

Re-Entry and COVID-19 Unemployment Benefits: Can I Apply?

In response to the COVID-19 pandemic Louisiana Governor John Bel Edwards has temporarily suspended certain requirements to apply for Unemployment Insurance (“UI”). The federal government has also created a temporary pot of money called the Federal Pandemic Unemployment Assistance (“PUA”) program to assist U.S. citizens who do not qualify for their state’s UI. When you apply for Louisiana’s UI the WorkForce Commission will automatically consider you for PUA. All you have to do is make sure you continue to file for your weekly benefits. [The National Employment Labor Project created a flowchart to assist in seeing how you may qualify for COVID-19 unemployment benefits.](#) Read further below to see how someone returning from incarceration may qualify for either Louisiana’s UI program or the federal government’s PUA program.

A Quick Summary

If you are coming home from incarceration since the start of COVID-19 **you can apply for UI and PUA**. The UI calculation begins four quarters, or one year, prior to an individual applying for unemployment insurance. Those who qualify for at least \$1 of State Unemployment Insurance Benefits or PUA benefits will be eligible to receive the additional \$600 benefit from the federal CARES Act, including self-employed and 1099 workers who normally cannot receive state benefits. When you apply for Louisiana’s UI the WorkForce Commission will automatically consider you for PUA and the CARES Act benefits. If you are awarded benefits make sure you certify and reapply for benefits every week. Note that the governor has suspended the requirement to seek employment. Louisiana’s WorkForce Commission has been overwhelmed causing slow downs both over the phone and on the website. You should apply as soon as possible.

How is Louisiana’s state UI calculated?

Louisiana's state UI calculations are based on an hourly rate. Louisiana’s UI system looks at an 18 month period of employment broken down into three-month quarters. **A person’s UI rate is not calculated by their current pay rate in the quarter that they applied.** Instead, the UI calculation begins four quarters, or one year, prior to an individual applying for unemployment insurance. So if you are applying for unemployment insurance on April 5, 2020 the state won’t look at your most recent hourly wage. **Instead, the state will look at your wages earned between January 2019 and December 2020 to calculate your rate of UI benefits.** You must have earned a minimum of \$1200 in qualifying wages during your base period to receive Louisiana unemployment benefits.

How does prison labor affect my Louisiana's state UI benefits rate?

The state will look at your hourly rate a year ago from the date you are applying for UI benefits. If one year ago from the date you applied, you were entirely unemployed and had no income, then you likely are not eligible for state, wage-based UI benefits.

But if you were employed in prison labor one year ago from the date you are applying for UI benefits, then you MAY be eligible for UI benefits if you can show a minimum wage earnings of \$1,200 in the year prior. Prison labor for the state is taxable (both federal and state) under RS 15:873. Because your prison labor job was a taxable wage, then you may be eligible for UI benefits if you can prove your earnings and have enough qualifying wages.

The Governor's proclamation no longer requires you to search for work if your unemployment was because of COVID-19. **This applies to any Louisiana citizen.** You also no longer have to wait one week to receive benefits under the governor's order. You can read the changes to Louisiana's UI here: http://www.laworks.net/Downloads/PR/COVID_19_Information.pdf

What is the CARES Act?

The CARES Act is a federal unemployment program specifically passed to provide additional income assistance during the COVID-19 pandemic. Those who qualify for at least \$1 of state UI or PUA benefits will be eligible to receive the additional \$600 benefit from the federal CARES Act, including self-employed and 1099 workers who normally cannot receive state benefits.

The CARES Act also offers the Paycheck Protection Program (PPP) for independent contractors and small business owners. As of April 26th, the PPP excludes people with criminal records. We still encourage you to apply and truthfully answer ALL questions on the application - even if you've had an expungement, you still must disclose - and contact JAC after you've submitted your application.

What is the PUA and does it require another application on top of Louisiana's UI application?

