

# Unemployment Assistance FAQs

## **Q/ Is unemployment compensation taxable income?**

Yes. Unemployment compensation is taxable income in many states (including New York) and to the federal government. However, California does not tax unemployment compensation. Unemployment benefits are also not subject to federal Social Security or Medicare tax.

Guidance from the IRS: If you received unemployment compensation, you may be required to make quarterly [estimated tax payments](#). However, you can choose to have federal income tax withheld. For more information, refer to Form [W-4V](#), Voluntary Withholding Request.

## **Q/ Does SAG-AFTRA have any unemployment assistance resources I can refer to?**

Yes, please check out our [unemployment insurance](#) resource page online. We continuously add helpful resources as they become available.

You should review, first and foremost, your state unemployment office website in order to learn more about the benefits and how to apply. States are updating their websites with COVID-19 and CARES Act specific information.

## **Q/ Can SAG-AFTRA staff walk me through my application and advise me what to do?**

SAG-AFTRA does not determine or process benefits. All of this is done by your state's unemployment office. Furthermore, SAG-AFTRA staff cannot advise on your individual situation or how best to apply for benefits.

Other resources include:

- [Job Center](#)
- [Legal Aid at Work](#)

## **Q/ What do I do if the unemployment website crashes or is kicking me out of the application?**

Unemployment offices are experiencing unprecedented levels of new applications. You will need to be vigilant when calling and filing online. Check back, again. These civil servants are working hard to respond to calls, emails and process every single application.

## **Q/ What are the new CARES Act benefits for unemployed or newly underemployed individuals?**

Review this [flowchart](#) to understand the new CARES Act benefits and how it applies to you.

The new federal CARES Act, which was signed into law on March 27, 2020 grants all recipients of unemployment benefits an additional \$600 a week (until July 31, 2020) and access to an additional 13 weeks of benefits (until December 31, 2020). Nothing additional is required to receive these extra benefits after filing for unemployment.

Furthermore, the new Pandemic Unemployment Assistance (PUA) program extends benefits to individuals who do not qualify for traditional state unemployment. Many states will simply use the information on the traditional application and then automatically process the individual for the PUA program. Other states may have a specific PUA application. At this writing, many states are still implementing the PUA program and application process. Be sure to check the state's unemployment website for details.

## **Q/ Which individuals qualify for traditional state unemployment benefits?**

Individuals who have earned enough W2 income in the past 12-18 months. W2 is the tax form employers send their employees during tax season. Applicants should include all income, including 1099 independent contractor income and self-employment income, in their application for various reasons. In most instances, individuals working under a SAG-AFTRA contract receive W2 income as the individual is an employee of the hiring company. Each state has a different minimum earnings threshold and formula to determine eligibility. Often, an individual had to earn W2 income in at least two different quarters.

## **Q/ Which individuals do not qualify for traditional state unemployment benefits?**

Examples include individuals who do not meet the minimum W2 earnings threshold, independent contractors who receive 1099 tax forms, self-employed individuals, etc.

These individuals who do not qualify for state unemployment benefits should be covered with the new Pandemic Unemployment Assistance (PUA) program. Often, the state unemployment office will first determine whether the individual is eligible for traditional unemployment benefits, and if not, then the application is reviewed for PUA eligibility.

## **Q/ What if I have an s-corp or other corporate entity to manage my income?**

Generally speaking, any W2 income, including that paid to you by your s-corp or loanout company makes you an employee of that s-corp. The Pandemic Unemployment Assistance (PUA) program also expands benefits to those who are considered self-employed. Speak to your tax attorney to determine how you are organized and how to apply for unemployment insurance.

### **Q/ Can a child receive unemployment benefits?**

If a minor meets the requirements of state unemployment benefits or the Pandemic Unemployment Assistance (PUA) program, there is no reason to believe their application will be rejected. The minor should apply and the state unemployment office will notify the individual if minors are not eligible. We have been told parents have been successful in processing applications on the child's behalf.

### **Q/ What if I am a non-resident, documented immigrant?**

You should speak to an immigration attorney on how to proceed as some categories of documented non-resident immigrants are indeed eligible for unemployment benefits. Federal disaster legislation may also affect who is eligible.

### **Q/ Can I be fired for cause and still receive unemployment benefits?**

Maybe. You should still apply. A person can be involuntarily terminated for cause, according to the employer, and still receive unemployment benefits if the unemployment office determines the cause was not severe enough to be denied benefits. Oftentimes, the reason for termination is not severe enough to disqualify an individual for unemployment benefits.

### **Q/ Can I voluntarily quit my job and still receive unemployment benefits?**

Generally, no. Unemployment insurance benefits are for those who are unemployed due to no fault of their own. The unemployment office will determine whether someone fails to meet this requirement.

