

Unemployment and Sickness Benefit Flexibilities Under the Railroad Unemployment Insurance Act (RUIA) during the COVID-19 Virus Outbreak

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The RUIA provides for payment of unemployment insurance (UI) benefits to eligible employees for days of unemployment and for the payment of sickness insurance (SI) benefits for days of sickness. Provided below are some frequently asked questions regarding those situations in which benefits are payable during the COVID-19 outbreak and based on the recent legislation passed by Congress. Please note that the answers to these questions are based on the assumption that the employee meets all necessary eligibility requirements. Instructions on filing for benefits are provided following the questions and answers.

Unemployment Benefits

- Q:** If my employer furloughs me, am I eligible to receive UI benefits under the RUIA?
A: *Yes.* An employee furloughed by his employer is eligible for UI benefits.
- Q:** If my employer offers me the option to go on voluntary furlough, will I be eligible to receive UI benefits under the RUIA?
A: *No.* In order to be eligible for UI benefits, an employee must not have left work voluntarily.
- Q:** What if I have the option to accept a voluntary furlough under a negotiated agreement with my rail employer and rail union?
A: *If your employer and union have negotiated a special COVID-19 relief plan that you are eligible to join that delineates rights of furloughed employees, you may be eligible for UI benefits.*
- Q:** How does the RRB determine whether employees will be eligible for UI under a negotiated plan?
A: *The RRB will consider an employee to be eligible for UI while the employee is furloughed under a negotiated plan if the negotiated plan is the only alternative to an employer-imposed furlough. In other words, where an employee chooses to participate in a COVID-19 negotiated plan that includes a period of furlough, rather than be subject to an employer-imposed furlough, the furlough under the negotiated plan will be considered to be an involuntary furlough for purposes of determining eligibility for UI benefits. Whether a negotiated plan may allow for UI eligibility for employees is fact-specific and determined by the RRB. If you are involved in negotiating a plan and would like to submit it for review, please send it to: LAWGroupMailbox@rrb.gov. Please remember, even if a negotiated plan may allow for UI benefits, the employee must still meet all other eligibility requirements for UI benefits, including not using any paid vacation days or personal days for the period claimed.*
- Q:** If a state or local order to shelter in place, restricts me from reporting to work, will I be eligible for UI benefits under the RUIA?
A: *Possibly.* Because of the vital role the railroads play, most railroad positions are exempt from such orders, and therefore, most railroad employees would not be eligible for UI benefits and would be expected to report to work. However, if you believe your position is not exempt from the order, you may be eligible. On your UI application or claim you should identify which order you believe prevents you from reporting to work. A decision on whether you are eligible for UI benefits will be made by the Railroad Retirement Board (RRB).

6. **Q:** If I decide to self-quarantine due to concerns about possible exposure to COVID-19, but am not experiencing any symptoms and have not been told by my employer to refrain from reporting for work, am I eligible for UI benefits?

A: No. Among the eligibility requirements for UI benefits, an employee must be available for work. An employee who opts to self-quarantine is not available for work.

Sickness Benefits

7. **Q:** If my employer instructs me to quarantine and not to report for work due to exposure or possible exposure to COVID-19, will I be eligible for benefits?

A: Yes. An employee who is quarantined is not available for work, and therefore not eligible for UI. However, if due to exposure or potential exposure to COVID-19, the employee is instructed to quarantine, the employee would be eligible for SI benefits. A copy of the instruction from the employer will serve as proof of the medical restriction. If the employee does not have a copy of the instruction from his employer, or if the instruction was not written, the employee may submit a completed [RRB Form G-93](#) describing the direction received from the employer.

8. **Q:** If I report for work but am sent home by my employer because of possible exposure to COVID-19 through a coworker, but I am experiencing no symptoms, will I be eligible for benefits?

A: Yes. See the answer to Question 7.

9. **Q:** If I am experiencing symptoms of COVID-19 and I am subject to instructions from a health care provider or public health official to quarantine, am I eligible for SI benefits during the period of the quarantine?

A: Yes. An employee unable to work due to sickness is eligible for SI benefits. A copy of the quarantine instruction will be acceptable proof. If the employee does not have a copy of the instruction, or if the instruction was not written, the employee may submit a completed [RRB Form G-93](#) describing his or her symptoms, and the instruction. The completed RRB Form G-93 will only be sufficient proof for one claim period. After the initial claim period, the employee will need to provide a copy of the quarantine instruction.

10. **Q:** If I test positive for COVID-19 am I eligible for SI benefits?

