

**JOIN NORTHEAST NEW JERSEY LEGAL SERVICES AND  
COUNCILMAN ROLANDO LAVARRO FOR AN**

**UNEMPLOYMENT  
BENEFITS WEBINAR**

**OVERVIEW OF NJ'S UNEMPLOYMENT  
BENEFITS WITH A FOCUS ON COVID-19'S  
IMPACT.**

**TUESDAY, MAY 19th  
2:00-3:30pm**

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QUESTIONS PLEASE  
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**This webinar is public and is being recorded.**

# New Jersey Unemployment Law During COVID-19

May 19, 2020

This webinar is public and is being recorded.

ROLANDO  
LAVARRO



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LEGAL SERVICES

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# ROLANDO LAVARRO

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# About Councilman Rolando Lavarro

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Councilman Lavarro is committed to ending the city's Tale of Two Cities – a wealthy and developing downtown waterfront versus the south side of Jersey City. He is focused on two priorities: (1) fighting for Jersey City's long-time residents under threat of gentrification and (2) finding local dollars to educate Jersey City's children.

Councilman At-Large Lavarro has an unparalleled legislative record that demonstrates his commitment to Jersey City's working families. Lavarro a vocal proponent of the Fight For 15 campaign to boost the minimum wage in New Jersey. He sponsored legislation providing earned paid sick days for workers in Jersey City and eventually became a model for the statewide adoption.

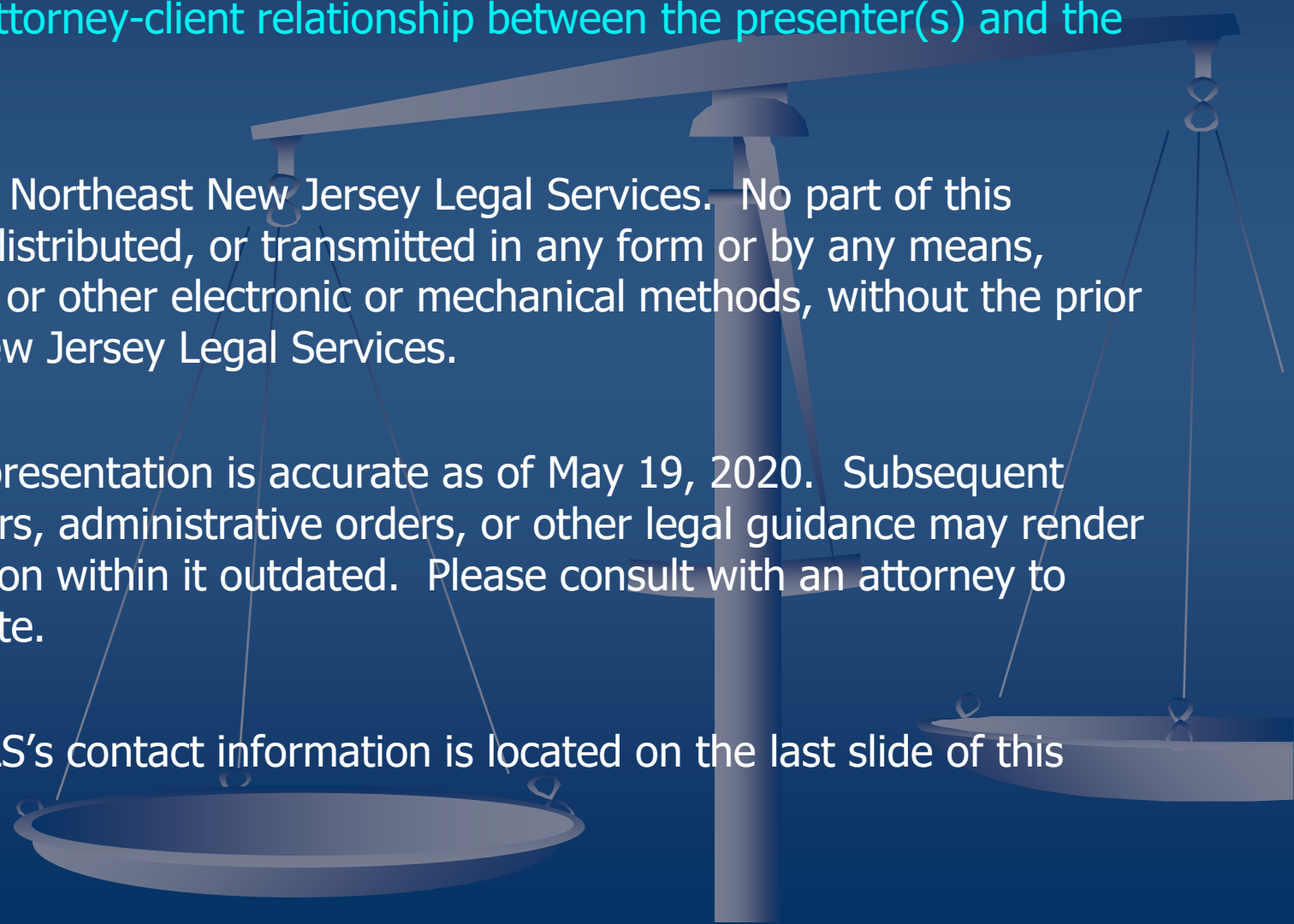
Lavarro is pushing for policies like inclusionary zoning that will increase the supply of affordable housing, so low- and very low-income minorities and families can continue to call Jersey City home. In the wake of draconian cuts in state funding for the Jersey City Public Schools estimated at \$175M over seven years – cuts that have disproportionately impacted low-income Black and Hispanic children, Lavarro is proposing new revenue streams to fill the funding gap and provide equity in the city's education.

Rolando Lavarro is a lifelong resident of the Greenville-West Side area where he still resides with his wife, Veronica, and daughter, Gabriela.

***The above information was provided by Councilman Lavarro's office. Any opinions and/or policy positions expressed during this presentation are those solely of the individual presenter(s) and not that of Northeast New Jersey Legal Services or the Legal Services Corporation.***

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- If you require civil legal help, NNJLS's contact information is located on the last slide of this presentation.



