Unemployment Compensation in DC During the COVID-19 Pandemic

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Nicole Dooley
Legal Aid Society of the District of Columbia
ndooley@legalaiddc.org

Tonya Love
Claimant Advocacy Program
tlove@dclabor.org

Drake Hagner
Legal Aid Society of the District of Columbia
dhagner@legalaiddc.org
The Problem:

- COVID-19 public health emergency caused catastrophic job losses and business closures -- especially for BIPOC and/or low-wage workers.
- Since March 13th, DC has received **156,815 claims** for unemployment benefits.
- *Compare:* Fiscal Year 2019, DC received **27,720 claims**. An increase of 6x!
Initial claims for unemployment insurance
Weekly in 2020, seasonally adjusted


The Traditional Solution:

Unemployment Insurance (UI)

- Weekly cash payments (max. of $444/week in DC)
- Benefits based on past wages (~50% wage replacement)
- Paid by employer payroll taxes
- Only for eligible workers
Eligibility:

- Most recent workplace was in DC
- U.S. citizen or immigrant with work permit
- Sufficient earnings as a W-2 employee from the past 15-18 months (called the “base period”)
- Physically able and available to work (unless because of COVID-19)
Eligibility:

- Loses job through no fault of their own or loses income because of COVID-19
  - Seek advice before leaving a job due to failure to take safety precautions
Temporary Programs:

- Pandemic Unemployment Assistance (PUA)
- Federal Pandemic Unemployment Compensation (FPUC)
- Lost Wages Assistance (LWA)
- Pandemic Emergency Unemployment Compensation (PEUC)
- Extended Benefits (EB)
- 7-Week Extension of Regular UI and PUA (last benefit)
Acronym confusion?
Pandemic Unemployment Assistance (PUA) = 39 weeks

- Not eligible for standard unemployment benefits (e.g., independent contractor, insufficient past wages, not able/available to work due to COVID)
- Lost income due to COVID-19
- Must apply for standard UI first and get denied, then apply again for PUA
The supplemental payments
Federal Pandemic Unemployment Compensation (FPUC)

- Provided an additional $600/week benefits to workers receiving regular UI and PUA from the weeks ending April 4 through July 25, 2020 (already expired)
- It can be collected retroactively if DOES agrees to accept a late filed claim
- Automatically granted FPUC if eligible for $1/week in UI
Lost Wages Assistance (LWA)

- Trump’s Executive Order
- Extra $300/week benefits for those receiving standard UI or PUA for up to six weeks on weeks ending August 1 through September 5, 2020 (already expired)
- Must receive at least $100/week in UI or PUA to be eligible
- Must answer certification questions at dcnetworks.org
Extension benefits

YEAH, IF WE COULD ALL GET AN EXTENSION

THAT'D BE GREAT
Pandemic Emergency Unemployment Compensation (PEUC) = 13 weeks

- Provides up to an additional 13 weeks of benefits for workers who exhaust standard UI benefits.
- Must apply for PEUC separately -- *not eligible if worker can claim another benefit year in DC or another state!*
- *Expires the week ending December 25, 2020*
- *Not available for PUA claimants*
Extended Benefits (EB Tier 1) = 13 weeks

- Provides up to an additional 13 weeks of benefits for workers who exhaust standard UI and PEUC benefits.
- Must apply for EB separately at dcnetworks.org
- *EB is activated during periods of high unemployment. DC “turned on” EB in summer 2020; it will continue into 2021.*
- *Not available for PUA claimants*
Seven Week Extension (EB Tier 2) = 7 weeks

- Provides up to 7 weeks of benefits for workers who exhaust PUA or standard UI benefits, PEUC, and EB Tier 1 benefits.
- Note: this is the only extension benefit available for PUA

- Expires the week ending December 25, 2020 -- as a result, few claimants will be eligible for these benefits.
January 1, 2021

WINTER IS COMING
January 1, 2021

- On January 1st, the only remaining benefits will be standard UI and Extended Benefits Tier 1.
- Congress must act to extend the CARES Act! (PUA, PEUC, 100% funding for EB, etc)
“LET'S PUT IT ALL TOGETHER"
## Unemployment Insurance

