

# UNEMPLOYMENT BENEFITS DURING THE PANDEMIC

What Missouri Artists and Creative  
Workers Need to Know

Tim Mooney

April 22, 2020

**WE WILL BEGIN SOON**

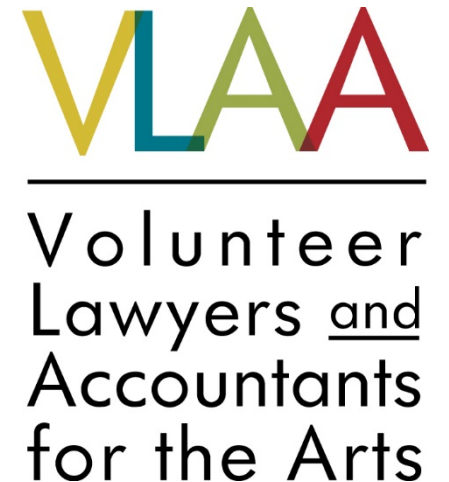


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# UNEMPLOYMENT BENEFITS DURING THE PANDEMIC

The following presentation provides community education on the existing and new unemployment benefits during the COVID-19 pandemic, and does not provide legal advice or guidance.

Further, the unemployment benefits landscape changes by the day, so this presentation cannot be relied on as the final word on how benefits will be determined or administered.

**THIS IS NOT LEGAL ADVICE OR COUNSEL.**

# Agenda

- Standard Missouri Unemployment Benefits
- Overview of CARES Act
- Expanded Pandemic Unemployment Benefits
- Filing a Claim for Benefits in Missouri

# Standard Missouri Unemployment Benefits

- Unemployment benefits in Missouri managed by the Division of Employment Security (“DES”) of the Missouri Department of Labor and Industrial Relations. Claims filed on-line through DES website ([uinteract.labor.mo.gov](http://uinteract.labor.mo.gov))
- Eligibility requirements:
  - Unemployed through no fault of your own.
  - Earned at least a minimum amount in wages before you were unemployed.
  - Able and available to work, and actively seeking employment.
- Employees who quit jobs voluntarily generally not eligible for unemployment.
- Weekly benefit rate equal to 4% of the average quarterly wages during the two highest paid quarters of the base period (up to a maximum weekly benefit of \$320).
- Maximum of 20 weeks of unemployment benefits.

# Standard Missouri Unemployment Benefits

- Self-employed workers, freelancers, gig workers, and independent contractors are ordinarily not eligible for benefits in Missouri.
- Missouri unemployment program is funded through unemployment insurance taxes paid by employers.
- Since unemployment insurance tax is a payroll tax, unemployment historically covers W2 workers, not independent contractors who receive 1099s.
- In other words, since no employer has paid into the system on an individual's behalf if the individual is not a traditional employee, no benefits are available.

# CARES Act -- Overview

- In response to COVID-19 Pandemic, federal government passes Coronavirus Aid, Relief and Economic Security Act (“CARES”) effective March 27, 2020.
- CARES Act includes approximately \$260 Billion for enhanced and expanded unemployment insurance
- Expands traditional Unemployment Insurance:
  - Broadens the category of eligible individuals
  - Increases amount of relief that may be received
  - Increases duration of relief that may be received

# Expanded Unemployment Benefits under CARES Act

- On top of standard unemployment benefits, CARES Act provides:
  - Pandemic Unemployment Assistance (PUA) – Provides unemployment benefits to independent workers, gig workers, self-employed workers, and others who suffer employment loss due to the pandemic.
  - Pandemic Unemployment Compensation (PUC) – Provides an additional \$600 per week in benefits for eligible individuals.
  - Pandemic Emergency Unemployment Compensation (PEUC) – Extends eligibility for unemployment by up to an additional 13 weeks.



# Pandemic Unemployment Assistance (PUA)

- Provides payment to workers not eligible for standard unemployment benefits (self-employed, independent contractors, gig workers, and others) who are unable to work as a direct result of the COVID-19 pandemic.
- Individuals who can telework with pay or who are receiving paid sick leave or other paid leave benefits may not be eligible for PUA.
- Maximum of 39 weeks of benefits; weekly benefit payments in Missouri of between \$133 and \$320 per week.
- Available from January 27, 2020, through December 30, 2020, with benefits paid retroactively.

