EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION Unemployment Insurance
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	DATE January 8, 2021

ADVISORY: **UNEMPLOYMENT INSURANCE PROGRAM LETTER NO. 16-20 Change 4**

TO: STATE WORKFORCE AGENCIES

FROM: JOHN PALLASCH /s/
Assistant Secretary

SUBJECT: Continued Assistance to Unemployed Workers Act of 2020—Pandemic Unemployment Assistance (PUA) Program: Updated Operating Instructions and Reporting Changes

1. **Purpose.** To provide states with updated guidance for the PUA program, as amended by the Continued Assistance to Unemployed Workers Act of 2020 (Continued Assistance Act) and updated instructions for reporting PUA program activities.

2. **Action Requested.** The U.S. Department of Labor's (Department) Employment and Training Administration (ETA) requests that State Workforce Administrators provide the information in this Unemployment Insurance Program Letter (UIPL) and all attachments to appropriate program and other staff in state workforce systems as they implement the changes to the PUA program and the required reporting of PUA activities as amended by the Continued Assistance Act.

3. **Summary and Background.**

   a. Summary – On December 27, 2020, the President signed into law the Continued Assistance Act, which includes Unemployment Insurance (UI) related provisions that make the following changes to PUA:

      i. extending PUA program authorization until March 14, 2021;
      ii. adding a phaseout period, through weeks beginning on or before April 5, 2021, for individuals who have remaining entitlement to PUA and who are receiving PUA as of the end of the program (March 13, 2021, for states with a Saturday week ending date and March 14, 2021, for states with a Sunday week ending date);
      iii. adding a new limitation on backdating claims filed after December 27, 2020 (the enactment date of the Continued Assistance Act);

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iv. increasing the maximum number of PUA weeks available from 39 weeks to 50 weeks, subject to limitations on the dates in which these additional 11 weeks may be collected;
v. adding a requirement for individuals to submit documentation of employment or self-employment;
vi. establishing the self-certification process for continued claims in statute;
vii. permitting states to waive PUA overpayments under certain conditions;
viii. providing a hold harmless provision for individuals who are currently receiving PUA after having exhausted Pandemic Emergency Unemployment Compensation (PEUC), but who are now eligible to receive additional benefit amounts available on the PEUC claim;
ix. establishing in statute the existing PUA appeals guidance; and
x. adding a requirement for states to verify the identity of PUA applicants.

In addition to the changes made by the Continued Assistance Act, the Department provides further guidance regarding fraud penalties imposed on individuals for PUA overpayments.

ETA has also revised the ETA 902P report to include additional data items for tracking PUA overpayment recovery activities, claim exhaustions, and overpayments resulting from identity theft.

All other PUA program parameters, as provided in Section 2102 of the CARES Act, PUA agreements, UIPL Nos. 16-20; 16-20, Change 1; 16-20, Change 2; and 16-20, Change 3, remain the same.

b. Background – The Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 (Pub. L. 116-136) created the PUA program to provide temporary assistance to individuals who are unemployed, partially unemployed, unable, or unavailable for work due to specified COVID-19 related reasons and who are not eligible for regular state or federal unemployment benefits. The CARES Act authorized PUA through weeks of unemployment ending before December 31, 2020.

Importance of Program Integrity. Addressing improper payments and fraud is a top priority for the Department and the entire UI system. It is critical that states implement UI programs and provisions to ensure that payments are being made to eligible individuals and that states have aggressive strategies and tools in place to prevent, detect, and recover fraudulent payments, with a particular emphasis on imposter fraud by claimants using false identities.

The programs and provisions within the Continued Assistance Act, the Emergency Unemployment Insurance Stabilization and Access Act, and the CARES Act operate in tandem with the fundamental eligibility requirements of the Federal-State UI program. These requirements include that an individual file certifications with respect to each week of unemployment that is paid and that an individual be able to work and available for work except as specifically provided for in statute. In addition, the Continued Assistance

Act includes new program integrity requirements for the PUA and PEUC programs with which states must comply.

Some states remain in the midst of managing extraordinary workloads due to the effects of the spread of COVID-19. During this time, there is a heightened need for states to maintain a steadfast focus on UI functions and activities that ensure program integrity and the prevention and detection of improper payments and fraud across all programs operated within the UI system.

UIPL No. 23-20, published on May 11, 2020, discusses program integrity for the UI system. UIPL No. 28-20, published on August 31, 2020, provides states with funding to assist with efforts to prevent and detect fraud and identity theft and recover fraud overpayments in the PUA and PEUC programs.

States play a fundamental role in ensuring the integrity of the UI system. While states have been provided some flexibilities as a result of the COVID-19 pandemic, those flexibilities are generally limited to emergency temporary actions as needed to respond to the spread of COVID-19. States must ensure that individuals only receive benefits in accordance with federal and state law.

ETA strongly encourages states to utilize the tools, resources, and services of the UI Integrity Center, funded by the Department and operated in partnership with the National Association of State Workforce Agencies. One of the key assets to support addressing fraud is the Integrity Data Hub (IDH), which includes a variety of data sets to prevent and detect fraud based on identity theft at the time of application, including an identity verification solution. ETA also encourages states to consult with the UI Integrity Center on data analytics and to prioritize IDH hits, as well as on other tools and solutions available through the private sector that complement the IDH. In UIPL No. 28-20, the Department explained its expectation that states connect to the IDH no later than March 31, 2021 and encouraged states to use their share of the funding provided through that UIPL to support IDH connection as soon as possible. There is also a range of other tools on the market that states should consider when combating fraud and ensuring program integrity.

4. **Guidance on Changes to PUA in the Continued Assistance Act.** An overview of key changes to the PUA program is provided below.

The Agreement Implementing the Relief for Workers Affected by Coronavirus Act that was signed by each state in March 2020, remains in effect along with the modifications and extensions required as a result of these updated provisions. When determining the appropriate course of action in administering the PUA program, states should first consult Section 2102 of the CARES Act, as amended by the Continued Assistance Act, and the subsequent operating instructions provided by the Department. Where the CARES Act, as amended, and the operating instructions are silent, states should refer to the Disaster Unemployment Assistance (DUA) regulations at 20 C.F.R. Part 625. All other PUA program parameters, as provided in Section 2102 of the CARES Act, PUA agreements, UIPL Nos. 16-20; 16-20, Change 1; 16-20, Change 2; and 16-20, Change 3, remain the same.

Detailed instructions for implementing the amendments are included in Attachment I, Pandemic Unemployment Assistance (PUA) Implementation and Operating Instructions and Attachment II, Handbook 401 Instructions for ETA 902 Pandemic Unemployment Assistance. Attachment III provides a matrix of eligibility requirements and benefit availability dependent on the claim filing date. Attachment I, Pandemic Unemployment Assistance (PUA) Implementation and Operating Instructions is structured to enable states to know what guidance is new, what is modified, and what has not changed.

a. **Changes to Program Dates and Benefit Duration.**

i. **Extension of Program.** Section 201(a) of the Continued Assistance Act extends PUA authorization through weeks of unemployment ending on or before March 14, 2021. This means that for states where weeks of unemployment end on a Saturday, the last week payable is the week ending March 13, 2021, and for states with weeks ending on Sunday, the last week payable is the week ending March 14, 2021. Refer to section C.14. of Attachment I to this UIPL for additional detail.

ii. **Phaseout Period.** Section 201(a)(3) of the Continued Assistance Act provides a phaseout period for individuals receiving PUA as of the end of the program (March 13, 2021, for states with a Saturday week ending date and March 14, 2021, for states with a Sunday week ending date), who have not yet exhausted their PUA entitlement. These individuals may continue to collect PUA for any week in which they have remaining entitlement and are otherwise eligible, except that no PUA is payable for any week beginning after April 5, 2021 (April 10, 2021 for states with a Saturday week ending date and April 11, 2021 for states with a Sunday week ending date). Refer to section C.5. of Attachment I to this UIPL for additional detail. States may not accept any new PUA claims for weeks of unemployment after March 13, 2021 for states with a Saturday week ending date and March 14, 2021, for states with a Sunday week ending date.

iii. **New Limitations on Backdating.** As discussed in Question 4 of Attachment I to UIPL No. 16-20, Change 1, individuals filing for PUA must have their claims backdated to the first week during the Pandemic Assistance Period (PAP) that the individual was unemployed, partially unemployed, or unable or unavailable to work because of a COVID-19 related reason listed in Section 2102(a)(3)(A)(ii)(I) of the CARES Act. However, Section 201(f) of the Continued Assistance Act limits the availability of backdating for claims that are filed after December 27, 2020 to no earlier than December 1, 2020. Refer to section C.15. of Attachment I to this UIPL for additional detail.

iv. **Modification to Benefit Duration.** The maximum number of weeks of PUA benefits is modified to increase from 39 weeks to 50 weeks. The number of weeks available continues to be reduced by any weeks of regular UC and Extended Benefits (EB) that the individual receives during the PAP. Individuals may only collect these additional 11 weeks of benefits with respect to weeks of unemployment beginning on or after December 27, 2020. Refer to section C.17. of Attachment I to this UIPL for additional detail.

v. **Notification Requirements.** States must re-determine existing PUA claims to reflect the additional weeks of potential eligibility. States must also identify each individual with a PUA claim on file and advise these individuals that they are potentially eligible for additional PUA benefits. States must provide these individuals with instructions for reopening their PUA claims (if the individual has stopped collecting PUA). Refer to section C.28 of Attachment I of this UIPL for additional detail.

b. **New Requirement for Individuals to Submit Documentation of Employment or Self-Employment.** Section 241 of the Continued Assistance Act, creates a new requirement for individuals to submit documentation substantiating employment or self-employment. Refer to section C.2. of Attachment I to this UIPL for additional detail.

i. **Filing New Applications for PUA.** Individuals filing a new PUA application on or after January 31, 2021 (regardless of whether the claim is backdated), are required to provide documentation within 21 days of application or the date the individual is directed to submit the documentation by the State Agency, whichever is later. The deadline may be extended if the individual has shown good cause for not submitting documentation under state UC law within 21 days.

ii. **Filing Continued Claims for PUA.** Individuals who applied for PUA before January 31, 2021 and receive a payment of PUA on or after December 27, 2020 (regardless of which week ending date is being paid), are required to provide documentation substantiating employment or self-employment, or the planned commencement of employment or self-employment, within 90 days of application or when directed to submit the documentation by the State Agency, whichever is later. The deadline may be extended if the individual has shown good cause under state UC law.

c. **Continued Eligibility Requirements.** Individuals must provide a self-certification that their unemployment, partial unemployment, or inability or unavailability to work is specifically attributable to one or more of the COVID-19 related reasons specified in section 2102(a)(3)(A)(ii)(I)(aa) through (kk) of the CARES Act and must identify that specific reason for each week that PUA is claimed. This applies with respect to weeks beginning on or after January 26, 2021 (30 days after the enactment of the Continued Assistance Act).

Additionally, in the case of states that made a good faith effort to implement the PUA program prior to the effective date of this provision, an individual will not be denied benefits for the weeks ending prior to January 26, 2021, solely for failing to submit a weekly self-certification. Refer to section C.7. of Attachment I to this UIPL for additional detail.

d. **Overpayment Waiver Authority.** Section 201(d) of the Continued Assistance Act permits a state to waive repayment of a PUA overpayment if the state determines that: i) the overpayment was without fault on the part of the individual and ii) that repayment would be contrary to equity and good conscience. Refer to section C.21.b. of Attachment I to this UIPL for additional detail.

e. **Hold Harmless Provision for Individuals who are Provided Additional Benefit Amounts on a Previous PEUC claim.** Under the CARES Act, an individual must have exhausted all entitlement to regular UC, PEUC, and EB before filing for PUA. However, section 201(e) of the Continued Assistance Act provides a "hold harmless" provision for an individual who previously exhausted PEUC and is now receiving PUA, but as a result of Section 206(b) of the Continued Assistance Act becomes eligible for additional amounts of PEUC beginning on or after December 27, 2020. Refer to section C.6. of Attachment I to this UIPL for additional detail.

f. **Requirement to Verify Identity**. Section 242 of the Continued Assistance Act requires that states must include procedures for identity verification or validation for timely payment, to the extent reasonable and practicable, by January 26, 2021 (30 days after the enactment of the Continued Assistance Act) to ensure that they have an adequate system for administering the PUA program. Refer to section C.3. of Attachment I to this UIPL for additional details.

g. **Technical Correction for the Commonwealth of Northern Mariana Islands (CNMI).** Section 265 of the Continued Assistance Act provides that a Commonwealth Only Transitional Worker (CW-1) shall be considered a qualified alien for purposes of eligibility under the PUA and FPUC programs. This change primarily impacts claims in the Commonwealth of the Northern Mariana Islands. Refer to section C.8. of Attachment I to this UIPL for additional details.

h. **Appeals Processes.** Section 201(c) of the Continued Assistance Act provides that individuals may appeal their rights on any PUA determination or redetermination made by the state and that all levels of appeals filed in the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands shall be carried out by the applicable state that made the determination or redetermination and shall be conducted in the same manner and to the same extent as the state would conduct appeals of determinations and redeterminations regarding rights to regular compensation under state law.

With respect to any appeals filed in Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, Republic of the Marshall Islands, and the Republic of Palau, all levels of appeals shall be carried out by the applicable entity within the territory in the same manner and to the same extent as appeals of regular unemployment compensation conducted under the unemployment compensation law of Hawaii. Refer to section C.20. of Attachment I to this UIPL for additional detail.

5. **Fraud Penalties for PUA Overpayments.** Consistent with the requirements of Section 251 of the Trade Adjustment Assistance Extension Act of 2011 (TAAEA), Pub. L. 112-40 (2011), if a state determines that it made an erroneous PUA payment to an individual due to fraud committed by the individual, the state must apply a minimum 15 percent penalty on such individual. Refer to Section C.21 of Attachment I to this UIPL for additional detail.

6. **Changes to the PUA Activity Report, ETA 902P.** ETA has revised the ETA 902P report to include additional data items that will be used to assess state overpayment recovery efforts for the PUA program, inform policy makers about the program, determine the effectiveness of identity theft prevention efforts, and assess additional program integrity needs. Please refer to Section E of Attachment I to this UIPL for additional detail.

7. **Inquiries.** We encourage states to contact the Department for technical assistance. Please direct inquiries to covid-19@dol.gov, with a copy to the appropriate ETA Regional Office.

8. **References.**

- Continued Assistance to Unemployed Workers Act of 2020 (Continued Assistance Act);
- Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 (Pub. L. 116-136), Title II, Subtitle A;
- Section 251 of the Trade Adjustment Assistance Extension Act of 2011 (TAAEA), Pub. L. 112-40;
- Section 303(a)(1), (3), and (11) of the Social Security Act;
- 5 C.F.R. Subpart C § 845.303 - Standards for Waiver of Overpayments;
- 20 C.F.R. Part 625 -Disaster Unemployment Assistance;
- UIPL No. 09-21, *Continued Assistance for Unemployed Workers Act of 2020 (Continued Assistance Act) – Summary of Key Unemployment Insurance (UI) Provisions*, issued December 30, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3831;
- UIPL 28-20, *Addressing Fraud in the Unemployment Insurance (UI) System and Providing States with Funding to Assist with Efforts to Prevent and Detect Fraud and Identity Theft and Recover Fraud Overpayments in the Pandemic Unemployment Assistance (PUA) and Pandemic Emergency Unemployment Compensation (PEUC) Programs*, August 31, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=8044;

- UIPL No. 23-20, *Program Integrity for the Unemployment Insurance (UI) Program and the UI Programs Authorized by the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 – Federal Pandemic Unemployment Compensation (FPUC), Pandemic Unemployment Assistance (PUA), and Pandemic Emergency Unemployment Compensation (PEUC) Programs*, issued May 11, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=4621;
- UIPL No. 16-20, *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020—Pandemic Unemployment Assistance (PUA) Program Operating, Financial, and Reporting Instructions*, issued April 5, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=4628;
- UIPL No. 16-20, Change 1, *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020—Pandemic Unemployment Assistance (PUA) Program Reporting Instructions and Questions and Answers*, issued April 27, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=5899;
- UIPL No. 16-20, Change 2, *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020—Pandemic Unemployment Assistance (PUA) Program Additional Questions and Answers*, issued July 21, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=5479;
- UIPL No. 16-20, Change 3, *Eligibility of Individuals who are Caregivers for Pandemic Unemployment Assistance in the Context of Scholl Systems Reopening*, issued August 27, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3849; and
- UIPL 03-20, *Minimum Disaster Unemployment Assistance (DUA) Weekly Benefit Amount: January 1 - March 31, 2020* issued December 12, 2019, https://wdr.doleta.gov/directives/corr_doc.cfm?docn=3675.

