

WEST VIRGINIA PANDEMIC UNEMPLOYMENT ASSISTANCE (PUA) FAQs

After receiving guidance from the U.S. Department of Labor, WorkForce is aligning resources and technology to create the necessary processes to be able to pay qualified individuals their benefits as quickly as possible. Payments will be issued as soon as administratively feasible and paid retroactively to eligible individuals. WorkForce will announce when the PUA application is available for eligible claimants.

Pandemic Unemployment Assistance (PUA) FAQs

The Coronavirus Aid, Relief, and Economic Security (CARES) Act creates a new temporary federal program called Pandemic Unemployment Assistance (PUA).

In general, PUA provides up to 39 weeks of unemployment benefits to individuals not eligible for regular unemployment compensation or extended benefits, including those who have exhausted all rights to such benefits.

Individuals covered under PUA include the self-employed (e.g. independent contractors, gig economy workers, and workers for certain religious entities), those seeking part-time employment, individuals lacking sufficient work history, and those who otherwise do not qualify for regular unemployment compensation or extended benefits.

How do I know if I should apply for "regular" unemployment compensation (UC) or for Pandemic Unemployment Assistance (PUA)?

You should file for regular UC if you have an employer and

- you have been laid off, or
- your hours have been reduced through no fault of your own, or
- you cannot work because a medical or public official has directed you to quarantine or self-isolate because of COVID-19 exposure, symptoms, or a positive diagnosis; or
- you are caring for someone who is suspected of having or has tested positive for COVID-19.

You should file for PUA if you are ineligible for regular UC because you have lost income due to COVID-19 and

- are self-employed, or
- are seeking part-time work, or
- lack sufficient work history, or
- have exhausted all rights to regular UC or extended benefits.

How do I know if I am eligible for PUA?

You may be eligible for PUA if you are self-employed, do not have sufficient work history to qualify for regular UC, or have exhausted your rights to regular UC benefits or extended benefits.

PUA provides up to 39 weeks of benefits to covered individuals who are not eligible for regular UC and who are otherwise able and available to work except that they are unemployed, partially employed, or because of any one of the following COVID-19-related reasons:

- You have been diagnosed with or are experiencing symptoms of COVID-19 and are seeking a medical diagnosis;
- A member of your household has been diagnosed with COVID-19;
- You are providing care for a family member or a member of your household who has been diagnosed with COVID-19;
- Your child or other person in the household for whom you are the primary caregiver is unable to attend school or another facility that is closed due to the COVID-19 pandemic, and that school or facility care is required for you to work;
- You are unable to reach your place of employment because of a quarantine or stay-at-home order due to the COVID-19 pandemic;
- You are unable to reach your place of employment because you have been advised by a health care provider to self-isolate or quarantine because you are positive for or may have had exposure to someone who has or is suspected of having COVID-19;
- You were scheduled to start a new job and do not have an existing job or are unable to reach the job as a direct result of the COVID-19 pandemic;
- You have become the breadwinner/major supporter for a household because the head of your household has died as a direct result of COVID-19;
- You had to quit your job due to being diagnosed with COVID-19 and being unable to perform your work duties;
- Your place of employment is closed as a direct result of the COVID-19 pandemic.

How do I determine if I am "self-employed"?

Federal guidelines for PUA define "self-employed individuals" as those whose primary reliance for income is on the performance of services in the individual's own business or on the individual's own farm.

For the purposes of PUA, "self-employed" includes independent contractors, gig economy workers, and workers for certain religious entities.

In West Virginia, the determination of whether you are an "employee" or an "independent contractor" depends on the conditions of your work, not on what your employer tells you or how your employer has classified you.

To be considered an independent contractor, both of the following must be shown to the satisfaction of the department:

1. The individual has been and will continue to be free from control or direction over the performance of the services involved, both under the contract of service and in fact, and
2. As to such services, the individual is customarily engaged in an independently established trade, occupation, profession or business.

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

Yes, you may be eligible for PUA if your primary source of income is from work you do for your own business or on your own farm.

I have never worked before. Am I eligible for PUA?

You may be eligible for PUA even if you have never worked before **and**

- you were scheduled to commence employment and do not have a job or are unable to reach the job as a direct result of the COVID-19 public health emergency; **OR**
- your job offer was rescinded because of COVID-19; **OR**
- you have become the breadwinner or major supporter for a household because the head of the household has died as a direct result of COVID-19.

