



MARK R. GUARRIELLO PLLC
ATTORNEY AT LAW
7 BAYVIEW AVENUE
P.O. BOX 783
NORTHPORT, N.Y. 11768

APRIL 6, 2020

FOR IMMEDIATE RELEASE

FROM: MARK R. GUARRIELLO PLLC

SUBJECT: **CARES ACT: CHANGES TO
UNEMPLOYMENT INSURANCE BENEFITS**

On March 27, 2020, the President signed into law the largest emergency aid package in United States history. The Coronavirus Aid, Relief, and Economic Security Act, better known as the CARES Act, puts forth a \$2 trillion economic relief package, which, in part, provides additional Unemployment Insurance (“UI”) assistance to workers who have been impacted by the Coronavirus (COVID-19). Specifically, the CARES Act provides these additional benefits in three main areas: (1) **Pandemic Unemployment Assistance**; (2) **Pandemic Unemployment Compensation**; and (3) **Pandemic Emergency Unemployment Compensation**. The Act extends UI to individuals who traditionally would not qualify for UI benefits; provides to all UI recipients an additional \$600 per week on top of the regular benefits he or she are receiving; and provides an additional 13 weeks of UI assistance, on top of the 26 weeks already provided. Outlined below are highlights of some of these benefits. As these developments are constantly changing and the governmental guidance provided is being continuously updated, **it is important that you check with the [New York State Department of Labor](#) prior to taking any action and for additional assistance with determining eligibility for UI benefits.** If you believe you are eligible for UI benefits, individuals can visit www.labor.ny.gov/signin to apply.

Pandemic Unemployment Assistance (“PUA”):

Under the CARES Act, UI benefits will be expanded to individuals who normally would not qualify for regular UI benefits (i.e. self-employed workers and independent contractors), if they cannot work because the worker:

- Is diagnosed with COVID-19 or have COVID-19 symptoms and are seeking diagnosis;
- Has a member of the household who is diagnosed with COVID-19;
- Is providing care for a family or household member diagnosed with COVID-19;
- Is the primary caregiver for a child whose school or care facility closed, due to COVID-19;
- Is unable to reach their place of employment due to an imposed quarantine, or because advised by a medical provider to self-quarantine, due to COVID-19;
- Was scheduled to start new employment and cannot reach the workplace as direct result of COVID-19;
- Became the major breadwinner because the head of household died from COVID-19;
- Quit their job as a direct result of COVID-19;
- Had their place of employment closed as a direct result of COVID-19; or
- Meets any additional criteria specified by U.S. Secretary of Labor.

The CARES Act specifically excludes PUA benefits to individuals who can telework with pay, individuals who are receiving paid sick leave, or individuals receiving other paid leave benefits.

However, in order to apply for PUA benefits, an individual must first be determined to be ineligible for UI benefits. Accordingly, individuals must first apply for UI before he or she applies for PUA benefits.

To better assist individuals, the New York State Department of Labor (“DOL”) has provided a [chart](#) to help determine whether a COVID-19 scenario is covered. The chart can be viewed by visiting the DOL’s website at: <https://labor.ny.gov/ui/pdfs/pandemic-unemployment-assistance.pdf>.

Additionally, as part of the current relief, the week-long wait requirement has been dispensed with. Individuals who become unemployed and are seeking PUA benefits **DO NOT** need to wait a week in order to receive PUA benefits.

The maximum benefit workers will receive is based on his or her recent wages. Currently, the maximum weekly benefit in New York is \$504. The minimum PUA benefit a worker can receive is 50% the average weekly benefit amount in New York. For the periods of January 27, 2020 – March 31, 2020, the minimum benefit rate is \$172. For the periods of April 1, 2020 – June 30, 2020, the minimum benefit rate is \$182. PUA benefits will also include the additional \$600 per week until July 31, 2020 (see below). It is also

important to note that PUA benefits can be paid retroactively for periods of unemployment, beginning on or after January 27, 2020.

The New York State Department of Labor has also provided a handout to assist Self-Employed Individuals with filing an Unemployment Insurance Claim on the DOL's website. The handout can be viewed by visiting the DOL's website at: <https://www.labor.ny.gov/ui/pdfs/self-employed-ui-guide.pdf>.

Pandemic Unemployment Compensation (“PUC”):

Workers who are already receiving UI do not need to file or request the additional \$600 per week PUC. The \$600 per week benefit will be automatically added to a worker's UI and PUA benefits. The \$600 per week benefit will also not reduce a worker's UI or PUA benefits, nor will the additional \$600 per week benefit be counted towards an individual's income eligibility for Medicaid or the Children's Health Insurance Program (CHIP). The PUC benefit of \$600 per week is currently scheduled to end on July 31, 2020.

Pandemic Emergency Unemployment Compensation (“PEUC”):

Normally, UI benefits are limited to 26 weeks per year. However, under the CARES Act, a worker can receive UI or PUA benefits for a maximum of 39 weeks. Under the Act, PEUC allows workers to receive up to an additional 13 weeks of benefits – allowing for a maximum of 39 weeks. If a worker had exhausted their UI benefits after July 1, 2019, PEUC provides that the worker is eligible for the additional 13 weeks of benefits. Moreover, the additional 13 weeks of benefit will also include the additional \$600 per week PUC benefit (but only until July 31, 2020 when the PUC benefit is currently set to end).

Sources: labor.ny.gov – [What you Need to Know and Do about the CARES Act](#)

labor.ny.gov – [Unemployment Insurance Benefits: Updated FAQs](#)

labor.ny.gov – [Relief for Workers Affected By Coronavirus Act – Pandemic Unemployment Assistance \(PUA\)](#)

Disclaimer: This material is provided for informational and educational purposes only. It is not intended to constitute legal advice, nor does it create a client-lawyer relationship between Mark R. Guarriello PLLC and any recipient. Recipients should always consult with their own legal counsel before taking any actions based on the information contained within this material.

Mark R. Guarriello PLLC – Attorney at Law – P.O. Box 783, Northport, New York 11768

631-759-7821

www.GuarrielloLaw.com