# About Us

## Northeast New Jersey Legal Services

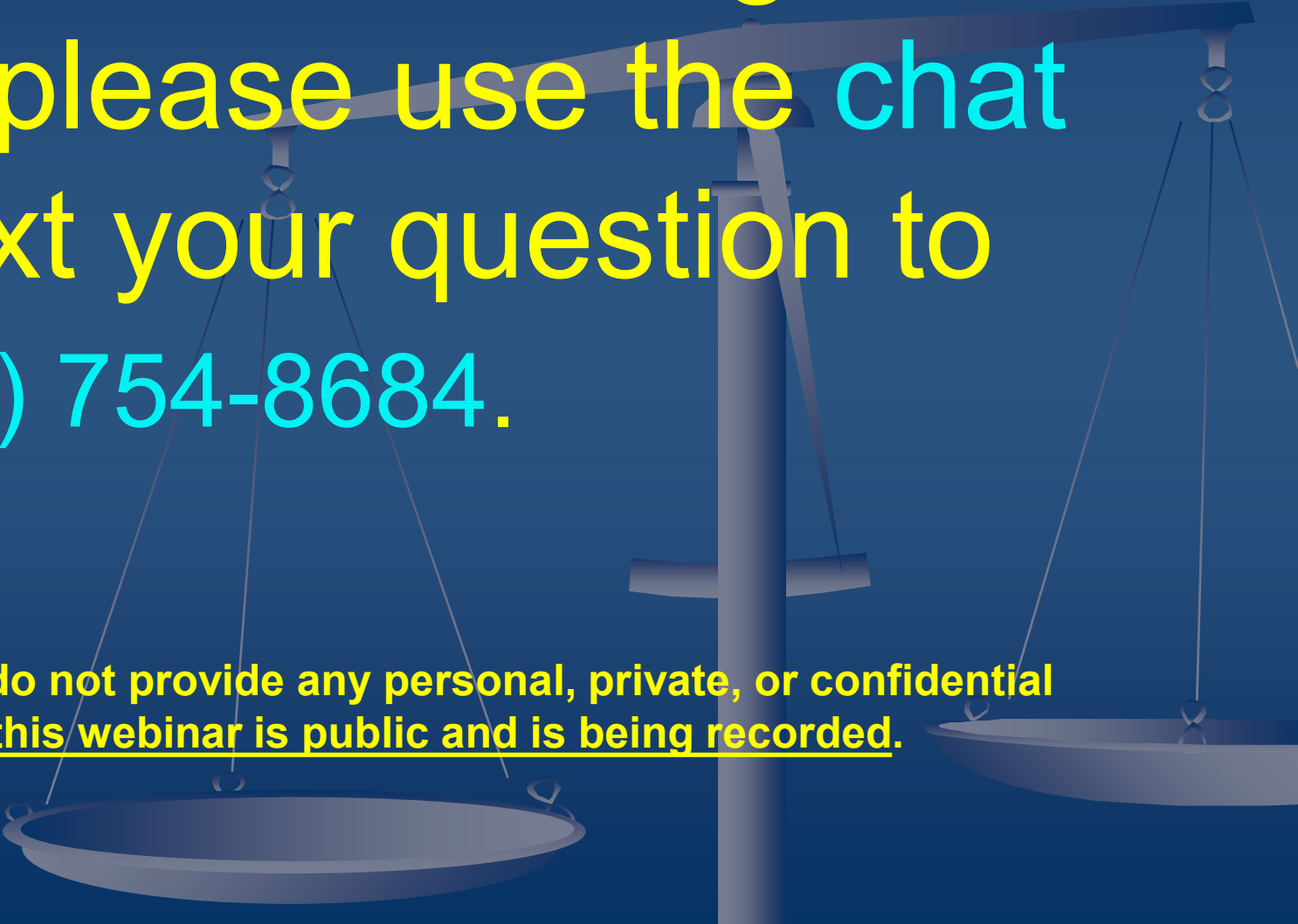
Northeast New Jersey Legal Services (NNJLS) is a private non-profit public interest law firm that provides free legal help in civil (non-criminal) matters to low-income and underserved individuals and families residing in Bergen, Hudson, and Passaic Counties. We also work to increase the public's knowledge of their rights and responsibilities through community legal education.

NNJLS focuses on four core areas of civil law—housing, consumer, family, and public benefits. These are the areas in which our clients are most likely to develop legal problems which they cannot address themselves.

NNJLS also has specialized programs in place to address the legal needs of veterans; seniors; survivors of domestic violence; survivors of sexual assault; students; immigrants; persons living with HIV or AIDS; individuals formerly incarcerated now facing legal barriers to re-entry; persons experiencing homelessness; and low-income residents with federal income tax issues.





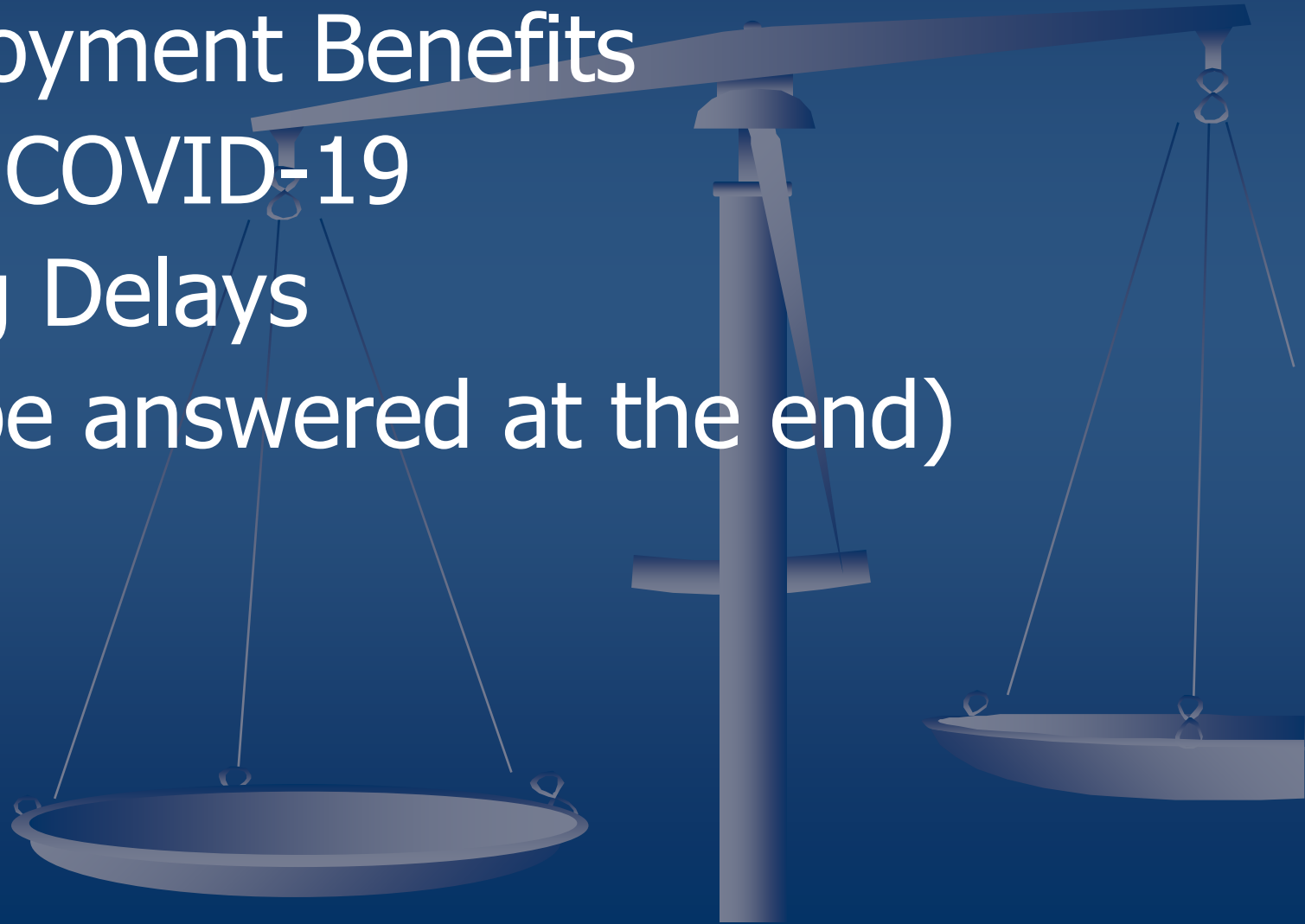


To submit questions during the presentation, please use the chat feature or text your question to (201) 754-8684.

Please keep questions general and do not provide any personal, private, or confidential information. As a reminder, this webinar is public and is being recorded.

