

UNEMPLOYMENT INSURANCE

(based on available information as of 4/10/20)

There are two different types of Unemployment Insurance: (1) regular State Unemployment Insurance and (2) the new Federal COVID stimulus expanded Unemployment. Each has different eligibility requirements and benefit payment amounts.

Both are administered through the New Mexico Department of Workforce Solutions.

Regular State Unemployment Insurance

1. State unemployment insurance is currently available to insured workers who have lost their employment through no fault of their own.
2. The Department of Workforce Solutions is currently taking and processing applications for regular State Unemployment Insurance.
3. Eligibility requirements include being involuntarily laid off from work and being able to work, available for work, and actively seeking work.
4. Fired workers are sometimes eligible if their work behavior did not justify their firing, or their work behavior is not serious enough to be considered "misconduct" to disqualify them from unemployment.
5. To qualify, workers must have worked long enough and recently enough to be "insured". This typically means earning wages in the first four of the previous five calendar quarters.
6. The weekly unemployment amount paid is based on this work history.
7. Laid off employees are generally eligible for unemployment.
8. Employees laid off or quarantined due to COVID-19 are generally eligible for unemployment
9. Self-employed, independent contractors and gig workers are not eligible.
10. Information needed for a claim: (1) SSN (2) last 18 months employer address and phone number (3) start/end dates if more than one employer (4) alien registration number and expiration date if a non-citizen.
11. The weekly unemployment payment minimum is \$86 and maximum is \$461 in 2020.
12. If dependent children, additional \$25 weekly for up to two children.

New Federal COVID Stimulus Expanded Unemployment

1. The new Federal COVID stimulus expanded unemployment is not currently available.
2. The Department of Workforce Solutions is not currently taking and processing applications for this new type of unemployment.
3. The Department might start taking and processing applications later this month (according to its on-line website information), but exactly when is not clear yet.
4. Reasons for the delay: new eligibility rules, new computer programming and equipment requirements to process claims, eligibility workers need training on the new rules, and the inclusion of many who are not otherwise eligible for regular state unemployment.
5. The new Federal unemployment weekly payment amount is \$600.
6. Those eligible for regular State unemployment will get that amount, plus the \$600.
7. Those not eligible for regular State unemployment (such as the self-employed) will have their "State" unemployment amount calculated based on their 2019 tax year net income (as reported for the performance of their work services), plus the \$600.

8. Workers who were laid off due to COVID-19 are eligible.
9. Workers who were furloughed due to COVID-19, but not actually laid off, are eligible
10. Workers who were forced to resign to take care of someone sick or their children out of school due to COVID-19 are eligible.
11. New hires are eligible.
12. Workers scheduled to start a job but could not due to COVID-19 are eligible.
13. Workers who have already exhausted their regular State unemployment are eligible.
14. Workers who are able to work from home, and those receiving paid sick leave or family leave, are not eligible.

- Joel Jasperse, Attorney, New Mexico Legal Aid, 4/10/2020