A: Yes. If you test positive for COVID-19, you are eligible for SI benefits. Documentation of the positive test should be submitted with your SI application/claim and SI benefits will be payable until your doctor releases you to return to work.

Coronavirus Aid, Relief, and Economic Security (CARES) Act, Continued Assistance to Rail Workers Act of 2020 (CARWA), and American Rescue Plan Act of 2021 (ARPA)

11. **Q:** Are there provisions which extend the unemployment periods for which UI benefits can be paid?

A: Yes. The CARES Act, CARWA, and ARPA amend the extended benefits to be available to individuals who received normal UI benefits during benefit year 2019 (July 1, 2019 through June 30, 2020), benefit year 2020 (July 1, 2020 through June 30, 2021), or benefit year 2021 (July 1, 2021 through June 30, 2022). However, no extended benefits payable under this provision will be available for registration periods beginning after September 6, 2021.

- Under the CARES Act, an employee with less than 10 years of service is eligible to receive up to 65 days of extended benefits within 7 consecutive 2-week registration periods. CARWA and ARPA together add an additional 200 days within 20 additional consecutive 2-week registration periods, which are only available for days of unemployment on or after December 28, 2020. No additional days under the CARES Act, CARWA, or ARPA are available for registration periods beginning after September 6, 2021.
- Under the CARES Act, an employee with 10 or more years of service would be eligible for an additional 65 days of extended benefits, for a total of 130 days within 13 consecutive 2-week registration periods. CARWA and ARPA together add an additional 200 days within 20 additional consecutive 2-week registration periods, which are only available for days of unemployment on or after December 28, 2020. No additional days under the CARES Act, CARWA, or ARPA are available for registration periods beginning after September 6, 2021.

12. **Q:** Are RUIA claimants eligible for the enhanced CARES Act, CARWA, and ARPA payments?

A: Yes, IF the benefits are UI benefits. The CARES Act provides a \$1,200 recovery benefit to a qualified employee for any UI registration period beginning on or after April 1, 2020, but no later than July 31, 2020. CARWA and ARPA provide a \$600 recovery benefit to a qualified employee for any UI registration period beginning on or after December 27, 2020, but no later than September 6, 2021.

13. **Q:** How do I know if I am an employee considered qualified for the enhanced CARES Act, CARWA, or ARPA payment?

A: You are eligible for the enhanced CARES Act, CARWA, or ARPA payment(s) for registration periods for which (1) you are receiving UI benefits or (2) you would be receiving UI benefits if you had not already exhausted UI benefits for benefit year 2019, benefit year 2020, or benefit year 2021. As previously noted, the benefit year for 2019 began on July 1, 2019, and ended on June 30, 2020. The benefit year for 2020 began on July 1, 2020, and will end on June 30, 2021. The benefit year for 2021 will begin on July 1, 2021, and will end on June 30, 2022. Form BA-6, which will be released by the RRB in June, will advise active employees if they are eligible for benefits in the benefit year that begins on July 1, 2021.

14. **Q:** Does the CARES Act, CARWA, or ARPA include a provision to waive the 7-day waiting period for UI or SI benefits under the RUIA?

A: Yes. The CARES Act, CARWA, and ARPA waive the 7-day waiting period for both UI and SI benefits under the RUIA for any registration period that begins on or after March 28, 2020, and ends on or before September 6, 2021. (This is the only temporary benefit established in the CARES Act, CARWA, or ARPA that applies to both UI and SI benefits.)

However, please note, the waiving of the 7-day waiting period does not mean all 7 days are payable. The RUIA provides that the first 4 days of each claim period are considered rest days, i.e., weekend days, and

not payable. This limitation has not been amended or removed by the CARES Act, CARWA, or ARPA. As a result, the maximum payable for each 14 day claim remains 10 days, assuming an employee claims all of the days. So, the first 4 days of the first claim period are still not payable, but the effect of the CARES Act, CARWA, and ARPA are that the remaining 3 days of that week are temporarily payable because of the waiver.