# Outline

- Regular Unemployment Benefits
- Changes During COVID-19
- Claim Processing Delays
- Questions (will be answered at the end)





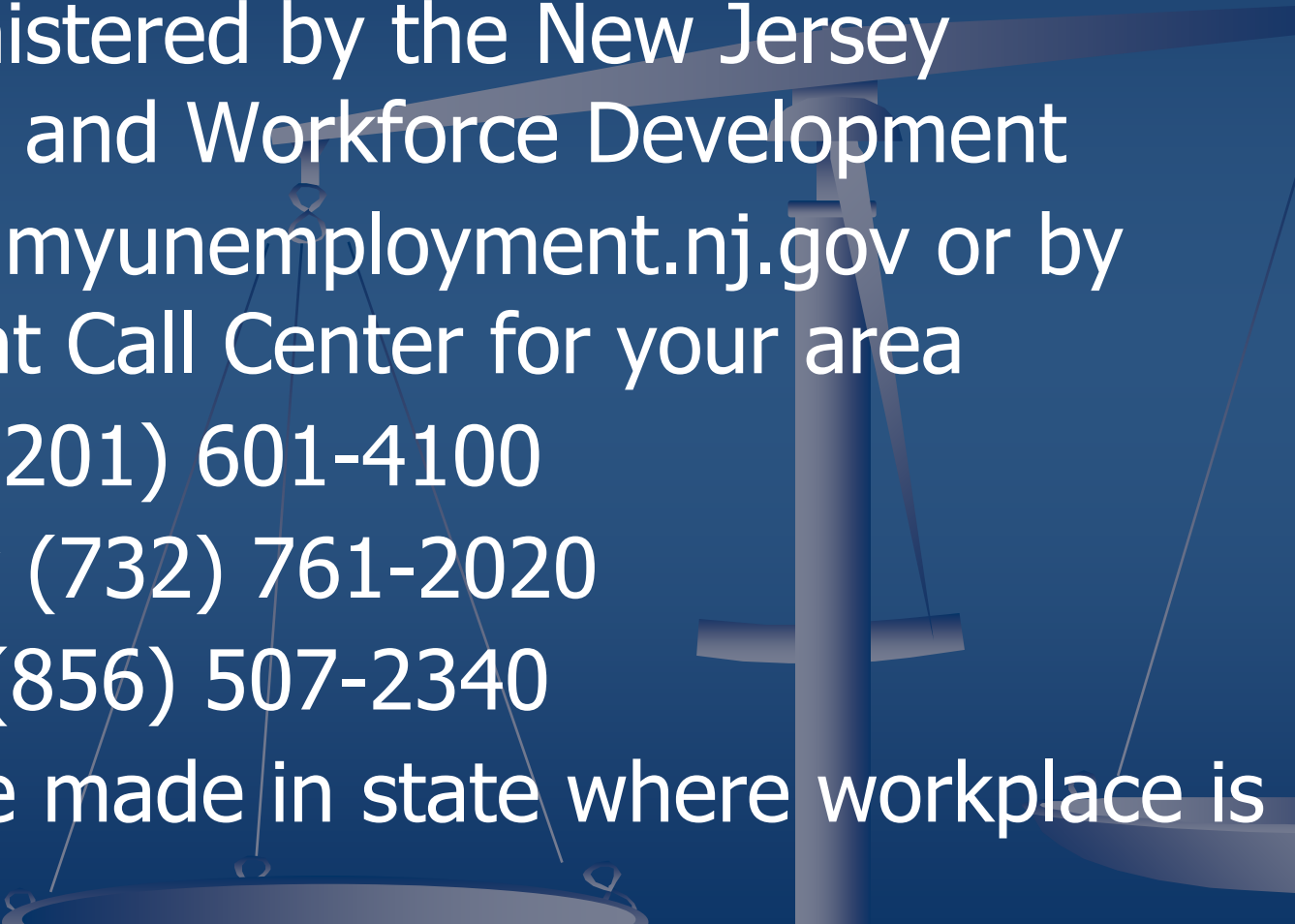
# Regular New Jersey Unemployment Benefits



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# Regular Unemployment

- Federal program administered by the states
  - In New Jersey administered by the New Jersey Department of Labor and Workforce Development
  - Apply for benefits at [myunemployment.nj.gov](http://myunemployment.nj.gov) or by calling Reemployment Call Center for your area
    - North Jersey (201) 601-4100
    - Central Jersey (732) 761-2020
    - South Jersey (856) 507-2340
  - Application should be made in state where workplace is located
- 

# Unemployment benefits

- If eligible, claimant receives weekly benefits equal to 60% of average weekly wages
- Maximum weekly benefit rate of \$713
- Maximum length of benefit is 26 weeks
- **Immigrant workers:** The general rule is that workers must have valid work authorization during the base period, at the time that they apply for benefits, and throughout the period during which they are receiving benefits.

# Dependency Benefits

- A claimant's weekly benefit rate shall be increased by seven percent for the first dependent and four percent each for the next two dependents, up to a maximum of three dependents, except that the maximum weekly benefit rate payable for an individual claiming dependency benefits shall not exceed the maximum amount determined in N.J.A.C. 12:15-1.2, currently \$713/week.
- "Dependent" means an individual who is unemployed during the calendar week in which the claimant files an initial or transitional claim, and is limited to the claimant's:
  - 1. Unemployed spouse or civil union partner, that is, a person to whom the claimant is legally married or with whom the claimant is in a civil union; and is a dependent; and/or
  - 2. Dependent unemployed unmarried child, that is, a son, daughter, stepson, stepdaughter, legally adopted son or legally adopted daughter under the age of 19, or under the age of 22 and attending an educational institution as defined in N.J.S.A. 43:21-19(y) on a full-time basis.

# Eligibility for Unemployment


- Work history
- Reason for separation
- Weekly certification



# Work History Requirement

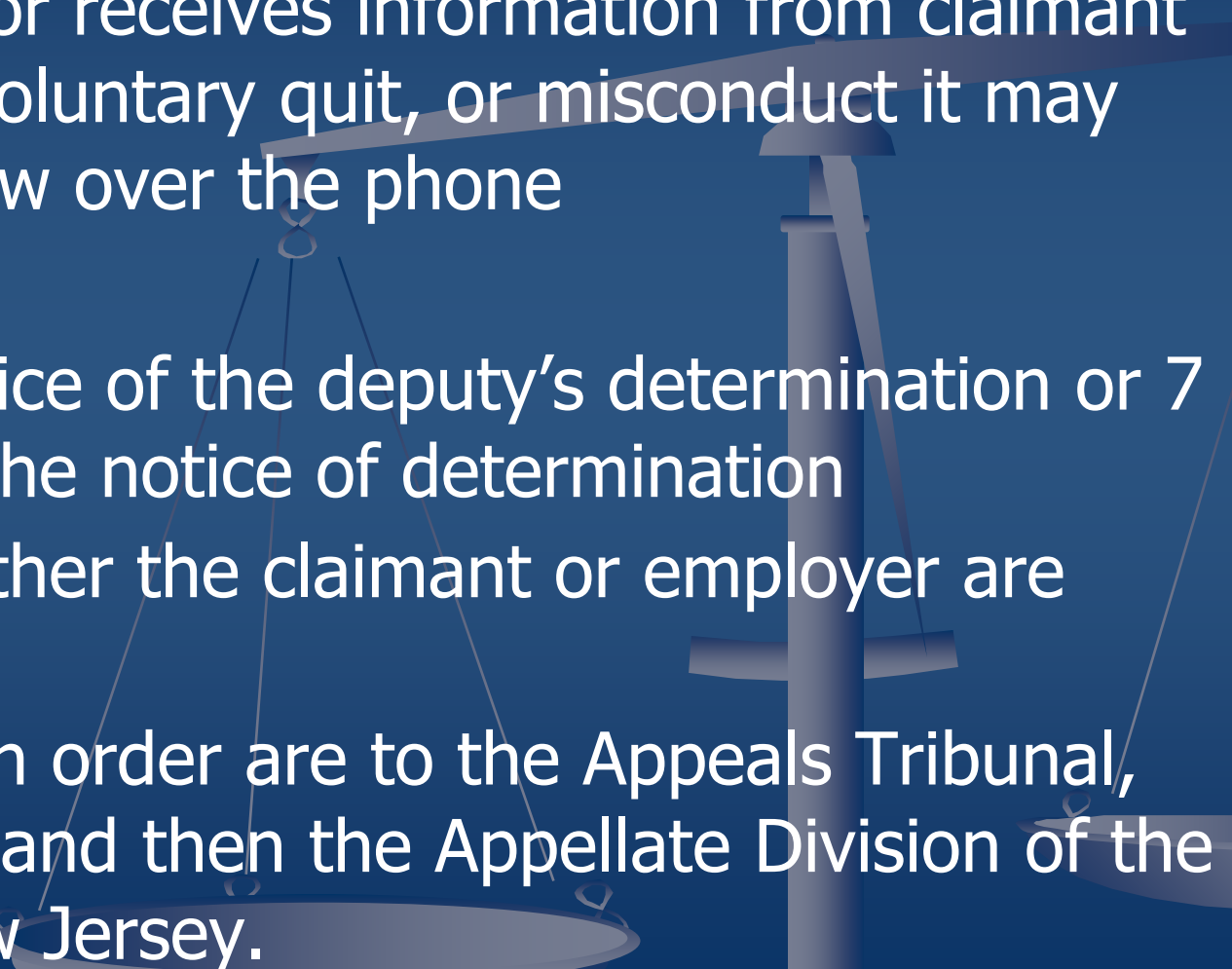
- Must have earned at least \$200 per week for at least 20 weeks in the “base year” OR earned \$10,000 in the “base year” (amounts change with NJ minimum wage)
- The default “base year” is made up of the 12 months before the last completed calendar quarter. For example:
  - For claim dated March 1, 2020, the base year would be October 1, 2018 through September 30, 2019
  - For claim dated May 1, 2020 the base year would be January 1, 2019 through December 31, 2019
- NJ Department of Labor also uses alternate ways to calculate the “base year”

