



# Pandemic Unemployment Assistance (PUA) FAQ's

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The federal Corona Virus Aid, Relief, and Economic Security (CARES) Act was signed into law on March 27, 2020. The Act provides enhanced Unemployment Insurance (UI) benefits and Pandemic Unemployment Assistance (PUA) for Nevada workers. Here's what you need to know.

## General Description

### What is Pandemic Unemployment Assistance (PUA)?

PUA is a temporary federal program called Pandemic Unemployment Assistance (PUA) that is part of the CARES Act. PUA is available through December 26, 2020. Nevada's PUA program provides up to 46 weeks of benefits to qualifying individuals who do not have regular Unemployment Insurance (UI), Pandemic Emergency Unemployment Compensation (PEUC) or State Extended Benefits (SEB) eligibility, and are otherwise able to work and available for work within the meaning of applicable state UI law, except they are unemployed, partially unemployed, or unable or unavailable to work due to a COVID-19 related reason.

## Eligibility

### How do I know if I am eligible for PUA?

If you are self-employed, seeking part-time employment, do not qualify for regular Unemployment Insurance (UI) or have exhausted all UI, PEUC, or SEB benefits and have been affected by the COVID-19 pandemic, you may qualify to receive benefits. You are affected by the COVID-19 pandemic if you are unemployed, partially unemployed, unable to work or unavailable for work due to one of the following reasons:

- You have been diagnosed with or are experiencing symptoms of COVID-19 and are seeking a medical diagnosis;
- A member of your household has been diagnosed with COVID-19;
- You are providing care for a family member or a member of your household who has been diagnosed with COVID-19;

- Your child or other persons in the household for whom you are the primary caregiver is unable to attend school or another facility that is closed due to the COVID-19 pandemic, and directly affects you from working;
- You are unable to reach your place of employment because of a quarantine or stay-at home order due to the COVID-19 pandemic;
- You are unable to reach your place of employment because you have been advised by a health care provider to self-isolate or quarantine because you are positive for or may have had exposure to someone who has or is suspected of having COVID-19;
- You were scheduled to start a new job and do not have an existing job or are unable to reach the job as a direct result of the COVID-19 pandemic;
- You have become the breadwinner/major supporter for a household because the head of your household has died as a direct result of COVID-19;
- You had to quit your job due to being diagnosed with COVID-19 and being unable to perform your work duties; or
- Your place of employment is closed as a direct result of the COVID-19 pandemic.
- You are self-employed or an independent contractor and have experienced a slowdown in business due to COVID-19 which has forced you to suspend operations.

### **I work in the gig economy or I am a gig worker. Am I eligible for PUA?**

Yes, gig workers with reportable income (such as wages, tips, and other job-related earnings) may be eligible if:

- You are unemployed, partially employed, or unable or unavailable to work because of the COVID-19 pandemic; and
- The COVID-19 pandemic has severely limited your ability to continue performing your customary work activities and you have had to suspend your work.

### **I have never worked before, am I eligible for PUA?**

You may be eligible for if:

- You were scheduled to begin employment and do not have a job or are unable to reach the job as a direct result of COVID-19;
- Your job offer was rescinded because of COVID-19; or
- You have become the breadwinner of major supporter for a household because the head of the household has died as a direct result of COVID-19.

### **Who is Not Eligible for PUA?**

Eligibility for PUA requires that an individual be unemployed, partially unemployed, or unable or unavailable to work in Nevada due to COVID-19, and that you are not eligible for any other unemployment insurance benefits. For example, you are not eligible for PUA if:

- If you are eligible for a regular UI claim, PEUC or SEB;
- If you are able to work remotely without reduced pay;

- If you are receiving paid sick leave or other leave benefits without reduced pay for your customary work week;
- If you are unemployed, but not due to COVID-19;
- If you were not working in Nevada at the time you became unemployed due to COVID-19 and do not have a bona fide job offer to work in Nevada that you were unable to start due to COVID-19

### **How do I know if I should file for regular UI benefits or for PUA?**

Individuals who received a W2 from an employer in late 2018 and 2019 should first apply for UI. Go to [ui.nv.gov](http://ui.nv.gov) and select “File a UI Claim”. To file for a PUA claim, you must have exhausted any and all other types of UI, including Pandemic Emergency Unemployment Compensation (PEUC) and State Extended Benefits (SEB).

### **I am primarily self-employed but have worked occasionally as an employee. Am I eligible for UI or PUA?**

If you received a W2 from an employer for 2019, you must go to [ui.nv.gov](http://ui.nv.gov) and select “File a UI Claim” to determine if there is any regular UI benefit eligibility.

