

Disaster Unemployment Assistance



pennsylvania

DEPARTMENT OF LABOR & INDUSTRY

OFFICE OF UNEMPLOYMENT COMPENSATION BENEFITS

*Auxiliary aids and services are available upon request to individuals with disabilities.
Equal Opportunity Employer/Program*

The information contained in this pamphlet is for your general information. It is not intended to be an official statement about the Robert T. Stafford Disaster Relief and Emergency Assistance Act. It contains a brief description of the procedures and requirements under the Pennsylvania Unemployment Compensation Law. In addition, because many of the procedural rules for individuals filing for regular unemployment compensation also apply to DUA applicants, you may find additional information in the Pennsylvania Unemployment Compensation Handbook.

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PURPOSE OF THE PROGRAM

The Disaster Unemployment Assistance (DUA) program provides unemployment assistance to:

- unemployed individuals whose employment has been lost or interrupted as a direct result of a major disaster;
- unemployed individuals who have become the breadwinner or major support due to the death of the head of household as a direct result of the major disaster; and
- unemployed individuals who do not qualify for any form of Unemployment Insurance (UI) entitlement. This may include those individuals who initially qualify for some form of UI, but exhaust those benefits prior to the end of the disaster assistance eligibility period and remain unemployed as a direct result of the disaster.

Reemployment assistance and services are also available to individuals who apply for DUA.

DEFINITION OF MAJOR DISASTER

A “major disaster” is a natural catastrophe (e.g. hurricane, tornado, storm, high water, landslide, mud slide, snow storm, earthquake, drought or other catastrophe) declared regardless of cause (e.g., fire, flood, explosion) by the President to warrant federal government assistance. On the basis of a request from Pennsylvania’s Governor, the President makes a disaster declaration and defines the disaster areas affected.

WHO RUNS THE PROGRAM?

Disaster Unemployment Assistance is authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act). The U.S. Department of Labor (USDOL) oversees the Disaster Unemployment Assistance (DUA) program. The Pennsylvania Department of Labor & Industry

administers the program in Pennsylvania. Funds to pay DUA benefits are provided to Pennsylvania by the Federal Emergency Management Agency (FEMA) from the President's Disaster Relief Fund. These funds are federally appropriated and do not come out of the employer payroll taxes used to finance the regular UI program. The federal regulations covering the Disaster Unemployment Assistance program can be found in the Code of Federal Regulations, Chapter 20, Part 625.

WHO IS ELIGIBLE FOR DUA?

You may qualify for DUA if you are an unemployed worker or an unemployed self-employed individual and you do not qualify for UI entitlement if, as a direct result of the major disaster, you:

- Performed no work and earned no wages in employment or self-employment,
- Have less than full-time work/wages,
- Are unable to reach your place of employment or self-employment,
- Were scheduled to start work or self-employment and now do not have a job, or place of employment or self-employment,
- Were to have started to work in employment or self-employment and are unable to reach that job,
- Became the breadwinner, or major support, because the head of the household died as a direct result of the disaster, or
- Cannot work because you were injured as a direct result of the disaster.

DUA IS NOT INTENDED FOR PEOPLE WHO DO NOT REPORT TO WORK, IN ORDER TO STAY HOME TO DO DISASTER-RELATED CLEANUP WORK.

NOTE: If, while filing for DUA during the Disaster Assistance Period, you meet the eligibility requirements to qualify for any other UI benefits, your entitlement to DUA benefits will

be suspended until you exhaust all of your UI entitlement, including regular unemployment compensation (UC).

WHEN AND WHERE TO FILE

You must file an application for DUA within 30 days after the date on which the Pennsylvania Department of Labor & Industry announces the availability of DUA in the state. You must file within this time frame even though you may be eligible for other UI, such as state unemployment compensation benefits or weekly assistance benefits such as Trade Readjustment Allowances (TRA). If the 30th day falls on a Saturday, Sunday or a legal holiday, the deadline is extended to the next business day. Applications may be accepted as timely if the applicant had good cause for the late filing, but in no event can the application be accepted after the expiration of the Disaster Assistance Period.

