

Temporary Changes to the Federal-State EB Program - Questions and Answers

1. Question: If a state triggers “ON” to EB, must a state notify individual claimants of the availability of EB?

Answer: Yes. The state must provide potentially eligible individuals (discussed in Section 4.a. of UIPL No. 24-20) with appropriate written notification of their potential eligibility, including filing instructions, in accordance with state law. States must provide claimants with alternate modes of contact, which may include email, and communicate with the claimant based on his or her preferred method of contact. If the state contacts the claimant via email and the email is returned, the state must attempt to contact the claimant by U.S. mail.

2. Question: If the state triggers “ON” while an individual is collecting Pandemic Emergency Unemployment Compensation (PEUC), would the individual switch to EB?

Answer: No. The payment of EB for which an individual would otherwise be eligible must be deferred until after the individual exhausts PEUC benefits. See UIPL No. 14-20 for additional information on the coordination of programs.

3. Question: Would an individual collecting Pandemic Unemployment Assistance (PUA), having previously exhausted PEUC, have to switch to EB if the state triggers “ON” to EB?

Answer: Yes. If the individual meets the eligibility requirements for EB (including that the individual does not have any disqualifications that would prevent the individual from being eligible for EB), he or she is no longer eligible to receive PUA and must be notified by the state that an EB claim must be filed. As noted above, states must provide claimants with alternate modes of contact, which may include email, and communicate with the claimant based on his or her preferred method of contact. If the state contacts the claimant via email and the email is returned, the state must attempt to contact the claimant by U.S. mail.

If the individual continues to be unemployed after exhausting the EB claim and meets one of the listed COVID-19 related reasons in section 2102(a)(3)(A)(ii)(I) of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (Public Law 116-136), he or she may resume receipt of PUA. However, any weeks of EB collected would be subtracted from his or her remaining PUA entitlement.

4. Question: Must an individual file a separate application for EB, or may the state automatically switch a UC claim, or other type of claim, to an EB claim?

Answer: A state may not automatically switch an individual to an EB claim. Each state must determine if an individual meets all EB eligibility requirements, as described in Section 4.a. of UIPL No. 24-20. While an initial application is not required, a state may not file the EB claim before determining that the individual meets the eligibility requirements under the EB

program. If a separate application is not taken, the state must document the steps taken to confirm EB eligibility.

5. Question: Federal law limits EB eligibility to two weeks for an individual who files a claim in one state while residing in another state that is not in an EB period. Does this limitation pertain to commuter claims?

Answer: No. The two-week limitation applies only to claims filed under the Interstate Benefit Payment Plan (IBPP) in a state where no extended benefit period is in effect. Commuter claims are made by individuals who regularly traveled across a state line from home to work, and file for regular UC with the state of employment. Because commuter claims are not filed through the IBPP, the two-week limitation does not apply. *See* Section 202(c) of the Federal-State Extended Unemployment Compensation Act of 1970 (EUCA) (26 U.S.C. 3304 note) and 20 CFR 615.9(c).

6. Question: Do the provisions of EUISAA and the CARES Act require my state to amend its EB law?

Answer: States are not required to amend their EB laws, but might need to do so to respond to certain circumstances. States may qualify for both allotments of the emergency administrative grants described in Section 4102 of EUISAA and the increased Federal sharing of EB costs if the current provisions of state law meet the applicable requirements. Similarly, some states may have the authority to exercise the temporary emergency flexibility for modifying or suspending EB work search requirements in response to the spread of COVID-19 without amending state law. However, some states may need legislative or executive action to receive both allotments of the emergency administrative grants, be eligible for increased Federal sharing of EB costs, or to modify or suspend EB work search requirements.

7. Question: Are there any changes to the reporting requirements for EB reports because of EUISAA or the CARES Act?

Answer: No. However, states should note that, for purposes of the ETA 2112 report (OMB No. 1205-0154), any payment fully funded by the Federal Government should be reported in its entirety on line 38 (pertaining to the Federal share of EB).