The federal CARES Act, which created the PUA program, requires that an individual may only receive PUA benefits if they are not eligible for regular or extended UI benefits or Pandemic Emergency Unemployment Compensation (PEUC) benefits. This includes individuals who have exhausted all rights to such benefits, self-employed individuals, independent contractors, or those who have insufficient work history.

Generally, if you have enough employee earnings (e.g., W-2 wages) that have been reported to DETR by an employer, you would be eligible for regular UI benefits (plus any additional or extended UI benefits provided under the CARES Act). Because the existence of sufficient employee wages would make you eligible for regular UI, under federal law, you would not be eligible for PUA.

But if your earnings as an employee are minimal and you do not qualify for UI, you would be able to apply for PUA and may be eligible as long as you have a COVID-19 reason for being unemployed.

### **What if I’m out of work due to COVID-19, have a small amount of W-2 income, and a large amount of income from self-employment? Can I not declare the W-2 wages and just rely on self-employment to get PUA?**

No, if DETR has wages reported from an employer that would qualify you for a regular UI claim, then DETR is required by law to proceed with a regular UI claim for you.

## **What is a Quarter Change?**

Federal law requires DETR to look at whether you have eligibility in UI after each quarter. In April, July, and October, your PUA eligibility was reassessed. At that time, the system or a representative looked to see if you are then eligible for UI, either regular UI or the “alternative base period”. If you are found to have UI eligibility for that quarter, you were required to file a UI application. This process is required by federal law. Your PUA eligibility will then end for that quarter.

## **I’ve been told I have “alternate base period eligibility in UI”. What’s that?**

To qualify for UI, you must have wages in certain quarters. The alternate base period looks at the most recent quarter to see if you have eligibility. The charts on page 5 found in the [UI Claimant Handbook](#) explain it very well.

## **I already filed for UI benefits and was denied, what do I do now?**

If you filed a regular UI claim and you were denied benefits, and you meet the PUA requirements of being unemployed, partially unemployed, or unable or unavailable to work due to a COVID-19 related reason, you may file for a PUA claim.

## **I already filed for UI benefits and I was not monetarily eligible, what do I do now?**

If you filed a regular UI claim and have received a Notice of Monetary Determination showing your potential eligibility is \$0.00 dollars for 0 number of weeks, you may file for a PUA claim.

## **I am already receiving UI benefits; can I stop filing and start PUA instead?**

No. PUA benefits are for individuals who, under normal circumstances, would not qualify for regular UI benefits. However, if you are not eligible for regular UI due to insufficient wages or you have an active UI claim with an indefinite disqualification, then you may be eligible and can file for PUA. If you are filing for regular UI benefits and those benefits in addition to any eligible PEUC and SEB extension benefits exhaust, you may, at that time, become eligible for PUA.

## **Application Process for PUA**

### **How do I apply for PUA benefits?**

You may apply for PUA benefits online by visiting [www.employnv.gov](http://www.employnv.gov) and filing for benefits within the PUA online application, or, you may call the Nevada PUA call center at 800-603-9681 or 775-298-6007, or 702-998-3081. Please have copies of documents verifying your identity and income during calendar year 2019 available as you file your initial application for benefits.

## **Benefit Amounts Under PUA:**

The minimum weekly benefit amount (WBA) for PUA payments in Nevada is \$181 per week. This amount may be increased by providing income documentation for the past calendar year (2019). PUA benefits may not be more than the State of Nevada's maximum weekly benefit amount for regular UI benefits which is \$469 per week on claims effective through week ending July 4, 2020. Claims effective from beginning July 5, 2020 forward can receive a maximum of \$483.

All individuals collecting PUA will receive \$600 per week from the Federal Pandemic Unemployment Compensation (FPUC), in addition to the PUA weekly benefits as calculated above. FPUC payments will begin with the week ending April 4, 2020. The last week that FPUC is payable is the week ending July 25, 2020. If you were eligible for PUA for the week ending August 1, August 8, August 15, and August 22, you may be eligible for Lost Wages benefits. The State of Nevada may pay for an additional week's benefits starting August 29<sup>th</sup> as well. There will be NO retroactive release of funds after LWA grant funding exhausts.

## **How is the PUA benefit determined, and how much am I eligible for?**

The amount of PUA benefits you will receive is based on your previous **net** income--meaning the income left after taxes and deductions--for calendar year 2019.

