

KNOW YOUR RIGHTS

Unemployment benefits during the COVID-19 crisis

During the current public health pandemic, unemployment benefits are expanded for many workers.

Regular Unemployment: Employees that were **laid off, furloughed, or saw a reduction in their hours** may qualify for these benefits.

Pandemic Unemployment Assistance (PUA): Independent contractors, self-employed or gig economy workers, or workers with insufficient work history for regular unemployment are eligible for 50 weeks of PUA benefits. No new applications will be accepted after March 13, 2021. Workers that have remaining weeks after March 13, 2021, will get benefits through the week ending April 3, 2021.

Pandemic Emergency Unemployment Compensation (PEUC): Employees that exhausted their unemployment benefits are eligible for additional PEUC benefits. No new applications will be accepted after March 13, 2021. If workers have not yet exhausted their PEUC benefits on March 13, 2021, they will get benefits through the week ending April 3, 2021.

Pandemic Unemployment Compensation (PUC): People receiving unemployment will receive an additional \$300 per week until March 14, 2021. This additional money is only available for weeks starting after December 27, 2020.

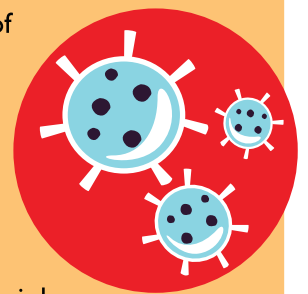
Apply online at www.jobs.state.nm.us OR apply over the phone at 1-877-664-6984, Monday – Friday, 7:00 am – 5:00 pm.



Applying for PUA

Workers applying for PUA benefits in New Mexico must first apply for regular unemployment benefits. Once workers are denied regular unemployment benefits, they can then apply for PUA benefits by following instructions from the New Mexico Department of Workforce Solutions (DWS). To qualify for PUA, workers must certify that they are (1) partially or fully unemployed AND (2) unable to work or telework because of one of the following circumstances:

- They have symptoms of COVID-19 and are seeking a diagnosis or they or a member of their household were diagnosed with COVID-19
- They are providing care for a family member or household member with COVID-19
- They have primary caregiving responsibility for a child or household member who cannot attend school or care facility because it is closed due to COVID-19
- They have become the major support for their household because the head of the household died as a direct result of COVID-19
- They were scheduled to start employment and do not have a job or cannot reach their job due to COVID-19
- They cannot reach their place of employment because of a COVID-19 quarantine or because they have been advised by a healthcare provider to self-quarantine
- They had to quit their job as a direct result of COVID-19 or their place of employment is closed due to COVID-19



PUA recipients are required to provide documents proving employment or self-employment, such as W-2 forms, paycheck stubs, offer or postponement letters, or earnings statements showing the employer's name and address. The deadline for providing such documents is 21 days after applying for PUA if the worker applies on or after January 31, 2021, or 90 days after applying for PUA if the worker applied before January 31, 2021.

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Workers filing for PUA can have their claim backdated to the first week that they were unemployed, partially unemployed, or unable or unavailable to work because of a COVID-19 reason. However, applications for PUA that are filed after December 27, 2020, may not be backdated earlier than December 1, 2020.

Additional information

Work Authorization

To be eligible for unemployment, workers must have valid work authorization (1) at the time they apply for benefits, (2) throughout the period during which they are receiving benefits, and (3) during the time they were working.

Language Access

Speakers of Spanish, Vietnamese, Mandarin, and Dine have the right to receive information and apply for unemployment benefits in their native language. If you need to apply for benefits or speak with someone in one of these languages, call DWS at 1-877-664-6984 and ask for an interpreter. (You can call the New Mexico Center on Law and Poverty and ask for Verence Peregrino Pompa for further assistance.)



Waivers of Some Requirements

For workers receiving unemployment benefits, DWS waived the work-search requirement until further notice. During this time period, workers do not have to show that they are searching for work to receive benefits.

DWS has also waived the first-week waiting period. This means that workers receive benefits for the first week they qualify, rather than the second week.

Weekly Certifications

After applying for unemployment benefits, make sure to submit a weekly certification while you are receiving benefits. Without completing this certification, you will not receive that week's benefits.

Returning to Work

In most circumstances, workers cannot refuse to return to work when their employer re-opens and continue receiving unemployment. Not returning to work because of a general fear of COVID-19 is not considered "good cause" to refuse work. However, workers that can show proof that their employer is not following COVID-19 safe practices have "good cause" not to return to work. Furthermore, if workers can present documentation from a medical provider that returning to work would be a high risk for severe illness for either themselves or someone they provide care for, they may have good cause to refuse work. Examples: workers that are 65 years or older (no documentation required), workers that live in a nursing home or long-term care facility, workers that are caring for an elderly person or someone with underlying medical conditions, and workers that have underlying medical conditions that could severely affect their health if they were to contract COVID-19.



Appeals

You have the right to appeal decisions that you believe are incorrect. You must appeal within 15 days of the decision. If you receive letters or emails asking you to pay back unemployment benefits, the New Mexico Center on Law and Poverty may be able to help.