# Reason for Separation

- Voluntary Quit
    - Not eligible for benefits unless reason for quit was “good cause attributable to such work”
  - Fired for “misconduct”
    - Suspended from benefits for week of firing, plus 5 additional weeks
  - Fired for “gross misconduct”
    - An act punishable as a crime
    - Disqualified from benefits (until claimant works at a new job for at least 8 weeks)
  - All other types of separation from job qualify claimant for unemployment benefits
- 

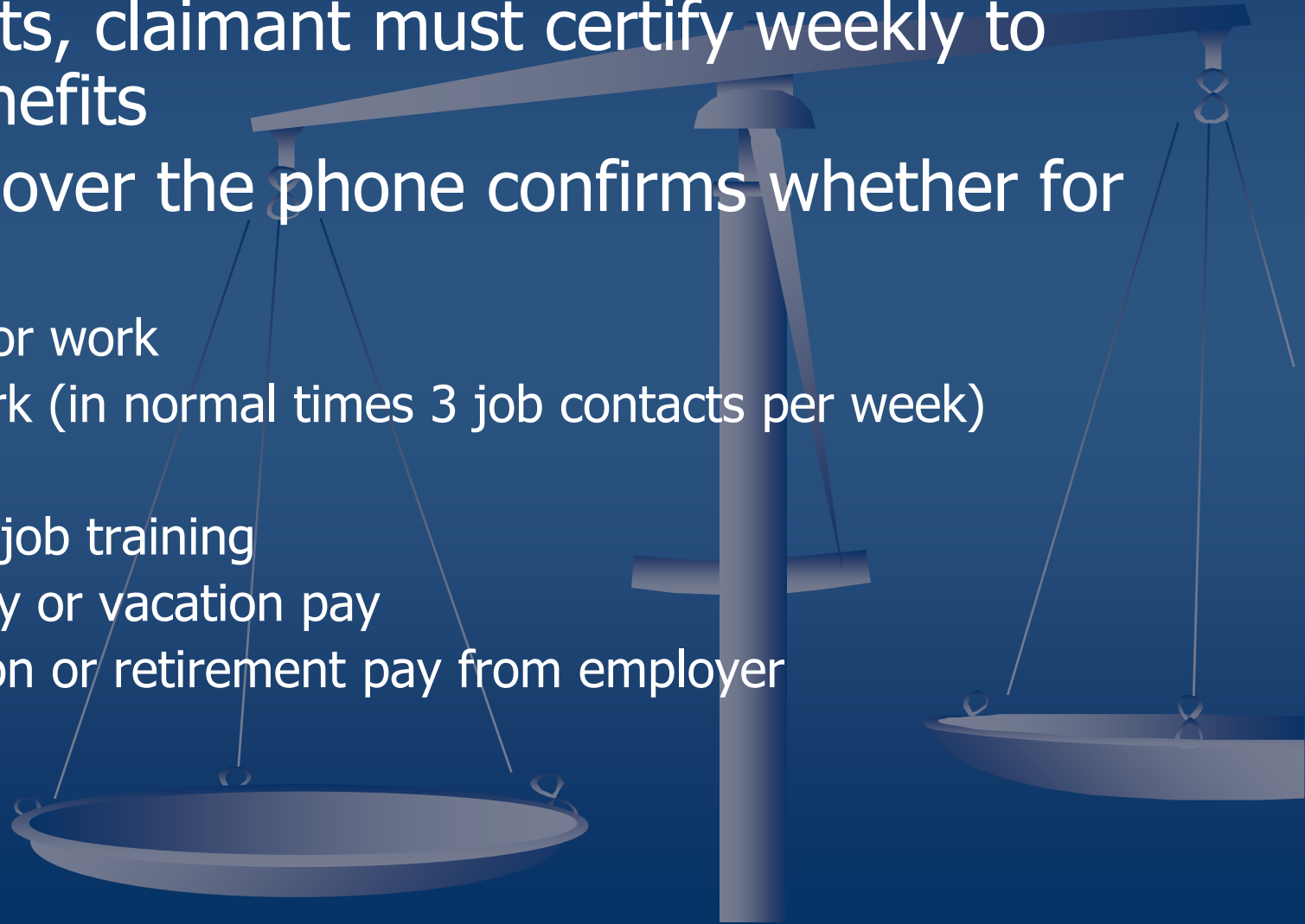


# Reason for Separation, cont'd

- If the Department of Labor receives information from claimant or employer suggesting voluntary quit, or misconduct it may conduct a deputy interview over the phone
  - Appeal rights
    - Within 10 days of notice of the deputy's determination or 7 days from receipt of the notice of determination
    - Further appeals by either the claimant or employer are possible
    - The levels of appeal in order are to the Appeals Tribunal, the Board of Review, and then the Appellate Division of the Superior Court of New Jersey.
- 