Your WBA for PUA payments is equal to one twenty-fifth of your highest quarter wages for calendar year 2019. (Highest Quarter Wages in 2019 multiplied by 1/25= PUA WBA)

### **Example:**

If a self-employed PUA claimant made \$15,000--equaling \$3750 each quarter in net income for calendar year 2019--one twenty-fifth of their highest quarter wages would be \$150.00. Since the minimum WBA for PUA in Nevada is \$181, that claimant would receive a WBA of \$181.00.

$(\$3750 \times 1/25 = \$150)$

## **What kind of documentation do I need to provide to show my previous income?**

A 2019 tax return is strongly preferred, as it will clearly show your net income.

If you do not have a 2019 tax return, you may submit other documents which show your net income for the calendar year of 2019. Acceptable documentation you can provide may include but is not limited to W-2 forms, tax returns, paycheck stubs, bank receipts, ledgers, invoices, and billing statements.

As your PUA WBA is calculated using your **net** income, documentation that only shows your **gross** income will only result in the minimum WBA.

### **Example:**

A self-employed claimant only submits a "1099" they received for 2019 which shows total income as their proof of income. The 1099 alone without a completed Schedule-C (document that shows

profit and losses) will not be sufficient to establish wages, and the claimant will only be eligible for the minimum weekly benefit amount of \$181.00

### **How long do I have to provide documentation to show my previous income?**

Once you have self-certified a COVID-19 related separation, you have 21 days to prove your calendar year 2019 wages through documentation.

If you do not provide documentation within 21 days, your WBA will be reduced based on whichever is higher - the record of wages already on file or the minimum PUA WBA. If any benefits were overpaid, federal law requires that they must be repaid, and cannot be waived.

However, the CARES act provides that an individual may submit additional documentation at any time during the Pandemic Assistance Period to substantiate wages earned or paid during calendar year 2019. DETR will issue a monetary re-determination if subsequent documentation is sufficient to permit a re-computation. The monetary redetermination applies to all weeks of unemployment that the individual files during the Pandemic Assistance Period. DETR will recalculate the WBA for any weeks previously paid and provide supplementary payment as appropriate.

### **I have been asked to verify my identity. How do I do that?**

Because there is rampant identity theft in unemployment applications, you may be asked to verify your identity. If you are asked to upload documents, here is the list of acceptable documents. Suggested documents include front and back of your state issued ID, Social Security card, and/or passport in addition to your proof of earnings/income documentation from 2019. Other helpful documents may include utility bill or affidavit of residency. The claimant may upload the information to their portal.

Some claimants may also be asked to complete an identity verification through ID.me. Only complete this request if asked to do so via email from DETR.

### **What do I do if someone has filed an unemployment claim in my name in another state?**

File a police report regarding the identity theft and upload that police report to your unemployment portal. Upload your I-9 identity documents (front and back) and your net wage verification showing you worked in Nevada. After you have done so, call (775) 684-0475. The wait times are long right now, but once you speak to a representative and the representative verifies all documents are sufficient, you will be given priority for a call back. As of 11/3/20, it is 5-7 business days for a call back time.

### **Can I file for benefits for all the weeks I have not been able to file until now?**

DETR is required to backdate PUA claims to the earliest date of eligibility, the first week you were unemployed due to one of the COVID-19 related reasons. If you are found eligible for PUA you will receive payments for all eligible weeks back to the first week you were affected by COVID-19,

but no earlier than February 2, 2020. **Most Nevadans are not eligible for benefits until March 8, when the Governor issued the State's stay-at-home directive. Only those that can prove they worked in Nevada and had business fail prior to that time are eligible for an earlier start date.**

### **How can I receive payments?**

During the application process, you will have the option to choose between direct deposit, which will process more quickly, or you may choose to receive a new debit card which will not arrive until after at least one week of benefits are released.

### **Do I need to file weekly claims for PUA benefits?**

Yes. You **must** continue to file weekly claims to receive weekly PUA benefit payments. This applies even if your PUA benefits are on hold due to eligibility issues or pending an appeal decision. If you return to work and no longer wish to file for PUA benefits, simply stop filing your weekly claims. All earnings must be reported in gross amounts when earned, not paid.

### **If I work during a week, will my PUA benefits be affected?**

If you are working reduced or part-time hours, you will be required to report the gross wages earned for the week. Wages are reported **when earned; not when paid**. Your weekly PUA benefit amount will be reduced by 75% of gross wages reported and you will be compensated any remaining balance. Section 4 of SB3 expands eligibility for a person who performs less than full-time work to be deemed to be unemployed to include persons who are paid compensation that is less than one and one-half times the amount the person would otherwise receive in unemployment benefits. This applies to all programs currently available: UI, PEUC, SEB and PUA claims.