9. Attachments.

- Attachment I: Pandemic Unemployment Assistance (PUA) Implementation and Operating Instructions;
- Attachment II: UI Report Handbook No. 401, ETA 902P – Pandemic Unemployment Assistance;
- Attachment III: Processing PUA Claims Based on the Claim Filing Date;
- Attachment IV: PUA Provisions under the Consolidated Appropriations Act, 2021. Division N, Title II, Subtitle A, Chapter I, Continued Assistance to Unemployed Workers Act of 2020.

Attachment I to UIPL No. 16-20, Change 4

Pandemic Unemployment Assistance (PUA) Implementation and Operating Instructions
Revised January 8, 2021

The following Implementation and Operating Instructions are structured to enable states to know what guidance is new, what is modified, and what is unchanged.

A. Introduction (updated reference to Continued Assistance Act)

On March 27, 2020, the President signed Public Law (Pub. L.) 116-136, the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020. Section 2102 created a new federal program called Pandemic Unemployment Assistance (PUA) and provided funding to states for the administration of the program. On December 27, 2020, the President signed, the Consolidated Appropriations Act, 2020, including Division N, Title II, Subtitle A, the Continued Assistance for Unemployed Workers Act of 2020 (Continued Assistance Act), which amended the CARES Act and included certain changes to the PUA program. Under the new law, the maximum number of weeks available for the PUA program increases from 39 weeks to 50 weeks of benefits. These benefits are payable to individuals who are not eligible for regular UC, EB, or PEUC. This includes individuals who have exhausted all rights to such benefits, as well as individuals who are self-employed, seeking part-time employment, lacking sufficient work history, or who are otherwise not qualified for regular unemployment compensation (UC), EB, and Pandemic Emergency Unemployment Compensation (PEUC) under Section 2107 of the CARES Act, and who otherwise meet the eligibility requirements of Section 2102 of the CARES Act. The costs of the federal benefit and of program administration are 100% federally funded.

This guidance has been updated to include amendments made by the Continued Assistance Act and clarifications provided in Change 1, 2, and 3 to Unemployment Insurance Program Letter (UIPL) No. 16-20. Additionally, please note the new information below regarding overpayment fraud penalties and interest. Unless otherwise specified here, all other PUA program provisions, as provided in Section 2102 of the CARES Act, UIPL Nos. 16-20; 16-20, Change 1; 16-20, Change 2; and 16-20, Change 3, remain the same. The Agreement Implementing the Relief for Workers Affected by Coronavirus Act (hereinafter the Agreement) that the Department of Labor and states signed in March 2020 also remains in effect, along with the modifications and extensions required by these updated provisions. As set forth in Section XI of the Agreement, a state may terminate the Agreement with thirty days' written notice if it chooses to no longer administer one or more provisions specified in Section XIV, which includes the state's agreement to administer the PUA program.

B. Definitions (updated as noted below)

This Section contains the definitions of terms used throughout this document, using definitions in 20 C.F.R. 625.2 and in Section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (EUCA). References to 5 U.S.C. Chapter 85 relate to Unemployment Compensation for Federal Employees (UCFE) and Unemployment Compensation for Ex-Servicemembers (UCX).

1. "CARES Act" means Coronavirus Aid, Relief, and Economic Security (CARES) Act (Pub. L. 116-136), including Title II Subtitle A, The Relief for Workers Affected by Coronavirus Act.
2. "Additional compensation" means compensation totally financed by a state and payable under a state law by reason of conditions of high unemployment or by reason of other special factors, and when so payable, includes compensation payable pursuant to 5 U.S.C. Chapter 85.
3. "Agreement" means the agreement between a state and the U.S. Department of Labor (Department) to administer the PUA Program. Under the Agreement, the state agency makes payments of PUA as the Department's agent. PUA payments must be made in accordance with the CARES Act, including any applicable amendments, as interpreted by the Department in these instructions and any other instructions issued by the Department.
4. "Applicable state" means, with respect to an individual, the state from which the individual is receiving compensation.
5. "Applicable state law" means the unemployment compensation law of the applicable state for an individual.
6. "Benefit year" means, with respect to an individual, the benefit year as defined in the applicable state law.
7. "Compensation" shall have the meaning provided in 20 C.F.R. 265.2(d).
8. "COVID-19" means the 2019 Novel Coronavirus or 2019-nCoV.
9. "COVID-19 Public Health Emergency" means the public health emergency declared by the Secretary of Health and Human Services on January 27, 2020, with respect to the 2019 Novel Coronavirus.
10. "Covered Individual" (**updated to include documentation requirement under Section 241 of the Continued Assistance Act**) means an individual who: (i) is not eligible for regular compensation or extended benefits under State or Federal law or pandemic emergency unemployment compensation under Section 2107 of the CARES Act, including an individual who has exhausted all rights to regular unemployment or extended benefits under State or Federal law or Pandemic Emergency Unemployment Compensation under Section 2107, (ii) self-certifies that the individual is unemployed, partially unemployed, or unable or unavailable to work because of a listed COVID-19 reason in Section 2102(a)(3)(A)(ii) of the CARES Act (as described in subsection C.1. below), and (iii) provides required documentation of employment/self-employment within the applicable period of time (as described in subsection C.2. below).
11. "Department" means the U.S. Department of Labor.

12. "Extended compensation" means compensation payable to an individual for weeks of unemployment in an extended benefit period, under those provisions of the state law which satisfy the requirements of the Federal-State Extended Unemployment Compensation Act of 1970 (Pub. L. 91-373), and when so payable includes additional compensation and compensation payable pursuant to 5 U.S.C. Chapter 85. Extended compensation is referred to as Extended Benefits or EB.
13. "Federal Pandemic Unemployment Compensation" means the compensation payable under Section 2104 of the CARES Act and is referred to as FPUC.
14. "Pandemic Unemployment Assistance" means the compensation payable under Section 2102 of the CARES Act and is referred to as PUA.
15. "Pandemic Emergency Unemployment Compensation" means compensation payable under Section 2107 of the CARES Act and is referred to as PEUC.
16. "Regular compensation" means compensation payable to an individual under any state law or the unemployment compensation plan of a political subdivision of a state and, when so payable, includes compensation payable pursuant to 5 U.S.C. Chapter 85 (parts 609 and 614 of this chapter), but not including extended compensation or additional compensation.
17. "Secretary" means the U.S. Secretary of Labor.
18. "State" means the states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.
19. "State agency" means the agency of the state which administers its state law, and for Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, it means the agency designated in the Agreements entered into with the Department.
20. "State law" means the unemployment compensation law of a state, approved by the Secretary under Section 3304 of the Federal Unemployment Tax Act (FUTA). (26 U.S.C. § 3304(a)).
21. "Week" means a week as defined in the applicable state law.
22. "Week of unemployment" is defined as used in 20 C.F.R. 625.2(w).

Note: Except as otherwise provided in Section 2102 of the CARES Act, as amended by the Continued Assistance Act, or to the extent there is a conflict between Section 2102, as amended, and 20 C.F.R. Part 625, 20 C.F.R. Part 625 shall apply to Section 2102 as if the term "COVID-19 public health emergency" were substituted for the term "major disaster" each place it appears in 20 C.F.R. Part 625 and the term "pandemic" were substituted for the term "disaster" each place it appears in 20 C.F.R. Part 625.

C. Operating Instructions

1. Eligibility (**updated as noted below to reflect changes from the Continued Assistance Act and includes clarifications to guidance provided in UIPL Nos. 16-20, Change 1; 16-20, Change 2; and 16-20, Change 3**). Section 2102 of the CARES Act provides for payment of PUA to "covered individuals." A "covered individual" is someone who meets each of the following three conditions:

    Condition #1: The individual is not eligible for regular UC, EB, or PEUC. This includes an individual who has exhausted all rights to such benefits, as well as an individual who is self-employed, seeking part-time employment, lacking sufficient work history, or who is otherwise not qualified for regular UC, EB, or PEUC. Self-employed individuals include independent contractors and gig economy workers.

    Condition #2: The individual must self-certify that he or she is otherwise able and available to work within the meaning of applicable state law, except that the individual is unemployed, partially unemployed, or unable or unavailable to work because of a listed COVID-19 reason in Section 2102(a)(3)(A)(ii) of the CARES Act, as described below.

    Condition #3 (**new**): Section 241 of the Continued Assistance Act requires that an individual must provide documentation substantiating employment or self-employment, or the planned commencement of employment or self-employment, if he or she files a new application for PUA on or after January 31, 2021, or, if the individual applied for PUA before January 31, 2021 and receives PUA benefits on or after December 27, 2020 (the enactment date of the Continued Assistance Act). This requirement is described in further detail in Section C.2. below.

    PUA is generally not payable to individuals who have the ability to telework with pay, or who are receiving paid sick leave or other paid leave benefits. However, an individual receiving paid sick leave or other paid leave benefits for less than his or her customary work week may still be eligible for a reduced PUA weekly benefit amount (WBA). The state must treat any paid sick leave or other paid leave received by a claimant in accordance with state law. Similarly, if an individual has been offered the option of teleworking with pay and does telework with pay but is working and earning less than the individual customarily worked/earned due to a COVID-19 related reason identified in Section 2102(a)(3)(A)(ii)(aa) through (kk) of the CARES Act, the individual may be eligible for a reduced PUA WBA. Income from such work would be treated in accordance with state law.

    Under Condition #1, an individual "lacking sufficient work history" means an individual: 1) with a recent attachment to the labor force (meaning that he or she worked at some point from the start of the applicable tax year to the date of filing – refer to C.2. for additional information on required documentation), 2) who does not have sufficient wages in covered employment to establish a claim under regular UC, and 3) who is unemployed or partially unemployed or unable or unavailable to work because of one of the COVID-19 related reasons identified under Section 2102 of the CARES Act. Examples of workers which may be seen as "lacking sufficient work history" include workers for certain religious entities, Peace Corps workers, AmeriCorps participants, and Fulbright program participants who are working, provided they satisfy Conditions #2 and #3 as described above. Individuals who had a bona fide offer to start working on a specific date and were unable to start due to one of the COVID-19 related reasons identified under Section 2102 of the CARES Act are also considered individuals with a recent attachment to the labor force.

Additional details for Condition #2. As described under Condition #2, an individual must self-certify that he or she is otherwise able to work and available for work, as provided under state law, except that the individual is unemployed, partially unemployed, unable to work or unavailable for work due to at least one of the following categories described below. These categories are set forth in Section 2102(a)(3)(A)(ii)(I)(aa) through (kk) of the CARES Act.

Included for each of the categories are illustrative examples and explanations of circumstances that fall under each category. Additional examples are also provided in UIPL Nos. 16-20, Change 1; 16-20, Change 2, and 16-20, Change 3. Examples and explanations for each of the categories under items (aa) through (jj) of Section 2102(a)(3)(A)(ii)(I) of the CARES Act are not an exhaustive list of all examples within each category. If states consider other qualifying circumstances, such circumstances must align with one of the (aa)-(jj) reasons and be applied in a manner consistent with the examples below. Additionally, the Secretary, in his authority to approve additional items under Section 2102(a)(3)(A)(ii)(I)(kk) of the CARES Act, has approved one additional circumstance under which an individual may satisfy Condition #2.

aa. <u>The individual has been diagnosed with COVID-19 or is experiencing symptoms of COVID-19 and is seeking a medical diagnosis</u>. Examples may include:

- An individual who has to quit his or her job as a direct result of COVID-19 because the individual has tested positive for COVID-19 or has been diagnosed with COVID-19 by a qualified medical professional, and continuing work activities, such as through telework, is not possible by virtue of such diagnosis or condition;
- An individual who has to quit his or her job due to coming in direct contact with someone who has tested positive for COVID-19 or has been diagnosed by a medical professional as having COVID-19, and, on the advice of a qualified medical health professional is required to resign from his or her position in order to quarantine.

bb. A member of the individual's household has been diagnosed with COVID-19. For example:

- A member of the individual's household has been diagnosed as having COVID-19 by a qualified medical professional or a member of the individual's household has tested positive for COVID-19 and the individual is unable to work as a result.

cc. The individual is providing care for a family member or a member of the individual's household who has been diagnosed with COVID-19. For example:

- An individual is "providing care" for a family member or a member of the individual's household if the provision of care requires such ongoing and constant attention that the individual's ability to perform other work functions is severely limited. An individual who is assisting a family member who is able to adequately care for him or herself is not "providing care" under this category.

dd. A child or other person in the household for which the individual has primary caregiving responsibility is unable to attend school or another facility that is closed as a direct result of the COVID-19 public health emergency and such school or facility care is required for the individual to work. For example:

- An individual has "primary caregiving responsibility" for a child or other person in the household if he or she is required to remain at home to care for the child or other person.
- This includes an individual whose job allows for telework, but for whom the provision of care to the child or other person with a closed school or other facility requires such ongoing and constant attention that it is not possible for the individual to perform work at home.

ee. The individual is unable to reach the place of employment because of a quarantine imposed as a direct result of the COVID-19 public health emergency. For example:

- An individual who is unable to reach his or her place of employment because doing so would require the violation of a state or municipal order restricting travel that was instituted to combat the spread of COVID-19.

ff. The individual is unable to reach the place of employment because the individual has been advised by a health care provider to self-quarantine due to concerns related to COVID-19. For example:

- An individual who has been advised by a qualified medical professional that he or she may be infected with COVID-19 and that he or she therefore should self-quarantine. For example, an individual had direct contact with another person who has tested positive for COVID-19 or been diagnosed with COVID-19 by a qualified medical professional and is advised by a health care provider to self-quarantine to prevent further possible spread of the virus. Such circumstances would render the individual unable to reach his or her place of employment.

