



## UNEMPLOYMENT BENEFITS FOR FREELANCERS, INDEPENDENT CONTRACTORS AND OTHER SELF-EMPLOYED TENNIS PROFESSIONALS

(As of April 21, 2020)

### FREQUENTLY ASKED QUESTIONS

As part of the USTA's on-going efforts to assist freelancers, independent contractors and other self-employed tennis professional who find themselves without work during the COVID-19 crisis, we are posting these frequently asked questions (FAQs) to provide guidance about some of the unemployment issues most relevant to such persons. The information provided in these FAQs is for general informational purposes only and is not intended to, nor does it constitute legal advice.

#### QUESTION:

Am I eligible for unemployment benefits if I am a freelancer, independent contract of other self-employed tennis professional?

#### ANSWER:

Traditionally, independent contractors and other self-employed persons have not been eligible for unemployment benefits. The recently passed federal legislation known as the CARES Act created a program known as Pandemic Unemployment Assistance (PUA) that extends eligibility for regular state unemployment benefits to such persons. As a result, if you are an independent contractor, self-employed or a business owner you are eligible for PUA if you also meet one of the following criteria:

- You are unemployed, partially employed, or unable or unavailable to work because the COVID-19 public health emergency has severely limited your ability to continue performing your customary work activities and as a result you have been forced to stop working.
- You have been diagnosed with COVID-19 or are experiencing symptoms of COVID-19 and are seeking a medical diagnosis.
- You are unable to work because a health care provider advised you to self-quarantine due to concerns related to COVID-19.
- A member of your household has been diagnosed with COVID-19.
- You are providing care for a family member or a member of your household who has been diagnosed with COVID-19.
- A child or other person in the household for whom you have primary caregiving responsibility is unable to attend school or another facility that is closed as a direct result of the COVID-19 and the school or facility care is required for you to work.
- You became the breadwinner or major support for a household because the head of the household has died as a direct result of COVID-19.
- You have to quit your job as a direct result of COVID-19.
- Your place of employment is closed as a direct result of COVID-19.
- You were scheduled to start a job that is now unavailable as a direct result of the COVID-19 public health emergency.
- You are unable to reach your place of employment as a direct result of the COVID-19 public health emergency.



**QUESTION:**

Do I have to be a citizen of the United States to receive PUA benefits?

**ANSWER:**

Persons who are foreign national should consult the specific requirements of the state(s) in which they worked to determine if they are eligible for PUA benefits. In most states, if you are not a citizen of the United States, you cannot be paid PUA benefits, unless you were legally permitted to work in the United States at the time such services were performed. You likely also would have to continue to be authorized in to work the United States for any week for which you wish to claim PUA benefits.

**QUESTION:**

How do I apply for PUA benefits?

**ANSWER:**

To apply for PUA benefits you should file a claim with the state unemployment agency in the state in which you worked. If you worked in a state other than the one in which you now live or if you worked in multiple states, the state unemployment agency where you now live can provide information about how to file a claim with other states.

**QUESTION:**

How can I locate my state's unemployment agency to file an unemployment claim?

**ANSWER:**

You can locate the state unemployment agencies by visiting this United States Department of Labor website: <https://www.dol.gov/coronavirus/unemployment-insurance>

**QUESTION:**

How much will I receive in PUA benefits?

**ANSWER:**

The amount of PUA benefits you receive will depend on the state from which you receive benefits. Each state sets its own minimum and maximum weekly benefit limits.

**QUESTION:**

If I receive PUA benefits, will I also be eligible for the additional \$600 unemployment payment authorized by the federal government under the CARES Act?

**ANSWER:**

In addition to PUA, the CARES Act established the Pandemic Unemployment Compensation (PUC) program that provides an additional \$600 in weekly unemployment benefits for person receiving PUA benefits. The extra \$600 PUC benefit is available through weeks of unemployment ending on or before July 31, 2020. Foreign nationals who are eligible for PUA should consult the specific requirements of the state(s) in which they worked to determine if they are eligible for PUC.

**QUESTION:**

Is there a waiting period before I am eligible for unemployment benefits?

**ANSWER:**

Most states have traditionally imposed a one-week waiting period before a person could be eligible for unemployment benefits. However, the waiting period has been eliminated through December 31, 2020, meaning that benefits are now available from the first day a person is unable to work because of the COVID-19 crisis.

**QUESTION:**

When should I file an unemployment claim?

**ANSWER:**

You usually should file a claim in the first week in which you experience a loss of employment.



**QUESTION:**

How long do unemployment benefits last?

**ANSWER:**

The length of unemployment benefits is set by the state that pays you benefits. Most states normally provide benefits for 26 weeks, but some have a shorter benefit period. The CARES Act has provided funding for 13 additional weeks of regular state unemployment benefits through December 31, 2020. So, for example, those states that normally provide 26 weeks of benefits will now provide 39 weeks of regular benefits.

**QUESTION:**

Are unemployment benefits under the CARES Act retroactive?

**ANSWER:**

Yes, unemployment benefits can be paid for periods of unemployment beginning on or after January 27, 2020.

**QUESTION:**

I am still working as an employee at my regular full-time job, am I still eligible for unemployment for the loss of my income as a freelancer or independent contractor?

**ANSWER:**

If you are employed full-time as an employee at another job, you likely would not be eligible for unemployment benefits. However, only the appropriate state unemployment agency can determine whether you are eligible for benefits.

**QUESTION:**

If I still work part-time, am I eligible for unemployment benefits?

**ANSWER:**

Depending on the state from which you are receiving benefits, you may be eligible for unemployment benefits while still working part-time. You should contact the unemployment agency in the state that you apply for benefits to determine whether you can still receive benefits while working part-time.

**QUESTION:**

I provide my tennis professional services through a limited corporate entity, such as a limited liability company or an S or C corporation, can I still receive PUA benefits?

**ANSWER:**

PUA is available for individuals who are not otherwise eligible for unemployment insurance benefits. If you receive a salary and your corporate entity has unemployment insurance, you may be eligible for unemployment as an employee if you are unable to work, either fully or partially. If your corporate entity does not have unemployment insurance, you may be eligible to apply for PUA as a self-employed individual; however, you likely would have difficulty certifying that you are unable to work if you continue to be paid a salary.

**QUESTION:**

What information will I need to file for unemployment?

**ANSWER:**

You should have the following information available when you file for unemployment:

- Your Social Security number
- Your driver license or Motor Vehicle ID card number (if you have either one)
- Your complete mailing address and zip code
- A phone number where you can be reached from 8 am–5 pm, Monday–Friday
- Your Alien Registration card number (if you are not a U.S. Citizen and have a card)
- 1099 Forms and other evidence of earned income in the past 18 months

The state unemployment agency may also ask for other information.