If you believe that you are entitled to DUA or may be entitled to DUA in the future, you should immediately call this toll-free number:

877-FILEDUA (345-3382)

If you use a text telephone (TTY), call this toll-free number: 888-334-4046. A DUA claims representative will take your initial DUA application. When you call, you should have your:

- Social Security Account Number, and if possible,
- Your Federal Income Tax Return for the most recent tax year that ended prior to the date of the major disaster.

If you cannot call for any reason, you may file your DUA claim by writing to the following address:

Scranton UC Service Center
30 Stauffer Industrial Park
Taylor, PA 18517-9625

REPORTING AND FILING REQUIREMENTS

In addition to filing an initial application for DUA, you may still be required to go in person to a Pennsylvania CareerLink® near you to register for work and for reemployment services.

To claim weekly DUA benefits, you must:

- Personally file for each week of DUA benefits claimed as instructed.
- Register for work with the Pennsylvania CareerLink®.
- Be able and available for work. There are exceptions. You will be considered to have met this requirement if: (a) you were injured as a direct result of the disaster and it is because of this reason that you are not able or available for work; or (b) if you are an unemployed self-employed individual, you perform services or activities solely for the purpose of enabling your resumption of self-employment.
- **Report all work and income from employment.** Income includes: holiday pay, vacation pay, tips, room and board. You must report any income for the week in which it was earned, not when it was paid.
- **Report all income from self-employment.** You must report any self-employment income when paid, not when earned.
- Report all hours of work that you missed when you were scheduled to work.
- Report all work you were offered that you were unable to perform or refused.
- If you are self-employed, reporting if you failed to resume self-employment, that could have been undertaken, and the reasons for such failure.

HOW MUCH IS THE DUA WEEKLY BENEFIT AMOUNT?

DUA is payable to you for a week of unemployment only if you are not entitled to any other UI benefits or waiting period credit.

The DUA weekly benefit amount (WBA) is computed in accordance with the same formula and tables as are used in the Pennsylvania Unemployment Compensation (UC) Law to compute UC weekly benefit amounts under the state's regular Pennsylvania UC program. Special federal rules apply to the method used to calculate the DUA weekly benefit rate for certain individuals. (See page 8, Special Rules for Computing the Weekly DUA Benefit Amount)

If you claim a week during which you were employed less than full-time, your weekly DUA amount payable may be reduced by the income or wages that you earned in that week, regardless of when you receive this income. Only that income in excess of your partial benefit credit (PBC) (40 percent of the WBA) will be deducted from your DUA payable. The amount of partial or part-total DUA benefits payable to you is determined in the same manner as it would be if you were applying for, and receiving, partial or part-total UC benefits.

The maximum weekly amount of DUA payable must be reduced by the amount of certain types of benefits you qualify to receive, or would receive, if you took all procedural steps necessary under the law, contract or policy to receive such payment.

- Certain benefits or insurance proceeds for loss of wages due to illness or disability;
- A supplemental unemployment benefit (SUB) payment pursuant to a collective bargaining agreement;
- Private income protection insurance;

- Any workers' compensation by virtue of the death of the head of your household as the result of the major disaster, prorated by weeks, if you have become the head of your household and are seeking suitable work; and
- The prorated amount of any retirement pension or annuity under a public or private retirement plan or system to the extent they would be deducted from regular unemployment compensation.

Pension Deductions

Pensions and annuities are subject to the pension deduction provisions of Section 625.13 of the Federal DUA Regulations and Section 404(d)(2)(iii) of the Pennsylvania UC Law. **Pensions and annuities you are receiving that would be deductible from regular UC benefits under Pennsylvania UC Law are also deductible from weekly DUA benefits in the same manner.**

Examples of the most common **deductible** pensions and annuities are:

- State and local government pensions
- Federal Civil Service pensions
- Federal disability pensions
- IRA and KEOGH (only when established, or contributed to, by a base-year employer)
- Military retirement pensions
- Military disability retirement pensions

Examples of the most common **nondeductible** pensions are:

- Social Security disability, including those based on self-employment
- Black Lung
- Social Security survivors benefits

- Supplemental Security Income (SSI)
- Widow's Pension
- VA service-connected disability pensions
- Workers' compensation
- Temporary Disability Insurance
- Railroad Retirement

If you become eligible for an additional pension or annuity, or should the amount of the current pension or annuity change, this new amount must be reported immediately.