Pandemic Unemployment Assistance (PUA) provides UI to individuals affected by COVID-19 who may otherwise not qualify for benefits. It provides up to 39 weeks of UI benefits. PUA extends coverage to unemployed individuals who are self-employed, seeking part-time employment, do not have enough work history to get Louisiana's UI, or otherwise would not qualify for Louisiana's UI. PUA will pay a minimum of \$107 and a maximum of \$247 depending on wage verifications.

When you apply for Louisiana's UI the WorkForce Commission will automatically consider you for PUA. All you have to do is make sure you continue to file for your weekly benefits.

If I was formerly incarcerated and haven't worked in the past 18 months can I apply for PUA?

Yes! PUA was created as a support for anyone who did not qualify for their state's UI benefits. You are eligible for PUA if one of the following applies to you:

- You have been diagnosed with or are experiencing COVID-19 symptoms and seeking medical diagnosis;
- Someone in your home was diagnosed with COVID-19 preventing you from work;
- You are providing care for a family member or a member of your household who has been diagnosed with COVID-19 preventing you from work;
- You have a child or other person in the household who is unable to attend school or another facility that is closed because of COVID-19 keeping you from work;
- You are unable to reach your workplace because of COVID-19;
- You are unable to reach your workplace because you have been told by a health care provider to self-quarantine due to COVID-19;
- You were scheduled to begin work and do not have a job or are unable to reach the job because of COVID-19;
- You have become main income of the household because the head of the household has died from COVID-19;
- You had to quit your job because of COVID-19; or
- Your workplace is closed as a direct result of the COVID-19 public health emergency.

The only people NOT eligible for PUA are:

- Individuals who have the ability to telework with pay
- Individuals receiving paid sick leave or other paid benefits leave, regardless of whether they meet any of the above qualifications.

How can I apply for Louisiana's UI and the PUA?

General Information about the Unemployment Insurance Program:

<https://www.louisianaworks.net/hire/vosnet/Default.aspx>

To file a UI claim online: <https://www.louisianaworks.net/hire/vosnet/Default.aspx>

To file a UI claim by telephone number: Call 1-866-783-5567

Coronavirus UI update: http://www.laworks.net/PublicRelations/COVID_19_Information.asp

How can I appeal a rejection of unemployment benefits?

You may appeal the decision within 15 days of the mailed response. You can appeal this decision in three ways online at www.LAWORKS.net, by mail to: Louisiana Workforce Commission, Appeals Unit, P. O. Box 94094, Baton Rouge, LA 70804-9094, or fax to (225) 342-4223. If mailed, the letter must be postmarked no more than 15 days from the date of the decision and must be signed by the person filing. If you file the appeal by mail include a complete copy of the determination with your appeal.

When an appeal is filed, you receive acknowledgement of your appeal by mail. If you do not receive an acknowledgement letter within ten days of the date you filed the appeal, contact the Appeals Clerk of Court at 1-800-256-8023 for assistance. When the acknowledgement letter is generated, the appeal is sent to the Appeals Section where an Administrative Law Judge reviews it and then schedules it for a hearing. You may be eligible for free legal support for your unemployment benefits rejection. You should call Southeast Louisiana Legal Services's COVID-19 Hotline: 1-844-244-7871.

What if I'm approved but I wasn't actually eligible?

Under Louisiana law, if you received payments for which you weren't eligible, it can trigger an overpayment that must be paid back. This is a state-based debt that could be sent to the Office of Debt Recovery. If the Workforce Commission believes fraud was involved, you may also be assessed a penalty. More information is available at the Louisiana Law Help website: <https://louisianalawhelp.org/resource/overpaid-unemployment-compensation-benefits-1>. You can also contact Southeast Louisiana Legal Services if you receive an overpayment letter.

In summary: if you engaged in prison labor or are returning home from incarceration and are unable to work, and one of the PUA requirements above applies to you, then you CAN apply for UI, PUA, and the CARES Act funding.

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