

N E W S R E L E A S E

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Date: November 5, 2021

News Release No.: 21-64

**EDD Details Process for Meeting Federal Requirement for Pandemic Unemployment Assistance Recipients to Document Work History**

SACRAMENTO—The Employment Development Department (EDD) is reminding those who received Pandemic Unemployment Assistance (PUA) of the federal requirement to submit documentation showing work history before the start of their claims.

The federal [Continued Assistance Act](#) this year requires PUA claimants who received benefits on or after December 27, 2020 to submit documentation to prove they were (or planned to be) self-employed or employed when they applied for benefits.

Starting November 10, the Department will send notices by email, text message, and through UI Online to those who must submit their proof of work history to comply with federal rules. Many claimants who filed for PUA have already proven their employment status, including those who collected PUA in 2020 and provided their 2019 wage and income information to obtain more than the minimum weekly benefit amount.

Individual notices will provide the exact time periods that the documentation proving work history must cover. In general, if the PUA claim began in 2020 the documents need to be from the 2019 tax year, and if the PUA claim began in 2021 the documents need to be from the 2020 tax year.

Proving work history can be done quickly by uploading a choice of documents through UI Online such as a tax return, business license, business receipt or invoice, or W-2 form or paystub for those who worked for an employer:

- **Documents that could be used to prove self-employment include, but are not limited to:** business licenses, tax returns, business receipts or invoices, signed affidavits verifying self-employment, contracts or agreements, or bank statements from a business account that show self-employment. These examples are not comprehensive, and other records or documents may be used as proof. Providing more than one document is permitted.
- **Documents that could be used to prove plans for self-employment include, but are not limited to:** business licenses, state of federal employer identification numbers, written business plans, or lease agreements. These examples of are not comprehensive and other records or documents may be used as proof. Providing more than one document is permitted.

- **Documents that could be used to prove employment or plans for employment include, but are not limited to:** paycheck stubs, earnings and leave statements, W-2 forms, letters offering employment, or statements or affidavits (with the employer's name and contact information) verifying an employment offer. These examples are not comprehensive and other records or documents may be used as proof. Providing more than one document is permitted.

The notices being provided to claimants include individual deadlines for providing documentation or obtaining an extension of time. EDD will acknowledge receipt of the submitted information and follow-up with a communication indicating whether the documentation was sufficient.

If the claimant does not respond to the notice that will be provided by email, text message and through UI Online, a follow-up notice will also be mailed. Failure to respond to the notice could render the claimant ineligible for the federal benefits received and result in a determination, potentially requiring repayment of the benefits.

The federal Pandemic Unemployment Assistance program was a new benefit program created by the federal government for the first time during the pandemic in 2020 to aid those who were not eligible for traditional state unemployment insurance, such as those who were self-employed or could not work because of Covid-19 or Covid-19-related impacts. Information about PUA and its requirements, including the following FAQs, will post on the [EDD's Pandemic Unemployment Assistance webpage](#).

### **Frequently Asked Questions**

#### **Why do claimants have to prove self-employment work history?**

[Federal rules](#) require "individuals to submit documentation substantiating employment or self-employment." Thus, EDD must collect proof that applicants were (or planned to be) self-employed or employed at some point during the tax year before the PUA claim.

#### **Who is getting this notification?**

EDD will send notices to claimants who need to prove work history. In general, the notices will go to 1) PUA claimants whose claim started in 2020 and who collected benefits after December 27, 2020, and 2) PUA claimants whose claim started in 2021.

In addition, the requirement will not apply to those who filed a PUA claim in 2020 and already provided their 2019 wage and income information (because that income information proves work history.) However, those who filed for PUA in 2021 will be required to provide documentation of their 2020 work history even if wage information was already submitted.

#### **What is EDD doing to notify PUA recipients who may not be checking EDD UI Online?**

As well as posting information through UI Online, EDD will be sending text messages and emails to claimants with instructions on how to submit work history information.

EDD will also send follow-up mailed notifications to those who do not respond to the email, text and UI Online notices and to those who filed paper applications.

**How will this process work for people who are not using UI Online?**

Those who are not using UI Online will receive a paper notice in the future, which will include the deadlines and information about how to submit paper documentation. Paper documentation should not be mailed to EDD until those notices and instructions for doing so are sent.

**Why is this notice going out now?**

EDD sent notices of this requirement in August to grant time for claimants to prepare accordingly. The federal requirement to prove self-employment was added by Congress when President Trump signed the Continued Assistance for Unemployment Workers Act in December 2020. Two additional extensions of the federal programs were implemented since then with a focus on issuing payments.