### **Will PUA be subject to Federal Income Tax?**

Yes. PUA payments are taxable and taxes will be withheld from PUA payments if you have elected to do so when filing your claim.

### **Will Child Support be withdrawn from my PUA payments?**

Yes, child support obligations may be deducted from PUA payments in the same way they are from regular UI benefits.

## **Denial and Appeals**

### **What are my options if the state determines I am not eligible to receive Pandemic Unemployment Assistance benefits?**

If DETR determines that you are not eligible to receive Pandemic Unemployment Assistance benefits, you will receive a disqualification electronically stating why you were denied and providing information on how and by when you may appeal if you disagree with the determination.



You will be able to appeal a determination on-line through the [EmployNV.gov](https://employnv.gov) portal. Log in to your account, click the Unemployment Services link and select "File an Appeal."

A request for appeal typically must be filed within 11 days after the date of mailing of the notice of determination of claim. DETR has currently waived the 11-day deadline due to the significant number of potential fraud claims. You may request an appeal after 11 days; however, you must show good cause for the delay in filing.

During the appeal process you **must** continue to file claims for any week you are unemployed to preserve any benefit rights that may be established as a result of the appeal. Once your appeal has been received and reviewed, you will receive additional information regarding the appeal in your EmployNV mailbox.

### **How Do Appeals Generally Work?**

Generally, the Appeals process for PUA claims will be very similar to the claims process in the UI system. See [http://ui.nv.gov/Handbooks/Appeals\\_Handbook.pdf](http://ui.nv.gov/Handbooks/Appeals_Handbook.pdf) for general information on how unemployment appeals work. All appeal hearings are conducted by telephone.

### **Tips for Handling Your Appeal**

One of the most important steps in getting ready for your appeal is to present your reason for the appeal simply and present any supporting evidence. Try not to bring up anything not related to the appeal issue.

### **Examples:**

#### **Benefit Amount**

**Good presentation:** I am appealing my weekly benefit amount. I am receiving \$181 and I should be receiving \$469. I was given the lower amount as I did not initially upload my tax return. But on May 30, 2020, my tax return was completed, and I uploaded it. If you examine Line 31 of my Schedule C, you can see I earned \$100,000 in net income in 2019. According to the benefit calculations, my weekly benefit amount should be \$469. I have a copy of the tax return here with me. It is the same one I uploaded on May 30, 2020.

**Bad Example:** I have been waiting for months for this hearing. Everything is unfair. This whole process has been terrible. I don't think it's fair that others are getting more money. I am about to be evicted and I need my benefits now.

#### **Identity Disqualification**

**Good Example:** I am challenging the decision to disqualify me based on my identity. I am John Smith. I live at 123 Boulder Highway and have lived there for five years. I produced my driver's license, social security card, and my lease to my apartment and uploaded them twice – on June 1, 2020, and July 3, 2020. I have copies of those same documents with me today. I have also brought



copies of my bank statement and my passport if you would like to see those. I request all my payments back to March 17<sup>th</sup>, the first day I filed.

### **COVID-Related Disqualification**

**Sample presentation:** I am challenging the decision to disqualify me because I am not out of work due to a COVID-related reason. I caught COVID on 4/1/20 and was out of work due to COVID. I believe I should receive benefits for that reason.

### **Overpayments:**

If you are disqualified from PUA retroactively and were previously receiving benefits, you will receive an overpayment notice requesting you pay back all benefits. The requirement to serve an overpayment notice is mandatory under federal law. At the present time, the federal government does not allow states to waive PUA overpayments.

If you disagree with the reason for the disqualification and the overpayment, you can appeal the notice. If you agree with the reason for the disqualification and the overpayment or do not wish to contest them, you can make payments on your overpayment. You can mail a check to ESD Benefits Integrity Programs/PUA Collections, P.O. Box 3185, Carson City, NV 89702. Your notice will contain all of this information. Individuals with questions regarding UI/PUA overpayments can call the phone number listed on the overpayment notice, Monday through Friday, 7 AM to 4 PM.

Overpayments of FPUC (the \$600 additional payment) can be waived if the overpayment was not due to fraud, misrepresentation or willful nondisclosure on the part of the recipient and the overpayment was received without fault on the part of the recipient, and its recovery would be against equity and good conscience, as determined by the Administrator.

Overpayments of LWA (the \$300 Lost Wages additional payment) must be returned to FEMA by DETR so the overpayment may not be waived.