**Frequently Asked Questions on PUA for Students**

1. **As a student, am I eligible for unemployment insurance benefits?**
	* Yes, although students are generally not eligible for regular unemployment insurance[[1]](#footnote-1), students can qualify for Pandemic Unemployment Assistance (“PUA”). PUA allows eligibility for part-time workers, including full-time college and high school students with part-time jobs, as long as the job loss or hours reduced is due to COVID-19. You can apply for PUA by going to [www.mass.gov/pua](http://www.mass.gov/pua).

1. **I’m under 18 and was told I cannot receive PUA. Is there an age minimum to receive PUA?**
	* No. The PUA application available in May that denied students under 18 has been corrected to ensure that these student workers can collect PUA; students under 18 are required to call the PUA line, 877-626-6800, to verify age.

There is no age requirement to receive PUA benefits, but you must self-certify that you are “otherwise able to work and available for work within the meaning of applicable State law,” [[2]](#footnote-2) except for the job loss because of one or more of the COVID-19 related reasons.[[3]](#footnote-3) Under federal or state law, there are restrictions on the amount or type of work someone under 18 may do. For example, in Massachusetts, workers under 18 may not work in slaughtering, packing, or processing meat.[[4]](#footnote-4) As long as child labor laws do not make your work illegal, you may be eligible for PUA.

1. **As a student, am I eligible for the extra $600 a week in benefits?**
	* Yes. Like other workers, **from March 29-July 25, 2020**, you are eligible for the extra $600/week regardless of the amount of your PUA benefit. This extra benefit has stopped in MA as of July 25th and may be extended by Congress.
2. **How far back can I be eligible for PUA benefits?**
	* Eligibility for PUA is retroactive to the date you were first impacted by COVID-19 on or after 2/2/2020.[[5]](#footnote-5)
3. **I lost my work study job due to a school closure because of COVID-19. I’ve directed that my wages be sent directly to pay the costs of tuition, room and board, and books. Can I collect PUA?**
	* You may be eligible if: (1) you are an individual participating in work study who is not eligible for regular unemployment, (2) whose worksite closed as a direct result of COVID-19, and (3) who has suffered a loss of income.[[6]](#footnote-6)
4. **I was working while I was a student in another state. I have now moved home to a different state from where I was studying and working. Where should I file for PUA benefits?**
	* If you were working in a different state from where you currently live you must apply for benefits with the state where you were working at the time of becoming unemployed, partially unemployed, or unable or unavailable to work because of a COVID-19 related reason.[[7]](#footnote-7)
5. **Does PUA require I meet a minimum monetary amount (i.e., minimum earnings), like for regular unemployment insurance?**
	* No. There is no minimum earnings requirement in order for you to be eligible for PUA. However, wages in calendar year 2019 are considered in order to see if your weekly benefit amount can be increased above the $267 minimum.[[8]](#footnote-8) You should provide proof of your 2019 earnings as soon as possible in order to increase the weekly benefit amount.
6. **How HHow much should I expect to receive from PUA per week?**
	* THTThe PUA weekly benefit amount will start at the minimum amount of $267 (in MA – it is less in other states). However, you may increase this benefit amount by providing proof of 2019 income. The increase can be up to $823 so be sure to provide proof of those earnings. Proof of earnings includes, but is not limited to, 2019 tax return, W2, 1099, state agency wage records, pay check stubs, bank receipts, business records, ledgers, contracts, invoices, and billing statements.[[9]](#footnote-9)

If your 2019 income is provided, the weekly benefit amount will be calculated in the same way that regular unemployment would be calculated in your state. In Massachusetts, your weekly benefit is calculated as approximately 50% of your average weekly wage from 2019, up to the maximum set by law ($823).

1. **What if 50% of my average weekly wage from 2019 (i.e., weekly benefit amount) is lower than the PUA minimum of $267?**
	* If the weekly benefit is lower than the minimum, you will get the PUA minimum weekly benefit amount of $267 instead.
2. **Can I have earnings and still collect PUA?**
	* Yes. You must report any earnings as part of your weekly certification. Earnings will be disregarded up to 1/3 of weekly benefit amount, otherwise they will be deducted from your benefits. If you are receiving the base minimum of $267, earnings cannot equal or exceed $267 plus $89 (1/3 disregard) for total of $356; if earnings exceed this amount, you cannot receive PUA benefits. If your weekly benefit amount is increased by providing 2019 earnings, you may increase your earnings while maintaining eligibility.

For example, you earn $100 in a week where you collected PUA and your weekly benefit is $267. 1/3 of your weekly benefit of $267 is $89. So, $89 of the $100 earned will be disregarded. $11 will be deducted from your weekly benefit and you will get $256 in PUA benefits for that week.

1. **Where should I go for help?**
	* Please visit [www.masslegalhelp.org](http://www.masslegalhelp.org) for more information. You can also reach out to your state senator for help, who you can find at [www.wheredoivotema.org](http://www.wheredoivotema.org).

July 29, 2020
Emily McCorry, GBLS Legal Intern, University of CA, Irvine ‘22
Disclaimer: This is general advice and should not be treated as legal advice.

1. Under Massachusetts law, students workers are generally not eligible for regular unemployment benefits because they are excluded where the student worked “in the employ of a school, college, or university, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university.” Mass. General Laws, chapter 151A, § 6(k). [↑](#footnote-ref-1)
2. 15 U.S.C. § 9021(a)(3)(A)(ii)(I) (2020). U.S.C. stands for United States Code, which contains the official federal laws of the United States. [↑](#footnote-ref-2)
3. COVID-19 related reasons include: (1) you were diagnosed with or having symptoms of COVID-19, (2) a member of your household was diagnosed with COVID-19, (3) you are providing care for household or family member with COVID-19, (4) your child or other care recipient is out of school or care due to COVID-19, (5) you have become the breadwinner or major support for a household because the head of the household has died as a direct result of COVID-19, (6) you can’t reach your place of work due to COVID-19, (7) you are self-employed or an independent contractor whose work has been severely limited due to COVID-19, (8) your workplace closed due to COVID-19, (9) you were scheduled to start a new job but cannot because of COVID-19, or (10) you quit your job, were laid off, or had hours reduced as direct result of COVID-19. [↑](#footnote-ref-3)
4. For a full list of prohibited jobs, refer to <https://www.mass.gov/service-details/prohibited-jobs-for-minors>. For restrictions on hours for workers under 18 refer to <https://www.mass.gov/service-details/work-hours-restrictions-for-minors>. [↑](#footnote-ref-4)
5. 15 U.S.C. § 9023 (2020). [↑](#footnote-ref-5)
6. U.S. Department of Labor, Employment and Training Administration Advisory System, Unemployment Insurance Program Letter No. 16-20, Change 2 (July 21, 2020), *available at* <https://wdr.doleta.gov/directives/attach/UIPL/UIPL_16-20_Change_2.pdf>. [↑](#footnote-ref-6)
7. U.S. Department of Labor, Employment and Training Administration Advisory System, Unemployment Insurance Program Letter No. 16-20, Change 1 (April 27, 2020), *available at* <https://wdr.doleta.gov/directives/attach/UIPL/UIPL_16-20_Change_1.pdf>. [↑](#footnote-ref-7)
8. *Id.* [↑](#footnote-ref-8)
9. *Id.* [↑](#footnote-ref-9)