



COVID-19: PANDEMIC UNEMPLOYMENT ASSISTANCE (PUA)

General

QUESTION:

Is it possible for independent contractors to apply for PUA?

ANSWER:

Yes, according to the DWD website for Pandemic Unemployment Assistance (PUA) at <https://dwd.wisconsin.gov/uiben/pua/>, PUA is a new temporary federal program that provides up to 39 weeks of unemployment benefits to individuals who are not eligible for regular Unemployment Insurance (UI) such as:

- Individuals who are self-employed.
- Certain independent contractors.
- Individuals with limited recent work history.
- Other workers not covered by Regular UI.

To apply, go to <https://dwd.wisconsin.gov/uiben/pua/apply/>.

QUESTION:

What information will I need in anticipation of completing the application?

ANSWER:

The DWD website suggests applicants have the following information ready when they apply.

Have the following information available:

- Social Security Number.
- Wisconsin Driver's License, if you have one.
- A list of all employers you worked for in the past 18 months, their complete addresses (including zip codes), telephone numbers and the dates you began and last worked for them.
- Those who do not monetarily qualify for a UI claim will need proof of wages/self-employment from the most recent tax year.

QUESTION:

An agent understands REALTORS® will be able to apply for Pandemic Unemployment Assistance (PUA) starting April 21. The agent has not done any real estate since March 1 due to COVID-19. The agent now has a client who would like to look at homes. If the agent shows her homes, will the agent then be denied PUA? To claim PUA, does the agent need to be completely without work, or can the agent have worked with one client showing homes?

ANSWER:

During the April 23 Legal Update Live, the Department of Workforce Development (DWD) confirmed that Pandemic Unemployment Assistance (PUA) is determined week by week. According to the DWD, commission is reported the week it was paid.

Those who qualify for PUA, and work less than 32 hours per week and make less than \$500 per week, may be able to make claims retroactively to February 8 or when the applicant was impacted by COVID-19, whichever is later. Doing some work may not make an individual ineligible for PUA but the agent may not exceed the 32 hours/\$500 per week threshold. See <https://dwd.wisconsin.gov/ui201/b6201.htm>.

Please visit the DWD resource page relating to PUA at <https://dwd.wisconsin.gov/uiben/pua/>.

QUESTION:

Is it correct that only victims, or their family members, affected by COVID-19 are eligible for this assistance?

ANSWER:

To be eligible for PUA, the applicant must be unemployed, partially unemployed, or unable or unavailable to work due to one of the [COVID-19 scenarios](#). The DWD has encouraged people who think they might be eligible to apply and let them evaluate the application.

QUESTION:

Is it correct that the minimum weekly benefit is \$163 even if the net 2019 income less than \$16,300?

ANSWER: According to the DWD website, the minimum weekly benefit payment for eligible individuals is \$163 and the maximum weekly benefit is \$370, even if the individual's net income was less than \$16,300 for 2019. The benefit amount is 1% of 2019 net income, subject to the PUA minimum and maximum.

All unemployment benefits are taxable, and the DWD recommends withholding federal and state taxes from weekly benefit now so that the taxes are not owed later. See <https://dwd.wisconsin.gov/uiben/pua/#payments>.

If eligible for PUA, you automatically will receive the Federal Pandemic Unemployment Compensation (FPUC) (Additional \$600/week). See <https://dwd.wisconsin.gov/uiben/fpuc/>.

QUESTION:

What is the FPUC compared to PUA?

ANSWER:

Per the CARES Act, FPUC is the Federal Pandemic Unemployment Compensation. For most people who qualify for UI or PUA, there will be an increase of \$600 for qualifying weeks. The weeks run from April 4, 2020, to July 25, 2020. Per the DWD, once a person qualifies, or is eligible for UI or PUA, the FPUC will be automatically added to the benefit payments. No additional application is necessary.

QUESTION:

An agent applied for Unemployment Insurance (UI) and was denied. Does the agent have to reapply for Pandemic Unemployment Assistance (PUA), or will the agent's application for UI automatically be evaluated for PUA?

ANSWER:

Unemployment Insurance (UI) and Pandemic Unemployment Assistance (PUA) are different programs, so the agent would need to apply for PUA. An application for UI will not automatically be evaluated to eligibility for PUA.

Qualifications

QUESTION:

What if an agent has not filed 2019 taxes yet? How does the agent supply proof of income?

ANSWER:

The DWD allows an applicant 21 days in which to submit proof of income. The DWD offers the following suggestions for demonstrating proof of income for purposes of determining PUA eligibility:

- Send copies of your completed 2019 federal tax forms (e.g. 1040, 1040a, 1040ez, W-2, schedules c, f, se, k1 or e).
- If you worked in employment and have check stubs to prove quarterly wages, include these as well.
- If you have not filed your 2019 federal taxes, supply proof to substantiate earnings from employment/self-employment. If you are able to substantiate your employment/self-employment but do not include tax forms, your PUA weekly benefit rate will be the minimum PUA weekly benefit rate.