What documentation do I need to show I was employed or self-employed?

Acceptable documentation of proof of employment or self-employment can include, but is not limited to:

- copies of recent paycheck stubs;
- bank receipts showing deposits;
- 1099s;
- billing notices provided to your customers;
- recent advertisements for your business or services;
- statements from recent customers;
- current business licenses, ledgers, contracts, invoices; and/or
- building leases.

What documentation do I need to show my previous income?

Acceptable documentation of wages can include but is not limited to:

- tax returns;
- paycheck stubs;
- bank receipts;
- ledgers;
- contracts;
- invoices; and/or
- billing statements.

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 UC, which is \$424 in West Virginia. In West Virginia, the minimum PUA payment is \$158.

All individuals collecting PUA will receive \$600 per week from Federal Pandemic Unemployment Compensation (FPUC), in addition to weekly benefits as calculated above. FPUC payments will begin the week ending April 4, 2020. The last week that FPUC is payable is the week ending July 25, 2020.

The PUA application isn't available yet, but I'm already unemployed. How far back can I request benefits?

When the PUA application is available, you may submit claims backdated to January 27, 2020, if you have been unemployed due to one of the COVID-19 related reasons that are PUA-eligible. If you are found eligible for PUA, you will receive compensation retroactive to January 27, 2020, or to the date when you became unemployed, whichever is more recent.

PUA provides benefits for up to 39 weeks for weeks of unemployment beginning on or after January 27, 2020. PUA payments will not be made for weeks of unemployment after December 31, 2020.

I already filed a "regular" UC claim, but it looks like I'm eligible under PUA. What should I do?

If you believe you are eligible for PUA and have already filed a UC claim, you may be denied from regular UC. A denial from regular UC will not affect your eligibility for PUA, which was created specifically for individuals who are not eligible for regular UC. You can file for PUA through the application created specifically for PUA claimants.

Am I eligible for the extra \$600 a week that people collecting UC receive?

Yes, if you are eligible for PUA you are also eligible for \$600 per week under the FPUC program.

PUA provides benefits for up to 39 weeks for weeks of unemployment beginning on or after January 27, 2020. PUA payments will not be made for weeks of unemployment after December 31, 2020. No additional forms or applications are required for FPUC. The \$600 per week additional payment will be automatically added to your PUA benefit ending the week of July 25, 2020.

I'm able to telework. Can I collect benefits under PUA?

No. If you are able to telework with pay or declined an option to telework for the same number of hours, you are not eligible for PUA.

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 in income, and you are not eligible for regular UC, you may be eligible for PUA.

My employer remains open, but I am on paid leave. Should I file for PUA instead?

If you are receiving paid sick leave or other leave benefits, you are not eligible for PUA.

If you exhaust your paid leave but are unable to work for one or more of the COVID-19 related reasons listed in the FAQ "What kind of documentation do I need for my PUA claim?," you may be eligible for regular UC or PUA at that time.

Am I eligible for PUA if I had to quit my job because I tested positive for COVID-19 or was being treated by a medical professional for COVID-19 symptoms and could not telework or otherwise continue work activities?

Yes, you may be eligible for PUA in this situation.

Am I eligible for PUA if I had to quit my job because I came in direct contact with someone who has tested positive for COVID-19 or has been diagnosed by a medical professional as having COVID-19, and, on the advice of a qualified medical health professional I was required to resign from my job in order to quarantine?

Yes, you may be eligible for PUA in this situation.

I work in the gig economy. Am I eligible for PUA?

Yes, gig workers with reportable income may be eligible if:

- You are unemployed, partially employed, or unable or unavailable to work because of the COVID-19 pandemic; and
- The COVID-19 pandemic has severely limited your ability to continue performing your customary work activities and you have had to suspend your work.

Federal guidelines include specific eligibility criteria to gig workers who otherwise may not meet the eligibility requirements as "covered individuals" under PUA.

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

Self-employed individuals, independent contractors, or gig workers who are unable to work because of COVID-19 and have had to suspend their work may be eligible for PUA.

I am self-employed. While I was working, I was exposed to someone who tested positive for COVID-19. Am I eligible for PUA?

Self-employed individuals, independent contractors, and gig workers who are unable to work because of COVID-19 may be eligible for PUA. To learn more about eligibility requirements for PUA, please refer to the FAQ "How do I know if I am eligible for PUA?"