

UNEMPLOYMENT BENEFITS AND HEALTH INSURANCE FAQ

*This publication includes information and guidance as of **March 19, 2020**.*

UNEMPLOYMENT INSURANCE

Who is eligible to receive unemployment insurance due to an employer shutdown?

An employee who has been laid off or whose hours have been reduced is eligible to apply for unemployment insurance from the State, regardless of whether the employer intends to reopen in the future.

Is an independent contractor eligible to receive unemployment insurance benefits?

No. An independent contractor is not eligible to receive unemployment insurance. Generally, a worker is an independent contractor if their payer has the right to control or direct only the result of the work (and not how the work is done).

Whether a worker is an “independent contractor” or an “employee” depends on the facts of each case. If you believe that you have been incorrectly classified as an independent contractor when you should have been classified as an employee, you should consult with a lawyer. You may also file for unemployment insurance benefits and the State will determine if you are eligible.

What steps must an individual take to receive unemployment insurance?

To receive unemployment insurance, an individual must submit an application to the New York State Department of Labor. There are two ways to apply:

Apply online at ny.gov/services/get-unemployment-assistance during the following hours:

- Monday – Thursday: 7:30 a.m. – 7:30 p.m.
- Friday: 7:30 a.m. – 5 p.m.
- Saturday: Anytime
- Sunday: Until 7 p.m.

Apply by telephone at 1-888-209-8124 during these extended hours:

- Monday through Thursday: 8:00 a.m. – 7:30 p.m.
- Friday: 8:00 a.m. – 6:00 p.m.
- Saturday: 7:30 a.m. – 8:00 p.m.

How soon may an individual file a claim for unemployment insurance?

Individuals may file a claim as soon as they have been laid off or their hours have been reduced. Due to a high volume of applications received, the Department of Labor has implemented a new application system based on the first letter of an applicant’s last name:

- A – F : Monday
- G – N : Tuesday
- O – Z : Wednesday
- Missed your day: Thursday, Friday, and Saturday

All claims are effective as of the Monday of the week in which they are filed. The day of the week on which the claim is filed will not delay any unemployment insurance payments.

How soon will an eligible individual begin to receive unemployment insurance?

Individuals will be paid for the first week of unemployment, up to a maximum of 26 weeks over a one- year

period. Under certain circumstances, the State may extend the payment of unemployment benefits beyond 26 weeks.

What must a former employee show to demonstrate eligibility to receive unemployment insurance benefits?

The former employee must (1) prove a recent work history, (2) be out of work through no fault of their own, (3) be ready, willing and able to work, and (4) be actively seeking employment.

- *Note:* Although the COVID-19 crisis may prevent a former employee from “actively seeking employment,” as of 3/13/2020, the State has not relaxed this requirement.

May a former employee receive payment for any unused sick or vacation days accrued if they were laid off through no fault of their own?

Employees should check their former employer’s policy to determine if they are due vacation pay. If an employee earned vacation days from their former employer and did not receive payment for it after being laid off, they may file a complaint with the NYS Department of Labor. In New York City, an employer is not legally obligated to pay a former employee for unused sick days but some employers may have policies to do so.

Is an immigrant worker entitled to unemployment insurance?

Yes, but the worker generally must have been authorized to work both at the time of their prior earnings and when applying for benefits.

How much unemployment insurance will an individual receive?

An individual will receive \$104 to \$504 per week depending on their prior earnings.

Does the City determine whether a former employee is entitled to receive unemployment insurance?

No. This determination is made by the NYS Department of Labor, not the City or the employer.

HEALTH INSURANCE FOR THE UNEMPLOYED

What must a former employee do to continue to receive health insurance?

The former employee may:

1. Visit the NY State of Health website (<https://nystateofhealth.ny.gov/>) to purchase health care coverage on the State marketplace; or
2. Contact their former employer to purchase continuation of health insurance under COBRA to continue their job-based health insurance if the State finds the employee eligible and the employer’s health plan qualifies.

What if the former employee does not qualify for or cannot afford the above health insurance options?

The former employee can apply for enrollment in NYC Care to obtain services offered by NYC Health + Hospitals.

- *Note:* NYC Care is NOT an insurance plan but guarantees services offered by NYC Health + Hospitals at a discounted rate depending on income and family size.

FURTHER ASSISTANCE

What no-cost legal services may workers contact for further assistance?

- Legal Aid Society: (888) 663-6880
- Legal Services NYC: (917) 661-4500
- New York Legal Assistance Group: (212) 613-5000
- Unemployment Action Center: (212) 998-6568