



OFFICE OF THE PEOPLE SENATOR RÉGINE BISCOE LEE

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
35TH GUAM LEGISLATURE

COMMITTEE ON RULES · COMMITTEE ON FEDERAL AND FOREIGN AFFAIRS, TELECOMMUNICATIONS, TECHNOLOGY AND LABOR

June 5, 2020

Transmitted via Electronic Mail

michael.sannicolas@mail.house.gov

The Honorable Michael F.Q. San Nicolas

Delegate, Guam At-Large
U.S. House of Representatives
1632 Longworth HOB
Washington, DC 20515

Re: Facts about Federal Unemployment Assistance Programs

Håfa Adai Delegate San Nicolas,

I am in receipt of your letter dated June 4, 2020 and I thank you for the opportunity to provide clarity and additional information regarding requirements placed upon displaced workers seeking relief through the Pandemic Unemployment Assistance (PUA) program.

While public service indeed calls for “our local government to address impediments” that unfairly limit access to needed and entitled economic aid, it is also important for leaders like ourselves to seek clarification and understanding on these complex issues—and not share misinformation that could spread needless fear and panic.

To be absolutely clear: any assertion that an employer’s enrollment on hireguam.com is “required” for a successful unemployment application is wrong, plain and simple.

The Guam Department of Labor (GDOL) has repeatedly clarified in countless media interviews, and most recently at an oversight hearing called by the 35th Guam Legislature, that a business’ failure to register on the employer module **will not** disqualify any employee from receiving Pandemic Unemployment Assistance or Federal Pandemic Unemployment Compensation (FPUC). An employer’s failure to provide a verification letter or other supporting documents to a former employee **will not** disqualify the displaced worker from receiving this relief either.

As to your call for enhanced penalties for non-compliant businesses, I cannot support this requested policy at this time. While it is true that some employers have the ability, but lack the willingness and perhaps the moral calling to enroll on hireguam.com as mandated—it is also true that struggling businesses that want to do right by their employees simply lack the manpower and money to invest in this exercise.



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Labelling our local job creators as criminals who deserve fines and judicial consequences as has been suggested is unwarranted. Moreover, the local government already has the ability and will to deny renewal of a non-compliant business' license with the Department of Revenue and Taxation for the remainder of the calendar year, with the enactment of both Executive Order 2020-07 and Public Law 35-86. Surely this is sufficient punishment when considering the absolute lack of harm resulting from the inaction for displaced workers seeking unemployment assistance.

Finally, in the spirit of collaboration and cooperation, I have included Frequently Asked Questions (FAQs) developed directly as a result from the aforementioned oversight hearing, and a previously held informational briefing with GDOL for your office's reference and use. The questions were posed by members of the 35th Guam Legislature, and the answers were provided by the experts from the local labor department. Links to the referenced hearings are also appended to this letter if you would like to access the uncondensed information shared during these legislative events.

I would be humbled if these resources were used by you and your office, especially to help the many who consistently interact with you on social media. Hopefully, the facts provided in this letter are sufficient to alleviate your justified concern, and your office can join us in amplifying this information from GDOL.

Thank you for helping to spread the word about this important program, and for your continued zeal in advocating for our people.

Pot Respetu,



Régine Biscoe Lee

cc: All Senators, 35th Guam Legislature
Mr. David Dell'Isola, Director, Guam Department of Labor

June 3 Oversight Hearing:

<https://www.youtube.com/watch?v=Bd8cImUIj-o>

May 11 Informational Briefing:

<https://www.youtube.com/watch?v=OLjtIbW0eao>



Frequently Asked Questions on Pandemic Unemployment Assistance

Q: If someone was separated from their job, but then came back to work, would they still qualify for Pandemic Unemployment Assistance (PUA)?

A: The main qualifier for unemployment assistance is your income. If an employee is working part-time or full-time, whether they are eligible is based on the income cap for Guam.

NOTE: The approved maximum income to qualify for PUA is below \$495 per week. This reflects the \$345 standard allowance plus an additional \$150 in "earnings disregard."

