



**Wisconsin
Unemployment**

**Summary of Unemployment Insurance (UI) Benefits During the Pandemic
(current as of 9/11/2020)**

	Federal Pandemic Unemployment Compensation (PUC)	Pandemic Emergency Unemployment Compensation (PEUC)	Pandemic Unemployment Assistance (PUA)	Extended Benefits (EB)	Lost Wages Assistance (LWA)
What does this program do?	<p>Provides additional \$600/week in federally funded benefits to anyone getting UI under any program including work share.</p> <p>See https://dwd.wisconsin.gov/uiben/fpuc/.</p> <p>Available between 3/29/20 and 7/25/20.</p>	<p>Provides an additional 13 weeks of UI benefits funded 100% by feds. after other state UI benefits run out.</p> <p>See https://dwd.wisconsin.gov/uiben/peuc/.</p> <p>Available back to week ending 4/4/2020.</p>	<p>Provides up to 46 weeks of emergency UI to workers usually left out of regular UI.</p> <p>See https://dwd.wisconsin.gov/uiben/pua/#overview.</p> <p>As PUA claimants are not eligible for PEUC and EB, the additional weeks of PUA coverage is intended to substitute for the weeks available under these other programs for recipients of regular UI.</p> <p>Available back to date impacted by covid-19 on or after 2/2/2020.</p>	<p>Permanent federal/state program that “triggers on” during periods of high unemployment. Provides additional weeks of UI benefits funded 100% by feds under CARES for the lesser of 13 weeks (WI) or 50% of # of weeks of regular UI.</p> <p>See https://dwd.wisconsin.gov/uiben/eb/</p> <p>Available back to the later of May 17th (when WI triggered eligibility for EB) or the claimant's exhaustion of PEUC.</p>	<p>Provides additional \$300/week in federally funded benefits through FEMA to anyone unemployed since 8/1/2020 who is getting at least \$100 under any program, including work share, in UI.</p> <p>Available until FEMA money for program runs out. Wisconsin does not expect any payments of this assistance until late October 2020.</p>

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What types of workers are covered?	<p>Everyone on regular state UI plus everyone getting any federal UI including PEUC, PUA, EB or Work Share.</p> <p>Non-citizens with SSN and work authorization.</p>	<p>Workers who have "exhausted," i.e., they have used up all rights to regular UI benefits under state or federal law with respect to a benefit year (the 52 weeks after applying for UI) that ended after July 5, 2019 (i.e., claim filed after July 6, 2018) or the most recent benefit year.</p> <p>Must be actively engaged in work search but states can be flexible because of COVID-19. WI currently has waived work search but NOT mandatory job registration and attending job search training.</p> <p>Non-citizens with SSN and authorization.</p>	<p>Covers everyone eligible for state UI who "exhausted" all rights to state and federal UI AND workers who are usually excluded, e.g., self-employed, independent contractors (IC), gig workers, free-lancers, clergy and workers in religious organizations, part-time workers including college or high school students with part-time jobs OR workers who didn't earn enough or work long enough to qualify and denied state UI as long as these workers are totally or partially not working for COVID-19 related reasons (see last page below).</p> <p>Non-citizens with valid SSN and alien registration number (showing work authorization) are covered.</p>	<p>All workers who have exhausted rights to regular UI and PEUC and (1) the worker's benefit year (the 52-week period after applying for regular UI) ended on or after May 17, 2020, or (2) the worker meets the "20 weeks of earnings test" in base period (the year preceding the claim for regular UI), i.e., (i) earnings exceed 40X weekly benefit amount (WBA); or (ii) earning = 1.5 times earnings in high quarter of base period; or (iii) had 20 weeks of full-time work in base period.</p>	<p>All workers who are determined monetarily eligible for \$100 or more in UI benefits from any source. This means that everyone who is getting PUA is eligible.</p> <p>Additionally, if the \$100 (or more) weekly benefit amount is the amount received at the initial monetary determination, so subsequent partial earnings that may lower the weekly benefit amount should not result in ineligibility.</p>

