Coronavirus: Protecting Safety-Net Public Benefits During the Pandemic

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Washington Advocates / Apr. 20, 2020
Unemployment Insurance: New Programs

• $260 billion in enhanced and expanded UI benefits to workers because of COVID-19 and the public health response.

• Three new, federally funded UI programs:
  
  • **Pandemic Unemployment Compensation** (Additional $600 per week, on top of regular benefits, to all UI recipients)
  
  • **Pandemic Emergency Unemployment Compensation** (Additional 13 weeks of UI benefits, beyond the regular 26 weeks already provided, for a total of 39 weeks of coverage)
  
  • **Pandemic Unemployment Assistance** (Extended eligibility for individuals who have traditionally been ineligible for UI benefits (e.g., self-employed workers, independent contractors, workers with insufficient work history).}
Pandemic Unemployment Compensation (PUC)

- Through July 31, 2020, all regular UI, PUA, and Pandemic Unemployment Assistance claimants will receive their usual calculated benefit plus an additional $600 per week in compensation.

- PUC is not income for purposes of Medicaid or CHIP eligibility.

- The additional $600 per week:
  - Will be automatically added to benefits
  - Will not reduce any UI or PUA benefits
Pandemic Emergency Unemployment Compensation (PEUC)

- **Additional 13 weeks of state UI benefits**, available after exhausting all regular benefits.

- Must be actively engaged in searching for work. **However** –
  - States must be flexible in meeting work search requirements for people unable to search for work **because of COVID-19**;
  - One-week waiting period waived;
  - States may not decrease weekly benefits or maximum number of weeks of UI.

- Anyone exhausting UI benefits **after July 1, 2019** is eligible to receive 13 additional weeks, until **Dec. 31, 2020**.
- Will also include the additional $600 per week until **July 31, 2020**.
Pandemic Unemployment Assistance (PUA)

- **Up to 39 weeks of emergency unemployment assistance** to workers who are typically left out of regular state UI or who have exhausted their state UI benefits, including -
  - Self-employed workers, independent contractors, freelancers, workers seeking part-time work, and workers without sufficient work history to qualify for state UI benefits.

- Minimum benefit equal to one-half the state’s average weekly UI benefit.

- Will also include the additional $600 per week until **July 31, 2020**.

- Program will run from **Jan. 27 – Dec. 31, 2020**, unless otherwise extended.
Applicants will need to self-certify that they are: (1) partially or fully unemployed, OR (2) unable and unavailable to work because of one of the following circumstances:

- Diagnosed with COVID-19 or have symptoms of it and are seeking diagnosis;
- A member of their household has been diagnosed with COVID-19;
- Providing care for someone diagnosed with COVID-19;
- Providing care for a child or other household member who can’t attend school or work because it is closed due to COVID-19;
- Quarantined or have been advised by a health care provider to self-quarantine;
- Scheduled to start employment and do not have a job or cannot reach their job as a result of a COVID-19 outbreak;
- Have become the breadwinner for a household because the head of household has died as a direct result of COVID-19;
- Had to quit their job as a direct result of COVID-19;
- Place of employment is closed as a direct result of COVID-19; or
- Meet other criteria established by the Secretary of Labor.
UI Access Conditions

• The Families First Coronavirus Response Act (FFCRA) provides $1 billion in federal funding to help states process huge numbers of UI claims, conditioned on compliance with basic standards of fair administration and expanded access:

  • **Employer Notification**: Employers notify individuals of the availability of UI benefits, at time of separation from employment.
  
  • **Alternative Filing Options**: Applications for benefits and assistance with the application process must be accessible in at least two of the following mediums: in-person, phone, or online.

  • **State Notification**: If an application cannot be processed, state must tell the worker why and what can be done to speed up the processing.

• States must show specific steps to ease UI eligibility requirements and access.
UI: “What You Need to Know and Do About the CARES Act”

Apply for UI Benefits
Online: unemployment.labor.ny.gov
Phone: 1-888-209-8124

- Already approved for UI Benefits
  - Do nothing except continue to certify weekly

- Eligible for regular UI Benefits
  - Eligible
  - Automatically receive either UI or PUA benefits for 13 weeks of additional benefits
  - Plus an additional $600 per week available until 7/31/2020

- Not traditionally eligible for UI Benefits
  - Exhausted UI Benefits after 7/1/19

- Not eligible
  - Eligible
  - Apply for Pandemic Unemployment Assistance (PUA)

13 weeks of additional benefits
(Additional $600 per week available until 7/31/2020)
Paid Leave

• FFCRA requires certain employers to provide employees with **paid sick leave or expanded family and medical leave** for specified reasons related to COVID-19, through Dec. 31, 2020.

  • **Two weeks and specified rates of pay** –
    • Unable to work due to quarantine;
    • Experiencing COVID-19 symptoms;
    • Caring for a quarantined person or child whose school is closed;
    • Additional 10 weeks of family and medical leave.

• Applies to **private employers with fewer than 500 employees**.

• Small businesses with **fewer than 50 employees** may be partially exempt.
Other Access Issues – The Example of SNAP

• USDA/FNS “SNAP Pandemic Planning Guidelines”
  • States must update their pandemic plans:
    • Assess business processes and technology for capacity
    • Mail, call centers, outreach, web-based/online systems, staffing

• Consequences for access where states don’t have a plan:
  • Fewer application/verification options
  • EBT card issuance problems

• New York –
  • Offices must be open and staff available
  • Dropboxes are OK, but clients must get receipts
Federal law sets specific timelines for SNAP processing for eligible persons and households:

- 30 calendar days after application, or
- Seven calendar days after application, for certain destitute individuals and households in immediate need who are eligible for expedited processing.

COVID-19 will greatly increase SNAP enrollments and further impact states already stressed by loss of staff and funding, and dysfunctional “modernization” efforts.

Benefit processing delays will be an inevitable result.
New York –

“The OTDA Office of Administrative Hearings (OAH) will conduct a demonstration project designed to ascertain the viability of conducting fair hearings to the greatest extent possible utilizing telephone, video, and other means of communication.”

“The current health crisis related to the COVID-19 virus . . . emphasizes the need to limit unnecessary public transit and gathering of individuals. Conducting hearings utilizing telephone, video, and other means should reduce density at locations where hearings are held in-person.”

In-person options

Submission of evidence, witness testimony

Issuance of defaults
State has closed 5 offices, due to staff testing positive for COVID-19. Remaining offices have skeletal staff, and they’re trying to get staff out of there as well.

Expanding telework for staff, but they have finite amounts of equipment. Staff are uncomfortable doing interviews on personal phones.

Fewer staff in central locations are available to mail out documents.

Relaxing of verification requirements has resulted from the fact that many businesses aren’t currently functioning. Case notes should reflect that decisions are being based on the best information obtainable.

The call center is also functioning remotely. Unclear whether they’re keeping track of call center wait times.

Clients can’t bring in documents for verification. All offices closed to foot traffic. They have drop boxes for clients to use.

No SNAP applications by phone.

No pandemic plan (?)
Access Issues: Applicants/Recipients with Disabilities

- **Title II of the Americans with Disabilities Act** requires that public entities, like public benefits agencies, provide *reasonable modifications* in policies, practices, and procedures, if necessary to avoid discrimination based on disability.

- **This includes basic measures:**
  - Helping clients gather third-party verification
  - Helping to explain and fill out applications and other forms
  - Sign language interpreters
  - Documents converted into alternate formats for persons who are blind/visually impaired

- **COVID-19 will mean that applicants and recipients with disabilities will have a harder time getting the help they need.**
Contact

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