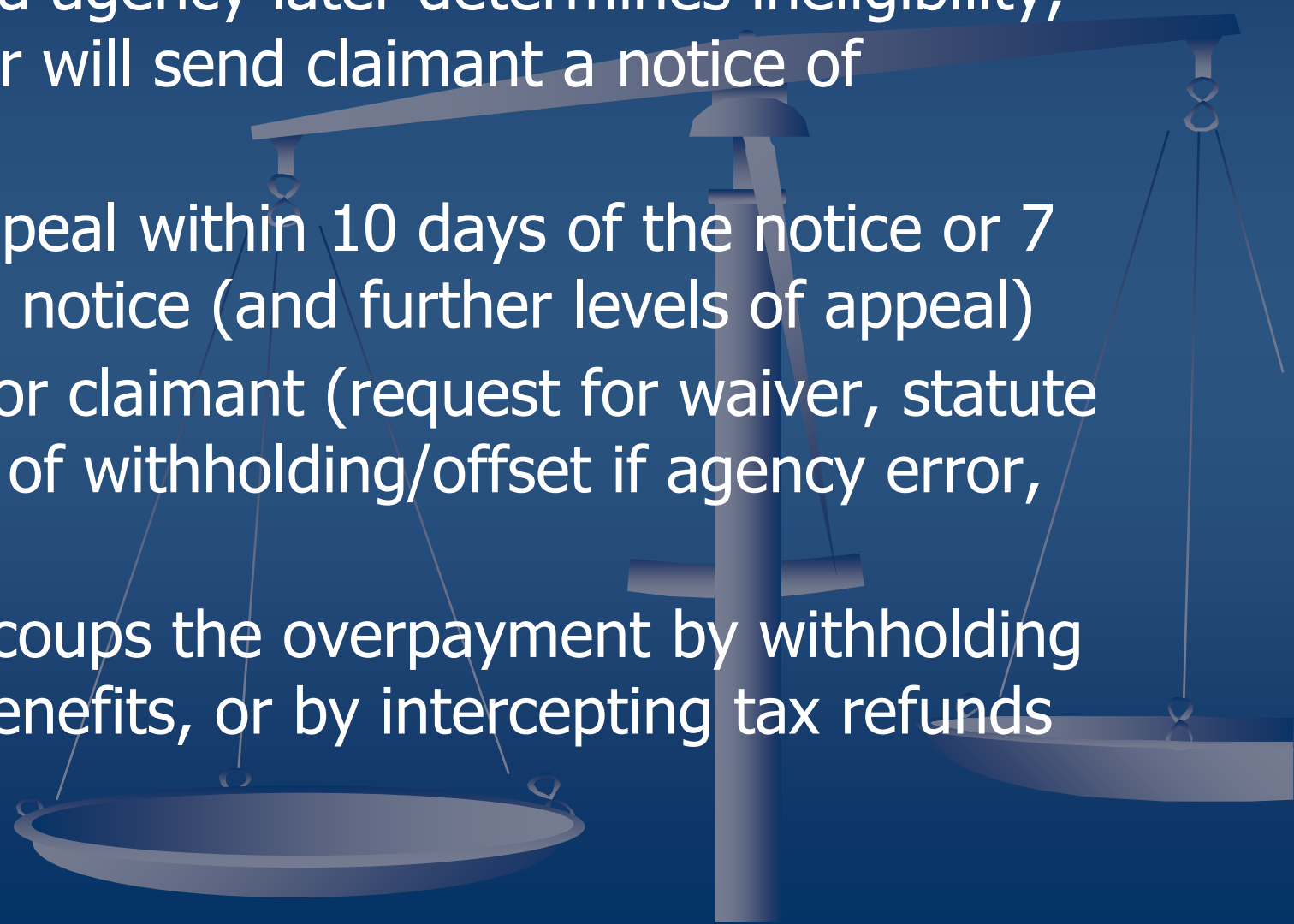
# Weekly Certification

- If approved for benefits, claimant must certify weekly to continue receiving benefits
- Certification online or over the phone confirms whether for that week claimant:
  - Able and available for work
  - Actively seeking work (in normal times 3 job contacts per week)
  - Refused any work
  - Attending school or job training
  - Received any holiday or vacation pay
  - Received any pension or retirement pay from employer
  - Worked



# Overpayments

- If benefits were paid and agency later determines ineligibility, the Department of Labor will send claimant a notice of overpayment
- Claimant has right to appeal within 10 days of the notice or 7 days from receipt of the notice (and further levels of appeal)
- Other relief is possible for claimant (request for waiver, statute of limitations, reduction of withholding/offset if agency error, two-determination rule)
- Department of Labor recoups the overpayment by withholding future unemployment benefits, or by intercepting tax refunds



# Changes During COVID-19



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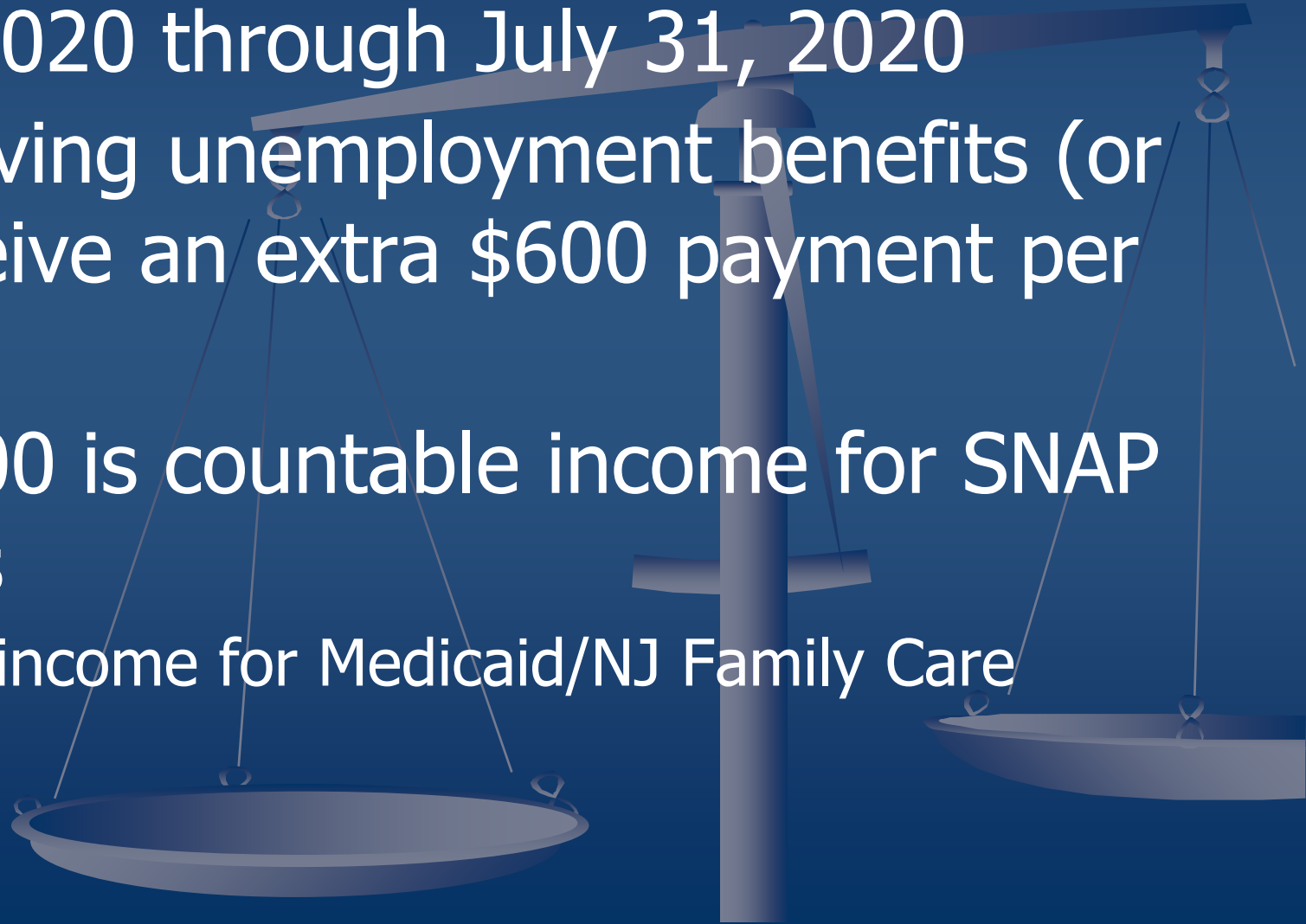
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# Changes During COVID-19

- Three important changes to unemployment based on federal legislation in response to COVID-19:
  - *Pandemic Unemployment Compensation* (\$600 weekly increase)
  - *Pandemic Unemployment Assistance* (separate unemployment program)
  - *Pandemic Emergency Unemployment Compensation* (13-week extension)

# Pandemic Unemployment Compensation (PUC)

- Effective April 1, 2020 through July 31, 2020
- All claimants receiving unemployment benefits (or PUA) receive an extra \$600 payment per week
- The additional \$600 is countable income for SNAP and TANF benefits
  - NOT countable income for Medicaid/NJ Family Care