Q: My former employer never signed up with GDOL. Will my unemployment application be disqualified?

A: The employer module serves to protect the program from fraud, and helps with future audits. Employees can always submit check stubs and verification letters to help strengthen their claim, but even those with no documentation have the option to self-certify their eligibility.

Q: Does the amount of money you made before the pandemic factor into the eligibility for PUA?

A: The eligibility for PUA is based on an employee's current weekly income, not their previous earnings. You could've made \$5 a week or \$100,000 a week—that doesn't have any bearing on whether you qualify. Eligibility is based on how much you make now.

Q: Will employees be able to get benefits retroactively if they lost their jobs in April or March?

A: Yes. Both PUA and Federal Pandemic Unemployment Compensation (FPUC) are retroactive. During the application process, employees will be able to answer how many weeks they have been furloughed and when were their wages cut. Claimants will have to apply weekly, because there's the potential they got their job back or found a new job. But the initial benefit will be retroactive.

Q: Do the benefits under PUA and FPUC end for claimants when employers start re-hiring them?

A: It would depend on the claimant's weekly earnings once re-hired. If their weekly earnings fall below the \$495 cap, they can still qualify for benefits under the PUA. If they are re-hired and still qualify for the PUA benefit, they are eligible for the \$600 benefit under the FPUC program.

Q: Will employees who work two jobs, who were furloughed from one and have reduced hours from the other be eligible for PUA benefits? How will their eligible benefits be calculated?

A: It doesn't necessarily matter how many jobs you have; it really comes down to your weekly income. As long as a claimant's total weekly earnings from all jobs fall below the \$495 cap, they can qualify for benefits under the PUA program.

Q: How do self-employed individuals like gig workers show they qualify for PUA?

A: Self-employed individuals include freelancers, gig workers, and small business owners with no employees—everyone from a dog walker to an event planner. If the applicant is a musician that used to perform at a restaurant, and now the business is shut down so they can no longer perform



and earn their income, that individual is directly impacted by COVID-19 and therefore would qualify for unemployment benefits. You will also need something to show that you were making money, and because of COVID-19 you're no longer making money. This can be bank statements, 1099s, invoices, contracts, a letter from your biggest customer—just something to prove that you had an income and you no longer do because of COVID-19. Self-employed individuals can also self-certify without any documentation, although the application will have a higher chance of being audited and/or vetted manually.

Q: I applied during the soft launch and something went wrong with my application. What now?

A: GDOL is already reaching out to applicants who are experiencing problems related to the soft launch. If you have yet to be contacted, please call 735-0527~32 or email pua.hotline@dol.guam.gov.

Q: I successfully applied during the soft launch. Do I need to re-apply?

A: If you have completed a successful application, you do not need to submit another. Please consult your claim on hireguam.com to verify the status of your application.

Q: Am I eligible if my former employer paid me in cash? What if I cannot produce a check stub?

A: Employees can self-certify their eligibility for this unemployment assistance, but a lack of documentation and evidence increases the chance of an external audit or GDOL needing to conduct additional verifications.

Q: I made a mistake when filling out the application. How can I make corrections?

A: Corrections to a PUA application must be made by a GDOL employee. Individuals needing to change their application can call 735-0527~32 or email pua.hotline@dol.guam.gov for assistance.

Q: When will approved unemployment benefits be paid?

A: The Department of Administration is working on the software needed to remit payments both electronically and with paper checks. When this process is finished, the first batch of clean claims will be processed.

NOTE: No date for the release of the first batch of unemployment benefits has been announced yet.

Q: What is the easiest way to upload digital copies of check stubs, verification letters, and other documents needed to strengthen a PUA application?

A: The program website hireguam.com is compatible with mobile devices. Uploads can be made by taking a photo on your phone or tablet. Please ensure the photo is clear enough so that all text can be read.



Q: What are some common mistakes applicants can try to prevent before signing up on hireguam.com?

A: Please save your account information, because many requests have been made to reset passwords. Employees may also be inputting a different company name (like a DBA) instead of what their former employer submitted. Verifying employer information before applying can prevent this discrepancy.