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Which workers are excluded?	<p>Workers who are not collecting some form of state or federal UI benefits.</p> <p>Workers getting Trade Readjustment Allowance (TRA) benefits while in training.</p>	<p>Workers who have not exhausted their state UI benefits.</p> <p>Undocumented workers.</p>	<p>Workers who have not yet exhausted rights to state UI or other federal benefits.</p> <p>Undocumented workers.</p> <p>Workers who can tele-work (unless domestic violence prevents work at home).</p> <p>Workers who are receiving paid leave equal or greater to their PUA benefit.</p>	<p>Workers who have not exhausted rights to PEUC; whose benefit year ended before May 9, 2020, or who do not meet the base period earnings test.</p>	<p>Workers whose weekly benefit rate is less than \$100.</p> <p>Claimants receiving PUA, PEUC, EB, or other federally-funded UI benefit. See Q.23 of UIPL-27-20 Change 1 (17 Aug. 2020) at I-7 (available at https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=4387).</p>
What is the size of the benefit based on?	<p>\$600 per week. This is a flat amount and not prorated when receiving partial UI benefits.</p> <p>Earnings while working are deducted from underlying UI benefits, not from PUC.</p>	<p>Same as provided under state UI.</p> <p>At the end of each calendar quarter, the state must check if the individual is still an “exhaustee,” i.e., if the individual had interim earnings, can they establish a new claim and benefit year, possibly reducing the weekly check.</p>	<p>Varies state-by-state. It is the greater of: (1) the state’s UI amount if sufficient reported earnings (maximum in WI is \$370); or (2) disaster unemployment insurance rate for state (\$163 in WI).</p> <p>Benefit rate paid only after claimant has provided sufficient documents regarding worker's income to determine weekly benefit rate.</p>	<p>Same as provided under state UI.</p>	<p>\$300 a week. This is a flat amount and not prorated when receiving partial UI benefits.</p>

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Time period for UI: start and end date?	While receiving UI under any state or federal law between 3/29/20 to 7/25/2020.	13 weeks during 3/29/20 to 12/26/20. However, if individual has earnings that reduce WBA and receives smaller amount, benefits could last longer than 13 weeks.	46 weeks during 2/2/20 - 12/26/20. 39 week total of PUA is extended by 7 weeks when EB is "triggered on," therefore, current total is 46 weeks.	Up to 13 weeks. If regular benefits were less than 26 weeks, the maximum is 50% of the number of weeks of regular UI.	While receiving UI from 8/1/2020 until 12/26/2020 or until FEMA money is used up. Currently, only the first three weeks in August are potentially available for WI residents.
Is this program retroactive?	Retroactive for anyone eligible for UI back to 3/29/20.	Available during time period after someone exhausts all rights to state or federal UI starting 3/29/2020.	Retroactive to date first lost work or impacted by pandemic back to 2/2/20.	Retroactive to exhaustion of PEUC if other eligibility tests are met.	Retroactive to 8/1/2020 but only if funds from FEMA are still available.
# of weeks available under program	While on UI from 3/29/20 until 7/25/2020.	Regular state UI (maximum in WI is 26 weeks) + 13 weeks. Non-reduction rule: states cannot decrease the # of weeks of state UI benefits available as of 1/1/2020.	Maximum is 46 weeks plus any additional federal emergency benefit available later. The 46 weeks can be in addition to weeks of PEUC benefits (the prior 39 week duration extended to 46 weeks due to state "triggering on" EB).	Regular state UI up to 26 weeks + 13 weeks of PEUC + up to 13 weeks of EB (50% of # of weeks on regular UI).	While on UI from 8/1/2020 to 12/26/2020 but actual determination depends on when FEMA runs out of money (when \$44 billion is spent nationally or when Disaster Relief Fund reserves are less than \$25 billion).