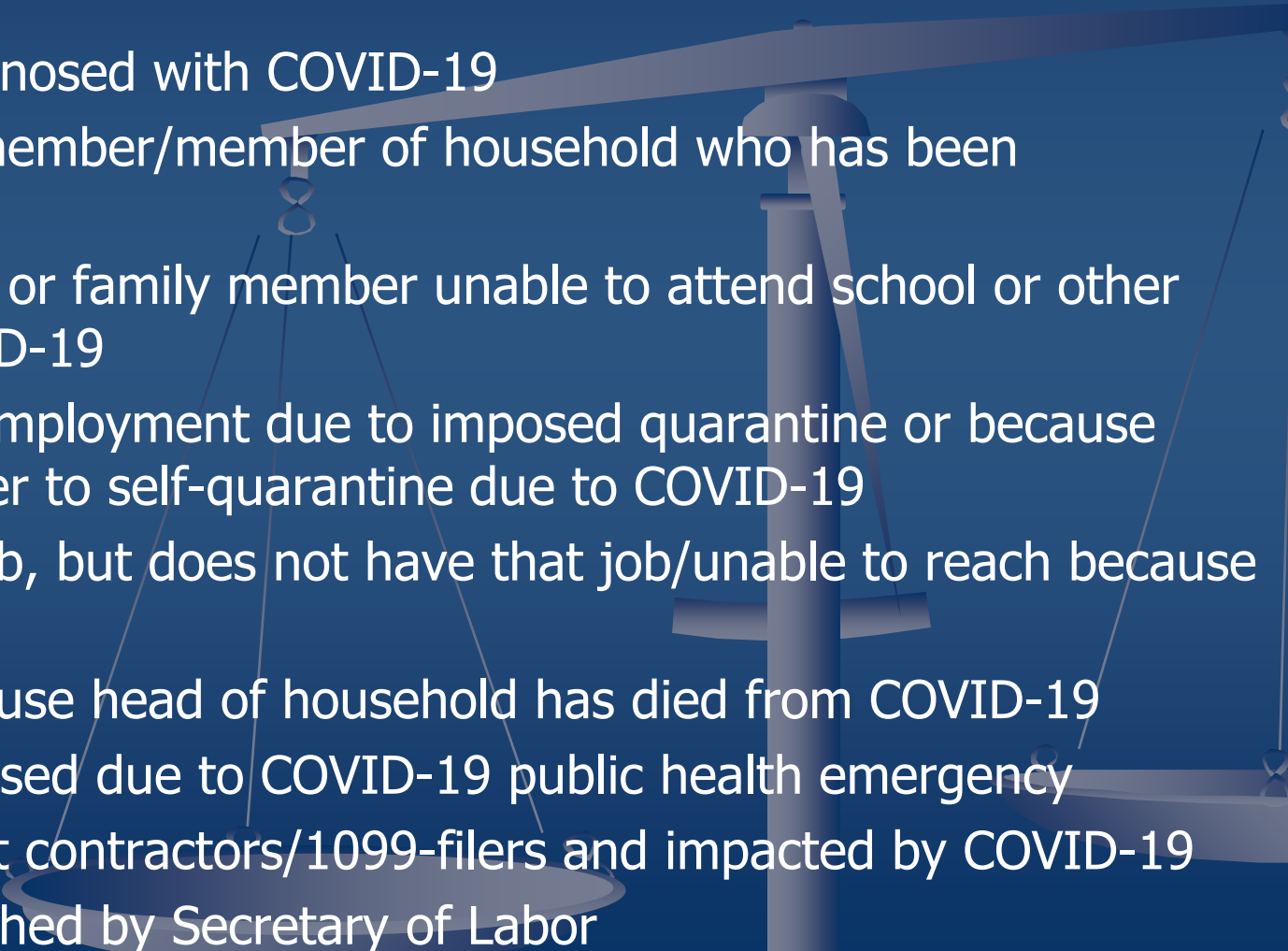


# Pandemic Unemployment Assistance (PUA)

- Provides benefits for those who are unemployed or have lost hours due to COVID-19 but are not eligible for regular unemployment benefits
- Effective January 27, 2020 through December 31, 2020
- Minimum benefit of \$231 weekly, maximum \$713
  - Also receive the extra \$600 per week during effective dates of PUC
- Examples of regular unemployment ineligibility that qualify for PUA assistance
  - Self-employed, independent contractors, gig workers
  - Insufficient base year earnings for regular unemployment



# PUA, cont'd

- COVID-related reasons for unemployment/under-employment:
    - Diagnosed with COVID-19 or experiencing symptoms and seeking medical diagnosis
    - Member of household diagnosed with COVID-19
    - Providing care for family member/member of household who has been diagnosed with COVID-19
    - Primary caregiver for child or family member unable to attend school or other facility closed due to COVID-19
    - Unable to reach place of employment due to imposed quarantine or because advised by medical provider to self-quarantine due to COVID-19
    - Was scheduled to begin job, but does not have that job/unable to reach because of COVID-19
    - Became breadwinner because head of household has died from COVID-19
    - Place of employment is closed due to COVID-19 public health emergency
    - Self-employer/independent contractors/1099-filers and impacted by COVID-19
    - Meet other criteria established by Secretary of Labor
- 

# PUA, cont'd

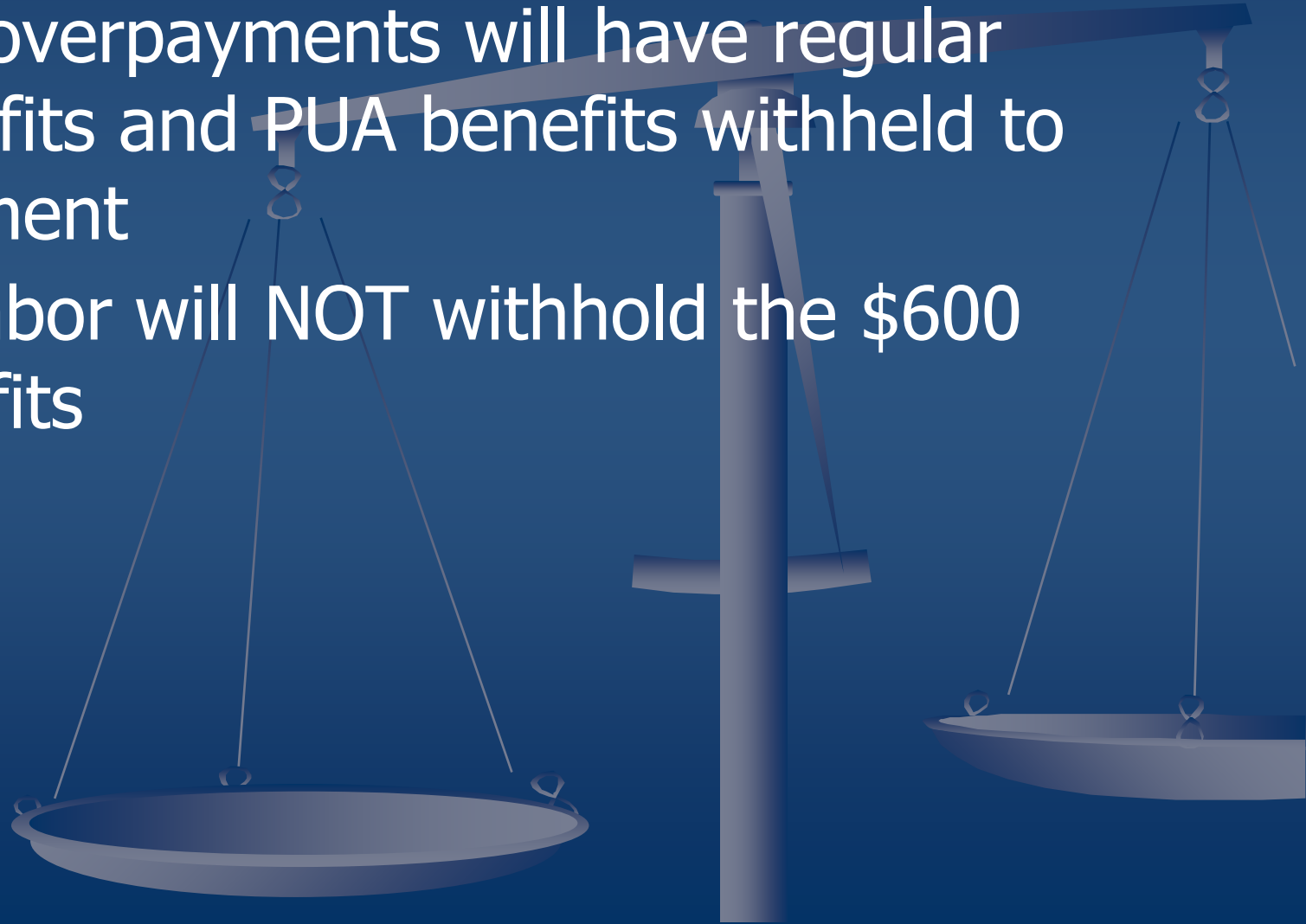
- Application process – simply fill out an application for unemployment with the NJ Department of Labor
- If application for regular unemployment is denied, the agency will automatically consider the individual for PUA (further documentation may be requested by the agency)
- Who might be ineligible for PUA?
  - Those with capability to work from home, or who are being paid for time off
  - Those with a generalized fear of contracting COVID-19 may not qualify, but this will be a highly fact-specific issue