- An individual whose immune system is compromised by virtue of a serious health condition and is therefore advised by a health care provider to self-quarantine in order to avoid the greater-than-average health risks that the individual might face if he or she were to become infected by COVID-19.

gg. <u>The individual was scheduled to commence employment and does not have a job or is unable to reach the job as a direct result of the COVID-19 public health emergency</u>. Examples include, but are not limited to:

- An individual is unable to reach his or her job because doing so would require the violation of a state or municipal order restricting travel that was instituted to combat the spread of COVID-19 or the employer has closed the place of employment.
- An individual does not have a job because the employer with whom the individual was scheduled to commence employment has rescinded the job offer as a direct result of the COVID-19 public health emergency.

hh. <u>The individual has become the breadwinner or major support for a household because the head of the household has died as a direct result of COVID-19</u>. For example:

- An individual whose head of household previously contributed the majority of financial support to the household died as a direct result of COVID-19, and the individual is now the person in the household expected to provide such financial support.

ii. <u>The individual has to quit his or her job as a direct result of COVID-19</u> (**example expanded**). For example:

- An individual was diagnosed with COVID-19 by a qualified medical professional, and although the individual no longer has COVID-19, the illness caused health complications that render the individual objectively unable to perform his or her essential job functions, with or without a reasonable accommodation. States should also note that, for purposes of item (ii), an individual does not have to quit his or her job as a direct result of COVID-19 if paid sick leave or other paid leave benefits are available to the individual. Generally, an employee "has to quit" within the meaning of this Section only when ceasing employment is an involuntary decision compelled by the circumstances identified in this Section.

jj. The individual's place of employment is closed as a direct result of the COVID-19 public health emergency (**examples added/updated**). Some examples include, but are not limited to the following:

- If a business is shut down due to an emergency declaration or due to necessary social distancing protocols, the resulting unemployment of affected individuals would be considered a direct result of COVID-19. While a government-mandated closure is not necessary to satisfy this category, the claimant must be able to self-certify that the business was closed "as a direct result of the COVID-19 public health emergency."
- If a business has multiple parts and one or some of those parts is shut down due to restrictions imposed by COVID-19, affected staff from the parts of the business that shut down may be eligible for PUA. For example, a business may include both a restaurant and a brewery. If the individual's place of employment is the restaurant and the restaurant is shut down because of the COVID-19 pandemic, even if the brewery continues to operate, the individual who was employed in the restaurant may be eligible for PUA. An individual who is working reduced hours while his or her place of employment continues to operate does not satisfy the conditions to self-certify under item (jj).

kk. The individual meets any additional criteria established by the Secretary for unemployment assistance under this Section (**approved criteria clarified**).

To date, the Secretary has approved one additional criterion under item (kk): Self-employed individuals (including independent contractors and gig workers) who experienced a significant diminution of their customary or usual services because of the COVID-19 public health emergency, even absent a suspension of services, may self-certify under item (kk).

When states are developing the list of items (aa) through (kk) to include on their self-certification forms, states may use the following verbiage for item (kk): "I am self-employed (including an independent contractor or gig worker) and experienced a significant reduction of services because of the COVID-19 public health emergency."

States are reminded that for each week of PUA claimed, states must ensure that an individual completes a self-certification form (either paper or online) that includes the following. (*See* UIPL 16-20, Change 1, Question 45).

- The identification of the specific applicable COVID-19 related reason(s) under Section 2102(a)(3)(A)(ii)(I) of the CARES Act, and
- A notice advising the individual that intentional misrepresentation on the self-certification is fraud.

Additionally, states are also required to take reasonable and customary precautions to deter and detect fraud. Refer to Section C.21. of this Attachment for additional details on tools to combat fraud. While Condition #2 relies on self-certification to verify that an individual is covered under the PUA program, when investigating the potential for fraud and improper payments, the state has, and is encouraged to use, this authority to request supporting documentation about this COVID-19 related reason. 20 C.F.R. 625.14(h) refers to the Secretary's "Standard for Fraud and Overpayment Detection" found in Sections 7510 *et seq*. of the *Employment Security Manual* (20 C.F.R. Part 625 Appendix C). The authority to request supporting documentation for fraud prevention is separate from the documentation requirement outlined in Section 241 of the Continued Assistance Act as discussed in Condition #3 above. States may request supporting documentation at any point during an investigation for potential fraud or improper payments.

States should bear in mind that many of the qualifying circumstances described in Section 2102(a)(3)(A)(ii) of the CARES Act are likely to be of limited duration and eligibility for PUA requires that the individual is otherwise able to work and available for work within the meaning of applicable state law. For example, an individual who has been advised to self-quarantine by a health care provider because of the individual's exposure to a person who has tested positive for COVID-19 and is therefore unable to reach his or her place of employment for purposes of item (ff) may be able to return to his or her place of employment within two weeks of the exposure if he or she has not exhibited symptoms of COVID-19 or tested positive for COVID-19. Similarly, a school is not closed as a direct result of the COVID-19 public health emergency, for purposes of item (dd), after the date the school year was originally scheduled to end, as described in more detail in UIPL No. 16-20, Change 3. As such, the expectation is that states will continue to assess an individual's ability to work and availability for work each week in which the individual is collecting PUA.

2. <u>Requirement to submit documentation substantiating employment or self-employment (Section 241 of the Continued Assistance Act)</u> (**new**). Section 241(a) of the Continued Assistance Act creates a new requirement for individuals to submit documentation to substantiate their employment or self-employment, or planned commencement of employment or self-employment.

   Anyone that receives a payment of PUA on or after December 27, 2020, (the enactment date of the Continued Assistance Act) will be required to submit documentation substantiating employment or self-employment, or the planned commencement of employment or self-employment. This includes any individual who receives any payment of PUA on or after December 27, even if the payment is for a week of unemployment that occurred before December 27, 2020. The deadline for providing such documentation depends on when the individual filed the initial PUA claim.

   - *Filing New Applications for PUA on or after January 31, 2021*. Individuals filing a new PUA application on or after January 31, 2021 (regardless of whether the claim is backdated), are required to provide documentation within 21 days of application or the date the individual is directed to submit the documentation by the State Agency, whichever is later. The deadline may be extended if the individual has shown good cause under state UC law within 21 days.

- *Filing Continued Claims for PUA.* Individuals who have an existing PUA claim as of December 27, 2020, (the enactment date of the Continued Assistance Act) OR who file a new initial PUA claim before January 31, 2021, and who receive PUA on or after December 27, 2020, must provide documentation within 90 days of the application date or the date the individual is instructed to provide such documentation by the state agency (whichever date is later). The deadline may be extended if the state finds that the individual has shown good cause under state UC law for failing to submit the documentation within 90 days.

This documentation demonstrates a recent attachment to the labor force and serves as an important tool against fraud by requiring the individual to submit documentation to prove eligibility, rather than have such documentation automatically added to the file based on agency records. As such, states may not rely solely on agency records to satisfy this condition – the individual must submit documentation to the agency to be entitled to benefits.

a. *Type of acceptable documentation.* The requirements to submit documentation substantiating employment or self-employment and to submit documentation for a higher WBA are distinct. As described in Section C of Attachment I and in Attachment II to UIPL No. 16-20, Change 1, an individual is already required to submit documentation substantiating wages if the individual is to receive a WBA that is higher than the state minimum WBA. However, the documentation that an individual submits in support of a higher WBA may also be used to satisfy the documentation requirement to substantiate employment or self-employment.

   An individual who has not submitted documentation in support of a higher WBA must still provide documentation substantiating employment or self-employment. While documentation to support a higher WBA must demonstrate earnings during the entire look-back period, documentation to substantiate employment or self-employment need only demonstrate the existence of employment or self-employment at some point between the start of the applicable tax year and the date of filing.

   In general, proof of employment includes, but is not limited to, paycheck stubs, earnings and leave statements showing the employer's name and address, and W-2 forms when available. Proof of self-employment includes, but is not limited to, state or Federal employer identification numbers, business licenses, tax returns, business receipts, and signed affidavits from persons verifying the individual's self-employment. Proof of employment with organizations such as the Peace Corps, AmeriCorps, and educational or religious organizations includes, but is not limited to, documentation provided by these organizations and signed affidavits from persons verifying the individual's attachment to such organizations. Proof of the planned commencement of employment includes, but is not limited to, letters offering employment, statements/affidavits by individuals (with name and contact information) verifying an offer of employment. Proof of the planned commencement of self-employment includes, but is not limited to, business licenses, state or Federal employer identification numbers, written business plans, or a lease agreement. Individuals must present the proof of employment and the state may verify the proof submitted using records the state may have available, such as wage records or state revenue records.

b. *Period during which documentation must substantiate employment or self-employment.* Such documentation must demonstrate proof of employment or self-employment (or the planned commencement of such employment or self-employment) at some point between the start of the applicable taxable year and the date of filing. For example, an individual filing a claim effective December 27, 2020, must submit documentation that substantiates employment or self-employment which occurred between January 1, 2019 (the start of the applicable tax year) and December 27, 2020. An individual filing a claim effective January 3, 2021, must submit documentation that substantiates employment or self-employment which occurred between January 1, 2020 (the start of the applicable tax year) and January 3, 2021.

   Unlike the documentation requirement to receive a higher WBA, documentation to substantiate employment or self-employment need not cover the entire period in which an individual was working. States have discretion to determine if the documentation an individual submits substantiates an individual's employment, self-employment, or planned commencement of employment or self-employment.

c. *Failure to Comply.* Individuals who do not provide documentation substantiating employment/self-employment (or planned employment/self-employment) within the required timeframe, as described above, are not eligible for PUA. For DUA, if the individual fails to submit documentation substantiating employment or self-employment, the state must establish an overpayment for the entire DUA claim, per 20 C.F.R. 625.6(e)(2). However, as provided in Section 241(b)(2) of the Continued Assistance Act, for PUA, if the individual fails to submit such documentation, the state may only establish an overpayment for those weeks of unemployment ending on or after December 27, 2020 (the enactment date of the Continued Assistance Act).

   For example, an individual has a PUA claim effective on November 1, 2020, and files and is paid for weeks of unemployment ending November 7, 2020 through weeks ending January 9, 2021. Because the individual received a payment for PUA after December 27, 2020, the state must notify the individual on January 4, 2021 about the requirement to provide documentation substantiating employment/self-employment (or planned employment/self-employment) within 90 days (by April 4, 2021). If, in that timeframe, the individual fails to provide documentation or fails to show good cause to have the deadline extended, an overpayment must be established for all of the weeks paid beginning with the week ending January 2, 2021. This is because the individual cannot be deemed ineligible for a week of unemployment ending before the date of enactment solely for failure to submit documentation.

As another example, an individual files an initial PUA claim on February 4, 2021 and the claim is backdated to an effective date of December 13, 2020. On February 8, 2021, the state notifies the individual of the requirement to provide documentation substantiating employment/self-employment (or planned employment/self-employment). Because the initial claim was filed after January 31, 2021, the individual must provide such documentation within 21 days (or by February 28, 2021). If, in that timeframe, the individual fails to provide documentation or fails to show good cause to have the deadline extended, an overpayment must be established for all of the weeks paid beginning with the week ending January 2, 2021. This is because the individual cannot be ineligible for a week of unemployment ending before the date of enactment solely for failure to submit documentation.

The consequences of failing to provide documentation substantiating employment or self-employment are different from circumstances where the individual fails to submit documentation supporting calculation of a higher WBA. If the individual fails to provide documentation supporting a higher WBA, as described in Question 20 of Attachment I to UIPL No. 16-20, Change 1, the individual's WBA will be reduced based on whichever is higher – the record of wages already on file or the minimum PUA WBA. Under these circumstances, the state would only establish an overpayment for the difference between the higher WBA and the lower WBA.

d. *Notification Requirements*. States must notify individuals filing new PUA claims on or after January 31, 2021, and individuals filing PUA continued claims on or after December 27, 2020 (the enactment date of the Continued Assistance Act), of the requirement to provide documentation to substantiate their employment or self-employment (or planned commencement of employment or self-employment). Such notice must include the applicable deadline and the ability to show good cause on or before the deadline for extending such deadline, and the disqualification for failure to provide required documentation, including the potential for an overpayment of benefits paid. States may refer to Attachment III of UIPL 09-21 for sample language.

3. <u>Verification of Identity (Section 242(a) of the Continued Assistance Act)</u> (**new**). Section 242(a) of Continued Assistance Act modifies Section 2102(f)(1) of the CARES Act. For states to have an adequate system for administering the PUA program, states must include procedures for "identity verification or validation and for timely payment, to the extent reasonable and practicable" by January 26, 2021, which is 30 days after December 27, 2020 (enactment of the Continued Assistance Act). States that previously verified an individual's identity on a UC, EB, or PEUC claim within the last 12 months are not required to re-verify identity on the PUA claim, though the Department encourages the state to take additional measures if the identity is questioned. Individuals filing new PUA initial claims that have not been through the state's identity verification process must have their identities verified to be eligible.

   The Department strongly encourages states to use the Identity Verification (IDV) solution offered by the UI Integrity Center as part of its Integrity Data Hub (IDH) as one method to meet this requirement. This IDV solution offers states advanced fraud risk scoring to maximize front-end ID verification, aiding states in assessing whether an individual is using a false, stolen, or synthetic ID. It is available to states at no cost and is a secure, robust, centralized, multi-state data system that allows participating state UI agencies to submit claims for cross matching and analysis to support the prevention and detection of improper payments, fraud, and ID theft.

There is also a range of other tools on the market that states may consider to satisfy this requirement for identity verification. States are also strongly encouraged to explore implementation of complementary and rigorous forms of identity verification solutions.

The Department will provide states with additional administrative funding to support state costs to implement PUA identity verification processes and solutions and to continue work to address fraud in both the PUA and PEUC programs.

4. Determining Exhaustees (**no change**). A PUA claimant ceases to be an exhaustee of regular UC, PEUC, and EB when he or she can establish a valid new benefit year. If an individual is no longer an exhaustee of regular UC, EB, or PEUC, the individual will not meet the definition of a covered individual and may not receive PUA benefits. Therefore, at each quarter change, the state must check to determine if an individual meets the state's requirements to establish a new benefit year. If individuals can establish a new benefit year, they are no longer eligible for PUA. In these cases, the claimants should be advised that they are no longer eligible for PUA and that they may file a regular UC, PEUC or EB claim.

5. Phaseout Period (Section 201(a) of the Continued Assistance Act) (**new**). Individuals receiving PUA as of the end of the program (March 13, 2021 for states with a Saturday week ending date and March 14, 2021, for states with a Sunday week ending date), who have not yet exhausted their PUA entitlement may continue to collect PUA for any week in which they have remaining entitlement and are otherwise eligible, except that no PUA is payable for any week beginning after April 5, 2021 (April 10, 2021 for states with a Saturday week ending date and April 11, 2021 for states with a Sunday week ending date).

   Individuals are identified as "receiving" PUA if they have a PUA claim on file as of March 14, 2021 **and** are eligible for PUA with respect to week ending March 13, 2021 (or March 14, 2021, for states with a Sunday week ending date).

   Similar to the guidance in section C.15. of this UIPL on backdating, if an individual filed a regular UC claim on or before March 14, 2021, and the state later determines that the individual is not eligible for regular UC, the state must use the date the claimant filed the regular UC claim as the date of filing for the PUA claim For example, if the individual filed a regular UC application on March 1, 2021, and the state determined the claimant was not eligible for regular UC on March 20, 2021, the PUA application must be deemed to have been filed on March 1, 2021, and the claimant may be eligible for the phaseout period, provided they are also eligible for the payment of PUA with respect to week ending March 13, 2021 (or March 14, 2021 for states with a Sunday week ending date). However, if for example, the individual first files a PUA claim on March 23, 2021, and the state backdates the claim and the individual met PUA eligibility requirements for the week ending March 13, 2021, the individual would not qualify for the phaseout because the individual did not have a PUA claim on file as of March 14, 2021.

In states where the week of unemployment ends on a Saturday, the last payable week of PUA for individuals who are eligible to participate in the phaseout period is the week ending April 10, 2021. In states where the week of unemployment ends on a Sunday, the last payable week of PUA for individuals who are eligible to participate in the phaseout period is the week ending April 11, 2021.

Instructions for accepting new applications after March 14, 2021 to be backdated to the program dates will be forthcoming in additional guidance.