**What's the difference between the information claimants used to verify income versus what's being asked to verify employment?**

As required by federal law, PUA recipients were initially paid the minimum weekly benefit until they were able to [submit income verification](#), which allowed EDD to recalculate their payment level. Those who received PUA in 2020 and provided their 2019 income information to obtain more than the minimum weekly benefit amount will not have to submit work history documents again. However, those who filed for PUA in 2021 will be required to provide documentation of their 2020 work history even if they provided wage information.

**What happens if a person fails to prove self-employment? Will they have to repay the PUA benefits?**

If a person fails to provide work history information, they will be found ineligible for the federal benefits they received. EDD will then send a *Notice of Determination for Pandemic Unemployment Assistance* (DE 8598PUA-D), which can be appealed. If the claimant is found ineligible for the federal benefits, EDD will send the claimant a *Notice of Potential Overpayment* (DE 1447) offering the individual another opportunity to provide information to determine whether there was an overpayment of benefits. If an overpayment is confirmed, the claimant will receive a *Notice of Overpayment* (DE 1444) providing an opportunity to seek a waiver of the overpayment in financial hardship cases that did not involve fraud. The Notice of Overpayment can also be appealed. For more information, visit [Overpayment and Penalties](#).

**Must applicants submit work history proof even though the federal PUA program has expired or the applicant returned to work and no longer needs benefits?**

Yes. Claimants must submit proof of work history even though the program has now expired and even if the claimant returned to work and was no longer collecting benefits before the program expired.

**What is the deadline for submitting proof of work history?**

The exact deadlines depend on the date of filing for benefits and will be listed in the individual notices sent to claimants. Under federal rules, claims filed for benefits on or after January 31, 2021 will have 21 days to submit proof, or request an extension. Claims filed before January 31, 2021 will have 90 days to submit proof or request an extension. Claimants can request more time by [going to the UI Online homepage](#) and selecting “Request More Time” in the “Upload Employment Documents” section.

**What documents must a person submit as proof of work history?**

Federal law authorizes PUA recipients to produce a range of documents—some recommended examples of which are listed below—to prove that someone was (or planned to be) self-employed or employed before the start of a PUA claim. This list of acceptable documents is not comprehensive. More than one document can be submitted.

Examples of documents that can be used to prove you were self-employed include:

- State or federal employer identification numbers
- Business licenses
- Tax returns
- Business receipts or invoices
- Signed affidavits verifying your self-employment
- Contracts or agreements
- Bank statements from a business account that show claimants self-employment

Examples of documents that can be used to prove employment (meaning you worked for an employer) include:

- Paycheck stubs
- Earnings and leave statements
- W-2 forms

Examples of documents that can be used to prove plans to begin self-employment (meaning you were scheduled to start self-employment but didn't because of the pandemic) include:

- Business licenses
- State or federal employer identification numbers
- Written business plans
- Lease agreements

Examples of documents that can be used to prove plans to begin employment (meaning you were offered a job with an employer but the job did not start because of the pandemic) include:

- Letters offering employment
- Statement or affidavits (with the employer's name and contact information) verifying an offer of employment

**What timeframe do these documents need to cover?**

Documentation must prove employment or self-employment (or the planned employment or self-employment) at some point between the start of the applicable taxable year and when the individual filed for benefits. If the PUA claim began in 2020, the documents need to be from the 2019 tax year. If the PUA claim began in 2021, the documents need to be from the 2020 tax year.

For example, a claimant filing a claim effective December 27, 2020, would submit documentation showing self-employment between January 1, 2019 (the start of the tax year) and December 27, 2020. Similarly, a claimant filing a claim effective January 3, 2021 would submit documentation showing self-employment between January 1, 2020 (the start of the tax year) and January 3, 2021.

**What are the technical requirements for uploading documents?**

To upload your documents through the UI Online system, the documents should be clear and readable. Applicants can scan the documents or take a picture of the documents with a digital camera or mobile device to upload. Acceptable file formats are: JPEG, TIFF, PNG, GIF, and PDF. You can upload documentation once you receive your notice. Maximum file size is 25 MB and up to 20 attachments total. Multiple documents may be included as one attachment.

**How will applicants know if their proof is sufficient?**

If the documents meet the federal requirements, EDD will send a notice confirming eligibility. If the documents do not comply with the federal requirements, EDD will send a *Notice of Determination for Pandemic Unemployment Assistance (DE 8598PUA-D)*, which can be appealed.

**To review, what are the key steps in the process for PUA recipients to comply with the proof of work history requirement?**

- The notice will indicate the individual deadline for providing the necessary documents, which may be extended on request.
- Once the documents are uploaded, EDD will acknowledge receipt and later follow-up indicating whether the claimant's documents were sufficient.
- If the claimant does not respond to the notice that will be provided by email, text message and through UI Online, a follow-up notice will be mailed.
- Failure to respond to the mailed notice could render the claimant ineligible for the federal benefits received and potentially require repayment of the benefits.

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