



High Level Summary of UI Provisions in the CARES Act
(as passed in Senate 3/25/20)

Sec. 2102. Pandemic Unemployment Assistance (*similar to Disaster Unemployment Assistance – DUA*).

- For an individual not eligible for regular, extended benefits, or Pandemic Emergency Unemployment Compensation (PEUC), including exhaustees.
 - Does NOT include individuals able to telework with pay or individuals receiving paid sick or other leave.
- Individuals must provide “self-certification” that the individual is otherwise able and available to work except that the individual is unable to work because of the following circumstances which all relate to COVID-19:
 - The individual has been diagnosed; or
 - A member of the individual’s household has been diagnosed; or
 - The individual is providing care to a household or family member; or
 - A child or other person for which the individual has primary caregiving responsibility is unable to attend school or another facility as a result of COVID-19; or
 - The individual is unable to reach the place of employment because of a quarantine imposed as a result of the COVID-19 public health emergency; or
 - The individual is unable to reach the place of employment because the individual has been advised by a health care provider to self-quarantine; or
 - The individual was scheduled to start work and does not have a job as a result of COVID-19; or
 - 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”; or
 - The individual has to quit their job because of COVID-19; or
 - The individual’s place of employment is closed because of COVID-19; or
 - The individual is self-employed, seeking part-time employment, does not otherwise qualify for benefits, and fits one of the above.
- Effective for weeks of unemployment beginning on or after 1/27/20 and ending 12/31/20.
- Duration: 39 weeks of benefits total INCLUDING regular UI and “extended benefits under any Federal or State law” unless additional EB weeks are added later.
- WBA = UI, subject to DUA minimum + FPUC amount of \$600.
- No waiting week.

- 100% federally funded for benefits and admin expenses.

Treatment of governmental entities and nonprofit programs

Sec. 2103. Emergency unemployment relief for governmental entities and nonprofit organizations.

- USDOL will work with states to allow flexible interpretations of state law relating to timely payment and assessment of penalties and interest.
- 50% federal funding for benefits paid by reimbursable nonprofit and government entities.
- Effective period is weeks of unemployment ending between 3/13/20-12/31/20.

Federal Pandemic Unemployment Compensation - FPUC

Sec. 2104. Emergency Increase in Unemployment Compensation Benefits.

- Optional for states. States may enter into an agreement with USDOL to participate and may terminate any agreement upon 30 days notice.
- **\$600 per week.**
- Flexibility in method of payment but not timing (can be paid with UI or separately, but still weekly).
- Nonreduction rule in effect during FPUC.
- Applicable to regular UI, Extended Benefits (EB), Pandemic Unemployment Assistance (PUA), and Pandemic Emergency Unemployment Compensation (PEUC).
- 100% federally funded for benefits and administrative expenses.
- Applicable to weeks of benefits beginning after the date on which the agreement is entered into, and ending on or before July 31, 2020
- Improper Payments
 - Fraud = ineligible for future FPUC, and prosecution.
 - Overpayments without fraud need to be repaid except can be waived if no claimant fault AND “such repayment would be contrary to equity and good conscience.”
 - 3 year recovery window.
 - Due process. States must provide opportunity for hearing for any deductions or required repayment.
- FPUC is disregarded for purposes of Medicaid and the Children’s Health Insurance Program (CHIP).