If you feel unsafe to go to work because of the COVID-19 crisis, please contact the unemployment office before taking any action to determine if you fit within a narrow exception.

### **Q/ How do I apply for new CARES Act benefits?**

All of the CARES Act benefits will be administered by state unemployment offices throughout the country. In some states, all applicants will use the same application. In other states, like California, individuals who qualify for traditional state unemployment will fill out the standard application and individuals who do not will fill out a forthcoming special Pandemic Unemployment Assistance (PUA) application. Applicants should follow the guidance of the state unemployment office on how to proceed.

### **Q/ What if my state has not given me guidance yet?**

Apply. Unless the state says otherwise, or you have a unique situation that requires professional advice, you should apply. Include all income in your application.

## **Q/ Where do I apply if I worked in multiple states, not just my state of residence?**

It depends.

In California, applicants are asked whether they have worked in another state during the relevant application time period. If the answer is “yes,” a link is provided and the applicant must download and fill out the application from the link. Otherwise, the application CANNOT be processed properly. That’s the direction from California. Fax or mail in this application to the fax number or P.O. Box address at the bottom of the application. During a period of shelter at home, you may want to investigate apps or computer programs that allow you to fax without the need of a fax machine.

Some states, on the other hand, want you to apply in each state you received a W2. Access this information on your state unemployment website.

## **Q/ Is “actor” a listed job title on the California application?**

Yes. You will be able to select “actor” on the Job Title drop-down menu for the California unemployment application. When the menu does not drop down, it is because the system is overloaded. Please try again.

## **Q/ Who is your last employer of record?**

Your last employer is the last place you physically went to work. Note, your last employer may not be in their system yet, so add the company as an additional employer.

## **Q/ Who should I put down as the employer of record for my W2 income?**

The name listed on your paystubs. This may be a production company or a payroll company. This information may also be on your end-of-year W2 tax form.

## **Q/ If I am reporting self-employment income, who should I put down as the employer of record?**

We are being told individuals should put down themselves as the employer. A state may direct you otherwise on their website or application.

## **Q/ Do I need to provide proof of employment when applying for the Pandemic Unemployment Assistance program?**

No. Unlike traditional unemployment, an individual filing for the PUA program does not need to provide proof of employment or self-employment to qualify, nor does PUA take into account the individual’s principal source of income as part of the self-certification process.

**Q/ If the application asks for the name of my supervisor or hours per week, what should I put down?**

In California, use the name of the director or 1st AD/producer, or your manager. Estimate hours worked per week.

**Q/ Do I have to fill in all the details for my residuals?**

Yes. Residuals are W2 income. The higher income you report, the higher base weekly amount, up until the state maximum benefit. Try to, if possible, consolidate residuals based on the listed employer for that reporting period.

**Q/ What date should I list for residuals?**

Residuals are earned on the date received (by mail or direct deposit). Estimate when received or use the date on the check. This information is on the paystub and it will list the employer of record for the residual. In the alternative, you can also refer to the residual tracker on [sagaftra.org](http://sagaftra.org) for the date that SAG-AFTRA received the residual payment and the employer of record. You can also try to consolidate multiple payments during a quarter from one payroll company or employer.

**Q/ On California's application, it is asking me the reason for my separation from work, which option should I choose?**

Do NOT check "disaster." If you do, the application will lead you to questions you cannot answer. Rather, choose the best description of your situation. "Laid off/assignment completed" or "Laid off/COVID" might be the best option for you.

**Q/ I applied for benefits and my application was rejected. I was told I did not make enough eligible wages. What should I do?**

It is likely you applied for traditional unemployment benefits and you did not submit enough eligible W2 income to qualify. If you forgot to include income or need to dispute a determination, you can work with the state unemployment office.

You may still be eligible for the Pandemic Unemployment Assistance (PUA) program. This program is not up and running yet in many states. Remember the PUA program is for individuals who do not qualify for traditional state unemployment benefits. This is why it is so important for you to list all of your income, W2 or otherwise, on your application. In California, individuals are told to wait until they have a special PUA application up and running to apply. In other states, the states intend to automatically consider rejected applications for the PUA program once ready. Minnesota, for example, is expecting PUA program recipients to start receiving income at end of April.

We understand it is very scary to receive a rejection letter for benefits; however, this may just be part of the process.

**Q/ If I do qualify for traditional state unemployment benefits, what should I expect for benefits?**

The state will look at your prior eligible earnings in the past 12-18 months to determine a base weekly benefit. Each state has a minimum and a maximum weekly base amount.

In addition, you will get an extra \$600 per week (until July 31, 2020) and an additional 13 weeks of coverage. This is automatic and you don't need to do anything extra to apply for these CARES Act benefits if you've been approved to receive unemployment benefits.