Q: I need help applying. Where can I go?

A: In addition to the planned application center at GCC, the FSM Consul General's office will be standing up eight stations to assist FSM citizens. GDOL is also looking to partner with libraries and Mayor's Offices to help applicants. Displaced workers can also call call 735-0527~32 for more information.

NOTE: As of June 5, opening dates of these locations have not been announced.

Q: I was searching for a job before the pandemic, and now I can't find work. Am I eligible for PUA?

A: There are strict rules for this program, including the requirement of being employed during a specific time period. Those who have a formal job offer may qualify, but those who were submitting resumes can seek assistance through other GDOL programs, like the American Jobs Center and the Dislocated Worker Program. Please call 735-0527~32 for more information.

Q: Can GDOL make any improvements to the website to make it more user friendly?

A: Glitches are already being addressed, but there will also be changes and additions to allow for better reporting of reduced hours and reasons for unemployment.

Q: I made a mistake when filling out the application. How can I make corrections?

A: Corrections to a PUA application must be made by a GDOL employee. Individuals needing to change their application can call 735-0527~32 or email pua.hotline@dol.guam.gov for assistance.

Q: The Director of GDOL has mentioned the maximum anyone can make off of PUA and FPUC is \$25,000. Is this income taxable?

A: Yes, the unemployment benefits are taxable. During the application process you will be able to choose to deduct the taxes automatically, or you can deal with the taxes when you file your return next year.

Q: Will claimants still be eligible to qualify for the PUA program in the event that the Governor declares that the island is in Pandemic Condition of Readiness 3 (PCOR3) or the public health emergency declaration is lifted?

A: Yes. Since the qualifying period is through December 31, 2020, claimants who may be laid off in November 2020 could still qualify for benefits under the PUA program. Even employees who were laid off, re-hired, and then lost that same job due to COVID-19 could still be eligible for benefits under the PUA program.



Q: How will the Department of Labor assist unemployed individuals with language barriers to accurately complete their applications?

A: We will have employees available to help individuals with language barriers and will utilize the same protocols to achieve cultural competency as with our other employment programs.

Q: The budget request for PUA for Guam was \$924 million. The amount announced as approved is \$276 million. Is this lower amount an initial deposit, or does it represent the total amount Guam has available for these programs?

A: The budget request of \$924 million was approved. The lower amount is the first allotment. As that draws down, Guam will get another allotment. If we go over our approved budget, the funding for this program is not supposed to run out, so we will be able to get the money needed.

Q: Do self-employed individuals need to register as businesses on hireguam.com?

A: No, they do not. Self-employed individuals will be treated like employees, so they do not need to take the extra step of first registering as employers.

Q: When employers register on hireguam.com, do they get an acceptance letter or something that verifies they're in the system?

A: They have to be validated. When they register, they have to upload a business license to ensure they are indeed a legal company. There is a section on the website where they can scan that document, or email it. After GDOL reviews what has been submitted and validates the business, they can proceed with inputting employee information.

Q: Are employers required to provide employees with a notice or certification of furlough or reduced hours?

A: We certainly encourage employers to provide such notices to their employees to allow for speedy implementation of the unemployment programs. Employees who are having difficulties obtaining documents from their former employer can self-certify their eligibility.

Q: Is there anything that employees can do to encourage their employer to sign up on hireguam.com?

A: Some employees are worried that their employer won't sign up. They can email GDOL to check if their employer registered, and if not, I would be willing to call the employer. The department's email address for employees in this situation is vosemployer@dol.guam.gov. Employees are also able to self-certify their eligibility if they are having difficulties with their previous employer.

Q: For people who have limited access to technology like scanners, would a photo of relevant documents, like a layoff notice or check stub be accepted by GDOL?

A: Yes. We are accepting many different forms of these documents because we know that some employers have left the island. We are also allowing employees to self-certify if they are unable to reach their former employer. The federal Department of Labor will also conduct audits to address any fraud that may occur in this program.