6. Hold Harmless for Proper Administration (Section 201(e) of the Continued Assistance Act) (**new**). Generally, an individual must have exhausted all entitlement to regular UC, PEUC, and EB before filing for PUA. However, Section 201(e) of the Continued Assistance Act provides a "hold harmless" provision for an individual who previously exhausted PEUC and is now receiving PUA, but as a result of Section 206(b) of the Continued Assistance Act, becomes eligible for additional amounts of PEUC beginning on or after December 27, 2020. States may continue paying PUA to an individual currently receiving PUA who is newly eligible to receive PEUC due to the additional weeks of PEUC. This flexibility is allowed for an appropriate period of time as determined by the Secretary of Labor.

   The Department considers four weeks of unemployment commencing on or after the date of enactment of the Continued Assistance Act an appropriate period of time for states to implement the additional amounts of PEUC and move an individual from his or her PUA claim back to PEUC. For states with a Saturday week ending date, this means that the week ending January 23, 2021 should be the last week that an individual is paid PUA before moving to the augmented PEUC claim and not the PUA claim (week ending January 24, 2021 for states with a Sunday week ending date).

   During this time, an individual may remain eligible for PUA notwithstanding the fact that the individual now has additional entitlement to PEUC. Recognizing the unique circumstances states face and the number and complexity of UI programmatic changes that states must swiftly implement, should a state determine that it will not be able to transition individuals from PUA back to PEUC in that timeframe, the state must contact the appropriate ETA Regional Office to determine the earliest date that the state will be able to implement this transition.

   Individuals may not receive payments under both the PUA and PEUC programs for the same week of unemployment. Any PUA payments made with respect to weeks of unemployment during this implementation period do not need to be moved from the PUA to PEUC claim. This will not affect the individual's entitlement amounts to the additional PEUC benefits. Should the individual later exhaust PEUC and resume filing against his or her PUA claim, such weeks of PUA will be deducted from the individual's overall PUA entitlement.

7. <u>Continued Eligibility Requirements (Section 263 of the Continued Assistance Act)</u> (**new**). Section 263 of the Continued Assistance Act requires individuals to recertify each week that he or she remains an individual described in Section 2102(a)(3)(A)(ii) of the CARES Act.

   The Department interprets the use of the term "recertification" to mean the identification of the specific COVID-19 reason under Section 2102(a)(3)(A)(ii)(I)(aa) through (kk) of the CARES Act that applies to a claimant's situation for each week that PUA is claimed. This amendment to Section 2102 of the CARES Act aligns with the requirement in Question 45 of Attachment I to UIPL 16-20, Change 1, that individuals are required to identify the specific COVID-19 related reason specified in Section 2102(a)(3)(A)(ii)(I)(aa) through (kk) of the CARES Act for each week that PUA is claimed.

   In short, to comply with the requirements in Section 263 of the Continued Assistance Act, all states must ensure that, with respect to weeks of unemployment beginning on or after January 26, 2021 (30 days after the enactment date of the Continued Assistance Act), their continued claim forms contain a self-certification process for PUA claimants to identify the specific COVID-19 related reason under Section 2102(a)(3)(A)(ii)(I)(aa) through (kk) of the CARES Act for which they are unemployed, partially unemployed, or unable or unavailable to work. For states with a Saturday week ending date, this begins with ending February 6, 2021. For states with a Sunday week ending date, this begins with week ending February 7, 2021.

   For continued claims filed with respect to weeks ending before January 26, 2021 (January 30, 2021, for states with a Saturday week ending date and January 31, 2021 for states with a Sunday week ending date), if a state made a good faith effort to implement the PUA program, an individual will not be denied benefits solely for failing to submit a weekly recertification.

   In general, states will be determined to have made a good faith effort to implement Section 2102 of the CARES Act, in accordance with rules similar to those in 20 C.F.R. 625.6, when the state confirmed the individual is a covered individual at the time of the initial application or by the first week of eligibility. The Department may also consider other factors, including those listed below. Part of a good faith effort includes the proper calculation of the PUA WBA in accordance with 20 C.F.R. 625.6 (see Question 2 of Attachment I to UIPL No. 16-20, Change 2). The Department will evaluate "good faith effort" in implementing Section 2102 of the CARES Act and identify any retroactive action needed on a state by state basis.

Examples of factors that the Department may consider in assessing whether or not the state made a good faith effort to implement Section 2102 include, but are not limited to, the following:

- The extent to which the state required individuals to self-certify that they were unemployed, partially unemployed, or unable or unavailable to work because of an identified COVID-19 related reason under Section 2102(a)(3)(A)(ii)(I) of the CARES Act either on its initial PUA application or as part of the individual's first continued claim certification (the first week of eligibility),
- If a state paraphrased its description of the statute's COVID-related reasons (the (aa) through (kk), the extent to which the state's paraphrasing reasonably captured the intent of the reasons, and
- The extent to which the states' implementation of the self-certification requirement in Section 2102 of the CARES Act may have resulted in potentially eligible individuals not receiving benefits (*e.g.*, states that failed to provide the option for item (kk) may require some retroactive action).

8. <u>Eligibility of CW-1 Visa holders in the Commonwealth of the Northern Mariana Islands (CNMI) (Section 265 of the Continued Assistance Act)</u> (**new**). The eligibility of Commonwealth Only Transitional Workers (CW-1) for federal public benefits, such as DUA or PUA, is governed by the Public Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). Workers who fit into one of the categories of "qualified aliens" under PRWORA, as defined in 8 U.S.C. §1641, are potentially eligible for federal public benefits. Section 265 of the Continued Assistance Act defines CW-1 Visa holders to be qualified aliens under Section 431 of PRWORA for purposes of eligibility under Section 2102 or 2104 of the CARES Act (PUA and FPUC, respectively).

   Therefore, CW-1 workers may receive PUA and FPUC if they meet all PUA eligibility requirements beginning with claims filed after December 27, 2020 (*i.e.*, claim effective dates beginning on or after January 3, 2021).

9. <u>State PUA Agreements with the Department</u> (**modified**). The PUA program is administered through voluntary agreements between states and the Department. The program is available in all 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, provided the state/territory signs an agreement with the Department. The Agreement that the Department of Labor and states signed in March 2020 also remains in effect with the modifications and extensions of these updated provisions. As set forth in Section XI of the Agreement, a state may terminate the Agreement with thirty day's written notice if it chooses to no longer administer one or more provisions specified in Section XIV, which includes the state's agreement to administer the PUA program.

10. <u>Termination of PUA Agreement</u> (**technical changes to align with the PUA Agreement**). As provided in Section III of the Agreement, the Department reserves the right to terminate this Agreement immediately if it determines that the State does not have an adequate system for administering such assistance, including because the State is not adequately ensuring that individuals receiving benefits under the PUA Program are eligible for such benefits. If a state's agreement is terminated by the Department for failure to have an adequate system for administering the PUA program, the state must immediately stop any PUA payments.

    Either party, upon thirty days written notice, may terminate the PUA Agreement. Under these circumstances, the PUA period will end 30 days after the date one of the parties to the agreement notifies the other party of its election to terminate the PUA agreement. No PUA payments may be made with respect to weeks of unemployment that begin after the date the termination of the Agreement is effective. However, PUA is payable for weeks of unemployment ending on or before such termination date.

11. <u>Agreements between States</u> (**no change**). One state that has entered into an agreement with the Department to operate a PUA program may choose to enter into an agreement with another state that has an agreement with the Department to operate the program on behalf of the other state.

12. <u>Processing PUA Claims</u> (**no change**).

    a. *Applicability of State Law Provisions*. Under Section 2102(h) of the CARES Act, 20 C.F.R. Part 625 applies to the administration of this program except as otherwise provided in Section 2102. Consistent with 20 C.F.R 625.11, the terms and conditions of the state law of the applicable state for an individual which apply to claims for, and the payment of, regular compensation apply to the payment of PUA to individuals. The provisions of the applicable state law that apply to claims for PUA include, but are not limited to:

        - Claim Filing and Reporting;
        - Information and Due Process to individuals;
        - Notices to individuals and employers, as appropriate, including notice to each individual of each determination and redetermination of eligibility for or entitlement to PEUC;
        - Determinations, redeterminations, appeals, and hearings;
        - Disqualification, including disqualifying income provisions;
        - Ability to work and availability for work, absent a COVID-19 related circumstance listed above;
        - The Interstate Benefit Payment Plan; and
        - The Interstate Arrangement for Combining Employment and Wages.

b. *Claims for PUA.* In processing claims for PUA, states must verify that individuals have no regular UC entitlement. If the individual is not eligible for regular UC because there are insufficient covered wages or the individual has an active UC claim with a definite or indefinite disqualification, then a state does not need to require the individual to file a regular UC initial claim. However, the state must have an established process whereby the individual's ineligibility for regular UC is documented on the application.

   If the individual's eligibility for regular UC is questionable (for example, there are wages in the base period, but no claim is filed, or a job separation that has not been adjudicated), then the state must first require the individual to file a regular UI initial claim. If the individual is subsequently disqualified, then the state may consider the individual for PUA eligibility.

13. <u>PUA Work Search Requirements</u>. As previously stated in Question #47 (Attachment I, UIPL No. 16-20, Change 1), work search requirements should be applied to PUA as appropriate. The applicable state UC laws related to continued claims are applicable to PUA claims, including work search. However, states may use the emergency flexibility described in UIPL No. 13-20 to temporarily modify or suspend work search requirements as needed to respond to the spread of COVID-19.

14. <u>Establishment of the Effective Date of PUA claims – Beginning and Ending Dates of the PUA Program, including Claim Effective Dates (Section 201(a) of the Continued Assistance Act)</u> (**updated to reflect the extension of the PUA Program**). Under Section 2102 of the CARES Act, states may begin making PUA payments after their agreement with the Secretary is signed. For most states, this occurred on March 28, 2020. Under Section 201 of the Continued Assistance Act, the period of applicability for the PUA program is extended to weeks of unemployment ending on or before March 14, 2021, unless the individual meets the requirements for phaseout payments (Refer to C.5. above). In states where the week of unemployment ends on a Saturday, the last payable week of PUA is the week ending March 13, 2021. In states where the week of unemployment ends on a Sunday, the last payable week of PUA is the week ending March 14, 2021.

15. <u>Backdating Requirements and Limitations (Section 201(f) of the Continued Assistance Act)</u> (**new**). As discussed in Question 4 of Attachment I to UIPL No. 16-20, Change 1, individuals filing for PUA must have their claim backdated to the first week during the Pandemic Assistance Period (PAP) in which the individual was unemployed, partially unemployed, or unable or unavailable to work because of a COVID-19 related reason listed in Section 2102(a)(3)(A)(ii)(I) of the CARES Act. Section 201(f) of the Continued Assistance Act provides a limitation on backdating for claims filed after December 27, 2020 (the enactment date of the Continued Assistance Act).

    - *PUA initial claims filed on or before December 27, 2020 (the enactment date of the Continued Assistance Act).* Initial PUA claims filed on or before this date may be backdated no earlier than the week that begins on or after February 2, 2020, the first week of the PAP.

- *PUA initial claims filed after December 27, 2020 (the enactment date of the Continued Assistance Act).* Initial PUA claims filed after this date may be backdated no earlier than December 1, 2020 (a claim effective date of December 6, 2020 for states with a Saturday week ending date and a claim effective date of December 7, 2020, for states with a Sunday week ending date).

If an individual filed a regular UC claim on or before December 27, 2020, and the state later determines that the individual is not eligible for regular UC, the state should use the date the claimant filed the regular UC claim as the date of filing for the PUA claim, so long as the individual met the requirements for PUA as of that date. For example, if the individual filed a regular UC application on October 4, 2020 and the state determined the claimant was not eligible for regular UC on January 15, 2021, the PUA application will be deemed to have been filed on October 4, 2020 and the PUA claim will be backdated to that date.

16. <u>Establishment of PUA Weekly Benefit Amount (Section 241 of the Continued Assistance Act)</u> (**updated to reflect changes from the Continued Assistance Act and clarifications provided in UIPL Nos. 16-20, Change 1**).

    a. *Self-Attestation for establishing PUA WBA* (**new/reminder**). As provided for in 20 C.F.R. 625.6, states must establish the PUA WBA immediately upon the filing of the PUA claim based on documentation submitted, state wage records, or the claimant's self-attestation of wages/income earned during the base period for the PUA claim.

       When the state establishes the PUA WBA based on the claimant's self-attestation of wages, the state must advise the claimant to submit proof to substantiate the wages used to establish the PUA claim within 21 days. Refer to Question 2 of Attachment I to UIPL No. 16-20, Change 2, for details on calculating the WBA based on an individual's self-attestation.

       If the claimant fails to provide proof to substantiate the higher WBA within 21 days, states must recalculate any PUA claim that was originally established based on a claimant's self-attestation. In no case shall the state recalculate the PUA WBA lower than the PUA minimum WBA as outlined in UIPL No. 03-20.

       NOTE: Providing documentation to support the calculation of a higher WBA is a separate requirement from the new requirement to provide documentation substantiating employment or self-employment as outlined in Section C.2. above.

    b. *Calculation of WBA* (**updated to confirm use of UIPL No. 03-20 for all PUA claims, a change to the FPUC payment information, and a reminder to use gross income for employment covered by the regular UI program and net income for**

self-employment when calculating the WBA). While there is no minimum monetary requirement for an individual to qualify for PUA, states must consider wages earned in the prior tax year to determine if the individual qualifies for a WBA that is higher than the state minimum PUA WBA. Section 2102(d) of the CARES Act requires the state to pay individuals the WBA under the UC law of the state where the covered individual was employed plus the FPUC payment in effect for the week being paid. The minimum WBA may not be less than the minimum WBA in 20 C.F.R. 625.6 before the amount of FPUC under Section 2104 of the CARES Act is added.

If an individual is self-employed or would not otherwise qualify for regular UC under a state's UC law, the individual's PUA WBA is calculated as provided in 20 C.F.R. 625.6 and is increased by the FPUC payment in effect for the weeks of unemployment being paid. If a self-employed individual or an individual who is "lacking sufficient work history" had earnings for the prior tax year that would result in a lower WBA than the minimum DUA WBA that is outlined UIPL No. 03-20 for the minimum DUA benefit, the individual's WBA must be the minimum amount listed in the UIPL.

All PUA claims within the PAP will use the minimum DUA WBA as published in UIPL No. 03-20. If an individual lives in a territory that does not have UC under its law, the individual's PUA WBA is calculated as provided in 20 C.F.R. 625.6.

When calculating the WBA, states must use the gross income for employment covered by the regular UC program and net income for self-employment. Refer to Attachment II of UIPL No. 16-20, Change 1, for additional detail.

c. *WBA payable* (**no change**).

- *Total Unemployment.* The WBA payable to an individual for a week of total unemployment is equal to the individual's most recent WBA (including any dependents' allowances) for the applicable PAP.

- *Partial and Part-Total Unemployment.* To determine the amount payable for a week of partial or part-total unemployment, the state will calculate the payment amount in accordance with the state law applicable to such a week of unemployment.

d. *Base Period for PUA Claims* (**new**). The base period to be utilized in computing the PUA WBA is the most recent tax year that has ended for the individual (whether an employee or self-employed) prior to the first week in which the individual certifies that his or her unemployment, partial unemployment, inability to work or unavailability for work was due to at least one of the reasons outlined in Section 2102(a)(3)(A)(ii)(I)(aa) through (kk) of the CARES Act.

