

Pandemic Unemployment Assistance (PUA) FAQ

Wednesday, June 17, 2020

The Employment Department will never ask you to pay to access your unemployment benefits.

The Employment Department *does not use any other outside company to get you your benefits*. All communications about your benefits will come directly from OED, not from an outside company.

If you are asked to send money or pay to access your benefits, be aware that this is a scam.

- If someone asks you to send them money in order to receive your benefits, contact www.oregonconsumer.gov or call 877-877-9392 to report the scam.
- If you receive an email or text you think may be from a scammer posing as the employment department or legislator, first, **do not click on any links and do not respond**. You can file a complaint at www.oregonconsumer.gov or call 877-877-9392.

When was the Pandemic Unemployment Assistance (PUA) program signed into federal law?

PUA was signed into law on March 27, 2020.

Why has it taken so long to get PUA up and running?

PUA is a new, federal program. Oregon had to create an entirely new system to process PUA applications. The Oregon Employment Department (OED) was able to establish the program within four weeks, however, it is an entirely manual system. This has been and continues to be frustrating. This is a brand new program, very different from any existing program Oregon employment administers. In addition, at the same time the PUA program was being created in Oregon, OED was also working on implementing several other new federal programs.

To meet the increase in PUA claims, OED is continuing to hire more employees.

- During the week of April 20, an initial team of 70 people were hired to do PUA claims.
- There are now more than 200 staff processing PUA claims. Next week OED will add an additional 60 staff, and many more in the weeks after.
- OED added 138 phone lines last week and will add 150 more lines over next two weeks.

Why is it taking so long to get a PUA claim into the system so I can get my money?

All PUA claims must be entered into the system manually. PUA is not automated right now. OED has had to create an entirely different claims process outside their normal system.

How many PUA claims have been filed so far? How many have been processed?

OED has received 97,000 applications for PUA, this means 97,000 Oregonians have applied. Of those, they have determined that about 24,000 of those people are eligible for PUA benefits and they have paid just under 17,000 of those people about \$90 million in benefits. OED has about 70,000 PUA claims left to enter into the new system for processing. This number may be less but they still have to determine if these people are eligible for regular UI claims before they can pay PUA benefits.

How many people applied for regular unemployment benefits, but were not eligible?

There were about 79,000 people who applied for regular UI benefits but were not eligible. Some of the 70,000 PUA applications are from those same people, and OED already determined they are not eligible for regular benefits. This means some of the work needed to complete their PUA applications is already done. And, some people are eligible for benefits in both programs for different periods of time.

What are you doing to address this backlog of unpaid PUA claims?

OED is redeploying efforts to concentrate on Focus PUA which centers around three key elements:

- 1) Improving the speed at which they can process claims over time;
- 2) Improving the technology used to receive and process claims; and
- 3) Increasing proactive communications to claimants.

OED has assigned more people to do this work, and they are gaining experience each day. There was a pent up need for these benefits even before PUA became law. Demand for these benefits kept growing, and OED was hiring, training, and adjusting the program from the onset to meet federal guidelines and to ensure they were prepared to respond – the steep part of the learning curve has passed and we are getting faster at processing PUA claims. Last week, OED added 138 additional phone lines and is working on adding another 150 lines in the next couple of weeks.

Why am I being asked to report my gross income, not net income for their filing. In many cases the net may only be \$25-50 on a gross \$200 transaction. Does OED have to calculate by gross vs. net?

Federal law requires that for self-employed people applying for PUA, they use net income from 2019 to compute what their weekly benefit amount can be, but to use their gross income during a week to see whether that reduces, or in some cases, eliminates the amount of benefits they can receive in that particular week. OED understands that the net income in many cases is just a small fraction of the gross earnings, but that is what they are required to do.

The PUA program must follow the laws regarding the Disaster Unemployment Assistance (DUA) program, except where PUA explicitly overrides the DUA laws. 20 CFR 625.6(f)(2) provides in part that: *“The weekly amount of DUA payable to an unemployed self-employed individual for a week of unemployment shall be the weekly amount determined under paragraph (a), (b), (c) or (d) of this section, as the case may be, reduced (but not below zero) by the full amount of any income received during the week for the performance of services in self-employment, regardless of whether or not any services were performed during the week, by applying the earnings allowance as set forth in paragraph (f)(1) of this section. Notwithstanding the definition of “wages” for a self-employed individual under § 625.2(u), the term “any income” for purposes of this paragraph (f)(2) means gross income.” (Emphasis added)*

Has OED created a definition of “family member” for PUA benefits? If not, are they considering using the definition from HR 2005- Oregon Paid Family and Medical Leave bill, which passed into law in 2019 and includes an inclusive and broad definition of “family member”?