# Pandemic Emergency Unemployment Compensation (PEUC)

- Provides an additional 13 weeks of benefits for those who have exhausted regular unemployment benefits or PUA benefits
- All those who exhausted benefits after July 1, 2019 are eligible
- The NJ Department of Labor intends to reach out through mail and email to all those eligible for PEUC with instructions for any necessary steps, and the Department intends to implement PEUC on May 18, 2020

# COVID-Related Benefits and Overpayments

- Those with existing overpayments will have regular unemployment benefits and PUA benefits withheld to recoup the overpayment
- NJ Department of Labor will NOT withhold the \$600 additional PUC benefits



# COVID-19 Scenarios & Benefits Available



The following graphics are provided by the New Jersey Department of Labor & Workforce Development for informational purposes only.

The PDF versions can be obtained online at <https://www.nj.gov/labor/worker-protections/earnsick/covid.shtml>.

## COVID-19 SCENARIOS & BENEFITS AVAILABLE

### Worker needs time to care for others

|   | Federal Emergency Law: Childcare FMLA*<br>dol.gov | Federal Emergency Law: Paid Sick Leave*<br>dol.gov | NJ Law: Earned Sick Leave<br>mysickdays.nj.gov | Unemployment Insurance<br>myunemployment.nj.gov | After or Instead of | NJ Law: Family Leave Insurance<br>myleavebenefits.nj.gov |
|---|---|--|--|---|---------------------|--|
| 1 Employee unable to work because must care for child(ren) at home due to coronavirus closure                   | ✓   | ✓  | ✓  | ✓   | ➡➡➡➡                | ✓  |
| 2 Worker is caring for family member who is diagnosed, or in isolation or quarantine with suspicion of exposure |   | ✓  | ✓  | ✓   | ➡➡➡➡                | ✓  |

### Worker is sick or loses work

|   | Federal Emergency Law: Paid Sick Leave*<br>dol.gov | NJ Law: Earned Sick Leave<br>mysickdays.nj.gov | Unemployment Insurance<br>myunemployment.nj.gov | After or Instead of | NJ Law: Temporary Disability Insurance<br>myleavebenefits.nj.gov |
|---|--|--|---|---------------------|--|
| 3 Worker who has COVID-19, or symptoms of COVID-19  | ✓  | ✓  | ✓   | ➡➡➡➡                | ✓  |
| 4 Person who is out of work because employer voluntarily closed   | ✗  | ✗  | ✓   |                     | ✗  |
| 5 Person who is out of work because employer was ordered closed   | ✗  | ✓  | ✓   |                     | ✗  |
| 6 Worker has less hours available due to business slow down or lack of demand                                       | ✗  | ✗  | ✓   |                     | ✗  |
| 7 Employer stays open in defiance of State closure or public health order, and worker refuses to work               | ✗  | ✓  | ?   |                     | ✗  |
| 8 Employer permitted to be open, but worker is afraid of gathering in a group and refuses to work (self-distancing) | ✗  | ✓  | ✗   |                     | ?  |
| 9 Worker is advised by healthcare provider or public health authority to quarantine                                 | ✓  | ✓  | ✓   | ➡➡➡➡                | ✓  |
| 10 Health care provider exposed at work and recommended by medical professional to self-quarantine                  | ?  | ✓  | ✓   | ➡➡➡➡                | ✓  |
| 11 Freelance, independent contractor or "gig" worker has no work or lost hours due to public health emergency       | ✗  | ✗  | ✓   |                     | ✗  |
| 12 Worker received 26 weeks of unemployment; worker remains unemployed  | ✗  | ✗  | ✓   |                     | ✗  |

✓ YES | ✗ NO | ? MAYBE  
(PLEASE APPLY;  
EVALUATED CASE  
BY CASE)

Employer pays sick leave and childcare FMLA; others require application to the State. You cannot receive pay or benefits from more than one program/law at the same time.

\* Effective April 1, 2020: New federal law requires covered employers to provide emergency paid sick leave to certain employees to care for themselves or a family member due to coronavirus illness, symptoms, quarantine or school/child care closure. The Federal Family and Medical Leave Act (FMLA) has also been amended to provide job-protected emergency paid leave to employees who are unable to work because their child does not have school or child care, due to coronavirus. See [nj.gov/labor](https://www.dol.gov/labor) for details. The U.S. Department of Labor will be issuing further guidance and this document may be updated as more information becomes available.

A person who has, because of their employment, contracted COVID-19 at work could be eligible for **Workers' Compensation** and would file through their employer.

The information on this flier is meant to give a general picture of benefits and rights available in certain COVID-19 work-related situations. Documentation may be required.



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LAST UPDATED: 3.30.2020

## COVID-19 ESCENARIOS, DERECHOS Y BENEFICIOS DISPONIBLES

### El trabajador necesita tiempo por cuidar a otros

|  | Ley Federal de Emergencia: FMLA Licencia por Cuidar Hijos*<br>dol.gov | Ley Federal de Emergencia: Licencia por Enfermedad Pagada*<br>dol.gov | Ley de NJ: Licencia por Enfermedad Pagada<br>mysickdays.nj.gov | Seguro de Desempleo<br>myunemployment.nj.gov | Después o en lugar de | Ley de NJ: Seguro de Licencia Familiar<br>myleavebenefits.nj.gov |
|--|---|---|--|--|-----------------------|--|
| 1 El trabajador no pudo trabajar debido a la escuela o guardería cerrada por razones de salud pública                                    | ✓   | ✓   | ✓  | ✓  | ➡➡➡➡                  | ✗  |
| 2 El trabajador está cuidando a un familiar que tiene un diagnóstico, está en aislamiento, o en cuarentena porque se sospecha exposición |   | ✓   | ✓  | ✓  | ➡➡➡➡                  | ✓  |

### El trabajador está enfermo o ha perdido trabajo

|  | Ley Federal de Emergencia: Licencia por Enfermedad Pagada*<br>dol.gov | Ley de NJ: Licencia por Enfermedad Pagada<br>mysickdays.nj.gov | Seguro de Desempleo<br>myunemployment.nj.gov | Después o en lugar de | Ley de NJ: Seguro de Incapacidad Temporal<br>myleavebenefits.nj.gov |
|--|---|--|--|-----------------------|---|
| 3 Una persona que tiene o tiene síntomas de COVID-19   | ✓   | ✓  | ✓  | ➡➡➡➡                  | ✓   |
| 4 Una persona que está sin trabajo porque el empleador cerró voluntariamente   | ✗   | ✗  | ✓  |                       | ✗   |
| 5 Una persona que está sin trabajo porque se ordenó el cierre del empleador  | ✗   | ✓  | ✓  |                       | ✗   |
| 6 El trabajador tiene menos horas disponibles de trabajo debido a desaceleración o debido a falta de demanda   | ✗   | ✗  | ✓  |                       | ✗   |
| 7 El empleador permanece abierto, desafiando la sugerencia de cerrar por razones de salud pública, y el trabajador se niega a trabajar                               | ✗   | ✓  | ?  |                       | ✗   |
| 8 El trabajador tiene miedo de reunirse en un grupo y se niega a ir a trabajar (distanciarse)  | ✗   | ✓  | ✗  |                       | ?   |
| 9 El trabajador está aconsejado a ponerse en cuarentena por el proveedor de cuidado de salud o la autoridad de salud pública   | ✓   | ✓  | ✓  | ➡➡➡➡                  | ✓   |
| 10 Proveedor de atención médica expuesto a COVID-19 en el trabajo y recomendado por profesional médico a auto-cuarentena   | ?   | ✓  | ✓  | ➡➡➡➡                  | ✓   |
| 11 El trabajador independiente, contratista independiente o trabajador de la economía "gig" no tiene trabajo o perdió horas debido a una emergencia de salud pública | ✗   | ✗  | ✓  |                       | ✗   |
| 12 El trabajador ya recibió 26 semanas de desempleo; el trabajador permanece desempleado   | ✗   | ✗  | ✓  |                       | ✗   |