**Q/ If I do not qualify for traditional state unemployment benefits and only qualify for the Pandemic Unemployment Assistance (PUA) program, what should I expect for benefits?**

The state will look at your prior earnings and use a special disaster calculation to determine your base weekly benefit. Everyone who is eligible for PUA will at least get a minimum weekly base benefit for up to 39 weeks.

In addition, you will also get that extra \$600 a week until July 31, 2020.

**Q/ What if I am a mixed income earner who earns both W2 income and 1099/self-employment income? I was told the Pandemic Unemployment Assistance (PUA) program covers self-employment and independent contractors?**

This is a complicated issue. It is common for artists to be mixed-income earners, including those who work W2 union jobs. You should report all sources of income on your unemployment application for various reasons.

That said, if you make enough W2 income to qualify for state unemployment benefits, the state will likely only consider your W2 income to determine your weekly benefit amount. The PUA program, as currently understood, is only for individuals who do not qualify for traditional state unemployment insurance.

**Q/ What if I am a mixed income earner who has W2 and 1099 earnings, but I feel my 1099 job is really the work of an employee, not an independent contractor?**

This is potential employee misclassification. Report all income on your application as the state unemployment office will provide information on how to appeal if income is rejected for not being eligible.

Certain gig-app companies, for example, have misclassified their employees as independent contractors and have wrongly not paid for their workers' unemployment insurance. Relying on a recent court decision, New York State has recently decided to include gig-app income, like Uber, in their state unemployment benefit calculations. Whether or not someone has been misclassified is a complex legal determination. If you believe you have been misclassified, you can speak to an attorney or appeal a benefits determination with the state unemployment office.

On the other hand, if all of your income is 1099 or self-employment income then you should be considered for the Pandemic Unemployment Assistance (PUA) program.

- Q/ Can I still qualify for unemployment benefits if I am still working part-time?**  
Yes, but your benefits will decrease based on either your earnings or the number of days that you work in a given week, depending on the state.
- Q/ Can I receive both unemployment benefits and severance?**  
Likely no. Some states differ on this topic. If the amount you receive each week exceeds your weekly benefit amount, you will likely not receive unemployment benefits. This includes lump sum severance for a certain period of time. The state will use a formula to determine how long the lump sum affects unemployment benefit eligibility.
- Q/ Can I receive both unemployment benefits and paid sick leave?**  
No. If you are currently on payroll, receiving income, and your hours have not been reduced, you are not eligible for unemployment benefits.
- Q/ If I have already exhausted my unemployment benefits, can I still receive these new CARES Acts benefits?**  
Likely yes. It is unclear whether your prior claim is revived or if you need to begin a new application. Check your local state's unemployment website for direction.
- Q/ If I already have an open unemployment benefits claim, and have been collecting unemployment, do I get these new benefits?**  
Yes, you should start receiving \$600 extra a week. You will also be eligible for the additional 13 weeks of coverage.
- Q/ If I lost my job or the film I was working on wrapped one month before the COVID-19 crisis, am I still eligible?**  
Yes. The unemployment office will look at your last day of work. You should apply for benefits and the state office will calculate your past earnings to determine benefits and any retroactivity for prior weeks.
- Q/ What if I have not worked in the past 12-18 months and have no earnings, but was expecting to work on a future industry job that was cancelled due to this public health crisis?**  
You may still qualify for Pandemic Unemployment Assistance (PUA) benefits and you should apply. Even though you would not qualify for traditional unemployment benefits, the PUA program does consider otherwise ineligible individuals who lost planned future work due to the COVID public health crisis.

**Q/ I am receiving unemployment benefits but I am also receiving residuals and/or other income. Do I need to report this?**

Each state differs slightly in what they require to be reported. Generally, income that you receive in a week needs to be reported. This includes part-time work, self-employment income, 1099 income, etc. This income will offset your weekly benefit amount. In New York, residual income does not offset your benefit amount and does not need to be reported. In California and New Jersey, on the other hand, residual income does need to be reported and will offset the weekly benefit amount.

**Q/ When filing for unemployment benefits or Pandemic Unemployment Assistance (PUA), I made an error or left off past income. How do I fix this?**

Refer to your state unemployment office for any guidance on how to adjust a submitted application or appeal a determination.

**Q/ The unemployment benefits form for my state is asking for me to provide my “union #”. What should I put?**

This reference is to a union’s local hiring hall. SAG-AFTRA is not a hiring hall union and we recommend you enter a zero (“0”) in this field.

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**DISCLAIMER**

This resource is intended to provide helpful information and should not be considered legal advice. Individuals should defer to the information and guidance provided by state unemployment office websites, which are being regularly updated.

Applicants should expect delays as state unemployment offices are processing unprecedented numbers of applications and working to implement new federal guidelines.