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**Subject:** Unemployment Benefits during the COVID-19 Pandemic  
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# Unemployment Benefits during the COVID-19 Pandemic

To Our ALRP Family Members:

As the Bay Area's [stay-at-home orders](#) have been extended through May, unemployment benefits remain necessary for those who have lost their jobs or had their hours reduced due to the impacts of the COVID-19 pandemic. The California Employment Development Department (EDD) significantly increased its workload in response to the unprecedented number of unemployment claims and recently issued new unemployment benefit guidelines that include implementation of the Coronavirus Aid, Relief and Economic Security (CARES) Act. As part of the CARES Act, federal funds expanded unemployment benefits to help more unemployed or underemployed workers. This email will provide an overview of the benefits available under [EDD's new guidelines](#).

## **Regular Unemployment Insurance (UI)**

The EDD's Unemployment Insurance (UI) program is generally referred to as the *regular* unemployment insurance benefits program. UI benefits are traditionally available to employees who have lost a job or had their work hours reduced. But the program is also available for employees whose employment status changed due to the pandemic. This includes employees who were laid off, furloughed, or received reduced wages or hours, or had to miss work because of a child's school closures. If approved for UI benefits, employees can get between \$40 and \$450 per week, depending on their past earnings, for a total of 26 weeks.

As part of the CARES Act expansion of unemployment benefits, employees receiving *regular* UI benefits from March 29 to July 25, 2020, can get an additional \$600 every week. Furthermore, the Act provides for an additional 13 weeks of benefits, extending the total claim timeframe from 26 weeks (under the *regular* UI claim) to a total of 39 weeks.

## **EDD's Pandemic Unemployment Assistance (PUA)**

The CARES Act expanded *regular* UI benefits through the Pandemic Unemployment Assistance (PUA) program to allow applications from workers who do not meet the criteria for *regular* UI benefits such as business owners, independent contractors, self-employed workers, freelancers, or gig workers. The PUA program is also available to employees who are ineligible for *regular* UI benefits because they have a limited work history or are being penalized due to an overpayment or fraud charge from their past receipt of UI benefits. Eligibility for the PUA program is based on changes to a worker's employment status or health due to COVID-19.

The EDD began accepting applications for the PUA program on April 28, 2020 and launched a "Guide to applying for unemployment benefits in California" on [EDD's website](#). The EDD strongly recommends workers apply through the UI online system, used for both *regular* UI applications and PUA applications. The EDD also specifies that *regular* UI and PUA applications have the same set of questions to determine

eligibility. Based on the responses to these questions, the EDD will determine if the claim should be processed as a *regular* UI claim or a PUA claim.

### **State Disability Insurance (DI)**

If a worker is unable to work due to COVID-19 illness, they may be eligible for short-term disability benefits through the State Disability Insurance (DI) program. To be eligible for the DI program, the worker must be unable to perform their normal work duties due to sickness or being quarantined. The worker must provide written certification by a state or local health officer verifying that the worker has either been infected or suspected to have been exposed to COVID-19. To be eligible, the worker must have contributed to the State Disability Insurance program through mandatory payroll deductions. The deductions are generally reflected in the worker's paystubs or a W-2 tax form. If the worker is disabled as a result of COVID-19, the EDD will waive the usual one-week unpaid waiting period, to allow receipt of benefits during the first week of lost wages. Workers can apply for Disability Insurance [here](#).

### **Paid Family Leave (PFL)**

Paid Family Leave (PFL) provides partial pay for workers who need to take off to bond with a new child or care for an ill family member. This program is funded under the State Disability Insurance program through the mandatory payroll deductions taken from the worker's pay as discussed above. If a worker must take time off from work to care for a family member who is either ill or quarantined due to COVID-19, the worker may be eligible for Paid Family Leave. Under the PFL program, the worker must have contributed to the State Disability Insurance program at some point during the previous 18 months, and lost wages due to caring for a seriously ill family member. COVID-19 infection is a condition that is considered serious for purposes of PFL eligibility. Please refer [here](#) for specific eligibility requirements. Workers can apply for Paid Family Leave [here](#).

### **Workers' Compensation**

Although the Workers' Compensation program is not administered through the California Employment Development Department, the Workers' Compensation program is a benefit for employees who cannot do their usual job because of a work-related injury. Employees who were exposed to COVID-19 while at work are considered to have a work-related injury for purposes of Workers' Compensation eligibility. [Governor Newsom recently signed an executive order](#) that "creates a time-limited rebuttable presumption for accessing Workers' Compensation benefits applicable to Californians who must work outside of their homes during the stay at home order." This means that if an employee tested positive for, or was diagnosed with COVID-19 within 14 days of working, it is assumed that the employee was exposed to COVID-19 while at work. The place of employment where the COVID-19 exposure occurred must not be located at the employee's home or residence in order for the presumption to take effect. The presumption only applies for 60 days, from March 19 to May 18, 2020. For more information about the Workers' Compensation application process, refer to the [Division of Workers' Compensation online](#).

**Please refer [here](#) for more information on the EDD's response to the COVID-19 pandemic.**

### **ALRP Can Help!**

ALRP stands ready to assist employees living with HIV/AIDS throughout the Bay Area, who are experiencing legal issues related to COVID-19. Please refer [here](#) for more information on how to access our services during this time.

From the Heart,

Lynnette Baclig  
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