✓ SÍ | ✗ NO | ? POSIBLE  
(SE EVALUA  
CASO PER CASO)

El empleador paga al empleado licencia pagada por enfermedad y FMLA licencia por cuidar hijos; otros beneficios requieren que se aplica al estado de NJ. No se puede recibir pagos o beneficios de más de un programa/ley mencionado aquí al mismo tiempo.

\* A partir del 1 de abril de 2020: la nueva ley federal exige que los empleadores cubiertos dan licencia por enfermedad pagada de emergencia a ciertos empleados para que se cuiden a sí mismos o a un miembro de la familia debido a una enfermedad por coronavirus, síntomas, cuarentena o cierre de la escuela / cuidado infantil. La Ley Federal de Licencia Médica y Familiar (FMLA, por sus siglas en inglés) también se ha modificado para proporcionar licencia pagada de emergencia protegida por trabajo a los empleados que no pueden trabajar porque su hijo no tiene escuela o cuidado de niños no está disponible, debido al coronavirus. Visitar a [nj.gov/labor](https://www.dol.gov/labor) para más detalles. U.S. Department of Labor proveerá más información y se actualiza este documento a medida que haya más información disponible.

Una persona que, debido a su empleo, contrató COVID-19 en el trabajo podría ser elegible para la **Compensación de Trabajadores** y presentaría a través de su empleador.

La información en este folleto tiene la intención de dar una idea general de los beneficios y derechos disponibles en ciertas situaciones relacionadas con el trabajo y COVID-19. Documentación puede ser requerida.



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PRODUCIDO: 30 MARZO 2020

# Claim Processing Delays

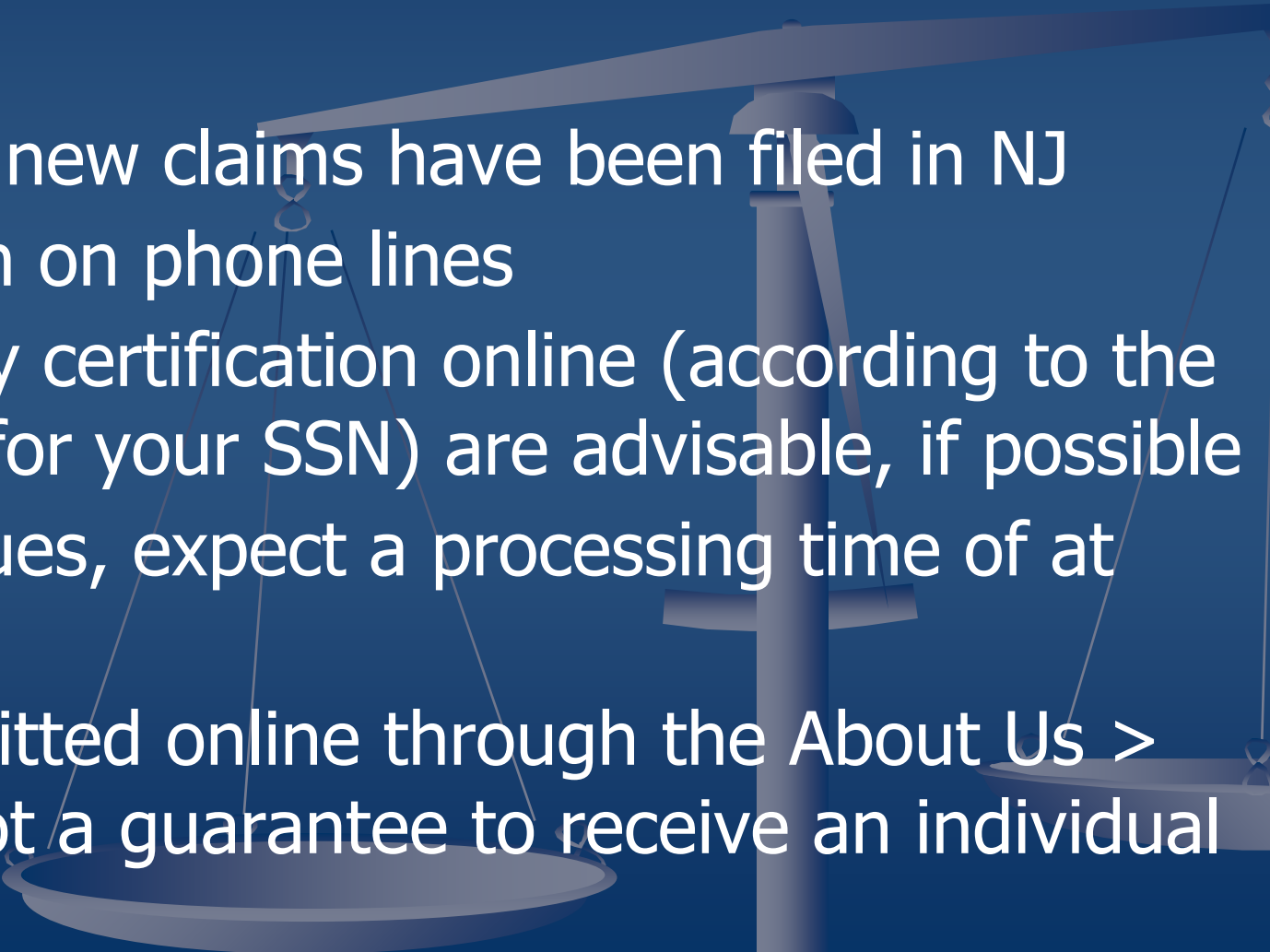


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# Claim Processing Delays

- NJ Department of Labor has been overwhelmed with claims since mid-March
  - More than one million new claims have been filed in NJ
  - Difficult to get through on phone lines
  - Application and weekly certification online (according to the certification schedule for your SSN) are advisable, if possible
  - For claims with no issues, expect a processing time of at least 2-3 weeks
  - Inquiries can be submitted online through the About Us > Contact Us tab, but not a guarantee to receive an individual response
- 

# Claim Processing Delays

- When certifying weekly, it is VERY important to review the NJ Department of Labor's Guidance on answering the questions during COVID. For example:
- "Were you able and available for work?"
  - Answer YES if you "were physically able to do your work before you lost your job (and you lost your job/hours due to your own coronavirus illness, your need to care for a family/household member with coronavirus, etc.)"
- "Were you actively seeking work?"
  - Answer YES if you "are waiting to be recalled to your present job, or delaying your job search until this [public health] emergency ends or subsides."
- "Did you refuse any work?"
  - Answer NO if you "refused an offer of work due to concerns related to the travel/stay-at-home restrictions of the coronavirus pandemic, or because you were ill with coronavirus, or . . . to care for a coronavirus-affected family member, or care for a dependent whose place of care or school is closed because of coronavirus."
- The NJ DOL guidance with the above quoted explanations are available at:  
<https://myunemployment.nj.gov/labor/myunemployment/covidinstructions.shtml>

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# Questions?

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