

**Guam Department of Labor**  
**Position on**  
**New criteria added by the Secretary of Labor under**  
**Section 2102(a)(3)(A)(ii)(I)(kk) of the CARES Act**

Guidance in the form of UIPL 16-20, Change 5  
was issued on 2/25/21 by the U.S. Department of Labor

**Updated 2-27-21**

***Disclaimer:** To qualify for PUA, you must be unemployed, partially unemployed, or unable or unavailable to work because of one or more of the COVID-19 reasons. Each claim may have different situations and eligibility is judged based on the situation in each claim and compliance with standards in the CARES Act, the 2020 Continued Assistance Act, Federal DUA regulations and UI regulations in Hawaii state law.*

*The guidance below is intended to assist claimants in understanding the new qualifying criteria and does not supersede eligibility decisions made PUA staff assigned to adjudicate such claims while applying applicable regulations*

**Unemployed:** For the purposes of PUA, you are unemployed if you are laid off (completely separated), furloughed (temporarily laid off and still attached), or a working less than your customary hours from a job that you worked in 2019 (if your FIRST PUA claim was filed before 12/26/20) or in 2020 (if your FIRST PUA claim was filed after 12/26/20)

**Not Unemployed:** **If you are working a job with full time hours** (typically 40 hours per week) **you are not unemployed.** Having reduced hours for a part time job, while working a full time job, does not make an individual unemployed. Simply put, a person working full time or working their customary pre-Covid part time hours is NOT UNEMPLOYED and is not eligible for PUA.

Qualifying criteria for **Self-employed** persons merely requires that the person shows that their self employment activities are diminished due to the Covid-19 public health emergency.

**Information on Reduced Hours PUA Claims:**

**New Qualifying Circumstance: “I am an employee and my hours have been reduced or I was laid off as a direct result of the COVID-19 public health emergency.”**

- Yes, reduced hours are now allowed based on the NEW CRITERIA.
- The new criteria does not contain the "place of employment is closed" requirement as was the case in Section (jj) of the regulations, so if the place of employment is open, claimants may use the new criteria as a qualifying reason.
- The new criteria applies to all persons who are unemployed (working less than regular full time hours or less than their normal pre-pandemic part time hours) and who have earnings to report.

- The new criteria covers workers who are permanently laid off (separated) or on a temporary lay off (furlough) where the place of employment is open.
- Under the new criteria, claimants may file back weeks, however if the initial claim is filed after 12/26/21 then any necessary backdating can only be done back to 12/1/20. Existing claims filed before 12/26/20 can go back to the beginning of the program if applicable, provided that no other eligibility problem exists.
- The Hireguam system is being modified to show the new criteria. Expect changes to take effect sometime in mid to late March.
- Any weeks that were denied due to the previous guidance on reduced hours, may be redetermined as eligible, if no other disqualifying reason exists. If claimant was disqualified solely because of reduced hours, they may need to come forward and ask for redetermination based on the new guidance. GDOL cannot automatically perform this redetermination.

### **IN THE INTERIM (until system changes take effect):**

**Weekly Claim Certifications:** GDOL advises claimants, who wish to immediately file for weeks with reduced hours, that they should select "Other reason not listed here" on the COVID-19 PUBLIC HEALTH EMERGENCY INFORMATION section and make sure to report any earnings. Also, make sure to upload check stubs as soon as possible. Missing check stubs may cause delays or cause claim holds to be generated.

**Initial/ Reopen/ Additional Claims:** For initial claims, claimant should select "Other reason not listed here" and type in:

**“I am an employee and my hours have been reduced or I was laid off as a direct result of the COVID-19 public health emergency.”**

in the text box that is provided in the COVID-19 PUBLIC HEALTH EMERGENCY INFORMATION section.

Claimants should stay tuned to the media and the red ‘alert’ on the top of the hireguam home page for announcements as to when the system modification has been completed.

### **Other New Criteria:**

Guidance on how to apply the other two additional criteria that were approved (regarding refusal of work for unsafe workplaces and some school related employment) will be forthcoming, as the department more closely analyzes the new guidance.

## **Preview of new options which a claimant may select as a COVID-19 qualifying reason:**

1. I am self-employed (including an independent contractor and gig worker) and experienced a significant reduction of my customary or usual services because of the COVID-19 public health emergency.
2. I was denied continued unemployment benefits because I refused to return to work or accept an offer of work at a worksite that, in either instance, is not in compliance with local, state, or national health and safety standards directly related to COVID-19. This includes but is not limited to, those related to facial mask wearing, physical distancing measures, or the provision of personal protective equipment consistent with public health guidelines.
3. I provide services to an educational institution or educational service agency and am unemployed or partially unemployed because of volatility in the work schedule that is directly caused by the COVID-19 public health emergency. This includes, but is not limited to, changes in schedules and partial closures.
4. **I am an employee and my hours have been reduced or I was laid off as a direct result of the COVID-19 public health emergency.**

