or create a NY.gov ID account and follow the instructions to file a claim. <https://dol.ny.gov/unemployment/file-your-first-claim-benefits>
- Pandemic Unemployment Assistance (PUA) also extends benefits to individuals who have traditionally been ineligible for Unemployment Insurance benefits (e.g., self-employed workers, independent contractors and farmers). Under federal law, those receiving PUA are eligible for up to 46 weeks of benefits.
- New Yorkers who are receiving regular Unemployment Insurance benefits are eligible for up to 59 weeks of benefits. This includes 26 weeks of regular benefits, 13 weeks of Pandemic Emergency Unemployment Compensation (PEUC) and up to 20 weeks of Extended Benefits (EB).
- Visit www.dol.ny.gov to learn more.

Like many New Yorkers, DOL representatives are working from home so your caller ID may show "PRIVATE CALLER." Anyone calling from DOL will verify their identity by providing: (a) the date you filed your application and (b) the type of claim.

Q: How long do I have to wait after being unemployed to apply for benefits?

A: New York State is waiving the 7-Day waiting period for Unemployment Insurance benefits for people who are out of work due to Coronavirus (COVID-19) closures or quarantines. If you've seen the term 'waiting week' on your payment history, it is a relic of the existing system and does NOT impact your benefits.

Q: I could not receive benefits because I exhausted my existing benefits.

A: Yes, the Federal relief package will extend coverage for people who have exhausted existing benefits by *at least* 13 weeks.

Q: I was a part-time employee or was self-employed (including "gig workers"). Can I apply now?

A: If you are not traditionally eligible for unemployment benefits (self-employed, independent contractors, farmers, workers with limited work history, and others) and are unable to work as a direct result of the coronavirus public health emergency, you may now be eligible through Pandemic Unemployment Assistance (PUA).

Learn more about Pandemic Unemployment Assistance.

You will not be eligible for PUA if you can telework, or if you are receiving paid sick leave or other paid leave benefits (regardless of meeting a category listed above).

Q: How much can I receive in payments?

A: A person's benefit rate is based on dividing your earnings for the highest paid quarter of the base period by 26, up to a maximum of \$504 per week. If you earned less than \$3,575 in your highest paid quarter, your earnings are divided by 25 to arrive at your weekly benefit amount. You can *estimate* your weekly unemployment insurance benefits using this tool from the NY Department of Labor: <https://labor.ny.gov/benefit-rate-calculator/>

The Federal relief package has expanded Unemployment Insurance to provide an additional \$600 per week, on top of state benefits. This additional payment will last until July 31, 2020.

We do not yet know if there will be federal action that will extend this benefit.

Part-time and self-employed workers are also eligible for the additional \$600 weekly benefit provided by the Federal government. This benefit will cover from the date of unemployment.

Q: How long will these payments last?

A: Usually, unemployment insurance payments last for 26 weeks, however, the Federal relief package has provided for additional 13 weeks of benefits bringing the total up to 39 weeks.

Q: How do I apply?

A: Refer to this step by step process on how to apply for benefits:

- Go to the Department of Labor website <https://dol.ny.gov/unemployment/file-your-first-claim-benefits> or call 1-888-209-8124

- Sign in with your NY.GOV ID or create a NY.GOV ID
- Follow the instructions to file a claim
- Submit your application

The Department of Labor will evaluate your claim for UI benefits and decide if you qualify

Q: What is NY.GOV ID?

A: The NY.GOV ID is an online account you create when you access services on state websites. With your ID you will only have to remember one username and password when you use the online services at the DMV, unemployment and other state programs.

Q: What Information Do I Need to Apply for Unemployment Insurance?

- Your Social Security Number
- Your driver license or Motor Vehicle ID card number (if you have either one)
- Your complete mailing address and zip code
- A phone number where you can be reached
- Your Alien Registration card number (if you are not a U.S. Citizen and have a card)
- Names and addresses of all your employers for the last 18 months, including those in other states
- Employer Registration number or Federal Employer Identification Number (FEIN) of your most recent employer (FEIN can be found on your W-2 form or from your employer's finance department)
- Your copies of forms SF8 and SF50, if you were a federal employee
- Your most recent separation form (DD 214), for military service

Q: Where can I get more information about filing a claim?

A: Please visit the Department of Labor's website for more information on Unemployment Insurance:

<https://www.labor.ny.gov/home/>

Q: What is the easiest way to file a claim?

A: The best way to file a new unemployment insurance claim is online. The application has been updated so New Yorkers can apply for Unemployment Insurance or Pandemic Unemployment Assistance.

The Telephone Claim Center is available toll-free during business hours to file a claim: 1-888-209-8124 for New York State residents

Q: I can't get through by phone to the Department of Labor. What should I do?

A: The Department of Labor is experiencing a surge in calls. As a result, there may be delays in filing for unemployment insurance, however, **once filed, all benefits will be retroactive to the day you were out of work.**

In order to deal with the demand, the Department of Labor are extending their phone hours as follows:

Monday through Friday, 8 am to 7:30 pm.