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Relationship to state or federal UI benefits	Available to everyone getting a state or federal UI check during 3/29/20 to 7/25/20 even if amount of UI check is \$1.00.	<p>Add-on after exhaustion of state benefits. At end of benefit year, state must determine every calendar quarter if individual is eligible for state UI.</p> <p>Extended Benefits (EB), a shared state/federal program that has now “triggered on” during high employment for 13 weeks, is deferred during receipt of PEUC.</p>	<p>Regular state UI and federal EB are deducted from the 46 weeks of PUA, PEUC benefits are not.</p> <p>When state “triggers on” EB, an additional 7 weeks was added to the 39 weeks bringing the total to 46 weeks.</p>	<p>Separate permanent federal/state program. “Triggers on” when insured unemployment rate (IUR) is 120% higher than comparable 13 week period in the last 2 years and is greater than 5%. WI triggered on 5/17/20 with a week ending date of May 23, 2020. Triggers off when IUR no longer meets above requirements.</p> <p>If on PUA and having exhausted PEUC, go back to UI Online to get EB.</p>	<p>Available to everyone getting a state or federal UI check during 8/1/2020 to 12/26/2020 if the worker’s initial monetary eligibility is for \$100 or more counting dependency allowance.</p> <p>Program will terminate immediately if other legislation (e.g., another PUC extension) is enacted or funds spent.</p>

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How will benefits be distributed?	Through direct deposit or debit card. Tax withholding available.	Through direct deposit or debit card. Tax withholding available. <ul style="list-style-type: none"> - For those exhausting UI, automatically extended. - For those whose benefit year ended, will need to apply for regular UI first. - For those who started PUA after exhausting UI, will need to stop PUA and apply for PEUC through UI Online (over-payment of PUA benefits likely for weeks when claimant found eligible for PEUC). 	Through direct deposit or debit card. Tax withholding available.	Through direct deposit or debit card. Tax withholding available.	Presumably same as PUC (although as money is from FEMA, requires separate accounting). Wisconsin has implemented a kind of initial Q&A that may be qualifying claimants already. See https://wisconsinui.wordpress.com/2020/09/10/lost-wage-assistance-more-problems-for-claimants/ .

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Relationship w/ other paid benefits	<p>Cannot get both paid family or other paid leave and UI for same time period (unless reduced amount).</p> <p>Receipt of needs-based benefits does not affect UI check.</p> <p>UI counts as income for other benefits like SNAP/FoodShare and may affect eligibility for those programs.</p> <p>BadgerCare eligibility is not affected.</p>	<p>Cannot get both paid leave (short-term disability, family leave, sick leave, etc.) and UI for same time period. Exception: where the paid leave is less than the weekly amount of UI, the paid leave will be subtracted from UI benefits and claimant will receive the difference.</p> <p>Receipt of needs-based benefits does not affect UI check, although that is not the case for the reverse: UI counts as income for other benefits like SNAP/FoodShare and may affect eligibility for those programs.</p> <p>BadgerCare eligibility is NOT affected.</p>	<p>Cannot get both paid leave (short-term disability, family leave, sick leave, etc.) and UI for same time period. Exception: where the paid leave is less than the weekly amount of UI, the paid leave will be subtracted from UI benefits and claimant will receive the difference.</p> <p>When PEUC available, must get PEUC first.</p> <p>Receipt of needs-based benefits does not affect UI check, although that is not the case for the reverse: UI counts as income for other benefits like SNAP/FoodShare and may affect eligibility for those programs.</p> <p>BadgerCare eligibility is NOT affected.</p>	<p>Same criteria of other programs. Heightened work search requirements under EB may be modified or suspended in response to pandemic without amending state law.</p>	<p>Probably same as PUC but not spelled out.</p> <p>Because this program is administered by FEMA, it does not count for purposes of SNAP/FoodShare.</p>