For example, if an individual files a new PUA claim effective January 3, 2021, the state would consider income from tax year 2020. If an individual files a new PUA claim effective December 27, 2020, the state would consider income from tax year 2019. Refer to Question 19 of UIPL No. 16-20, Change 1, for examples of acceptable documentation when the prior year's income tax return is not available.

17. Establishment of PUA Maximum Entitlement (Number of weeks of PUA) – Additional Weeks Available (Section 201(b) of the Continued Assistance Act) (**updated**). The maximum number of weeks of PUA benefits is increased from 39 weeks to 50 weeks, minus any weeks of regular UC and EB that the individual receives with respect to the PAP. Individuals may only collect these additional 11 weeks of benefits for weeks of unemployment beginning on or after December 27, 2020 (the enactment date of the Continued Assistance Act), which means the week ending January 2, 2021 for states with a Saturday week ending date and January 3, 2021 for states with a Sunday week ending date.

    Individuals who establish PUA eligibility with respect to weeks of unemployment beginning on or after December 27, 2020 (the enactment date of the Continued Assistance Act) will have the duration established at 50 weeks, minus any weeks of regular UC and EB received during the applicable PAP.

    Individuals who established PUA eligibility with respect to a week of unemployment beginning before December 27, 2020, must have their PUA claim augmented by 11 weeks (which represents the difference between the new number of 50 weeks minus the initial number of 39 weeks) for weeks of unemployment beginning on or after December 27, 2020.

    If an individual files a new PUA claim after December 27, 2020, and is eligible for the claim to be backdated to no earlier than December 1, 2020, the state may establish the claim for 50 weeks of eligibility. However, any weeks of regular UC or EB received for weeks during the PAP (since January 27, 2020) must be subtracted from this amount. Additionally, the 11 extra weeks under the Continued Assistance Act are ONLY payable with respect to a week of unemployment beginning on or December 27, 2020 (the enactment date of the Continued Assistance Act) (*i.e.*, these additional benefits can only be paid for weeks of unemployment ending on or after January 2, 2021).

    Additionally, as provided for in the CARES Act, during the period in which a state is triggered "on" to a high unemployment period (HUP) under EUCA, the PUA duration is extended for additional weeks as well. This only applies to states whose law provides for the optional Total Unemployment Rate (TUR) trigger and whose TUR meets the thresholds necessary to provide for a HUP. If the state's maximum duration for regular UC is 26 weeks, then all PUA claims must be augmented for 7 weeks during the HUP (this is equal to 80 percent of the regular UC duration available during periods of high unemployment minus 50 percent of the regular UC duration available during regular EB periods). If the state's maximum duration for regular UC is less than 26 weeks, then the

PUA augmentation during a HUP will be less than 7 weeks. For example, states with a maximum duration of 20 weeks of regular UC may pay up to an additional 6 weeks of PUA during a HUP.

18. Other PUA Operational Instructions (**updated**). When determining the appropriate course of action in administering the PUA program, states should first consult Section 2102 of the CARES Act, as amended by the Continued Assistance Act of 2020, and the subsequent operating instructions provided by the Department. Where the CARES Act, as amended, and the operating instructions are silent, states should refer to the DUA regulations at 20 C.F.R. Part 625. All other PUA program parameters, as provided in Section 2102 of the CARES Act, UIPL Nos. 16-20; 16-20, Change 1; 16-20, Change 2; and 16-20, Change 3, remain the same.

19. Secretary's Standard (**no change**). The procedures for reporting and filing claims for PUA must be consistent with these instructions and the Secretary's "Standard for Claim Filing, Claimant Reporting, Job Finding and Employment Services" (Employment Security Manual, Part V, Sections 5000 et. seq.).

20. Determination of Entitlement: Notices to Individuals (**no change, except as noted below**).

    a. *Determination of Initial Claim*. When an individual files an initial claim for PUA the state agency must determine promptly the eligibility of the individual and, if eligible, the weekly and maximum amounts of PUA payable. If denied PUA, the individual must be issued an appealable determination.

    b. *Determination of Weekly Claims*. The state agency must promptly, upon the filing of a claim for a payment of PUA for a week of unemployment, determine whether the individual is entitled to a payment of PUA for such week, and, if entitled, the amount of PUA to which the individual is entitled to and issue a prompt payment.

    c. *Redetermination*. An individual filing a PUA initial claim or weekly certification has the same rights to request a reconsideration of a determination as are provided for in the applicable state law for regular compensation.

    d. *Notices to Individual*. The state agency must give written notice to the individual of any determination or redetermination of an initial claim and all weekly claims. Each notice must include such information regarding rights to reconsideration or appeal, or both, using the same process that is used for redeterminations of regular compensation.

    e. *Promptness*. Full payment of PUA when due must be made as soon as administratively feasible.

f. *Secretary's Determination Standard*. The procedures for making determinations and redeterminations and furnishing written notices of determinations, redeterminations, and rights of appeal to individuals claiming PUA must be consistent with the Secretary's "Standard for Claim Determinations—Separation Information" (Employment Security Manual (ESM), Part V, Sections 6010 et seq.). In processing claims, states must comply with Section 6013 of the ESM about conducting an investigation and Section 6014 of the ESM concerning gathering separation information from employers when the claim involves separation from an employer.

g. *Appeal and Hearing*.

- *Applicable State Law* (**revised**). To ensure that appeals and hearings are held promptly, the applicable state law provisions concerning the right of appeal and fair hearing from a determination or redetermination of entitlement to regular compensation shall apply to determinations and redeterminations of eligibility for or entitlement to PUA.

  Additionally, Section 201(c) of the Continued Assistance Act, establishes in statute the Department's previous guidance from Section 13.g. of Attachment I to UIPL No. 16-20. States must continue to process PUA appeals in the same manner and to the same extent as the state would conduct appeals of determinations or redeterminations regarding rights to regular UC. Additionally, with respect to any appeal filed in Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, appeals must be carried out by the applicable entity in the same manner and to the same extent as those conducted under the UC law of Hawaii. Any decision issued on appeal or review before December 27, 2020, (the enactment date of the Continued Assistance Act) is not affected by this provision. The Department intends to work individually with Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau to support implementation of these provisions.

- *Rights of Appeal and Fair Hearing*. The right of appeal and opportunity for a fair hearing for claims for PUA must be consistent with these instructions and with Sections 303(a)(1) and 303(a)(3) of the Social Security Act (SSA) (42 U.S.C. 503(a)(1) and 503(a)(3)).

- *Promptness of Appeals Decisions.*

  - Decisions on appeals under the PUA Program must accord with the "Standard for Appeals Promptness—Unemployment Compensation" in 20 C.F.R. Part 650.

- Any applicable state law provision allowing the advancement or priority of UC cases on judicial calendars, or otherwise intended to provide for the prompt payment of UC when due, must apply to proceedings involving entitlement to PUA.

21. <u>Fraud and Overpayments</u> (**updated to reflect the Continued Assistance Act and other guidance**).

    a. Identity Theft and Imposter Claims (**new**). If the state determines that a PUA claim was filed by an individual who is not the owner of the Social Security number that was used to file the claim, the state must deny the entire PUA claim. Additionally, the state may not augment the PUA claim and may not send any notification of potential entitlement with regard to such claim.

    b. Fraud. An individual commits fraud if he or she knowingly has made or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of PUA to which such individual was not entitled.

    - *Disqualification Periods* (**updated**). The provisions set out in 20 C.F.R. 625.14 apply with respect to PUA overpayments to the same extent and in the same manner as in the case of DUA. 20 C.F.R. 625.14(i). This Section sets the disqualification period for PUA and requires that the disqualification be based on when the fraud occurs.

        1. If the fraud was in connection with the initial application (for example, the individual says he or she quit the job because of COVID-19 and the state determines the individual was fired for reasons not related to COVID-19), the individual would be disqualified for the entire PAP.

        2. If the fraud occurred during the continued claim series, the disqualification would apply to the week the fraud occurred, plus the next two compensable weeks for PUA that immediately follow that week. If the individual is not otherwise entitled to PUA following the week of fraud, then the disqualification would be assessed on the first two weeks in which the individual once again becomes eligible for PUA.

    - *Fraud Penalties* (**new/updated**). States must apply a 15 percent penalty to an individual's overpayment when the state determines that it made an erroneous PUA payment to an individual due to fraud the individual committed. See Section 251 of the Trade Adjustment Assistance Extension Act of 2011 (TAAEA), Pub. L. 112-40 (2011). Section 251(a)(2) of the TAAEA requires assessing a 15 percent penalty in these circumstances to any "unemployment compensation program of the United States." "Unemployment compensation program of the United States" is defined, in relevant part under the TAAEA, as including "any other Federal program providing for the payment of unemployment compensation." PUA is one such program.

UIPL No. 02-12 provides that Section 251(b) of the TAAEA also requires, as a condition of administering "any" Federal UC program, that a state assess penalties against individuals determined to be overpaid under these programs due to fraud in the same manner as the state assesses and deposits these penalties under state law implementing Section 303(a)(11), SSA, with respect to UC paid out of the state's unemployment fund. The 15 percent penalty amount is the minimum amount required; states may impose a greater penalty.

- *Tools for Combatting Fraud* (**new**). The state should use the crossmatches and tools described in Section 4.b. of UIPL No. 23-20 to monitor for suspicious activity on PUA claims, as it does for regular UC. States are required to share information with the Department's Office of Inspector General (OIG), and the Department strongly encourages states to collaborate with the UI Integrity Center (Center). The Center, funded by the Department and operated by the National Association of State Workforce Agencies, provides states with the IDH which includes the IDV module, Suspicious Actor Repository (SAR), suspicious e-mail domains, Multi-State Cross-Match (MSCM), foreign internet protocol (IP) address detection, and the Fraud Alert system. The Center has provided states with new tools to support data mining to detect fraud. The Center also identifies, organizes, shares, and supports promising and innovative integrity practices and provides state-specific consulting, mentoring, and technical assistance.

  If a state has reasonable suspicion of fraudulent activity on a claim, then the state may request supporting documentation to address the concern. Requests for supporting documentation and a state's investigative and adjudicative practices should be done in alignment with the processes described in UIPL No. 01-16 to ensure due process is afforded to the individual.

c. *Overpayments* (**changes as noted below**). A PUA overpayment occurs when an individual has received a PUA payment to which he or she is not entitled.

   1. *Opportunity for a Hearing*. A State may not require repayment of a PUA overpayment until it determines that the payment was an overpayment, the individual was provided notice of the determination, the individual had an opportunity for a fair hearing, and the determination is final.

   2. *Authority to Waive Overpayments* (**new**). Section 201(d) of the Continued Assistance Act amends Section 2102(d) of the CARES Act and authorizes states to waive the repayment if the state determines that the payment of PUA was without fault on the part of any such individual and such repayment would be contrary to equity and good conscience. This waiver authority

applies to overpayments that meet this criteria at any time since the PUA program began.

The waiver provision is permissive. Therefore the state may choose not to waive the PUA overpayment. A state may also, if a state has an existing UC law that provides for the waiver of overpayments for equity and good conscience, apply its own definition of the terms "equity and good conscience" in applying the waiver.

If a state UC law provides for the waiver of overpayments but does not include a provision defining "equity and good conscience" the state must use the following provisions for equity and good conscience, when assessing whether an individual overpayment may be waived.

- It would cause financial hardship to the person from whom it is sought;
- The recipient of the overpayment can show (regardless of his or her financial circumstances) that due to the notice that such payment would be made or because of the incorrect payment either he/she has relinquished a valuable right or changed positions for the worse; or
- Recovery could be unconscionable under the circumstances.

States that choose to waive overpayments under Section 201(d) of the Continued Assistance Act must notify all individuals with a non-fault overpayment of their ability to request a waiver. The notification must include how to request the waiver.

Waiver determinations must be made on the facts and circumstance of each individual claim, blanket waivers are not permissible. For example, states cannot waive overpayments due to administrative error for a group of individuals before first assessing and documenting why <u>each</u> individual meets the state's waiver requirements. The Department will monitor each state's process for waivers when monitoring program implementation.

3. *Recovery Provisions* (**new**). If the overpayment amount is not subject to waiver, the State agency must recover the amount of PUA to which an individual was not entitled in accordance with the same procedures as apply to recovery of overpayments of regular UC paid by the State.

4. *Benefit Offsets* (**updated**). States must offset benefits from other unemployment programs, as described below, to recover PUA overpayments. A state has significant flexibility in the way it implements the offset requirement. While a state must attempt to recover the full amount of the overpayment, a state may limit the amount that will be deducted from each payment as noted on page 4 of UIPL No. 05-13, *Work Search and Overpayment Offset Provisions Added to Permanent Federal Unemployment*

Compensation Law by Title II, Subtitle A of the Middle Class Tax Relief and Job Creation Act of 2012.

- Recovery by Cross-Program Offsets. A state must recover PUA overpayments from any additional PUA payments to which the individual is entitled and from any other UC payable under state or Federal law administered by the state agency (including FPUC and PEUC from the CARES Act, and any other assistance or allowance payable with respect to a week of unemployment under any other state or Federal law).

  Additionally, PUA payments must be reduced to recover overpayments from any state and federal unemployment benefit programs, if the state has a cross-program offset agreement in place under Section 303(g)(2), SSA (42 U.S.C. §503(g)(2)).

- Recovery by Interstate Reciprocal Overpayment Recovery Arrangement (IRORA). If a state has an Interstate Reciprocal Overpayment Recovery Arrangement in effect with the National Association of State Workforce Agencies, the state must offset any state or Federal benefits to repay PUA overpayments in another state. These instructions supersede the prior instructions that PUA benefits could only be offset to recover other PUA overpayments in another state.

- Limitation on offset amounts. A state may not offset more than 50 percent from the PUA payment to recover overpayments from any state or Federal unemployment benefit program.

22. <u>Effect of Other UI-Related Programs on Eligibility for PUA</u> (**updated**).

  a. *Trade Readjustment Allowances (TRA).* PUA is payable only if the individual is not eligible for or has exhausted TRA (basic, additional, or completion). Eligibility for DUA (and accordingly PUA) requires that the individual NOT be eligible for "compensation" as defined at 20 C.F.R. 625.4(i). The definition of "compensation" at 20 C.F.R. 625.2(d) includes TRA. See UIPL No. 14-20, Change 1, Attachment I, Question 7. Therefore, to be eligible for PUA, an individual must have exhausted their entitlement to TRA.

  b. *Disaster Unemployment Assistance (DUA).* If an individual is eligible for DUA with respect to a week of unemployment under Section 410 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, (42 U.S.C. 5177), the individual is not eligible to receive PUA for that week. This is because eligibility for both PUA and DUA is based on the reason for an individual's unemployment. If an individual's unemployment is directly caused by a major disaster, then the individual's unemployment is not due to a COVID-19 reason and the individual would not qualify for PUA.

Conversely, if the reason for the individual's unemployment is because of a listed COVID-19 related reason in Section 2102(a)(3)(A)(ii)(I) of the CARES Act, the individual's unemployment is not a direct result of a major disaster and the individual would not qualify for DUA. See UIPL No. 14-20, Change 1, Attachment I, Question 16.

23. Effect of State Additional Compensation (also known as Additional Benefits or AB) **(no change**). Section 2102 of the CARES Act and, by reference, DUA regulations at 20 C.F.R. Part 625 require that an individual have no rights to regular UC, EB, or additional compensation in order to meet the eligibility requirements for PUA.