OED has not yet done rulemaking defining “family member”. In the PUA law, it is used when referring to “a family member or other member of the household” so it is an expansive definition. OED is committing to looking into this issue so they can proactively address it, either in rulemaking or, more likely, in staff training as they administer the federal PUA program.

I have received partial payment (or even full payment) now I'm waiting for my weekly payments. Has there been any information regarding this?

OED is working to minimize the number of claims that are 'paused.' For PUA specifically, this is sometimes due to the weekly claims needing to be manually keyed into their system by employees. PUA is a manual process.

What happens with people that have both 1099 and W-2 income. For example, if an independent contractor has more than \$1,000 in W-2 income, only the W-2 income is used to calculate the PUA benefit and the 1099 income isn't considered. In other words, someone who earns \$50,000 in 1099 income and \$3,000 in W2 income would only have the PUA benefit calculated from the \$3,000 not \$53,000.

There are several issues here. The first is whether the person had enough traditional employment income to be eligible for regular UI benefits. Some people get earnings reported to them on a 1099 form, but it is still considered employment covered by Oregon's UI system. OED is required to pay someone under the regular UI system if they are eligible for any regular UI benefits (in Oregon or any other state). In this situation, it is only their earnings that were subject to the UI system that are used to determine their UI benefit amount (again, regardless of what tax form the earnings were reported on). If someone is not eligible for regular UI, but has both non-UI covered income (as an independent contractor) and covered UI income (from traditional employment, for example), OED does use both their gross income from covered UI employment, and their net income from self-employment.

Why aren't PUA weekly certifications getting any confirmation that uploads are actually received?

OED is continuing to work to improve the PUA weekly certification process. OED did not want to wait to start processing PUA claims, so some initial certifications did not receive confirmation numbers. That technical enhancement has now been connected to the system and OED recently started providing confirmation numbers when weekly certifications are uploaded, as well as email confirmations.

OED stated that any PUA claim from an Uber or Lyft driver goes straight to the tax department. How long does it take to clear the tax department? Why does it need to go to the tax department? And will they not be able to approve my claim until Uber agrees that drivers are "employees" and agrees to pay the UI insurance for us?

OED cannot disclose information about individual employers or businesses. OED is required to determine if someone was an employee or independent contractor under state law. OED does not have to wait for a business, or worker, to agree on their status. Lack of agreement does not prevent OED from paying benefits, however the nature of this work takes time.

When will there be a URL to show PUA weeks claimed + claim status?

Some limited information is available in the online claims system. OED continues to work to improve this system.

Why have some PUA claims been neglected completely and have stopped being paid?

This could be caused by several issues. Each weekly PUA claim does require OED staff interaction for benefits to pay out, and this is one area where OED is continuing to struggle to process all of the work as quickly as they would like. When questions or discrepancies are flagged on these weekly claims, this

pauses the claim processing until clarification is received. OED is working as quickly as they can to collect this information when these pauses occur.

Yesterday my PUA showed up when I logged in. Now it shows back to not processed. What is going on?

This can sometimes be the result of the fact that OED employees have to do work over the course of multiple days to resolve some claims – doing some work one day, waiting for it to process overnight, then doing more work the following day. The status shown in their system changes as this work is done. There are many different issues that can arise with claims, and it is difficult to know what exactly is happening with each claim.

Why am I getting the minimum weekly PUA benefit amount (\$205), when I have submitted documentation to support them getting a higher amount?

OED has two priorities: 1) getting initial payments out to the PUA eligible; and, 2) reviewing earnings to determine if they can retroactively pay at the highest rate allowed by law. PUA claimants are paid only when earnings are less than the benefit amount. OED prioritized getting at least some payments to as many people as possible, as quickly as possible. They are reviewing documentation to retroactively increase people's benefits, but that process does take more time, and they did not want that to delay their ability to get some benefits to more people.

The lowest Weekly Benefit Amount (WBA) someone can have on PUA is \$205, and the maximum amount is \$648. If you earned more than \$16,480 in 2019 and provides proof (1099 Sch. C or Profit and Loss Statement) of your income, OED can increase your WBA accordingly based on this [chart](#). If you earned over the minimum amount, please provide proof so you can get the maximum amount you are eligible to receive, especially if you are self-employed and still performing some work while impacted by COVID-19. Anyone who already filed a valid regular UI claim but are not otherwise eligible may receive PUA benefits at the same WBA.