HOW LONG DO PAYMENTS LAST?

A Disaster Assistance Period will be established for each major disaster declaration. The eligibility period will apply to all applicants filing for benefits covered by that declaration. It will begin the first week after a major disaster occurs and generally ends 26 weeks after the major disaster is declared.

HOW IS THE DUA WEEKLY BENEFIT AMOUNT COMPUTED?

Your weekly benefit amount (WBA) is computed under the provisions of the state unemployment compensation law, except that it is based on your wages paid and/or net income earned from self-employment during your most recent federal tax year that ended prior to the beginning of the disaster. This is your **base period**. Your DUA WBA should equal at least 50 percent of your full-time weekly wage and/or net income if you qualify for less than the maximum UC benefit rate which can be found in the back of your copy of the **Pennsylvania Unemployment Compensation Handbook**. If it does not, ask for an explanation of the Full Time Weekly Wage Provision of the Pennsylvania UC Law by calling the DUA toll-free number (see page 3). The minimum DUA WBA for workers employed or self-employed full-time is found on page 18 of this pamphlet above your estimated DUA Weekly Benefit Amount.

A “**credit week**” is any calendar week during your base period in which you earned (without regard to when paid) at least \$50 in employment or self-employment. You must have had 16 or more credit weeks to have a DUA WBA in excess of the DUA minimum WBA (which is 50 percent of the average UC payment paid in Pennsylvania during the calendar quarter that ended prior to the date the disaster began).

Explanation of **Code “A”** and **“B”** Indicators on your DUA Notice of Financial Determination (Form UC-44F DUA):

- If a **Code “A”** appears on the DUA Financial Determination, it indicates that it was calculated using the **Regular Method**, which is the same as the method used to determine a weekly benefit rate on a regular Pennsylvania UC claim.
- If a **Code “B”** appears on the DUA Financial Determination, it indicates that it was calculated using an **Alternate Method** of calculating the DUA WBA. This method provides the DUA applicant with a minimum DUA WBA based on 50 percent of the average weekly UC payment.

SPECIAL RULES FOR COMPUTING THE DUA WEEKLY BENEFIT AMOUNT

Weekly Amount of DUA in Cases Involving Death of Head of Household

If you are an unemployed individual who has become the breadwinner or major support because the head of household has died as a direct result of the major disaster, you may be eligible to receive DUA benefits. You must now have entered the labor market and be actively seeking suitable work. If it is not possible to compute a weekly DUA amount for you due to a lack of sufficient employment in your base period, your weekly amount for DUA will be the weekly amount the deceased head of your household would have been entitled to if he or she had not died. If a DUA claim can be established using your actual wages, you will receive the higher of the two entitlements.

Rules for Family Businesses

If you worked in or own part of a family business, you and all members of the family business may be eligible for DUA benefits. All members of the family who were customarily or routinely employed or self-employed as a family unit, or in the same self-employment business prior to the date you and the other members of the family business became unemployed as a direct result of the major disaster, will be eligible to apply for DUA benefits. The wages from this employment or net income from self-employment will be allocated equally among all **adult family members** that are considered part of the working family unit. All family members must be over the age of majority, as defined by state law, on or before their application for DUA. The applicant's equal portion of the wages or net income will be used to determine their DUA WBA. There is an exception provided. If the documentation substantiating employment or self-employment and wages from the family business justifies a different allocation, it will be used rather than the equal allocation.

The term "**family**," as used for the purposes of determining a WBA, is not limited to the traditional family of husband, wife and children, but includes any family members related by blood, adoption or marriage who customarily work as a family unit.