24. Effect of Federal Pandemic Unemployment Compensation (FPUC) (**updated to reflect changes from the Continued Assistance Act**). Section 2102 of the CARES Act provides that FPUC payments provided under Section 2104 of the CARES Act must be added to the PUA WBA. With respect to weeks of unemployment beginning after the state signed the Agreement and ending on or before July 31, 2020. Section 203 of the Continued Assistance Act made modifications to the FPUC payment dates and amounts payable. FPUC payments are reauthorized for weeks of unemployment beginning after December 26, 2020, and ending on or before March 14, 2021.

25. Record Maintenance and Disposal of Records (**no change**). The state must maintain PUA payment data as required by the Department.

    a. *Record Maintenance*. Each state will maintain records on the administration of the PUA program and will make all such records available for inspection, examination, and audit by such federal officials, employees as the Department may designate, or as may be required by the law. Reference ET Handbook No. 401, UI Report Handbook for details.

    b. *Disposal of Records*. The electronic/paper records created in the administration of the PUA program must be maintained by the state for three years after final action (including appeals or court action) on the payments, or for less than the three-year period if copied by micro photocopy or by an electronic imaging method. At the end of the three-year period, the PUA records shall be transferred to state accountability under the conditions for the disposal of records that apply to UCFE and UCX records, as explained in Chapter X of ET Handbook No. 391 (1994 Edition) (OMB No. 1205-0179) and Chapter I of ET Handbook No. 384 (1994 Edition) (OMB No. 1205-0176).

26. Disclosure of Information (**no change**). Information in records made and maintained by the state agency in administering the PUA program must be kept confidential, and information in such records may be disclosed only in the same manner and to the same extent as information with respect to regular compensation, and the entitlement of individuals thereto, may be disclosed under provisions of the applicable state law meeting the requirements of 20 C.F.R. Part 603. As provided under 20 C.F.R. 603.4(b), the

confidentiality requirements do not apply when such information is being provided in the aggregate, provided it cannot be combined with other publicly available information to reveal any such identifying particulars about an individual or the individual's past or present employer.

27. Inviolate Rights to PUA (**no change**). The rights of individuals to PUA must be protected in the same manner and to the same extent as the rights of persons to regular UC are protected under the applicable state law. Such measures must include protection of individuals from waiver, release, assignment, pledge, encumbrance, levy, execution, attachment, and garnishment of their rights to PUA. In the same manner and to the same extent, individuals must be protected from discrimination and obstruction in regard to seeking, applying for, and receiving PUA.

28. Notifications (**changes as noted below**).

    a. *Identification and Notification of Potentially Eligible Claimants* (**updated**). The state must identify individuals who are potentially eligible for PUA and provide them with appropriate written notification of their potential entitlement to PUA, including filing instructions. This includes notifying claimants who were found ineligible for regular UC.

       States must also identify each individual with a PUA claim on file and advise these individuals that they are potentially eligible for additional PUA benefits. States must provide these individuals with instructions for reopening their PUA claims (if the individual has stopped collecting PUA). States may include these instructions in the monetary redetermination notice or a separate notice. In addition to this individual notification, states may also want to post the availability of additional PUA benefits on their websites or other social media.

       Additionally, if the state determines that a PUA claim was filed by an individual that did not own the identity, the state may not send any notification of potential entitlement to the individual. See C.21. above.

       States are not required to take a new PUA application for an individual with an existing PUA claim, whether the individual is in active claim filing status or not at the time he or she requests to resume filing. However, states must ensure that individuals remain eligible for PUA, including checking for entitlement to regular UC, PEUC, and EB and requesting a self-certification that the individual's unemployment, partial unemployment, or inability or unavailability to work is specifically attributable to one or more of the COVID-19 related reasons specified in section 2102(a)(3)(A)(ii)(I)(aa) through (kk) of the CARES Act. This self-certification may be done at the time the individual returns to resume collecting PUA or as part of the continued claim process before payment is released. States must document its evaluation of the individual's eligibility for UC in the state's system.

b. *Interstate Claims.* PUA is payable to individuals filing under the Interstate Benefit Payment Plan in the same manner and to the same extent that benefits are payable to intrastate claimants. The liable state is responsible for identifying and notifying all potentially eligible interstate claimants of their potential eligibility, including filing instructions.

c. *Notification of Media.* To assure public knowledge of the PUA program's status, the state must notify all appropriate news media having coverage throughout the state of the beginning and any extensions of the PUA program. This includes the extension of the PUA program to March 14, 2021 and the availability of up to an additional 11 weeks of benefits.

D. Financial Information and Instructions (updated):

1. Payment to States. Requesting PUA Benefit Funds—Under Section 2102(f)(2) of the CARES Act, each state that has entered into an agreement with the Secretary to pay PUA, will be paid an amount equal to l00 percent of the amount of PUA paid to eligible individuals by the state under the agreement and in full accordance with the CARES Act and these instructions. States will request funds from the Extended Unemployment Compensation Account through the Automated Standard Application for Payments (ASAP) system. Drawdown requests must adhere to the funding mechanism stipulated in the Treasury-State Agreement executed under the Cash Management Improvement Act of 1990. Requests will be funded in the same manner as all ASAP transactions elected by the states (FEDWIRE or ACH to the state benefit payment account).

   There will be one new line in the ASAP for making drawdowns to pay PUA benefits, refer to #3 below for drawdown instructions. The line will be clearly labeled PANDEMIC UNEMPLOYMENT ASSISTANCE (PUA).

   Section 2102(f)(2)(B) authorizes the Secretary to determine the amounts to be paid to states for processing PUA workloads. Such costs will be based on workload counts reported on the ETA902P report and will incorporate minute per unit factors and salary rates identical to those used in the computation of the regular UC program above base administrative costs.

   Administrative costs will be computed on the ETA 902P report, line 301, column 17. *See* Attachment VI for additional detail. The supplemental budget request process will be used for states to request funds for implementation.

   Augmenting Claims. Augmentations of claims are counted as monetary redeterminations. States will receive administrative funding for monetary redetermination activity related to the augmentation of PUA entitlement that does not meet the definition under ET Handbook No. 401 for an initial, additional or a transitional claim. Such counts should be reported in the comments section of the ETA902P report and labeled "Monetary Redeterminations = "#######"".

Consistent with treatment of monetary redeterminations on the UI-3 report, five minutes per redetermination will be funded. The National Office will compute the additional reimbursement associated with these counts by applying the same hours and salary rate information used in the monthly administrative cost formula on line 301, column 17.

2. PUA Accounting Obligational Authority. The Grant Officer will assign a separate line on the UI program notices of obligational authority for PUA administrative grant funds, and a separate sub-account for PUA will be set up in the Payment Management System for states to draw down PUA administrative funds.

   Administrative Fund Accounting—Because of the separate appropriation for PUA administrative funds and the availability of these funds until expended, states must track and report PUA administrative expenditures and obligations separately from the regular UI program. Therefore, states must establish a separate fund ledger and must submit a separate ETA 9130 for the PUA program. States must include any PUA administrative expenditures and obligations incurred in March 2020 in their June 30, 2020, PUA ETA 9130 report.

3. Time Distribution. To ensure that PUA costs are tracked separately, states must charge time used for all PUA activities to the appropriate UI functional activity codes as outlined in Appendix E to ET Handbook No. 410 under the separate PUA fund ledger; however, states must combine regular and PUA staff year usage data in Section A of the UI-3 worksheet.

4. Accounting for PUA Payments (Benefits). PUA advances to the states' Unemployment Trust Fund (UTF) accounts and disbursements for PUA benefit payments will be reported on the monthly ETA 2112. Do not use a separate form for this report. (*See* Reporting Instructions.) Accurate reporting of advances, reimbursements and payments is important due to the monthly reconciliation of balances with Department of Labor records.

5. Processing Refunds. There are two scenarios for returning funds to the program line for PUA.

   a. The most likely scenario will be when the state has funds in its state benefit payment account and must return those funds to the Extended Unemployment Compensation Account. This should be completed as a negative amount posted to the appropriate line in ASAP. To accomplish this, the total draw for the day in ASAP must be greater than the negative balance posted to the appropriate line.

   b. The second scenario is when a state actually has the funds in its Federal UI account that are required to be returned to the appropriate program line. This should be accomplished by the state processing a book transfer transaction that accomplishes a transfer from its UI account to the appropriate program under the Extended Unemployment Compensation Account.

E. Reporting Instructions

1. ETA 2112. PUA benefit payment activity must be reported in the aggregate on the regular ETA 2112 report.

   a. Line 23c. Pandemic Unemployment Assistance. Report in columns C and E the amount of Federal funds received as advances or reimbursement for PUA.
   b. Line 42c. PUA Activity. Enter in columns C and F the net amount for which the Federal government is liable for PUA.

2. States are reminded that if a regular program initial claim is taken when verifying that a claimant is not eligible for regular UI before proceeding with a PUA claim, the state must record and report that as only a PUA initial claim and the regular program initial claim must not be reported. Regular program initial claims taken to verifying that a PUA claimant is not eligible for regular UI should be excluded from the regular State UI initial claims reported on the ETA538, ETA539, and ETA5159 reports.

   Similarly, states are reminded that as they work through backlogs, backdated continued claims processed should be reported in the ETA 538 and ETA 539 reports reflecting the weeks of unemployment for which the backdated claims were claimed. States should revise previous ETA 539 reports to include the backdated claims and avoid reporting multiple weeks of backdated claims for single claimants in the same week.

3. ETA 902 (**changes as noted below**). ETA has revised the ETA 902P report to include additional data items for tracking of overpayment recovery activities, PUA claim final payments, and a section for overpayment activity related to identity theft. This guidance supersedes the reporting instructions provided in Attachment VI to UIPL No. 16-20.

   The ETA 902P now includes the following additional data cells:

   Section A, Application and Payment Activities

   Columns 14, 15, and 16, Overpayments. The Overpayments header for columns 14, 15, and 16 has been renamed to Overpayments Established.

   Column 18, Final Payments. Enter the number of final payments made to claimants for PUA. A final payment for PUA is defined as the last PUA payment a claimant receives during the pandemic assistance period because the claimant has exhausted their entitlement to the program. Excluded from the definition is the last payment to an individual if, but for the end of the pandemic assistance period, the individual would otherwise be entitled to further PUA benefits. Final payments should be reported based on the augmented 50-week PUA availability.

Section C, Overpayment Activity (all activity EXCEPT Identity Theft) and Administration

Column 16A Overpayment Recoveries. In column 16A, Amount, enter in line 301, the total amount of all PUA recoveries collected for the reporting period. In line 302, provide a sub-breakout of the amount of recoveries involving fraud. States must begin including this information in subsequent ETA 902P report submissions.

Section D, Overpayment Activity Related to Identity (ID) Theft

Column 19, 20, and 21, ID Theft Overpayments Established. In column 19, Cases, line 401, enter the number of ID theft cases established, including willful misrepresentation (fraud) determined during the report period as an ID theft overpayment. In line 402 provide a sub-breakout of the number of ID theft cases determined as ID theft fraud cases. In column 20, Weeks, enter in line 401 the number of weeks of PUA overpaid in connection with the ID theft cases reported in column 19; enter the number of weeks of ID theft fraud overpayments included in line 402. In column 21, Amount, enter in line 401, the amount overpaid represented by ID theft cases reported in column 19. Provide a sub-breakout of the amount involving ID theft fraud in line 402. Do not include overpayments established as a result of failure to report issues where the claimant did not respond or failed to provide sufficient information to verify identity.

Column 21A, ID Theft Overpayment Recoveries. In column 21A, Amount, enter in line 401, the total amount of all PUA ID theft recoveries collected for the reporting period. Provide a sub-breakout of the amount of ID theft recoveries involving fraud in line 402.

Timeline for submitting new reporting components. Any ETA 902P report submitted after the publication of this UIPL must include the additional components. For ETA 902P reports previously submitted for prior months, states may submit amended reports, for each month, containing the following:

- PUA overpayment recovery data in column 16A;
- PUA ID Theft Overpayments Established data in columns 19, 20, and 21; and,
- PUA ID theft overpayment recovery data in column 21A.

Alternatively, states have the option of including cumulative amounts for all prior months, in the Comments section of the next ETA 902P report submission for:

- PUA overpayment recoveries;
- PUA ID theft overpayment Cases, Weeks, and Amount(s); and,
- PUA ID theft overpayment recoveries.

Comments Section: Report the number of monetary redeterminations related to the augmentation of PUA claims that do not meet the definition under ET Handbook No. 401

for an initial, additional or a transitional claim. Such counts should be reported in the comments section of the ETA902P report and labeled “Monetary Redeterminations = “#######””.

Refer to Attachment II of this UIPL for the revised report template and instructions about this reporting.

Attachment II to UIPL No. 16-20 Change 4

ETA 902P – PANDEMIC UNEMPLOYMENT ASSISTANCE ACTIVITIES
Section IV-4

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A. Facsimile of Form

ETA 902P – PANDEMIC UNEMPLOYMENT ASSISTANCE ACTIVITIES

ETA 902P – PANDEMIC UNEMPLOYMENT ASSISTANCE ACTIVITIES (PUA)

STATE:	REGION:	REPORT FOR PERIOD ENDING:

SECTION A. APPLICATION AND PAYMENT ACTIVITIES

CATEGORY	LINE NO.	INITIAL APPS.	NO. DETERM. ELIG.	FIRST PAYMTS.	WKS. CLAIMED	WKS. COMP.	AMOUNT COMP.	FINAL PAYMTS.
		1	2	3	4	5	6	18
Total	101							
Self - Employed	102							

SECTION B. DENIAL AND APPEALS ACTIVITY

CATEGORY	LINE NO.	WKS.OF PUA DENIED	APPEALS FILED		APPEALS DISPOSED		FAVOR OF APPELLANT	
			STATE	R A	STATE	R A	STATE	R A
		7	8	9	10	11	12	13
Total	201							
Self - Employed	202							

SECTION C. OVERPAYMENT ACTIVITY (all activity EXCEPT Identity Theft) AND ADMINISTRATION

CATEGORY	LINE NO.	OVERPAYMENTS ESTABLISHED			OVERPAYMENT RECOVERIES	ADMINISTRATIVE COSTS
		CASES	WEEKS	AMOUNT	AMOUNT	
		14	15	16	16A	17
Total	301					
Fraud	302					

SECTION D. OVERPAYMENT ACTIVITY RELATED TO IDENTITY (ID) THEFT					
CATEGORY	LINE NO.	ID THEFT OVERPAYMENTS ESTABLISHED			ID THEFT OVERPAYMENT RECOVERIES
		CASES	WEEKS	AMOUNT	AMOUNT
		19	20	21	21A
Total	401				
Fraud	402				

Comments:

OMB No.: NA **OMB Expiration Date**: NA **OMB Burden Minutes**: NA

OMB Burden Statement: Section 2116(a), Division B, Title II of the CARES Act states that "Chapter 35 of Title 44, United States Code, (commonly referred to as the "Paperwork Reduction Act of 1995") shall not apply to the amendments made by this subtitle." Therefore these reporting instructions do not require additional OMB approval and the submission of this information is required to obtain or retain benefits under the SSA 303(a)(6).

B. Purpose

The ETA 902P report contains monthly data on Pandemic Unemployment Assistance (PUA) activities provided by the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 (Pub. Law 116-136), enacted on March 27, 2020. PUA is a temporary Federal program created under the CARES Act to provide relief for workers affected by the coronavirus who do not qualify for other Federal benefits such as regular unemployment insurance or extended benefits.

C. Scope and Duration of the Report

1. The first report shall be sent in the month following the date the state agreement to participate in the PUA program, and later reports shall be sent each month that PUA activity continues to occur, such as for payments made for weeks in the pandemic assistance period (PAP) issued as a result of appeals.
2. Reports should be submitted monthly through the end of the Pandemic Assistance Period and until all payment and appeals activity is complete.

