On March 27, 2020, President Trump signed into law the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the third emergency response package to deal with the economic fallout of the Coronavirus (COVID-19) pandemic. Included in this Act are a series of provisions to strengthen and extend unemployment insurance (UI) benefits known as the Relief for Workers Affected by Coronavirus Act. There are three significant provisions to this Act:

- Increased benefit amounts;
- Extended time for benefits; and
- Extended coverage for individuals who are not typically eligible for unemployment benefits, as outlined below.

The Act provides enhanced Unemployment Insurance (UI) benefits and Pandemic Unemployment Assistance (PUA) for New Yorkers. PUA provides payment to workers not traditionally eligible for unemployment benefits (self-employed, independent contractors, workers with limited work history, and others) who are unable to work as a direct result of the coronavirus public health emergency.

NOTE: New York typically has a 7-day waiting period from layoff or termination before individuals can apply for and receive UI. New York has waived that waiting period for individuals who are out of work due to Coronavirus (COVID-19) closures or quarantines.

**Increased Benefit Amounts**
Under the CARES Act, individuals who are eligible to receive unemployment benefits under State law will receive an additional $600 per week on top of their state benefits beginning 4/5/2020 until 7/31/2020. This amount is a flat rate for everyone, no matter the amount of underlying benefits they would normally receive from their state. NOTE: It is currently unclear if this additional weekly payment will be available to individuals who are participants in a shared work program.

States have the flexibility to provide the additional $600 in one payment or send the extra amount separately, as long as it is all done on the same weekly basis. As of this writing, it is unclear if New York will be sending recipients one check or two. The additional $600 weekly payment will be fully reimbursed by the federal government.

NOTE: The additional income received through enhanced unemployment benefits will not affect individuals’ eligibility for other Federal benefits like Medicaid and the Children’s Health Insurance Program (CHIP).

**Extended Time for Benefits**
Unemployment insurance in New York provides for 26 weeks of benefits. The CARES Act will provide certain eligible workers with an additional 13 weeks of benefits, up to 39 total weeks. The federal government will reimburse each state in full for the additional benefits paid out. The 13 weeks of extended unemployment benefits would apply to two categories of applicants:

- Those who meet the expanded eligibility criteria (see Expanded Eligibility For COVID-19 Related Reasons below), who are unemployed, partially unemployed, or unable to work due to a
qualifying reason related to COVID-19 at any time between January 27, 2020 through December 31, 2020; or

- Those who have exhausted their typical 26 weeks of unemployment eligibility, and are actively seeking work, between enactment of the CARES Act and December 31, 2020 (see **Expanded Eligibility for Those Actively Seeking Work** below).

**Expanded Eligibility For COVID-19 Related Reasons**

The CARES Act makes far more workers eligible for unemployment benefits than usual. Newly-covered individuals would receive the amount they would have received using the calculation method of their respective state, plus an additional $600 each week. Since these workers would not typically be eligible to receive unemployment benefits, the entire amount of benefits they receive will be funded by the federal government. Newly-covered individuals include:

- Those who have exhausted their unemployment benefits;
- Independent contractors; and
- Self-employed individuals who are unemployed, partially employed, or unable or unavailable to work because:
  - The individual has been diagnosed with COVID-19 or is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
  - A member of the individual’s household has been diagnosed with COVID-19;
  - The individual is providing care for a family member or a member of the individual’s household who has been diagnosed with COVID-19;
  - A child or other person in the household for which the individual has primary caregiving responsibility is unable to attend school or another facility that is closed as a direct result of COVID-19 public health emergency and such school or facility care is required for the individual to work;
  - The individual is unable to reach their place of employment because of a quarantine imposed as a direct result of the COVID-19 public health emergency;
  - The individual is unable to reach their place of employment because the individual has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
  - The individual was scheduled to commence employment and does not have a job or is unable to reach the job as a direct result of the COVID-19 public health emergency;
  - The individual has become the breadwinner or major support for a household because the head of the household has died as a direct result of COVID-19;
  - The individual had to quit his or her job as a direct result of COVID-19;
  - The individual’s place of employment is closed as a direct result of the COVID-19 public health emergency; or
  - The individual meets any additional criteria established for unemployment assistance.

Newly-covered individuals include those who are seeking part-time employment, do not have sufficient work history, or who otherwise would not qualify for regular unemployment benefits under state or federal law, provided they are unable to work due to one of the above-listed COVID-19 related reasons. In order to receive these benefits, newly covered individuals will be required to self-certify that they meet the above eligibility criteria and are otherwise able to work.

Workers who are able to work from home and those receiving paid sick leave or paid family leave (including under the recently enacted Families First Coronavirus Response Act) are ineligible to receive unemployment benefits under the CARES Act.

This expanded unemployment coverage will be available retroactively, for unemployment dating back to January 27, 2020 and continuing through December 31, 2020, subject to a cap of 39 total weeks. The
United States Secretary of Labor will establish a process for making assistance available for the weeks of unemployment that eligible individuals experienced prior to enactment of the CARES Act.

**Expanded Eligibility for Those Actively Seeking Work**
Similar to the expansion of benefits for individuals who are not typically eligible for benefits, the CARES Act provides an additional 13 weeks of eligibility to individuals who have exhausted their normal 26-week allotment of unemployment benefits and are actively seeking work. However, unlike the benefits available to independent contractors, self-employed individuals or certain others, benefits under this portion of the CARES Act are only available to applicants who are totally unemployed, which excludes those able to find part-time work. To qualify for this additional benefit, an individual must:

- Have exhausted their rights to regular unemployment compensation from their state;
- Have no rights to unemployment compensation under state, federal or Canadian law, or to compensation under any other federal program; and
- Be able to work, available to work and actively seeking work.

Importantly, being “actively seeking work” requires applicants to engage in a search for employment available in the labor market (while still considering their skills and capabilities) and maintain a list of employers they have contacted, including the method and date of contact. Additionally, when requested, applicants must provide these records of their job search to their state as verification that they are seeking employment.

**Procedures for New York Residents**

- **If You Are Filing a New Claim**
  Apply online at labor.ny.gov/signin. You may also call 1-888-209-8124 if you do not have access to a computer. It is important to note that New York has waived 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 Are Already Approved for UI Benefits**
  Do nothing except continue to certify weekly. Your benefits will automatically be updated. The NYSDOL requests that you do not call as it will only make it difficult for others to reach an agent.

- **If You Are Not Traditionally Eligible for UI Benefits**
  Check your eligibility for PUA at labor.ny.gov/ui/pdfs/pandemic-unemployment-assistance.pdf. If you believe you are eligible, apply online at labor.ny.gov/signin. You may also call 1-888-209-8124 if you do not have access to a computer.

- **If You Exhausted 26 weeks of UI Benefits after 07/10/2019**
  Apply online at labor.ny.gov/signin. You may also call 1-888-209-8124 if you do not have access to a computer.

For more information on New York Unemployment Insurance procedures:

- [https://www.labor.ny.gov/ui/cares-act.shtm](https://www.labor.ny.gov/ui/cares-act.shtm)
- [https://www.labor.ny.gov/ui/pdfs/cares-act-need-to-know.pdf](https://www.labor.ny.gov/ui/pdfs/cares-act-need-to-know.pdf)
- [https://www.labor.ny.gov/ui/pdfs/pandemic-unemployment-assistance.pdf](https://www.labor.ny.gov/ui/pdfs/pandemic-unemployment-assistance.pdf)

For more information on unemployment and the CARES Act:


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