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Waiver of (non-fraud no fault over-payments)	<p>Yes, under state standard: over-payment only waived when claimant has NOT provided incorrect information and the Department is at fault for the over-payment.</p> <p>Wisconsin likely will not allow waiver when PUC benefits paid alongside PUA benefits.</p>	<p>Yes, under state standard: over-payment only waived when claimant has NOT provided incorrect information and the Department is at fault for the over-payment. Equity and good conscience standard set forth in CARES Act is NOT available where state has own or no waiver provision.</p>	<p>No waiver of over-payment possible.</p>	<p>Yes, state standard applies: over-payment only waived when claimant has NOT provided incorrect information and the Department is at fault for the over-payment.</p>	<p>Unknown. Though WI had already declared no waiver possible. See https://wisconsinui.wordpress.com/2020/09/10/lost-wage-assistance-more-problems-for-claimants/.</p>

Claimant tip: WI presumes all filing mistakes are intentional and the responsibility of claimant unless claimant can prove otherwise (i.e., received wrong advice from a Department representative). So, claimants MUST take notes of what was said and when when speaking to a Department representative, and you should ALWAYS speak to a representative when you have any claim-filing questions.

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Offsets from UI benefits?	<p>May be used to offset over-payments in other state and federal UI programs for up to 3 years. But, cannot offset more than 50% of PUC for state over-payments. State can choose to offset less.</p> <p>Wisconsin will not pay any PUC when there is a Benefit Amount Reduction (BAR). See https://wisconsinui.wordpress.com/2020/05/29/no-puc-for-you-dwd-denies-a-federal-600-payment-when-there-is-a-bar/.</p>	Can be used to offset over-payment of other state or federal UI benefits up to 100% of UI check.	May use other federal UI payments to recover PUA over-payment.	No guidance available yet. WI likely to offset 100% for any over-payment.	Other than payments for tax withholding, no offsets (including for child support payments) are allowed.

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Notes	Does not count as income for purposes of Medicaid or CHIP eligibility or public housing, but may count for SNAP (food stamps) eligibility.	State must identify individuals potentially eligible for PEUC and provide appropriate written notification of potential PEUC entitlement, including filing instructions. This includes notifying individuals who established a benefit year ending after July 5, 2019 (i.e., filed a claim after July 6, 2018) and who exhausted all benefits on this or a more recent benefit year.	<p>Initial application creates “presumptive eligibility” requiring proof later. For individuals not getting a regular paycheck, required proof of income can include W-2s, 1099s, tax returns, pay stubs, bank receipts and billing notices.</p> <p>Claimant tip: If denied or blocked from completing PUA application, apply for regular UI and if denied, the denial will then permit a successful PUA application.</p> <p>Claimant tip: Complete tax returns should only be provided if wage info is NOT available any other way (e.g., W-2 or 1099 forms). For self-employed, a Schedule C for the business should be enough.</p>	<p>Feds do not pay EB costs for state and local government entities.</p> <p>State is not required to charge EB to experienced employers.</p> <p>Reimbursable employers are eligible for reimbursement of 50% of EB cost for any week paid after 3/13/2020 and before 12/26/2020.</p> <p>Claimant tip: job searches may still be required unless executive action taken to waive job searches for this specific program.</p>	<p>Eligibility through self-certification and no documentation required. Like PEUC and EB, most recent job separation does not need to be directly related to COVID-19. But, WI claiming otherwise. See https://wisconsinui.wordpress.com/2020/09/10/lost-wage-assistance-more-problems-for-claimants/.</p> <p>Like most states, WI has not agreed to partially fund the program, so the benefit amount will be \$300.</p> <p>Weekly Benefit Rate of less than \$100 precludes eligibility under this program.</p>