D. Due Date and Transmittal

Reports shall be submitted electronically each month providing PUA activities performed during the preceding calendar month. Reports are due in the National Office on the 30th of the month following the month to which data relate. South

Pacific Island jurisdictions must submit hardcopy reports, as there is no electronic submittal method available to them at this time.

For South Pacific Island jurisdictions via email to UI-Reports@uis.doleta.gov. If mailed, one copy should be sent to the National Office addressed as follows:

U.S. Department of Labor, ETA
Attn: Pandemic Unemployment Assistance
Coordinator/Program Specialist
Division of Unemployment Insurance Operations

Frances Perkins Building
200 Constitution
Avenue, N.W.
Washington, D.C. 202l0

One copy should also be sent to the San Francisco ETA Regional Office.

E. General Reporting Instructions

1. In all instructions, reference to State UI (UC) claims will include UCFE, UCX, TRA, RRA (Railroad), EB, and any other program included and/or defined under 20 C.F.R. 625.2(d).

2. Self-employed applicants are those who have filed an initial request for PUA and for whom it was determined that their primary reliance for income is on their performance of services in their own business or farm. These individuals include independent contractors, gig economy workers, and workers for certain religious entities.

Payments of UI made to replace erroneously paid PUA should not be reported on the ETA 902P, but should be reported on the appropriate UI reports, i.e., ETA 5159.

F. Definitions

1. Effective Date of an Initial Application. (**updated**) Refer to Section C.15 of this UIPL for information on effective dates of PUA claims.

2. Eligible. (**updated**) Meets qualifications for receiving Pandemic Unemployment Assistance, as specified in Section 2102 of the CARES Act. If an individual is eligible for UC, EB, and PEUC, such individual is not eligible for PUA and should not be counted in any PUA Activities report.

3. Fraud. An overpayment for which material facts to the determination or payment of a claim are found to be knowingly misrepresented or concealed (*i.e.*, willful misrepresentation) by the claimant in order to obtain benefits to which the individual is not legally entitled. All states have definitions for

fraud and impose disqualifications for fraudulent misrepresentation to obtain or increase benefits.

4. Identity (ID) Theft. The crime of obtaining and using the personal or financial information of another individual to file or attempt to file a claim for UI benefits.

5. Identity Theft Overpayment (cases) Established. Any single issue involving an ID theft overpayment that has been determined for a claimant within a single calendar month and for which: 1) a formal notice of determination has been issued, or 2) a formal notice of determination has not been issued, since ownership of the ID theft overpayment has not been assigned, due to a state's inability to identify the individual responsible for generating the ID theft overpayment. An ID theft overpayment that covers one or more weeks (or partial weeks) of benefits shall be counted as one ID theft case if all weeks of ID theft overpayments are included in the same notice of determination. An ID theft overpayment covering consecutive weeks of benefits that span two months should be reported for the month in which the notice of determination is issued, or if no notice of determination is issued, report when the investigation reaches conclusion. This does not include overpayments established as a result of failure to report issues where the claimant did not respond or failed to provide sufficient information to verify identity.

6. Overpayments (cases) Established. Any single issue involving an overpayment that has been determined for a claimant within a single calendar month and for which a formal notice of determination has been issued. An overpayment that covers one or more weeks (or partial weeks) of benefits shall be counted as one case if all weeks of overpayments are included in the same notice of determination. An overpayment covering consecutive weeks of benefits that span two months should be reported for the month in which the notice of determination is issued. Overpayments Established includes all overpayment EXCEPT those involving identity theft. An overpayment should be reported here if such overpayment is established as a result of failure to report issues where the claimant did not respond or failed to provide sufficient information to verify identity.

G. Item by Item Instructions

1. Report Period Ended. Enter the month, last day of the month, and four digit year to which the data relate; e.g., 01/31/2020.

2. State. Enter the two-letter Federal Information Processing Standards (FIPS) State Alpha Code (identical to the two-letter U.S. Postal Service abbreviation) of the state or South Pacific Island jurisdiction as it appears in FIPS Publication 5-2. The National Institute of Standards and Technology issued the FIPS publication on May 28, 1987.

3. Section A. Application and Payment Activities.

   a. Column 1, Initial Applications. Enter the number of initial applications for PUA taken during the report period. This will equal the number of initial applications that were completed and/or number of applications entered into an automated system through an electronic/telephone claims taking system during the report period. Do not include individuals eligible for UC where it may have been necessary, due to the filing environment, to accept initial claims for both programs.

   b. Column 2, Number Determined Eligible. Enter the number of individuals determined eligible for PUA during the report period. Do not include individuals eligible for UC where it may have been necessary, due to the filing environment, to accept initial claims for both programs.

   c. Column 3, First Payments. Enter the number of payments which represent, for any individual, the first week for which assistance is paid in the pandemic assistance period.

   d. Column 4, Weeks Claimed. Enter the total number of weeks for which PUA is claimed during the report period whether or not PUA is actually paid. If claims are filed weekly, the number of weeks will equal the number of weekly received during the report period. If claims are filed other than weekly claims, the number of weeks will equal the number of weeks during the report period.

   e. Column 5, Weeks Compensated. Enter the number of weeks of unemployment for which PUA was paid during the report period. A week of unemployment compensated is any week of unemployment for which PUA funds are paid, regardless of amount.

   f. Column 6, Amount Compensated. Enter the amount of PUA funds represented by the weeks reported in column 5.

   g. Column 18, Final Payments. Enter the number of final payments made to claimants for PUA. A final payment for PUA is defined as the last PUA payment a claimant receives during the pandemic assistance period because the claimant has exhausted their entitlement to the program. Excluded from the definition is the last payment to an individual if, but for the end of the pandemic assistance period, the individual would otherwise be entitled to further PUA benefits.

4. Section B. Denial and Appeals Activity.

   a. Column 7, Weeks of PUA Denied. Enter the number of weeks of unemployment where a PUA payment was denied for which an individual, except for the reason of the denial, would have been eligible to receive a PUA payment.

NOTE: For columns 8 through 13, the entries refer to the number of cases received or disposed of during the report period by authority (i.e., first level state appeals authority and the second level state higher authority). All cases, including cases disposed of before reaching the appeals authority, should be included. Definitions of case, authority, disposal, etc., are those developed for the PUA program where found or, when these do not exist, are those used in the state UI program.

b. Columns 8 and 9, Appeals Filed. In columns 8 and 9, distribute, by type of authority, the appeal cases or requests for review received during the month. In addition, provide a sub-breakout of the Total for self-employed individuals in line 202.

c. Columns 10 and 11, Appeals Disposed. Enter in columns 10 and 11 the total number of cases disposed during the month by authority level. In line 202, provide the number of cases disposed of involving self-employed individuals.

d. Columns 12 and 13, Favor of Appellant. Enter in columns 12 and 13 the number of appeal decisions included in columns 10 and 11, which were in favor of the appellant by authority level. In line 202 enter a breakout of self-employed individuals who appealed and had the decision in their favor.

5. Section C. Overpayment Activity and Administration (all activity EXCEPT for Identity Theft).

a. Columns 14, 15, and 16, Overpayments Established. In column 14, Cases, line 301, enter the number of cases established, including willful misrepresentation (fraud) determined during the report period as an overpayment. In line 302 provide a sub-breakout of the number of cases determined as fraud cases. In column 15, Weeks, enter in line 301 the number of weeks of PUA overpaid in connection with the cases reported in column 14; enter the number of weeks of fraud overpayments included in line 302 In column 16, Amount, enter in line 301, the amount overpaid represented by cases reported in column 14. Provide a sub-breakout of the amount involving fraud in line 302.

b. Column 16A Overpayment Recoveries. In column 16A, Amount, enter in line 301, the total amount of all PUA recoveries collected for the reporting period. Provide a sub-breakout of the amount of recoveries involving fraud in line 302.

c. Columns 17, Administrative Costs. This data cell will self-populate and reflect computed administrative costs based on workload items reported in Section A. and Section B. above. Minute per unit factors reflected in the annual UIPL advisory communicating target allocations for base administrative grants and staff year usage information from the UI-1 report will be used to compute staffing levels needed to process the initial claims (line 101 column 1), weeks claimed (line 101 column 4) and appeals disposed (line 201 column 10) workload. Staff salary rates will reflect the rates used for quarterly above base computations. Staffing costs will be increased by the applicable factor to account for leave, and resulting costs will be increased by 19% to account for overhead.

Time factors and staff salary rates necessary for the computations of administrative costs described above for Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau will be communicated to each territory separately.

6. Section D. Overpayment Activity Related to Identity (ID) Theft.

a. Columns 19, 20, and 21 ID Theft Overpayments Established. In column 19, Cases, line 401, enter the number of ID theft cases established, including willful misrepresentation (fraud) determined during the report period as an ID theft overpayment. In line 402 provide a sub-breakout of the number of ID theft cases determined as ID theft fraud cases. In column 20, Weeks, enter in line 401 the number of weeks of PUA overpaid in connection with the ID theft cases reported in column 19; enter the number of weeks of ID theft fraud overpayments included in line 402. In column 21, Amount, enter in line 401, the amount overpaid represented by ID theft cases reported in column 19. Provide a sub-breakout of the amount involving ID theft fraud in line 402.

b. Column 21A ID Theft Overpayment Recoveries. In column 21A, Amount, enter in line 401, the total amount of all PUA ID theft recoveries collected for the reporting period. Provide a sub-breakout of the amount of ID theft recoveries involving fraud in line 402.

H. Checking the Report

1. General Checks. Entries should be made for all required items. If the item is inapplicable, or if applicable but no activity corresponding to the items occurred during the report period, a zero should be entered. A report containing missing data cannot be sent to the National Office, but can be stored on the state's system.

2. Arithmetic Checks.

a. For columns 1, 2, and 8 through 13, the entries in line 102 and 202 respectively, should be equal to or less than the entries in line 101 or

201.

b. For columns 14 through 16A, the entries in line 302 should be equal to or less than line 301.

c. For columns 19 through 21A, the entries in line 402 should be equal to or less than line 401.

3. Signature. Signature is only required if reports are sent manually to the National Office.

Processing PUA Claims Based on the Claim Filing Date

	SCENARIO 1 **Claim filed on or before December 27, 2020**	**SCENARIO 2** **Claim filed after December 27, 2020 and on or before December 31, 2020**	**SCENARIO 3** **Claim filed on or after January 1, 2021 and before January 31, 2021**	**SCENARIO 4** **Claim filed on or after January 31, 2021**
Pandemic Assistance Period	January 27, 2020 through April 10, 2021 (April 11, 2021 for states with a Sunday week ending date)	January 27, 2020 through April 10, 2021 (April 11, 2021 for states with a Sunday week ending date)	January 27, 2020 through April 10, 2021 (April 11, 2021 for states with a Sunday week ending date)	January 27, 2020 through April 10, 2021 (April 11, 2021 for states with a Sunday week ending date)
Last week payable for states with a Saturday week ending date	March 13, 2021 (unless individual qualifies for the phaseout period)	March 13, 2021 (unless individual qualifies for the phaseout period)	March 13, 2021 (unless individual qualifies for the phaseout period)	March 13, 2021 (unless individual qualifies for the phaseout period)
Earliest possible claim effective date[1]	February 2, 2020	December 6, 2020	December 6, 2020	December 6, 2020
Wages considered for calculating the weekly benefit amount (WBA)	Calendar Year (CY) 2019	CY 2019	If claim is effective on or after January 1, 2021 (*i.e.*, claim effective January 3, 2021 or later for states with a Saturday week ending date), then CY 2020 If claim is effective before January 1, 2021, then CY 2019	If claim is effective on or after January 1, 2021 (*i.e.*, claim effective January 3, 2021 or later for states with a Saturday week ending date), then CY 2020 If claim is effective before January 1, 2021, then CY 2019

[1] The claim must be backdated to the first week during the Pandemic Assistance Period that the individual was unemployed, partially unemployed, or unable or unavailable to work because of a COVID-19 related reason listed in section 2102(a)(3)(A)(ii)(i) of the CARES Act.

	SCENARIO 1 Claim filed on or before December 27, 2020	**SCENARIO 2 Claim filed after December 27, 2020 and on or before December 31, 2020**	**SCENARIO 3 Claim filed on or after January 1, 2021 and before January 31, 2021**	**SCENARIO 4 Claim filed on or after January 31, 2021**
Guidance for determining the state's minimum PUA WBA	UIPL No. 03-20	UIPL No. 03-20	UIPL No. 03-20	UIPL No. 03-20
Duration of benefits[2]	39 weeks + 11 weeks which may only be collected for weeks of unemployment ending on or after January 2, 2021	50 weeks	50 weeks	50 weeks
Requirement to submit documentation substantiating employment or self-employment	Yes, if the individual receives a payment of PUA on or after December 27, 2020 (regardless of which week ending date is being paid), documentation is due within 90 days of the application or when directed by the State Agency (whichever is later).	Yes, if the individual receives a payment of PUA on or after December 27, 2020 (regardless of which week ending date is being paid), documentation is due within 90 days of the application or when directed by the State Agency (whichever is later).	Yes, if the individual receives a payment of PUA on or after December 27, 2020 (regardless of which week ending date is being paid), documentation is due within 90 days of the application or when directed by the State Agency (whichever is later).	Yes, documentation is due within 21 days of the initial application or when directed by the State Agency (whichever is later).

[2] Duration must subtract any weeks of regular unemployment compensation (UC) or Extended Benefits (EB) received during the Pandemic Assistance Period. Additionally, if a state is in a High Unemployment Period, the individual's account is to be augmented by up to 7 weeks as discussed in section C.17 of attachment I to this UIPL.

	SCENARIO 1 **Claim filed on or before December 27, 2020**	**SCENARIO 2** **Claim filed after December 27, 2020 and on or before December 31, 2020**	**SCENARIO 3** **Claim filed on or after January 1, 2021 and before January 31, 2021**	**SCENARIO 4** **Claim filed on or after January 31, 2021**
Documentation substantiating employment or self-employment must represent activity during this time period	CY 2019 to date of filing	CY 2019 to date of filing	If claim is effective on or after January 1, 2021 (*i.e.*, claim effective January 3, 2021 or later for states with a Saturday week ending date), then CY 2020 to date of filing If claim is effective before January 1, 2021, then CY 2019 to date of filing	If claim is effective on or after January 1, 2021(*i.e.*, claim effective January 3, 2021 or later for states with a Saturday week ending date), then CY 2020 to date of filing If claim is effective before January 1, 20201, then CY 2019 to date of filing
If documentation is not provided within the required timeframe, these weeks must be established as an overpayment	Any paid weeks of unemployment ending on or after January 2, 2021	Any paid weeks of unemployment ending on or after January 2, 2021	Any paid weeks of unemployment ending on or after January 2, 2021	Any paid weeks of unemployment ending on or after January 2, 2021

TITLE II-ASSISTANCE TO INDIVIDUALS, FAMILIES, AND BUSINESSES
Subtitle A-Unemployment Insurance
CHAPTER I-CONTINUED ASSISTANCE TO UNEMPLOYED WORKERS

The following Sections are relevant to the Pandemic Unemployment Assistance program.

Subchapter I-Extension of CARES Act Unemployment Provisions

SEC. 201. EXTENSION AND BENEFIT PHASEOUT RULE FOR PANDEMIC UNEMPLOYMENT ASSISTANCE.

