

## Attachment II to UIPL No. 16-20, Change 6

### Questions and Answers

#### State Activity after the Pandemic Unemployment Assistance (PUA) Program Expires

Section 4.c. of this UIPL describes state activity after the PUA program expires. Below are Questions and Answers to address recent state inquiries. The table after the questions and answers summarizes the dates included in these answers.

One of the criteria to be eligible for PUA is that an individual must self-certify that they are unemployed, partially unemployed, or unable or unavailable to work due to approved COVID-19 related reason(s) for weeks of unemployment ending on or before the date of state termination or program expiration (whichever comes first). **PUA may not be paid for any weeks of unemployment ending after September 6, 2021.**

The Department recognizes that for states with a backlog in resolving eligibility issues, these claims may not be processed for months into the future and the Department stands ready to provide technical assistance to such states to address this backlog.

1. Question: Is the state required to accept PUA applications until October 6, 2021, or would it be through the end of the unemployment week prior to October 6, 2021?

Answer: For claims other than those described in Section 4.c. of this UIPL where the individual is eligible for PUA in multiple states and where the state did not terminate the PUA program before the program expiration date, the state must accept new PUA applications through October 6, 2021. Note that PUA may not be paid for any weeks of unemployment ending after September 6, 2021.

2. Question: May an individual file a new PUA application after the 30-day required period if they filed for regular unemployment compensation (UC) prior to October 6, 2021, but the state does not make a determination of ineligibility for regular UC until after October 6, 2021?

Answer: Yes. If the individual self-certifies that they were unemployed, partially unemployed, or unable or unavailable to work because of approved COVID-19 related reason(s) for weeks of unemployment ending on or before the date of state termination or program expiration (whichever comes first), they may file a new PUA application after the 30-day required period only if they: (1) filed a regular UC claim prior to the end of the 30-day required period for accepting new PUA applications after the date of state termination or program expiration (whichever comes first) and (2) are found ineligible for regular UC (or PEUC or EB) after the end of the 30-day required period. However, such an individual must file the PUA claim within 21 days of the determination of ineligibility for regular UC. The state must notify affected individuals of this PUA filing deadline, which may be done as part

of the notification that their UC (or PEUC or EB) claim was denied or in a separate notification.

3. Question: The state is required to accept new PUA applications for 30 days after the date of state termination or program expiration (whichever comes first). How long must the state accept continued claim forms for a PUA claim?

Answer: PUA may not be paid for any weeks of unemployment ending after September 6, 2021, though payment for weeks of unemployment ending before September 6, 2021, may occur at a later date. After the Pandemic Assistance Period ends September 6, 2021, the state must accept continued claim forms for 21 days after the later of: i) the date on which the state notifies an individual of their right to self-certify under the expanded eligibility provisions described in UIPL No. 16-20, Change 5; ii) the program expiration date; or iii) the date the individual files a new PUA application.

4. Question: The state must accept documentation submitted by the individual to be considered for a higher weekly benefit amount (WBA) at any time during the Pandemic Assistance Period (*see* Question 2 of Attachment I to UIPL No. 16-20, Change 2). Since the Pandemic Assistance Period ends on September 6, 2021, and the state must accept new PUA applications for an additional 30 days, what is the deadline for accepting documentation to be considered for a higher WBA?

Answer: After the Pandemic Assistance Period ends September 6, 2021, the state must accept documentation to be considered for a higher WBA for up to 21 days after the later of: i) the program expiration date; ii) the date the individual files a new PUA application; or iii) the date the state notifies the individual of their ability to submit documentation to be considered for a higher WBA. This applies to all states, regardless of whether they terminated the PUA program prior to its expiration date.

NOTE: Providing documentation to support the calculation of a higher WBA is a separate provision from the requirement to provide documentation substantiating employment or self-employment. The deadline for submitting documentation substantiating employment or self-employment is determined by the date the individual filed a new claim or was instructed by the state to provide such documentation (whichever is later) – either 21 days or 90 days. *See* Section C.2. of Attachment I to UIPL No. 16-20, Change 4.

5. Question: States are required to process and pay benefits under the PUA program for all weeks of unemployment ending on or before the date of state termination or program expiration (whichever comes first). Will the Department continue to provide administrative funding for the required PUA activities after this date?

Answer: Yes. So long as the state is processing PUA-related workload (*e.g.*, determinations, appeals, overpayments), the state may continue to receive administrative funding for such activities. To receive such funding, the state must continue to report workload activity on the ETA 902P. The Department expects that such activity may continue, at an increasingly

diminishing rate, for several months or years into the future and will continue to fund administration based on the ETA 902P reporting numbers – with the expectation that this amount will likely decrease over time.

Reference	Description	States Terminating the PUA Program Early	States Not Terminating the PUA Program Early
<b>Section 4.c. of this UIPL</b>	PUA Program End Date	Varies by state but prior to week ending 09/04/21	Weeks of unemployment ending on or before 09/06/21
<b>Question 1</b>	Timeframe for state to accept new PUA applications	+ 30 days from state termination date (date varies by state)	For claims other than those described in Section 4.c. of this UIPL where the individual is eligible for PUA in multiple states and the state did not terminate the PUA program before the program expiration date, + 30 days from program expiration date (10/06/21)
<b>Section 4.c. of this UIPL</b>	<u>Special Scenario.</u> Timeframe for state to accept new PUA applications for an individual who: i) worked in more than one state at the time of becoming unemployed, partially unemployed, or unable or unavailable to work because of approved COVID-19 related reason(s); and ii) the state in which such individual originally filed for PUA terminated the program prior to its expiration date, which prevented the individual from continuing to receive PUA	N/A	+ 30 days from date the state's PUA system is capable of accepting and processing such applications
<b>Question 2</b>	<u>Special Scenario:</u> Timeframe for state to accept new PUA applications for an individual who self-certifies that they were unemployed, partially unemployed, or unable or unavailable to work because of approved COVID-19 related reason(s) for weeks of unemployment ending on or before the date of state termination or program expiration (whichever comes first) and meets the following criteria: 1) filed a regular UC claim prior to the end of 30-day required period; and 2) state does not determine they are ineligible for regular UC (or PEUC or EB) until after 30-day required period	+ 21 days after determination of ineligibility for regular UC claim that was filed on or before 30-day required period from Question 1	+ 21 days after determination of ineligibility for regular UC claim that was filed on or before 30-day required period from Question 1

Reference	Description	States Terminating the PUA Program Early	States Not Terminating the PUA Program Early
<b>Question 3</b>	Timeframe for state to accept continued claim forms for PUA claim	+ 21 days after the later of: i) the date on which the state notifies an individual of their right to self-certify under the expanded eligibility provisions described in UIPL No. 16-20, Change 5; ii) the program expiration date; or iii) the date the individual files a new PUA application.	+ 21 days after the later of: i) the date on which the state notifies an individual of their right to self-certify under the expanded eligibility provisions described in UIPL No. 16-20, Change 5; ii) the program expiration date; or iii) the date the individual files a new PUA application.
<b>Question 4</b>	Timeframe for state to accept documentation submitted by the individual to be considered for a higher WBA	+ 21 days after the later of: i) the program expiration date; ii) the date the individual files new PUA application; or iii) the date the state notifies the individual of their ability to submit documentation to be considered for a higher WBA	+ 21 days after the later of: i) the program expiration date; ii) the date the individual files new PUA application; or iii) the date the state notifies the individual of their ability to submit documentation to be considered for a higher WBA