Processing

QUESTION:

How long will it take to process PUA applications? Should applicants call the DWD to get more information?

ANSWER:

Applicants should not call the DWD unless they have been instructed to do so. The DWD is experiencing a significant increase in applications for both UI and PUA. The following is from the DWD website: "Due to the new program and unprecedented volume of applications it may take additional time to process your application. Unless you have been directed to call, you do not need to call the department. If there is a question or problem with your application, we will contact you by phone or by mail. If you have not heard from us, it means your application is still being processed. No additional action is needed by you unless we contact you directly."

QUESTION:

Are we eligible for the unemployment benefits if we are still closing transactions, even if our transactions are far below average? What would be the thresholds for a REALTORS®'s inequality to claim the unemployment benefit?

ANSWER:

To clarify, unemployment insurance is not available for independent contractors. Pandemic Unemployment Assistance (PUA) is a new temporary federal program that provides up to 39 weeks of unemployment benefits to individuals who are not eligible for regular Unemployment Insurance (UI) such as:

- Individuals who are self-employed.

- Certain independent contractors.
- Individuals with limited recent work history.
- Other workers not covered by Regular UI.

During the April 23 Legal Update Live, the Department of Workforce Development (DWD) confirmed that PUA is determined week by week. According to the DWD, commission is reported the week it was paid.

Those who qualify for PUA, work less than 32 hours per week and make less than \$500 per week may be able to make claims retroactive to February 8 or when the applicant was impacted by COVID-19, whichever is later.

Please visit the DWD resource page relating to PUA at <https://dwd.wisconsin.gov/uiben/pua/>. Also see the information at <https://dwd.wisconsin.gov/uiben/caresact/>

QUESTION:

A broker applied for unemployment insurance and felt the questions asked were not tailored to an independent contractor. The broker believes the claim may be denied. What other options does the broker have?

ANSWER:

Unemployment insurance is not available for independent contractors. Pandemic Unemployment Assistance (PUA) is potentially available for independent contractors directly affected by COVID-19. Decisions are made on an application-by-application basis, and the Department of Workforce Development has encouraged anyone who potentially may be eligible to apply to receive a determination of eligibility.

QUESTION:

An agent works in real estate as an independent contractor but also is an employee for a different, unrelated business, which is now closed, and teleworking is not an option. Should the agent apply for PUA now?

ANSWER:

The individual may qualify for Unemployment Insurance (UI) instead of Pandemic Unemployment Assistance (PUA) benefits and should apply accordingly. According to the Department of Workforce Development, individuals who have wages from a covered employer within the last 18 months should file for UI instead of PUA. A covered employer is one who pays taxes into UI.

See <https://dwd.wisconsin.gov/uiben/apply/>

QUESTION:

The agent receives Social Security and a small pension. Is the agent eligible for Pandemic Unemployment Assistance, and would the pension and Social Security affect this?

ANSWER:

To be eligible for PUA, your reason for no longer working must fall within one of the [COVID-19 scenarios](#). The Department of Workforce Development had confirmed that Social Security Retirement Benefits do not count as income for purposes of eligibility for either Unemployment Insurance or Pandemic Unemployment Assistance. Pension payments include periodic and lump sum payments from retirement

accounts, pensions, annuities, some 401(k)s and railroad retirement payments. When certain criteria are met, weekly benefits are reduced by the percentage of the pension financed by the employer. Pension payments result in a dollar-for-dollar reduction of the amount of benefits payable to the claimant for a given week. Pension payments are not treated the same as wages.

Social Security Benefits [Retirement and Supplemental Security Income (SSI)] and disability payments from the Veterans' Administration do not reduce UI benefits. See https://dwd.wisconsin.gov/ui201/b7201.htm#pension_payments.

QUESTION:

An agent applied for and received a Payroll Protection Program (PPP) benefit. Is Pandemic Unemployment Assistance (PUA) an additional program that the agent should take advantage of or would the agent have to pay back the PPP benefit?

ANSWER:

It depends on what the funds were used for. If the funds were used to pay wages, salaries, or commissions, the applying for PUA may not be a suitable choice. The agent may consider however applying for PUA once the wages, salaries, or commissions funded by the PPP are exhausted.

RESOURCES

Unemployment and COVID-19: <https://dwd.wisconsin.gov/uiben/>

Pandemic Unemployment Assistance (PUA): <https://dwd.wisconsin.gov/uiben/pua/>

How to Apply for PUA: <https://dwd.wisconsin.gov/uiben/pua/apply/>

Federal Pandemic Unemployment Compensation (FPUC) (Additional \$600/week):

<https://dwd.wisconsin.gov/uiben/fpuc/>