# Pandemic Unemployment Assistance (PUA)

- Examples of employees who are unable to work due to pandemic:
  - Individual has been diagnosed with COVID-19 or is experiencing symptoms and is seeking a diagnosis.
  - A member of the individual's household has been diagnosed with COVID-19.
  - Individual is providing care for a family member 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 other facility that is closed due to COVID-19 and such school or facility care is required for the individual to work.
  - Individual is unable to reach the place of employment because of a quarantine imposed due to COVID-19.
  - Individual is unable to reach the place of employment because the individual has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
  - Individual was scheduled to start employment and has no job or cannot reach the job due to COVID-19.
  - Individual becomes the breadwinner because head of the household died as a direct result of COVID-19.
  - Individual has to quit his or her job as a direct result of COVID-19.
  - Individual's place of employment is closed as a direct result of the COVID-19 public health emergency.
  - Individual is an independent contractor who is unemployed, partially unemployed, or unable or unavailable to work because COVID-19 has severely limited ability to continue performing customary work activities.

# Pandemic Unemployment Compensation (PUC)

- PUC provides an additional flat \$600 payment per week to those eligible for any unemployment benefits during that week.
- PUC includes individuals receiving benefits under PUA.
- Maximum of 39 weeks of benefits.
- Available from March 29, 2020 through the week ending July 25, 2020.
- Missouri started processing these payments during week of April 12, 2020

# Pandemic Emergency Unemployment Compensation (PEUC)

- Extends standard unemployment benefits by 13 weeks for claimants who have already exhausted their benefits, provided they "are able to work, available to work, and actively seeking work."
- Only applicable for individuals eligible for standard unemployment benefits.

# Filing a Claim in Missouri

- All new unemployment programs from the CARES Act will be managed by the regular state unemployment agencies (the DES for Missouri).
- All of the CARES Act programs are new federal programs and not part of the existing state unemployment program. So, states are trying to figure out how to administer new programs with limited notice while under stress of processing unprecedented levels of new claims.
- Due to dramatic increase in number of unemployment claims filed since beginning of pandemic, DES just started processing new claims under the PUA this week, and is hoping to start process PEUC claims starting next week.
- DES is updating its website regularly with new information on pandemic-related claims (<https://labor.mo.gov/unemployed-workers>)

# Filing a Claim in Missouri

- Anyone seeking benefits should file claims online as soon as possible through the regular DES process at [uinteract.labor.mo.gov](http://uinteract.labor.mo.gov).
- Missouri is using two-part process:
  - Individual applies for standard Missouri unemployment; and
  - If denied for standard unemployment; then considered for PUA.
- Most self-employed individuals will receive a notice they are “not an insured worker” because they are not covered under the regular unemployment system. To be eligible for PUA, a claimant must first be determined ineligible for regular unemployment benefits.
- Self-employed individuals or contractors filing unemployment claims should indicate “none” when asked for states in which they have worked, unless they worked for an employer in the last 18 months.

# Filing a Claim in Missouri

- DES will contact individuals determined ineligible for regular unemployment benefits (e.g., those who were self-employed and therefore had no employer to pay their unemployment taxes). Individuals seeking PUA then must provide proof of earnings and employment.
  - Examples of acceptable forms of proof of earnings will include copies of income tax returns with related Schedules C, E, F and SE, Form K-1 and/or Form 1099-Misc.
  - Acceptable forms of proof of employment include business cards, advertisements, telephone listings, business licenses, etc.
  - Be ready with work history with dates, paystubs, bank records, contracts, cancellation notices/emails and anything else that will demonstrate your lost income.
- Recommended to start preparing documents now while DES considers application.

# Filing a Claim in Missouri

uinteract.labor.mo.gov says

If the recall date you entered is less than 8 weeks from your last day worked, you may be granted a waiver of the work search requirements. If your recall date is more than 8 weeks from your last day worked, you will be required to make weekly work search contacts. You will be informed of your required number of weekly work search contacts later in the filing process.