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<tr>
<th>26 weeks</th>
<th>13 weeks</th>
<th>13 weeks</th>
<th>7 weeks</th>
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<tbody>
<tr>
<td><strong>Standard Unemployment Insurance</strong>&lt;br&gt;● Plus FPUC $600/week (Apr-July)&lt;br&gt;● Plus LWA $300/week (Aug)</td>
<td><strong>Pandemic Emergency Unemployment Compensation (PEUC)</strong>&lt;br&gt;● Expires 12/31/2020</td>
<td><strong>Extended Benefits (EB Tier 1)</strong></td>
<td><strong>7-Week Extension Benefits (EB Tier 2)</strong>&lt;br&gt;● Must exhaust this last&lt;br&gt;● Expires 12/31/2020</td>
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<td>13 weeks</td>
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# Pandemic Unemployment Assistance (PUA)

<table>
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<tr>
<th>PUA</th>
<th>7-Week Extension</th>
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<tr>
<td>39 weeks</td>
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<tr>
<td>● PUA expires 12/31/2020</td>
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<td>● This is the only extension program for PUA claimants</td>
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<td>● Extension expires 12/31/2020</td>
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Common Issues
#1 - “I’m not getting paid, and I can’t get an answer from the unemployment office.”
#2 - “I was getting paid, but then my benefits stopped. Why?”
#3 - “I applied for PEUC; why am I being told to refile in another state?”
#4 - “I couldn’t file claims for weeks when the phone lines were clogged, can I get back-benefits?”
#5 - “How am I going to be able to pay my rent (or mortgage) in January?”
Other Common Issues

- Language access issues
- ID verification and other document request issues
- Lack of information on available extensions leading to gaps in payments
- Lack of training for DOES staff on program criteria
- Collection of past overpayments and/or erroneous overpayment notices
Advocacy Opportunity

CM Silverman Office
@CM_Silverman

Early warning: Join @tweetelissa and the Labor & Workforce Development Committee for an Oversight Roundtable to better understand and find solutions to DC's most pressing unemployment benefits issues. Wednesday, 12/9 @ 9:00am.
Applying for Benefits
In what state do I file for benefits?

- You may file for benefits in the District of Columbia if your last workplace (of at least 1 day) was in the District -- even if you live in another state.

- Maryland and Virginia have different rules and may allow claims if you live in those states.
How do I file for UI in DC?

- File for standard unemployment compensation, PEUC, and EB here:
  - PHONE: (202) 724-7000
    - LANGUAGE ACCESS: Ask for Language Line.
  - WEBSITE: https://dcnetworks.org
    - Website available in Spanish
    - TIP: Use a computer (not a mobile) with Internet Explorer

- File for PUA online at https://dcdoes.force.com/PUAForm/s/
After UI is approved

Generally, claimants must search for work while receiving unemployment, but this requirement is suspended during the Public Health Emergency.

However, all other eligibility rules apply.
- Claimants must file claim cards each week
- Claimants must report severance pay or pension benefits
- Claimants must be physically able & available for work (unless due to COVID)
- Claimants must report if they accept a new full-time job or reject a job offer
- **Claimants must report all GROSS earnings on weekly claim forms.**
  
  *Report wages when EARNED, not on the date paid.*
How to Appeal if Denied

File an appeal with the DC Office of Administrative Hearings within 15 CALENDAR DAYS of the decision date.

NOTE: The 15 day deadline is tolled through Dec. 31, 2020.

File by phone or online (OAH is closed).

- PHONE: (202) 442-9094
- WEBSITE (EMAIL INSTRUCTIONS): https://oah.dc.gov
Free Legal Help
Free Legal Help

Unemployment:

● Claimant Advocacy Program of the Metropolitan Washington Council AFL-CIO – (202) 974-8150
  (DC unemployment)

● Legal Aid Society of the District of Columbia – (202) 628-1161 or www.legalaiddc.org
  (DC unemployment, public benefits, housing, family law, consumer law, appellate practice)
Free Legal Help

General Employment Law

● Washington Lawyers Committee Employment Justice Clinic – (202) 319-1000 or clinic@washlaw.org (MD/VA/DC advice and brief service on unemployment & general employment law)

● First Shift Justice Project – www.firstshift.org (DC general employment law, especially for pregnant workers and working parents)