Saturday and Sunday, 7:30 am to 8:00 pm.

If you have already filed a claim, and were told you needed to call to complete your application do NOT call - instead, the Department of Labor (DOL) call center will call you directly.

Please note that the telephone claims center cannot help you with issues related to your NY.gov account, such as difficulty logging in, changing your personal information or resetting your password. For NY.gov assistance, please call (800) 833-3000.

Receiving Your Back Benefits

The DOL is using DocuSign’s secure digital signature technology to help New Yorkers get their backdated payments. If you receive an email, please fill out the form and send it in so that we can get you the benefits you are eligible for as quickly as possible. To verify the legitimacy of your notification from DocuSign the message will be sent to you from dse@docuSign.net and the Reply-To email will be backcert@labor.ny.gov. DocuSign FAQs

Q: I have a disability that makes it difficult to file a claim, is there help?

A: If you have a disability and need help to file your claim, you may allow another person to aid you. You must be present each time they help you and use your PIN. You will be held accountable for the actions of your helper. You may be subject to penalties, including forfeiture of benefits, if you are not present when your helper assists you.

Callers may ask a friend or relative to help with phone claims if they:

- Have problems with hearing or speech, or
- Have difficulty using the phone for any reason.
- Hearing Impaired

Have your helper call the Telephone Claims Center at 1-888-783-1370.

TeleType (TTY) / Telecommunications Device for the Deaf (TDD):

Call a relay operator first at 1-800-662-1220 and ask the operator to call the Telephone Claims Center at 1-888-783-1370.

Source: <https://www.ny.gov/services/get-unemployment-assistance>

Q: I had previously applied for unemployment but was denied as a result of the forfeit penalty, is there anything I can do?

A: The NYS Department of Labor announced May 13th that the state would begin sending those individuals previously denied benefits due to forfeit penalties, the full amount of unemployment insurance they would have been entitled too in addition to the \$600 weekly payment made available by the federal Pandemic Unemployment Compensation Program. Individuals are encouraged to check their existing claim for an updated status.

A: New York State's new coronavirus paid leave law was just enacted. Here are the basics:

- New York State’s ‘Paid Sick Time Plan’ provides sick leave and job protection for workers during the COVID-19 crisis.
- Effective immediately, New York State employees unable to work due to the “stay at home” orders have job protection during the isolation period.
- In order to be eligible, these orders must be issued by the state of New York, the Department of Health, local board of health or any governmental entity with authority to issue such orders.
- Employees are entitled to use of paid leave, regardless of their length of employment.

Q: How much leave am I entitled to?

A: The degree of paid leave depends on the size of the employer:

- Small sized employers, which includes employers with 10 or fewer employees and that have a net income of less than \$1 million, would receive unpaid sick leave and immediately become eligible for Paid Family Leave and Temporary Disability Insurance (TDI) benefits.

- Medium sized employers, which includes employers with 10 or fewer employees that have a net income of greater than \$1 million and employers with between 11 and 99 employees, would receive at least five days of paid sick leave, followed by eligibility for Paid Family Leave and TDI benefits.
- Employers with 100 or more employees, as well as all public employees, would receive a minimum of 14 days of paid sick leave.

Any leave provided during this period cannot reduce an employee's accrued sick leave.

Q: What about the Federal sick leave laws I've heard about?

A: The Families First Coronavirus Response Act, signed into law by President Trump, contains two different provisions requiring employers to provide paid leave related to COVID-19; (1) *The Emergency Paid Sick Leave Act (EPSLA)* and (2) *The Family and Medical Leave Expansion Act (FMLA Expansion)*.

The federal paid leave requirements apply to employers with fewer than 500 employees.

The US Department of Labor may exempt employers with fewer than 50 employees if complying with the law would jeopardize the viability of business as a going concern.

Q: What are the reasons for which employees can take leave under these laws?

A: Under the Emergency Paid Sick Leave Act:

- The employee is ordered into quarantine or isolation because of COVID-19 by a public official.
- The employee has been advised to self-quarantine or isolate because of COVID-19 by a health care provider.
- The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis.
- The employee is caring for an individual who is subject to a COVID-19 quarantine or isolation order or has been advised to self-quarantine or isolate because of COVID-19 by a healthcare provider.
- The employee is caring for a child because their school or daycare has been closed, or their childcare provider is unavailable, because of COVID-19.
- The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services (HHS).

A: Under the Family and Medical Leave Expansion Act:

- To care for a child under the age of 18 if their school or place of care has been closed, or the child care provider of such child is unavailable due to a COVID-19 related emergency.

Q: What benefits are employees entitled to?

A: Under the Emergency Paid Sick Leave Act:

- Full-time employees are entitled to 80 hours of paid leave
- Part-time employees are entitled to the number of hours they work on average over a two-week period.