Rules for Minors

If you are a minor child who worked in a family-owned business or if there were any minor children working in the family business at the time you became unemployed as a direct result of the disaster, you or the minor children may be eligible for DUA benefits. The USDOL has found that minor children of a family often work in the family business or share in the profits of the family business. This occurs particularly in the agricultural industry, where family members may share in the profits from the sale of crops or livestock. Such employment or self-employment is usually performed during periods when these individuals are not attending school and may be full-time

during vacation or between term periods, and part-time or not at all during times that school is in session. The fact that these children are under the age of majority does not, in itself, mean they are not entitled to DUA. These individuals will be **entitled to DUA** if they meet the definition of unemployed worker or unemployed self-employed individual and the eligibility requirements for a week of unemployment.

Computing the DUA WBA of Minors

The method used by the department to compute a DUA WBA for an individual under the age of majority, uses the **actual wages** earned or received during the base-year period in employment or self-employment, **rather than an equal allocation of the wages**, as provided for family members over the age of majority. The DUA WBA for these individuals will be based on whether they were working full-time or part-time at the time they became unemployed as a direct result of the disaster. In either case, the DUA WBA is calculated in the same manner as if they were not employed in a family-owned business.

DUA Based on Part-Time Employment

If you were customarily or routinely employed or self-employed less than full-time prior to your unemployment as a direct result of the major disaster, your weekly benefit rate will be determined based on the percentage of time you were employed or self-employed compared to the customary and usual hours per week that would constitute full-time employment or self-employment in your occupation. The department will determine what constitutes full-time employment for you based on information provided by you at the time you file your initial DUA application, and other department records or occupational and labor market information. The department will also determine your percentage of full-time employment. This percentage will then be multiplied by the minimum DUA benefit amount for the disaster. This will be your minimum DUA WBA. The USDOL has developed this provision to prevent an individual from receiving a weekly DUA amount exceeding the wages received for such employment or self-employment. **However**, if your wages from

employment or net income from self-employment are sufficient to calculate a DUA WBA by using the table in the back of your PA UC Handbook, in that case, you will be paid the **higher** of the two benefit amounts. You must also meet the minimum credit week requirements of Pennsylvania UC Law by having at least 16 credit weeks in your base period.

NOTE: There is no set minimum DUA weekly benefit rate for the part-time unemployed worker or unemployed self-employed individual.

The following example will more clearly illustrate the effect this provision has on your DUA WBA:

Situation: A college student works 20 hours per week at the hourly rate of \$5.15 for a weekly wage of \$103.00. This individual becomes unemployed as a direct result of a major disaster, and is dependent upon the employment as his/her principal source of income and livelihood. The student is financially ineligible for regular UI benefits. The minimum DUA weekly payment (50 percent of the average UC payment) is \$114.00 per week in Pennsylvania.

In this example, the minimum DUA weekly amount exceeds the weekly wages for his/her employment. Therefore, if 40 hours per week is considered full-time employment for this individual's occupation, the individual's DUA weekly benefit amount would be established at \$57.00 using the rounding down requirements of the Pennsylvania UC Law (20 hours being 50 percent of 40 hours, and 50 percent of \$114.00, the minimum DUA weekly amount, equals \$57.00). This provides an income to the part-time employed or part-time self-employed individual in the same relationship to the income received from the job as a full weekly amount is to the income received by an individual who worked full-time.

More Examples of Computing the DUA Weekly Benefit Amount

Situation: A major disaster occurs on June 23, 2006. A worker becomes unemployed as a result of this major disaster. This individual is not self-employed. The most recent tax year for this individual that ended prior to the disaster date, ended on December 31, 2005. The base period for this individual is 1st, 2nd, 3rd and 4th quarters of 2005.

Maximum UC WBA in effect:	\$497
Minimum UC WBA in effect:	\$ 35
Average UC Payment in effect:	\$291.89
Minimum DUA Payment in effect:	\$146

Example 1:

