



UNEMPLOYMENT INSURANCE AND APP-BASED WORK: POST-APPLICATION FAQ - CALIFORNIA

THE INFORMATION BELOW HELPS EXPLAIN THE UNEMPLOYMENT INSURANCE PROGRAM IN CALIFORNIA. THIS RESOURCE MAY BE MOST HELPFUL *AFTER* A WORKER HAS APPLIED FOR BENEFITS.

Please note, the information below is not intended to provide, and does not constitute, legal advice. It is for general informational purposes only. If you have a specific question about your situation, please reach out to a non-profit legal service provider.

- **I can't work because of a COVID-19 diagnosis, a quarantine, a shelter in place order, loss of work, OR a health condition that makes it dangerous for me to work. Do I have options?** Yes. One of the first things a worker can do is apply for Unemployment Insurance. For other questions – like lost wages or allegations that you were discriminated against – speak to a legal service provider.
- **What is Unemployment Insurance?** Unemployment insurance is an employer-funded program that gives workers money to meet basic living expenses while they search for a new job. Workers are eligible for benefits if they lost their job through no fault of their own and continue to be eligible for benefits by continuing to search for a new job. Most people who continue to qualify for benefits can collect payments for up to 26 weeks. The payment amount is based on your past earnings.
- **But what if my employer says I'm an "independent contractor"?** Recent changes to the law in California set out a strict three-part test that your employer must meet before they can say that you are an independent contractor. The Employment Development Department ("EDD") will apply this test to determine if your employer was wrong to classify you as an independent contractor. Many app-based workers are likely employees under this test.
- **How do I apply?** Start by applying for unemployment benefits with EDD: https://www.edd.ca.gov/unemployment/filing_a_claim.htm. (NOTE: If you are undocumented or do not have valid work authorization, speak to a legal service provider). For questions about how to navigate your application, look [here](#). For updates on state guidance, look [here](#). The governor has also waived the [one-week benefit waiting period](#) during the COVID-19 crisis.

WHAT STEPS SHOULD I TAKE TO MAKE SURE MY CLAIM CAN SUCCEED AFTER I APPLY?

1. After you apply, EDD will send a "Notice of Unemployment Insurance Claim Filed" and a "Notice of Unemployment Insurance Award" that will list your employer and your past earnings. **IMPORTANT: you should review these documents and correct any incorrect or missing information within 10 days** by calling EDD (numbers below and in your letter).
 - a. You may need to send information about your wages to EDD. That information can be a bank statement, deposit records, or other summaries of wages from your employer.
2. EDD may then reach out to interview you about your claim. **These interviews are mandatory** if you want to receive benefits.
 - a. During this interview, you will be asked by an EDD representative why you stopped working and you may be asked about how much money you've earned in the past.
 - b. You should truthfully state your reason for stopping work. Some examples of reasons workers may offer include being subject to a shelter-in-place order; a slow-down in work; or being at an increased health risk because of COVID-19 exposure.



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3. After your interview, your claim may be denied, since some companies (or the EDD) may consider you an “independent contractor” or for some other reason.
 - a. IMPORTANTLY, if you are denied, **you can appeal**.
 - b. You will receive a letter from EDD (a “Notice of Determination” letter), where you can state the reason for an appeal. It is enough to write “I disagree with the decision. I wish to appeal.” and mail back the form (within 30 days) to the address listed on the letter.
 - c. Your appeal will then be set for a hearing where a judge will ask you questions about your termination. A representative from your company may be there.
4. **Reach out to a legal service provider as soon as possible after you have sent your appeal**, since there may be other details about your case that will need to be reviewed.
5. If your benefits are approved, respond to all information requests from the EDD, especially information about how you’re searching for a new job. **NOTE:** if you plan to return to the same employer after the COVID-19 crisis concludes, you do not need to meet the usual requirement of looking for work while you are collecting unemployment benefits. The EDD will inform you if you are not required to look for work each week.

LEGAL SERVICE PROVIDERS

Many non-profit legal service providers may be able to help with your claim and are members of the [Coalition of Low Wage and Immigrant Worker Advocates \(www.cliwa.org\)](http://www.cliwa.org).

PHONE NUMBERS TO CONTACT EDD REGARDING YOUR UNEMPLOYMENT INSURANCE APPLICATION

English 1-800-300-5616

Spanish 1-800-326-8937

Cantonese 1-800-547-3506

Mandarin 1-866-303-0706

Vietnamese 1-800-547-2058

TTY 1-800-815-9387