

Gig Workers' & Contractors' Rights and COVID-19

Great news!...A new unemployment benefit called Pandemic Unemployment Assistance (PUA) is available to workers who are not eligible for regular Pennsylvania Unemployment Compensation (UC) – including: gig workers, freelancers, independent contractors, employees of religious institutions, and self-employed individuals.

You may be eligible for Pandemic Unemployment Assistance (PUA) if your hours have been reduced or you are out of work for reasons related to COVID-19.

- You can receive up to 39 weeks of PUA, and weekly benefits range from \$195 to \$572.
- Recipients automatically get an extra \$600/week in Pandemic Unemployment Compensation (PUC) through July 2020.
- PUA claims may be backdated to the date you lost work (but not before January 27, 2020).
- Apply online now! The PUA Application is available online at www.uc.pa.gov – do NOT apply for regular UC.

You may also be eligible for an “economic impact payment” under the federal CARES Act.

- If you filed a 2019 or 2018 tax return using a Social Security Number, you may also be eligible for a one-time payment from the federal government. Eligible individuals who earn up to \$75,000/year can receive a one-time payment of up to \$1,200 (numbers doubled for married couples), plus \$500 per child (under age 17). The payment amount decreases as yearly income increases, up to \$99,000/year for an individual.

If you are a true independent contractor, you are not eligible for paid leave under the Philadelphia Sick Leave Ordinance or the federal Families First Coronavirus Response Act (FFCRA) if you are unable to work for reasons related to COVID-19. You may, however, be eligible for a refundable sick leave tax credit under the FFCRA if you can't do your work between April 1 and December 31, 2020 for qualifying reasons related to COVID-19.

In order to save money, employers often misclassify workers as “independent contractors” when they should be classified as employees. The coronavirus crisis has spotlighted how misclassified workers are forced to work without critical employment protections such as paid sick days, paid leave, and unemployment compensation.

If you think you have been misclassified as an independent contractor when you were actually an employee, you may be eligible for paid leave for reasons related to COVID-19.

- Employees who have to miss work for reasons related to COVID-19 may be eligible for paid sick leave or family and medical leave under the FFCRA and/or the Philadelphia Sick Leave Ordinance. See [CLS's Paid Sick Leave Flyer](#).
- If you have been denied leave because you are misclassified, you can file a complaint with the relevant agency. **However**, your claim will likely take longer to process because the agency will need to investigate to decide whether you are actually an employee.
 - **The Philadelphia Mayor's Office of Labor** enforces the Philadelphia Sick Leave Ordinance. To file a complaint, visit www.phila.gov/services/working-jobs/paid-sick-leave/ or call 215-686-0802.
 - **The U.S. Department of Labor's Wage and Hour Division** enforces the FFCRA: To file a complaint, visit www.dol.gov/agencies/whd or call 1-866-487-9243.

If you think you have been misclassified, you may be eligible for unemployment compensation benefits if you have lost hours or are out of work for reasons related to COVID-19.

- You can file a claim for regular UC benefits online at www.uc.pa.gov (preferably) or by calling 1-888-313-7284.
- BUT if you have only received 1099 income, you will likely be denied benefits. You have two options in this situation:
 - Appeal and say you believe you were misclassified. The agency may do an investigation. If you are still found to be ineligible, appeal again. [Philadelphia Legal Assistance](#) can help with appeals - apply online or call 215-981-3800.
 - File directly for PUA instead. Appealing your UC eligibility may take a long time, so it may be faster and simpler to apply for PUA instead. Also, your UC claim cannot be backdated, but a PUA application can be.

For more information about eligibility for these and other benefits, see [CLS's FAQ: COVID-19 and Workers' Rights](#) or visit www.clsphila.org.
Need Assistance? Call CLS at 215-981-3700.