Wages in Most Recent Tax Year by Quarter

<u>1st Q</u>	<u>2nd Q</u>	<u>3rd Q</u>	<u>4th Q</u>
\$3575	\$4850	\$3800	\$3975

40 credit weeks, indicating full-time employment

In Example 1, the applicant had filed a regular UC claim with an application date of August 7, 2005, and qualifies to establish a UC benefit year ending date of August 5, 2006. The applicant then exhausts all his/her entitlement to regular UC and has just become reemployed and returned to full-time employment prior to June 23, 2006, disaster. If this applicant thereafter continues to be unemployed as a direct result of the disaster, he/she may initially qualify for DUA. However, this individual must file a new UC claim after August 5, 2006, and, if eligible to establish another regular UC claim at that time, will no longer qualify for DUA benefits. Using the Pennsylvania UC claim wage tables and applying the individual's high quarter wages in the base year of \$4850, the DUA weekly benefit rate is calculated as \$196. Since this calculated DUA rate is greater than \$146 (50 percent of the average UC payment in effect), the weekly amount of DUA the applicant is entitled to must be the greater, or \$196. This represents the use of the **Regular**

Method of Calculating the DUA WBA, and will be indicated by a **Code A** on the DUA financial determination.

Example 2:

Wages in Most Recent Tax Year by Quarter

<u>1st Q</u>	<u>2nd Q</u>	<u>3rd Q</u>	<u>4th Q</u>
\$ 695	\$ 875	\$1655	\$3200

16 credit weeks full-time

In Example 2, if the same individual in Example 1 had the base-year wages indicated above and the individual's high quarter wages in the base year, \$3200, was applied, the calculated WBA for the applicant based on the use of the UC table would be \$130. Since this applicant qualifies for less than \$146 (50 percent of the average UC payment), the applicant is entitled to the minimum DUA WBA, \$146. This represents the **Alternate Method** of calculating the DUA WBA, or a **Code B** type.

Example 3:

Wages in Most Recent Tax Year by Quarter

<u>1st Q</u>	<u>2nd Q</u>	<u>3rd Q</u>	<u>4th Q</u>
\$ 0	\$ 0	\$ 0	\$2160

7 credit weeks full-time

In Example 3, if the same individual in Example 1 had the base-year wages indicated above and the individual's high quarter wages in the base year, \$2160, was applied, the applicant has insufficient wages and credit weeks to compute a weekly benefit amount using the UC tables. Therefore, the applicant is entitled to the minimum DUA WBA, \$146. This is an **Alternate Method** of calculating the DUA WBA or **Code B** type.

Example 4:

Wages in Most Recent Tax Year by Quarter

<u>1st Q</u>	<u>2nd Q</u>	<u>3rd Q</u>	<u>4th Q</u>
\$ 0	\$ 0	\$ 0	\$ 0

No credit weeks full-time

In Example 4, a self-employed applicant had no net earnings from self-employment. The applicant is entitled to the minimum DUA WBA, \$146. This is the **Alternate Method** of calculating the DUA WBA or **Code B** type.

Important

Please recheck the net income and wage information listed on your Notice of Financial Determination for accuracy. Is your Social Security Account Number correct?

DISQUALIFICATION OR TERMINATION OF BENEFITS

You may be disqualified, or your DUA benefit terminated, for the following:

- If you become employed in a suitable position,
- If you return to your pre-disaster self-employment status,
- If you refuse, without good cause, to accept suitable employment, or resume or commence suitable self-employment,
- If you refuse without good cause to accept a referral to suitable employment,
- If you are not able or available for work (except if the reason you are not able and available for work is

because you were injured or unable to reach your place of employment, as a direct result of the disaster), or

- If it is determined that your unemployment is no longer as a direct result of the disaster.

There are exceptions:

- If you are an unemployed self-employed individual, you may perform services or activities which are solely for the purpose of enabling you to resume your pre-disaster self-employment activities.
- If you become employed in disaster-related cleanup and later become unemployed, you may again qualify to file for DUA benefits. This is because you continue to remain unemployed as a direct result of the disaster.

YOUR RESPONSIBILITIES

It is your responsibility to give correct answers to any questions asked in regard to your initial and weekly claims for DUA benefits. Failure to furnish requested documents or information can result in denial or a delay in the receipt of DUA benefits.

All information is subject to verification. DUA benefits are provided through federal funds. Criminal and/or civil penalties for violations of federal and/or state laws will be enforced for willfully making false statements or concealing information to obtain or increase your DUA benefits.

FOR MORE DETAILS

Your nearest Pennsylvania CareerLink® or the UC Service Center can furnish you with more detailed information about the DUA program and re-employment service assistance available.