IN GENERAL.-Section 2102(c) of the CARES Act (15 U.S.C. 9021(c)) is amended-
(1) in paragraph (1)-

(A) by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(B) in subparagraph (A)(ii), by striking "December 31, 2020" and inserting "March 14, 2021"; and

(2) by redesignating paragraph (3) as paragraph (4); and
(3) by inserting after paragraph (2) the following:

"(3) TRANSITION RULE FOR INDIVIDUALS REMAINING ENTITLED TO PANDEMIC UNEMPLOYMENT ASSISTANCE AS OF MARCH 14, 2021.-
"(A) IN GENERAL.-Subject to subparagraph (B), in the case of any individual who, as of the date specified in paragraph (l)(A)(ii), is receiving pandemic unemployment assistance but has not yet exhausted all rights to such assistance under this section, pandemic unemployment assistance shall continue to be payable to such individual for any week beginning on or after such date for which the individual is otherwise eligible for pandemic unemployment assistance.
"(B) TERMINATION.- Notwithstanding any other provision of this subsection, no pandemic unemployment assistance shall be payable for any week beginning after April 5, 2021.".

(b) INCREASE IN NUMBER OF WEEKS.-Section 2102(c)(2) of the CARES Act (15 U.S.C. 9021(c)(2)) is amended-

(1) by striking "39 weeks" and inserting "50 weeks; and

(2) by striking "39-week period " and inserting "50-week period".

(c) APPEALS.-

(1) IN GENERAL.-Section 2102(c) of the CARES Act (15 U.S.C. 9021(c)), as amended by subsections (a) and (b), is amended by adding at the end the following:

"(5) APPEALS BY AN INDIVIDUAL.-

"(A) IN GENERAL.-An individual may appeal any determination or redetermination regarding the rights to pandemic unemployment assistance under this section made by the State agency of any of the States.

"(B) PROCEDURE.-All levels of appeal filed under this paragraph in the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands-

"(i) shall be carried out by the applicable State that made the determination or redetermination; and

"(ii) shall be conducted in the same manner and to the same extent as the applicable State would con- duct appeals of determinations or redeterminations regarding rights to regular compensation under State law.

"(C) PROCEDURE FOR CERTAIN TERRITORIES.-With respect to any appeal filed in Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, Republic of the Marshall Islands, and the Republic of Palau-

"(i) lower level appeals shall be carried out by the applicable entity within the State;

"(ii) if a higher level appeal is allowed by the State, the higher level appeal shall be carried out by the applicability entity within the State; and

"(iii) appeals described in clauses (i) and (ii) shall be conducted in the same manner and to the same extent as appeals of regular unemployment compensation are conducted under the unemployment compensation law of Hawaii.".

(2) EFFECTIVE DATE.-The amendment made by paragraph (1) shall take effect as if enacted as part of division A of the CARES Act (Public Law 116-136), except that any decision issued on appeal or review before the date of enactment of this Act shall not be affected by the amendment made by paragraph (1).

(d) WAIVER AUTHORITY FOR CERTAIN OVERPAYMENTS OF PANDEMIC UNEMPLOYMENT ASSISTANCE.-Section 2102(d) of the CARES Act (15 U.S.C. 9021(d)) is amended by adding at the end the following:

"(4) WAIVER AUTHORITY.-ln the case of individuals who have received amounts of pandemic unemployment assistance to which they were not entitled, the State shall require such individuals to repay the amounts of such pandemic unemployment assistance to the State agency, except that the State agency may waive such repayment if it determines that-

"(A) the payment of such pandemic unemployment assistance was without fault on the part of any such individual; and

"(B) such repayment would be contrary to equity and good conscience.".

(e) HOLD HARMLESS FOR PROPER ADMINISTRATION.-ln the case of an individual who is eligible to receive pandemic unemployment assistance under section 2102 the CARES Act (15 U.S.C. 9021) as of the day before the date of enactment of this Act and on the date of enactment of this Act becomes eligible for pandemic emergency unemployment compensation under section 2107 of the CARES Act (15 U.S.C. 9025) by reason of the amendments made by section 206(b) of this subtitle, any payment of pandemic unemployment assistance under such section 2102 made after the date of enactment of this Act to such individual during an appropriate period of time, as determined by the Secretary of Labor, that should have been made under such section 2107 shall not be considered to be an overpayment of assistance under such section 2102, except that an individual may not receive payment for assistance under section 2102 and a payment for assistance under section 2107 for the same week of unemployment.

(f) LIMITATION.-ln the case of a covered individual whose first application for pandemic unemployment assistance under section 2102 of the CARES Act (15 U.S.C. 9021) is filed after the date of enactment of this Act, subsection (c)(l)(A)(i) of such section 2102 shall be applied by substituting "December 1, 2020" for "January 27, 2020".

(g) EFFECTIVE DATE.-The amendments made by subsections (a), (b), (c), and (d) shall apply as if included in the enactment of the CARES Act (Public Law 116-136), except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

SEC. 203. EXTENSION OF FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.-Section 2104(e) of the CARES Act (15 U.S.C. 9023(e)) is amended to read as follows:

"(e) APPLICABILITY.-An agreement entered into under this section shall apply-

(1) to weeks of unemployment beginning after the date on which such agreement is entered into and ending on or before July 31, 2020; and

"(2) to weeks of unemployment beginning after December 26, 2020 (or , if later, the date on which such agreement is entered into), and ending on or before March 14, 2021.".

(b) AMOUNT.-

(1) IN GENERAL.-Section 2104(b) of the CARES Act (15 U.S.C. 9023(b)) is amended-

(A) in paragraph (l)(B), by striking "of $600" and inserting "equal to the amount specified in paragraph (3)"; and

(B) by adding at the end the following new paragraph:

"(3) AMOUNT OF FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.-

"(A) IN GENERAL.- The amount specified in this paragraph is the following amount:

"(i) For weeks of unemployment beginning after the date on which an agreement is entered into under this section and ending on or before July 31, 2020, $600.

"(ii) For weeks of unemployment beginning after December 26, 2020 (or, if later, the date on which such agreement is entered into), and ending on or before March 14, 2021, $300.".

(2) TECHNICAL AMENDMENT REGARDING APPLICATION TO SHORT-TIME COMPENSATION PROGRAMS AND AGREEMENTS.-Section 2104(i)(2) of the CARES Act (15 U.S.C. 9023(i)(2)l is amended-

(A) in subparagraph (Cl, by striking "and" at the end;

(B) in subparagraph (D), by striking the period at the end and inserting"; and"; and

(C) by adding at the end the following:

"(E) short-time compensation under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986).".

SEC. 206. EXTENSION AND BENEFIT PHASEOUT RULE FOR PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.-Section 2107(g) of the CARES Act (15 U.S.C. 9025(g)) is amended to read as follows:

"(g) APPLICABILITY.-

"(1) IN GENERAL.-Except as provided in paragraphs (2) and (3), an agreement entered into under this section shall apply to weeks of unemployment-

"(A) beginning after the date on which such agreement is entered into; and

"(B) ending on or before March 14, 2021.

"(2) TRANSITION RULE FOR INDIVIDUALS REMAINING ENTITLED TO PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION AS OF MARCH 14, 2021.-ln the case of any individual who, as of the date specified in paragraph (l)(B), is receiving Pandemic Emergency Unemployment Compensation but has not yet exhausted all rights to such assistance under this section, Pandemic Emergency Unemployment Compensation shall continue to be payable to such individual for any week beginning on or after such date for which the individual is otherwise eligible for Pandemic Emergency Unemployment Compensation.

"(3) TERMINATION.-Notwithstanding any other provision of this subsection, no Pandemic Emergency Unemployment Compensation shall be payable for any week beginning after April 5, 2021.".

(b) INCREASE IN NUMBER OF WEEKS.-Section 2107(b)(2) of the CARES Act (15 U.S.C. 9025(b)(2)) is amended by striking "13" and inserting "24".

(c) COORDINATION RULES.-

(1) COORDINATION OF PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.-Section 2107(b) of the CARES Act (15 U.S.C. 9025(b)) is amended by adding at the end the following:

"(4) COORDINATION OF PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.-

"(A) IN GENERAL.-If-

"(i) an individual has been determined to be entitled to pandemic emergency unemployment compensation with respect to a benefit year;

"(ii) that benefit year has expired;

"(iii) that individual has remaining entitlement to pandemic emergency unemployment compensation with respect to that benefit year; and

"(iv) that individual would qualify for a new benefit year in which the weekly benefit amount of regular compensation is at least $25 less than the individual's weekly benefit amount in the benefit year referred to in clause (i), then the State shall determine eligibility for compensation as provided in subparagraph (B).

"(B) DETERMINATION OF ELIGIBILITY.-For individuals described in subparagraph (A), the State shall determine whether the individual is to be paid pandemic emergency unemployment compensation or regular compensation for a week of unemployment using one of the following methods:

"(i) The State shall, if permitted by State law, establish a new benefit year, but defer the payment of regular compensation with respect to that new benefit year until exhaustion of all pandemic emergency unemployment compensation payable with respect to the benefit year referred to in subparagraph (A)(i).

"(ii) The State shall, if permitted by State law, defer the establishment of a new benefit year (which uses all the wages and employment which would have been used to establish a benefit year but for the application of this subparagraph), until exhaustion of all pandemic emergency unemployment compensation payable with respect to the benefit year referred to in subparagraph (A)(i).

"(iii) The State shall pay, if permitted by State law-

"(I) regular compensation equal to the weekly benefit amount established under the new benefit year; and

"(II) pandemic emergency unemployment compensation equal to the difference between that weekly benefit amount and the weekly benefit amount for the expired benefit year.

"(iv) The State shall determine rights to pandemic emergency unemployment compensation without regard to any rights to regular compensation if the individual elects to not file a claim for regular compensation under the new benefit year.".

(2) COORDINATION OF PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION WITH EXTENDED COMPENSATION.-

(A) INDIVIDUALS RECEIVING EXTENDED COMPENSATION AS OF THE DATE OF ENACTMENT.- Section 2107(a)(5) of the CARES Act (15 U.S.C. 9025(a)(5)) is amended-

(i) by striking "RULE.-An agreement" and inserting the following: "RULES.-

"(A) IN GENERAL.-Subject to subparagraph (B), an agreement"; and

(ii) by adding at the end the following:

"(B) SPECIAL RULE.-ln the case of an individual who is receiving extended compensation under the State law for the week that includes the date of enactment of this subparagraph (without regard to the amendments made by subsections (a) and (b) of section 206 of the Continued Assistance for Unemployed Workers Act of 2020), such individual shall not be eligible to receive pandemic emergency unemployment compensation by reason of such amendments until such individual has exhausted all rights to such extended benefits.".

(B) ELIGIBILITY FOR EXTENDED COMPENSATION.- Section 2107(a) of the CARES Act (15 U.S.C. 9025(a)) is amended by adding at the end the following:

"(8) SPECIAL RULE FOR EXTENDED COMPENSATION.-At the option of a State, for any weeks of unemployment beginning after the date of the enactment of this paragraph and before April 12, 2021, an individual's eligibility period (as described in section 203(c) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note)) shall, for purposes of any determination of eligibility for extended compensation under the State law of such State, be considered to include any week which begins-

"(A) after the date as of which such individual exhausts all rights to pandemic emergency unemployment compensation; and

"(B) during an extended benefit period that began on or before the date described in subparagraph (A).".

(d) EFFECTIVE DATE.-

(1) IN GENERAL.-Except as provided in paragraph (2), the amendments made by this section shall apply as if included in the enactment of the CARES Act (Public Law 116-136), except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

(2) COORDINATION RULES .- The amendments made by subsection (c)(l) hall apply to individuals whose benefit years, as described in section 2107(b)(4)(A)(ii) of the CARES Act, expire after the date of enactment of this Act.

Subchapter IV-Improvements to Pandemic Unemployment Assistance to Strengthen Program Integrity

SEC. 241. REQUIREMENT TO SUBSTANTIATE EMPLOYMENT OR SELF-EMPLOYMENT AND WAGES EARNED OR PAID TO CONFIRM ELIGIBILITY FOR PANDEMIC UNEMPLOYMENT ASSISTANCE.

(a) IN GENERAL.-Section 2102(a)(3)(A) of the CARES Act (15 U.S.C. 9021(a)(3)(A)) is amended-

(1) in clause (i), by striking "and" at the end;

(2) by inserting after clause (ii) the following:

"(iii) provides documentation to substantiate employment or self-employment or the planned commencement of employment or self-employment not later than 21 days after the later of the date on which the individual submits an application for pandemic unemployment assistance under this section or the date on which an individual is directed by the State Agency to submit such documentation in accordance with section 625.6(e) of title 20, Code of Federal Regulations, or any successor thereto, except that such deadline may be extended if the individual has shown good cause under applicable State law for failing to submit such documentation; and".

(b) APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the amendments made by subsection (a) shall apply to any individual who files a new application for pandemic unemployment assistance or claims pandemic unemployment assistance for any week of unemployment under section 2102 of the CARES Act (15 U.S.C. 9021) on or after January 31, 2021.

(2) SPECIAL RULE.—An individual who received pandemic unemployment assistance under section 2102 of the CARES Act (15 U.S.C. 9021) for any week ending before the date of enactment of this Act shall not be considered ineligible for such assistance for such week solely by reason of failure to submit documentation described in clause (iii) of subsection (a)(3)(A) of such section 2102, as added by subsection (a).

(3) PRIOR APPLICANTS.—With respect to an individual who applied for pandemic unemployment assistance under section 2102 of the CARES Act (15 U.S.C. 9021) before January 31, 2021, and receives such assistance on or after the date of enactment of this Act, clause (iii) of subsection (a)(3)(A) of such section shall be applied by substituting ‘‘90 days’’ for ‘‘21 days’’.

SEC. 242. REQUIREMENT FOR STATES TO VERIFY IDENTITY OF APPLICANTS FOR PANDEMIC UNEMPLOYMENT ASSISTANCE.

(a) IN GENERAL.—Section 2102(f) of the CARES Act (15 U.S.C. 9021(f)) is amended—

(1) in paragraph (1), by inserting ‘‘, including procedures for identity verification or validation and for timely payment, to the extent reasonable and practicable’’ before the period at the end; and

(2) in paragraph (2)(B), by inserting ‘‘and expenses related to identity verification or validation and timely and accurate payment’’ before the period at the end.

(b) APPLICABILITY.—The requirements imposed by the amendments made by this section shall apply, with respect to agreements made under section 2102 of the CARES Act, beginning on the date that is 30 days after the date of enactment of this Act.

SEC. 263. CONTINUING ELIGIBILITY FOR CERTAIN RECIPIENTS OF PANDEMIC UNEMPLOYMENT ASSISTANCE.

(a) IN GENERAL.—Section 2102(c) of the CARES Act (15 U.S.C. 9021(c)), as amended by section 201, is further amended by adding at the end the following:

‘‘(6) CONTINUED ELIGIBILITY FOR ASSISTANCE.—As a condition of continued eligibility for assistance under this section, a covered individual shall submit a recertification to the State for each week after the individual’s 1st week of eligibility that certifies that the individual remains an individual described in subsection (a)(3)(A)(ii) for such week.’’.

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply with respect to weeks beginning on or after the date that is 30 days after the date of enactment of this section.

(2) SPECIAL RULE.—In the case of any State that made a good faith effort to implement section 2102 of division A of the CARES Act (15 U.S.C. 9021) in accordance with rules similar to those provided in section 625.6 of title 20, Code of Federal Regulations, for weeks ending before the effective date specified in paragraph (1), an individual who received Pandemic unemployment assistance from such State for any such week shall not be considered ineligible for such assistance for such week solely by reason of failure to submit a recertification described in subsection (c)(5) of such section 2102.