- Employees who take leave for a personal COVID-19 quarantine (whether ordered by the government or recommended by a healthcare provider), or to obtain a personal diagnosis **must be paid at the employee's full regular rate of pay, up to a maximum of \$511 per day or \$5,110 in the aggregate.**
- Employees who take leave to care for another individual impacted by COVID-19, to care for a child, or for any other reason specified by the Secretary of Health and Human Services, **must be paid at two-thirds their regular rate of pay, up to a maximum of \$200 per day or \$2,000 in the aggregate.**

A: Under the Family and Medical Leave Expansion Act:

- Employees can take up to 12 weeks of leave to care for a child subject to a school or daycare closure.
- The first 10 days may be unpaid, however, an employee may substitute any accrued vacation leave, personal leave or medical or sick leave for unpaid leave, including Emergency Paid Sick Leave Act leave, but cannot be required to do so.
- After 10 days, the employee is entitled to be paid **two-thirds their regular rate of pay for the number of hours they would otherwise be normally scheduled to work, up to a maximum of \$200 per day or \$10,000 in the aggregate.**

Q: How long do these paid leave benefits last?

A: The obligation to provide COVID-19-related paid leave required under the Families First Coronavirus Response Act expires December 31, 2020.

Q: How long does an employee need to be employed to be eligible for sick leave benefits?

A: Employees are entitled to use of paid leave under the Emergency Paid Sick Leave Act regardless of their length of employment. Employees with at least 30 calendar days of service are entitled to paid leave under the Family and Medical Leave Expansion Act.

Q: How does the Families First Coronavirus Response Act interact with the NY Paid Sick Time Plan?

A: If an employer is covered by the federal and state leave laws, an employee's use of paid leave runs concurrently under both laws. In that event, any benefit under the NY Paid Sick Time Plan will be the incremental difference between full NY Paid Sick Time Plan benefits and the benefits provided under the Families First Coronavirus Response Act.

SMALL BUSINESS ASSISTANCE:

Q: Is there any help for small business owners?

A: Yes, the federal government has set aside more than \$370 billion to help small businesses. The stimulus package is offering small businesses Economic Injury Disaster Loans (EIDL), backed by the Small Business Administration (SBA) to pay for basic expenses. The portions that were spent on paying employees, a mortgage, rent or utilities may not have to be repaid.

Q: Will I have to provide collateral?

A: No, unlike other SBA-backed loans, business owners won't have to provide personal guarantees or use all their available assets as collateral. There are also no fees, and interest rates are capped at 4 percent.

Q: What are the conditions of the loans?

A: Loans are limited to \$10 million and are available to businesses with 500 employees or less.

Businesses would not have to repay loans covering up to eight weeks' worth of payroll and non-payroll expenses.

Recipients can ask for loan forgiveness through the lender servicing the loan. In order to obtain full loan forgiveness, employers will have to show that staff numbers and wages have been maintained. The forgiven amount can decrease if the full-time employee head count decreases over the covered period or if the loan recipient cuts salary and wages by more than 25% for any worker who earned under \$100,000 last year.

Q: What if I require assistance quickly?

A: Advance loans of up to \$10,000 are available to small businesses to cover payroll and other operating expenses and may be forgiven. The funds will be made available within three days of a successful application. These advance loans may be available even if your EIDL application was declined, or is still pending, and will be forgiven.

If you wish to apply for the Advance on your Economic Injury Disaster Loan, you can request the Advance in the loan application found below.

Q: Where can I find more information, and how can I apply?

A: A complete breakdown from the Small Business Administration on guidance during this crisis and loan resources can be found here: <https://www.sba.gov/page/coronavirus-covid-19-small-business-guidance-loan-resources>

SBA is accepting new Economic Injury Disaster Loan (EIDL) and EIDL Advance applications on a limited basis only to provide relief to U.S. agricultural businesses.

You can also begin your application for the COVID-19 Economic Injury Disaster Loan here: <https://covid19relief.sba.gov/#/>

Q: I've heard these small business relief programs may run out of money. What does this mean for my application?

A: Unfortunately, the U.S. Small Business Administration and Department of Treasury issued a joint directive on April 15th that the "SBA will not be able to issue new loan approvals once the programs experience a lapse in appropriations." The SBA will not be accepting new applications at this time for the Economic Injury Disaster Loan COVID-19 related assistance program, including EIDL advances. The application portal is temporarily closed, but those who have already submitted applications will be processed on a first-come, first-served basis. The SBA and Treasury are urging Congress to appropriate additional funds so that relief continues to be accessible.

Q: Is there a local resource that can assist me and my business in navigating the pandemic?

A: Yes. Ulster and Dutchess County business owners are encouraged to reach out to their local Chamber of Commerce for assistance. Guidance is being provided regardless of membership status.

Ulster County Regional Chamber of Commerce

Ward Todd, President

Phone (845) 338-5100

Email Info@UlsterChamber.org

Dutchess County Regional Chamber of Commerce

Frank M. Castella, Jr., President

Phone (845) 454-1700

Email office@drcoc.org