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Sources of Federal Law	CARES, sec. 2104; UIPL 15-20; UIPL 15-20, Change 1.	CARES, sec. 2107; UIPL 14-20; UIPL 17-20; UIPL 17-20, Change 1.	CARES, sec. 2102; UIPL 16-20; UIPL 16-20, Change 1; 20 CFR 625; Minimum amount: UIPL 3-20. Disaster Unemployment Assistance regulations: 20 CFR §§ 625 et seq.	Families First Coronavirus Response Act, sec. 4102, 4105; 26 USC 3304 note; 20 CFR Part 615; UIPL 24-20; UIPL 16-11; UIPL 18-20; UIPL 13-20, Change 1; UIPL 12-09, Change 1.	Robert T. Stafford Disaster Relief, 42 USC 5121 et seq.; Pres. Memo (8/8/2020); FEMA Website: https://www.fema.gov/disasters/coronavirus/supplemental-payments-lost-wages

Sources of State Law: Wis. Stat. §§ 108.01 et seq. (available at <https://docs.legis.wisconsin.gov/statutes/statutes/108>), Wis. Admin. Code §§ DWD 100-150 (available at https://docs.legis.wisconsin.gov/code/admin_code/dwd/100_150), and emergency rules EmRule 2006 (work search changes) (available at https://docs.legis.wisconsin.gov/code/emergency_rules/all/emr2006), EmRule 2011 (waiving interest for reimbursable employers for pandemic-related layoffs) (available at https://docs.legis.wisconsin.gov/code/emergency_rules/all/emr2011), EmRule 2018 (waiving experience rating impact on employers for pandemic-related layoffs) (available at https://docs.legis.wisconsin.gov/code/emergency_rules/all/emr2018), and future emergency rule regarding DWD 120 (employer requirement to notify claimants of UI system at time of separation) (described at <https://wisconsinui.wordpress.com/2020/09/01/employers-proposed-notice-to-claimants/>).

For more information on unemployment issues and policies, see generally <https://wisconsinui.wordpress.com/>. The Department of Workforce Development considers its policies and guidance to be confidential and precluded from public disclosure despite federal regulations that state otherwise. See 20 CFR § 603.2(c)(2) (information about the state unemployment law, provisions, rules, regulations, and interpretations thereof, including statements of general policy and interpretations of general applicability are in the public domain).

COVID-19 Related Reasons for **PUA**: (1) you were diagnosed with COVID-19 or have symptoms, (2) a member of your household was diagnosed with COVID-19, (3) you are caring for a family or household member who tested positive or was diagnosed with COVID-19, (4) you cannot work because you have been advised by your employer, government order, or health care professional to self-quarantine, or (5) you were laid off, quit, or your place of work closed or reduced your hours due to COVID-19.

Illness-related reasons for COVID-19 related **PUA**: (1) Your immune system is compromised due to a serious health condition, or (2) You have a reasonable belief that because of COVID-19 going to work could harm your health [reasonable belief is based on a medical provider or employer].

Additional COVID-19 Reasons for **PUA**: (1) A child or other person you are the main care-giver for cannot attend school or another facility as a result of COVID-19; (2) You are self-employed or an independent contractor and COVID-19 has severely limited your ability to perform your normal work; or (3) You do not have a recent history of full-time work and you were either (a) scheduled to start a new job with an employer but the job offer was withdrawn because of COVID-19, or (b) you became the major support for a household because the household head died as a result of COVID-19.

Categories of workers eligible for **PUA**:

- A. Individuals who have W2 earnings but not enough to be monetarily eligible for regular UI,
- B. Individuals who have been denied regular UI and have a COVID-19/PUA reason for being out of work,
- C. Independent contractors, gig workers, Americorps, Peace Corps,
- D. Clergy, religious worker, full-time college or high school students who lost part-time job, and other part-time workers who are all categorically ineligible for regular UI, and
- E. SSDI recipients (<https://wisconsinui.wordpress.com/2020/07/28/pua-benefits-now-available-to-ssdi-recipients/> and <https://wisconsinui.wordpress.com/2020/07/30/next-steps-for-ssdi-recipients/>).

Note: If these workers have income in W-2 wages, they must apply for regular UI first, get denied, and then apply for PUA. Currently, this requirement applies to almost everyone other than self-employed who have no regular income/wages for the past two years.