

# **Legal Assistance of Western New York, Inc. ®**



We provide free legal aid to people with civil legal problems in western New York.

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## **Unemployment Insurance Benefits and COVID-19**

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Information about New York State and federal unemployment insurance benefits (UIB) is changing rapidly. The information below was updated on May 5, 2020. This and additional information can be found at: <https://www.labor.ny.gov/home/>, <https://www.labor.ny.gov/ui/pdfs/ui-covid-faq.pdf>, <https://www.lawhelpny.org/resource/coronavirus>, and <https://empirejustice.org/covid-19-resources/>.

To collect regular unemployment insurance benefits, you must be ready, willing, and able to work. We understand that many of you are unable to work due to the COVID-19 pandemic and the impact of NYS on PAUSE. If you would otherwise be able to work, you should answer 'YES' in order to receive your benefits.

Federal UIB is allowed for workers impacted by COVID-19 through the CARES Act:

- Pandemic Unemployment Assistance (PUA)– Extended eligibility for individuals who have traditionally been ineligible for UIB (self-employed workers, independent contractors, people with limited work histories, etc.);
- Pandemic Unemployment Compensation (PUC)– An additional \$600 per week, on top of regular benefits, to all UIB recipients; and,
- Pandemic Emergency Unemployment Compensation (PEUC)– An additional 13 weeks of UIB benefits, beyond the regular 26 weeks already provided, for a total of 39 weeks of coverage.

Individuals are eligible for PUA if they do not qualify for regular UIB benefits (including self-employed workers and independent contractors), and cannot work because they:

- Are diagnosed COVID-19 or have COVID-19 symptoms and are seeking diagnosis;
- Have a member of the household who is diagnosed with COVID-19;
- Are providing care for a family or household member diagnosed with COVID-19;
- Are the primary caregiver for a child whose school or care facility closed, due to COVID-19;
- Are unable to reach their place of employment due to an imposed quarantine, or because advised by medical provider to self-quarantine, due to COVID-19;
- Were 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
- Meet any additional criteria specified by the U.S. Secretary of Labor.

**Individuals are not eligible for PUA if they can telework or are on leave and receiving paid sick leave or other paid leave benefits (regardless of meeting a category listed above).**

Note: workers do not have to use all their available paid leave before being eligible for UIB. Other benefits-- including sick leave, paid family leave, and disability benefits-- are available to New York employees impacted by mandatory or precautionary orders of quarantine or isolation due to COVID-19. Please visit: <https://www.governor.ny.gov/programs/paid-sick-leave-covid-19-impacted-new-yorkers>.

UIB applications are made through the New York State Department of Labor system, even if you are applying for federal benefits. **It is recommended that you apply for UIB online.** To file a claim online, follow these instructions: <https://www.labor.ny.gov/ui/pdfs/Unemployment-Filing-Instructions.pdf>. You can file a claim from 7:30AM to 7:30PM EST any day of the week. Filing later in the week will not delay your payments or affect the date of your claim, as all claims are effective on the Monday of the week in which they are filed. Those who have already filed partial claims under the old UIB system and were told to call the call center to finish their application

should NOT do so. Instead, the call center will call them directly.

**The telephone number for filing is: 1-888-209-8124.** The hours are Monday-Friday, 8:00am-7:30pm, and Saturday and Sunday, 7:30am-8:00pm. Phone interpretation services are provided for all languages. For TTY, call a relay operator first at 1-800-662-1220, and ask the operator to call the Telephone Claims Center at 1-888-783-1370. Please note that the telephone claims center cannot help you with issues related to your NY.gov account, such as difficulty logging in, changing your personal information, or resetting your password. For NY.gov assistance, please call 800-833-3000.

In-person appointments at career centers are canceled until further notice, and customers should continue to file for weekly benefits as normal. All appointments will be rescheduled or offered virtually. At a later date, customers will receive a follow-up letter or phone call with additional information.

Information about exhausted/expired UIB:

- If your benefit year expired after July 1, 2019, you will need to file a new claim to receive 13 additional weeks of benefits. You will receive a letter in the mail from the New York State Department of Labor with more details.
- If your benefit year has not expired, but you exhausted your 26 weeks of benefits, you will receive a letter from the New York State Department of Labor advising you to begin certifying to receive the additional 13 weeks of benefits.
- If your benefit year has not expired, but you stopped claiming benefits before your 26 weeks were up (for example, if you went back to work), simply begin certifying for benefits again to start receiving UIB benefits.

If you are a worker who is being instructed by a non-essential employer to work anywhere outside of the home, you can file a complaint: [labor.ny.gov/COVIDcomplaint](http://labor.ny.gov/COVIDcomplaint). If you are unsure if you are essential, please contact [Empire State Development](#) for guidance.

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