15. **Q:** When does the RRB expect to be able to pay eligible employees the payments authorized in late 2020 under the CARES Act and CARWA, and authorized in March 2021 under ARPA?
A: *The RRB expects to make the necessary adjustments to its applications and systems in a timely manner so that we can pay employees the additional benefits without delay. If there is a delay, you will not lose benefits. If you are eligible for RUIA benefits, you should file as you normally would and benefits will be computed and paid using the rules existing prior to the CARES Act, CARWA, and ARPA. Any additional benefits due will be paid retroactively once our systems are updated to properly implement the provisions of the legislation.*
16. **Q:** Are the benefits payable under the CARES Act, CARWA, or ARPA subject to sequestration, similarly to other benefits payable under the RUIA?
A: *No. The temporary benefits created under the CARES Act, CARWA, and ARPA are not subject to sequestration. Under CARWA, beginning January 3, 2021, all benefits under the RUIA (including normal UI and SI benefits as well as normal extended UI and SI benefits) will be exempt from sequestration until 30 days after the Presidential declaration of a national emergency concerning COVID-19 terminates. The RRB will publish additional information regarding the re-sequestration of RUIA benefits when the end date of the Presidential declaration of a national emergency is known.*
17. **Q:** Did ARPA affect the amount of income tax I have to pay on unemployment benefits, including RUIA benefits created or extended by the CARES Act, CARWA, and ARPA?
A: *Possibly. The Internal Revenue Service administers the tax code. Additional information about ARPA's exclusion of up to \$10,200 of unemployment compensation from 2020 taxable income for certain individuals can be found at <https://www.irs.gov/faqs/irs-procedures/forms-publications/new-exclusion-of-up-to-10200-of-unemployment-compensation>.*
18. **Q:** What are PUA benefits?
A: *The CARES Act created a new temporary federal program called Pandemic Unemployment Assistance (PUA). In general, PUA provides additional weeks of unemployment benefits to individuals not eligible for regular unemployment compensation or extended benefits, including those who have exhausted all rights to such benefits.*
19. **Q:** If I am not eligible for or have been denied unemployment benefits under the RUIA, am I eligible for PUA benefits?
A: *Possibly. The PUA program is administered by individual states, not the RRB. For eligibility information, and to find the application process in each state, visit the Unemployment Benefit Finder at <https://www.careeronestop.org/LocalHelp/UnemploymentBenefits/Find-Unemployment-Benefits.aspx>.*
20. **Q:** Is the RRB going to pay the additional economic relief payment available to certain individuals under ARPA?
A: *No. The Department of the Treasury will be responsible for making those payments. Additional information can be found at: <https://www.irs.gov/newsroom/irs-begins-delivering-third-round-of-economic-impact-payments-to-americans>*

Filing Applications/Claims for Benefits during the National Emergency due to the COVID-19 Virus

- Railroad employees should sign up for online access through **myRRB** at RRB.gov. Employees can **file for unemployment benefits** as well as **complete claims for both sickness and unemployment benefits** online.
 - Employees can create a **myRRB** account by visiting <https://rrb.gov/Benefits/myRRB> and clicking on the button labeled “Sign in with LOGIN.GOV”.
 - Establishing a myRRB account gives workers a head start in the event that RRB unemployment or sickness benefits are needed by railroad workers in the case of carrier furloughs or illness. A **myRRB** account permits users to have instant access to: Apply for unemployment benefits, claim unemployment benefits, view Railroad Unemployment Insurance Act account info, claim sickness benefits, and view service and compensation.
 - The following information is needed to create a **myRRB** account through login.gov:
 - A current, state-issued ID;
 - An email address;
 - Enabling two-step authentication;
 - Providing basic information such as name, address, and phone number;
 - Social Security Number (SSN);
 - Address verification.
 - Once the user’s personal information is verified, login.gov will provide a personal key that will be needed to gain access and make changes to the account. This key should be written down and stored in a safe place.
- Employees who need to apply for **sickness benefits** can **print the necessary forms**. The **Application for Sickness Benefits (Form SI-1a)** must be submitted with the first claim. *In lieu of* the **Statement of Sickness (Form SI-1b)**, employees may submit a copy of the quarantine instruction or a completed **RRB Form G-93** describing the quarantine instruction. The documents should be mailed as directed below, or as noted, may also be faxed.
 - If mailed, the completed forms should be mailed to:
U.S. Railroad Retirement Board
PO Box 10695
Chicago, IL 60610-0695
 - Due to the unique circumstances we are faced with, the RRB will accept sickness applications via fax, which will be reviewed on Tuesdays and Thursdays. The fax number is: 312-751-7185.

*****IMPORTANT NOTE*****

Employees who are filing or claiming via paper forms through the mail and are experiencing significant delays should contact the RRB by phone at 877-772-5772 or by using the public e-mail address SicknessandUnemploymentbenefits@rrb.gov. Please note: Do not include personally identifiable information, such as an SSN, as this e-mail box is not secure.