STATEMENT REQUIRED UNDER THE PRIVACY ACT OF 1974

The Privacy Act of 1974 requires that you be furnished this statement because you are being asked to furnish your Social Security Account Number on claim forms that are given to you. Your Social Security Number is solicited under the authority of the Internal Revenue Code of 1954 (26 U.S.C. 85, 6011(a), 6050B and 6109(a). Disclosure of your Social Security Number for this purpose is **MANDATORY**, and must be entered on forms you submit to claim DUA benefits.

Your Social Security Number will be used to report your receipt of DUA to the Internal Revenue Service as income that is potentially taxable. It will also be used as a record index for processing your claim, for statistical purposes, and to verify your eligibility for DUA and other public assistance benefits. Should you decline to disclose your Social Security Number, your claim for payment of DUA will not be processed.

APPEALS INFORMATION

If the Pennsylvania Department of Labor & Industry decides that you have filed a disputed claim, a written determination will be issued. You will be informed whether or not you will receive DUA benefits. This determination may cover one or more weeks of DUA, or your total eligibility for DUA benefits.

If you disagree with the determination, you may appeal within 60 days from the date the determination is mailed to you. The last day to file your appeal appears on the front of the determination that you will receive. You will have the right to file an appeal on or before this deadline. You may file your appeal by mail, by fax, or in person at a local Pennsylvania CareerLink® office.

- If your appeal is filed by mail or by fax, it must include your name, Social Security Number, if possible, a copy of the determination, a statement that you want to file an appeal from this determination, and the reasons for your appeal. An appeal by mail must be addressed to the

office that issued the determination and **postmarked on or before the last day to appeal** shown on the determination. An appeal by fax must be received by the close of business on the last day to appeal. The fax number for DUA appeals is 570-562-4872.

- If your appeal is filed in person, it must be hand-delivered during business hours, on or before the last day to appeal shown on the determination form that you received.

Additional information on the hearing procedures before a UC Referee will be provided to you at the time your appeal is processed. Please read carefully the pamphlet, **Unemployment Compensation Appeals Information**, Form UCP-18.

Following the hearing, the UC Referee will issue a new decision. If you are not satisfied, the Referee's decision may be appealed to the USDOL for their review within **15 days** of the mailing date of the decision. You may file your appeal in person at any Pennsylvania CareerLink® by following the same procedure for your first level appeal. Or, you may mail a request directly to the USDOL's Regional ETA Administrator at:

U.S. Department of Labor
Employment and Training Administration
Attention: DUA Coordinator
The Curtis Center
Suite 825 East
170 South Independence Mall West
Philadelphia, PA 19106

YOUR PRELIMINARY FINANCIAL INFORMATION FOR THE CURRENT DISASTER

- **The minimum weekly DUA rate for full-time workers filing for benefits under the current disaster declaration is:**

\$

- **Based on the income information you provided on your initial application for DUA benefits, your DUA Weekly Benefit Amount for this disaster is:**

\$

The FIGURE ABOVE IS NOT **AN OFFICIAL MONETARY DETERMINATION**, but is a preliminary estimate of the maximum weekly amount of DUA benefits you may be entitled to. You will receive an official written financial determination in the mail in a few days. A financial determination is a separate decision from one dealing with any other legal issue(s) related to your eligibility for DUA benefits. It is based solely on your reported wages earned in employment and net income from self-employment or a combination of both.

DUA-5 PAMPHLET CERTIFICATION

NAME (Please Print): _____

SOCIAL SECURITY NUMBER _____ - _____ - _____

I certify by my signature that I have received, read and understand the contents of the Disaster Unemployment Assistance pamphlet. I understand that I have been notified of my rights and obligations in maintaining my eligibility for Disaster Unemployment Assistance under federal law. I also understand that any misrepresentation or nondisclosure of information on my part in order to receive DUA benefits to which I am entitled may result in a disqualification for benefits and fines and/or imprisonment.

CLAIMANT'S SIGNATURE:

DATE: (Month/Day/Year)

DUA REPRESENTATIVE:

DATE: (Month/Day/Year)