OK

1. \* What Country or territory are you filing from?
    - a. If filing from a location other than the state you leave your most recent employment from, are you currently employed by the military who had a mandatory recall date?
  2. \* Were you employed with the Federal government performing Federal civilian service after January 1, 2019?
    - a. If Yes, where did you work?
  3. \* Were you discharged from the U.S. Military after January 1, 2019?
  4. Select all the states where you worked after January 1, 2019 excluding Federal (Outside of USA) or Military employment (Select None if you have not worked since January 1, 2019)
- |   |  |  |   |   |
|---|--|--|---|---|
| <input type="checkbox"/> Alabama              | <input type="checkbox"/> Hawaii        | <input type="checkbox"/> Michigan      | <input type="checkbox"/> North Carolina | <input type="checkbox"/> Texas          |
| <input type="checkbox"/> Alaska               | <input type="checkbox"/> Idaho         | <input type="checkbox"/> Minnesota     | <input type="checkbox"/> North Dakota   | <input type="checkbox"/> Utah           |
| <input type="checkbox"/> Arizona              | <input type="checkbox"/> Illinois      | <input type="checkbox"/> Mississippi   | <input type="checkbox"/> Ohio           | <input type="checkbox"/> Vermont        |
| <input type="checkbox"/> Arkansas             | <input type="checkbox"/> Indiana       | <input type="checkbox"/> Missouri      | <input type="checkbox"/> Oklahoma       | <input type="checkbox"/> Virgin Islands |
| <input type="checkbox"/> California           | <input type="checkbox"/> Iowa          | <input type="checkbox"/> Montana       | <input type="checkbox"/> Oregon         | <input type="checkbox"/> Virginia       |
| <input type="checkbox"/> Colorado             | <input type="checkbox"/> Kansas        | <input type="checkbox"/> Nebraska      | <input type="checkbox"/> Pennsylvania   | <input type="checkbox"/> Washington     |
| <input type="checkbox"/> Connecticut          | <input type="checkbox"/> Kentucky      | <input type="checkbox"/> Nevada        | <input type="checkbox"/> Puerto Rico    | <input type="checkbox"/> West Virginia  |
| <input type="checkbox"/> Delaware             | <input type="checkbox"/> Louisiana     | <input type="checkbox"/> New Hampshire | <input type="checkbox"/> Rhode Island   | <input type="checkbox"/> Wisconsin      |
| <input type="checkbox"/> District Of Columbia | <input type="checkbox"/> Maine         | <input type="checkbox"/> New Jersey    | <input type="checkbox"/> South Carolina | <input type="checkbox"/> Wyoming        |
| <input type="checkbox"/> Florida              | <input type="checkbox"/> Maryland      | <input type="checkbox"/> New Mexico    | <input type="checkbox"/> South Dakota   | <input type="checkbox"/> None           |
| <input type="checkbox"/> Georgia              | <input type="checkbox"/> Massachusetts | <input type="checkbox"/> New York      | <input type="checkbox"/> Tennessee      |   |
5. \* Do you have a definite date to return to work with your employer?
    - a. If Yes, indicate the date you expect to return to work
  6. \* Have you applied for Unemployment Insurance benefits in any state other than Missouri in the last 12 months?
  7. \* Are you a member of a union with a hiring or referral hall?
  8. \* Do you expect to return to work with any previous major employer for whom you have worked during the last 12 months?
  9. \* Are you currently unemployed due to the COVID-19 virus?
    - a. If Yes, provide additional information on how your employment was affected by the COVID-19 virus (Must not exceed 500 characters)

United States

Yes  No

Yes  No

-Select-

Yes  No

Yes  No

MM / DD / YYYY

Yes  No

Yes  No

Yes  No

Yes  No

Help Cancel Finish Later

<Back Next>



# Filing a Claim in Missouri

- PUA will be retroactive to when an individual was negatively affected by COVID-19, but individual will need proof.
- PUC program (additional \$600 per week) already operational and will be paid automatically once other unemployment or PUA benefits are approved.
- DES still trying to implement program, so check their website frequently for new updates.
- PUA payments should be made 10 days after eligibility determined.

# Filing a Claim in Missouri

- When you register, be sure to make note of your user ID and password.
- You must file a weekly request for payment online for each week that you wish to be paid.
- DES strongly recommends direct deposit for timely payment.
  - Bank name, address, account number and routing number required.
- Unemployment benefits are considered taxable income, and it is recommended to have taxes withheld at time of payment.

# Filing a Claim in Missouri

- MO DES Regional Claims Center
  - Claimants Email: [esuiclaims@labor.mo.gov](mailto:esuiclaims@labor.mo.gov)
  - Jefferson City (573-751-9040)
  - Kansas City (816-889-3101)
  - St. Louis (314-340-4950)
  - Springfield (417-895-6851)
- If DES is not providing answers in timely fashion, consider contacting your state representatives or senators:
  - Missouri House of Representatives (<https://www.house.mo.gov>)
  - Missouri Senate (<https://www.senate.mo.gov/legislator-lookup/>)

# Q & A

This presentation is designed to give general information only. It is not intended to be a comprehensive summary of the law to treat exhaustively the subjects covered. This information does not constitute legal advice or opinion.



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