



REPORT TO THE CALIFORNIA LEGISLATURE

**Use of Unemployment Insurance (UI)
in the
Commercial Fishing Industry**

**AS MANDATED BY ASSEMBLY BILL 5
(CHAPTER 296, STATUTES OF 2019)**

Prepared by the

EMPLOYMENT DEVELOPMENT DEPARTMENT

March 1, 2022

Report covering time period of January 1, 2021 through December 31, 2021

EXECUTIVE SUMMARY

The Employment Development Department (EDD) is pleased to present this annual report to the Legislature on the use of Unemployment Insurance (UI) in the commercial fishing industry. This report is being submitted in accordance with section 2783(g)(3) of the California Labor Code added by Assembly Bill 5 (Chapter 296, Statutes of 2019).

A. Report Data Requirements

This legislative report covers the period of January 1, 2021 through December 31, 2021, and includes the following statutorily required data elements:

1. The number of commercial fishermen who applied for UI benefits.
2. The number of commercial fishermen who had a UI claim disputed.
3. The number of commercial fishermen who had a UI claim denied.
4. The number of commercial fishermen who received UI benefits.

The report also includes the amount of benefits paid to the identified commercial fishermen during this time period.

B. Background

The UI Program provides weekly UI benefit payments for workers, including commercial fishermen, who lose their job through no fault of their own. The UI Program is a unique federal-state program created by federal law and administered by the EDD under federal and state laws. It is financed by unemployment program tax contributions from employers. When the UI program was established as a part of the Social Security Act of 1935, it offered for the first time an economic line of defense against the effects of unemployment, assisting not only the individuals but also the local communities. Through a system of payments made directly to unemployed workers, UI helps ensure that at least some of life's necessities, most notably food, shelter, and clothing, can be met while unemployed individuals seek new work.

During the calendar year 2021, in addition to administering the regular UI benefit program, the EDD also administered the following federal programs provided for under the Coronavirus Aid, Relief, and Economic Security Act of 2020 (CARES Act) (Public Law 116-136), as amended by the Continued Assistance to Unemployed Workers Act of 2020 (Public Law 116-260) and the American Rescue Plan Act of 2021 (Public Law 117-2):

- The Pandemic Unemployment Assistance (PUA) program designed to help mitigate the economic effects of the COVID-19 pandemic by providing for temporary benefits for individuals who became unemployed due to a COVID-19 related reason specified under the CARES Act and who do not qualify for regular UI benefits, such as individuals who are self-employed. This program ended on September 4, 2021.
- The Pandemic Emergency Unemployment Compensation (PEUC) extension program that provided additional weeks of benefits to individuals who exhausted their regular UI benefits. This program ended on September 4, 2021.

- The Federal Pandemic Unemployment Compensation (FPUC) program that provided a temporary emergency increase of \$300 in unemployment benefits for weeks of unemployment from December 27, 2020 through September 4, 2021.
- The Mixed Earner Unemployment Compensation program that provided a temporary increase of \$100 in unemployment benefits for weeks of unemployment from December 27, 2020 through September 4, 2021, to individuals receiving certain UI benefits and who received at least \$5,000 of self-employment income in the most recent taxable year ending prior to the individual’s application for regular UI benefits.

Additionally, the EDD administered the separate Federal-State Extended Duration (FED-ED) extension program (known nationally as Extended Benefits) for weeks of unemployment through September 11, 2021. These FED-ED extension benefits were available to individuals who exhausted their regular UI benefits and PEUC extension benefits.

C. Unemployment Insurance Commercial Fisherman Data

The Commercial Fisherman Unemployment Claim Data table below provides the legally mandated information for the calendar year 2021.

Commercial Fishermen UI Statistics

From January 1 – December 31, 2021

1. The Number who Applied for UI Benefits ¹	345
2. The Number of Claims Disputed ²	5
3. The Number of Claims Denied ³	1
4. The Number who Received UI Benefits ⁴	254
5. The Total Amount of UI Benefits Paid	\$3,679,466

¹ Represents unique individuals who applied for UI benefits during the reporting timeframe of January 1, 2021 through December 31, 2021 identified as having worked for an employer in the commercial fishing industry and/or had a North American Industry Classification System (NAICS) code of 114111 *Finfish Fishing* or 114112 *Shellfish Fishing*.

² Represents unique individuals who filed for UI benefits and who required the EDD to conduct a wage audit to determine whether an employer/employee relationship existed with a commercial fishing industry employer and whether the wages were usable to establish a UI claim.

³ Represents unique individuals who were determined not to be employees as a result of the EDD’s wage audit (subset of Item 2).

⁴ Represents unique individuals identified as commercial fishermen who *Applied for UI Benefits* (see Item 1) and received at least one week of UI benefits during the reporting timeframe of January 1, 2021 through December 31, 2021. There were 91 individuals who applied for benefits, but did not receive them. Some of these individuals never certified for benefits while others were disqualified for reasons other than the employment relationship cited in footnotes 2 and 3.



STATE OF CALIFORNIA

LABOR AND WORKFORCE DEVELOPMENT AGENCY

EMPLOYMENT DEVELOPMENT DEPARTMENT