

August 5, 2020

NEW FEDERAL PROGRAM UPDATE: Congress enacted, and Maine opted in to new temporary federal unemployment programs created by the CARES Act. U.S. DOL released program guidance and the Maine Department of Labor (MDOL) is working to implement them quickly as possible. Once the new programs are in place, claims filed will be processed retroactively to the dates in the law.

→ **Federal Pandemic Unemployment Compensation (FPUC)** rolled out April 16 and provides an additional \$600 in weekly benefits for those already receiving unemployment benefits.

→ **Pandemic Unemployment Assistance (PUA)** opened for applications May 1. Program provides unemployment for those who are not eligible for regular unemployment including the self-employed and other categories of workers not typically able to receive unemployment and directly affected by COVID-19.

→ **Pandemic Emergency Unemployment Compensation (PEUC)** launched the week of June 29th. It offers up to 13 more weeks of unemployment to those who've already exhausted their benefits.

If you have already enrolled in the current unemployment program, you should continue filing your weekly certifications (each week, please avoid the very busy Sunday and Monday).

Temporary State Unemployment Measures: Governor Mills' COVID-19 emergency legislation (Public Law 20, Chap. 617) was enacted by the Legislature and signed into law March 18th. It included temporary measures to enhance the flexibility of the Unemployment Insurance program to help relieve the financial burden of temporary layoffs, isolation, and medically-necessary quarantine by making unemployment benefits available to individuals whose employment has been impacted by COVID-19. The legislation temporarily revises eligibility requirements to include situations not typically covered, such as: an employer temporarily ceases operation due to COVID-19, or, an individual is quarantined with the expectation of returning to work once the quarantine is over. The state legislation waives the work search requirement for individuals still connected to their employer and waives the one-week waiting period so that benefits will be available sooner. Any benefits paid under these provisions would not affect the employer's experience rating record.

FAQs: FOR EMPLOYEES

Disclaimer: The following information is general guidance based on hypothetical unemployment scenarios. It is not legal advice on any specific unemployment claim. Individual cases must be analyzed and decided by a Bureau of Unemployment Compensation (BUC) claims representative.

Work Search Requirements

1. [NEW!] I'm now on unemployment due to a COVID-19 lay-off. Do I still have to do work search?

The Governor's recent extension of the Civil Emergency due to COVID-19 has also extended the work search waiver for those who are unemployed. There are two groups each with different extensions:

- A. Those who are not expecting to return to their previous employer will be required to search for work starting **August 9, 2020** in order to continue receiving benefits. The department encourages everyone to use this extra week to create a Maine JobLink account, update their resume, and explore online CareerCenter services. The Maine JobLink can be found here: <https://joblink.maine.gov/ada/r/>

- B. Those who are expecting to go back to their previous employer do not need to search for work until 30 days after the end of Maine’s Civil Emergency which the Governor recently extended to September 3rd. Currently, this group of people do not need to start searching for other work until October 4th.

NOTE: Even with work search waived, individuals must still file a weekly claim in order to get unemployment payments.

2. [NEW!] When the work search waiver is lifted and work search is required again, will people be cut off from their benefits if their employer has not yet brought them back?

A. Individuals who are still temporarily on leave of absence or lay off with the expectation of returning to their regular jobs are covered by the emergency unemployment provisions that were enacted in response to the Governor’s declaration of civil emergency. These provisions remain in effect for 30 days beyond the end of the emergency declaration. Currently, the civil emergency declaration has been extended so the emergency unemployment provisions remain in place through October 3rd. If the emergency declaration is extended, then these provisions would extend as well.

3. [NEW!] Are self-employed individuals required to look for work while waiting to reopen their own business in order to continue collecting PUA?

A. If their intent is to reopen their business and cannot due to the pandemic, they do not have to search for work. The Pandemic Unemployment Assistance (PUA) program requires that all individuals receiving benefits under this program be subject to the same state unemployment laws regarding weekly eligibility responsibilities as those filing for regular state unemployment benefits. We would consider self-employed individuals waiting to reopen their business to be the same as an individual who is temporarily unemployed and awaiting recall to their jobs. As such, they would be covered by the emergency unemployment provisions tied to the civil emergency declaration which remain in effect for 30 days beyond the end of the emergency declaration. Currently, the civil emergency declaration has been extended so the emergency unemployment provisions, including a work search waiver, remain in place through October 3rd. If the intent to reopen changes to closing the business, the self-employed individual becomes subject to Maine’s regular, *non-emergency* work search provisions in order to continue collecting PUA benefits. The *normal* work search provisions have currently been waived by the Maine Department of Labor until August 9th.

4. [NEW] If Cumberland, York and Androscoggin counties remain largely closed, will work search requirements apply for those individuals?

A. For those on temporary layoff or leave waiting for recall from their employer, the emergency unemployment provisions (currently in effect through September 3rd) will apply and these individuals will not need to search for other work as long as they remain able and available to work for their employer. This would also apply to self-employed individuals in those counties who cannot yet open their businesses due to COVID-19 (as long as their intent is to reopen their business). Individuals who have permanently separated from employment are not covered by the emergency unemployment provisions but are currently under a

blanket work search waiver issued by the Maine Department of Labor. It is currently in effect through August 8th which is aligned with the current plan for reopening businesses in Maine.

Tips on Unemployment Filing Process

5. What do I do if I call and there are long wait times?

A. MDOL is receiving a high volume of calls about and claims for unemployment benefits. Claims are accepted online 24 hours a day, seven days a week; it is best to file from a computer and in the evening when internet traffic is reduced. You can also view answers to Frequently Asked Questions online www.maine.gov/unemployment. If your question isn't answered there, you can submit a new question through the online Customer Message Portal (CMP): <https://www.maine.gov/labor/contact/index.html>. Questions are being answered as quickly as possible and MDOL is training and bringing on more staff to answer calls and messages. There is still a significant wait period. An unprecedented number of Mainers have been impacted by COVID-19 and we appreciate your patience.

6. What is the new Alphabetical Calling System for unemployment phone lines?

A. MDOL has implemented an alphabetical call-in schedule to help reduce phone line congestion as it ramps up capacity to receive and process claims. Those with last names beginning with A-H should call on Monday, I-Q on Tuesday; and R-Z on Wednesday. Thursday and Friday are left unassigned for those who miss their alphabetical day or need to call at that time.

7. What if I don't have a computer or access to the internet?

A. If you do not have access to a computer or the internet, you can call 1-800-593-7660 between 8 a.m. and 3 p.m. Monday-Friday.

8. I'm using my phone to try to apply for unemployment. Why can't I see the whole page?

A. It's best to use a desktop, laptop or tablet to file for unemployment rather than a cell phone.

9. How can I avoid getting locked out of my unemployment account?

A. There are two common issues that are locking up unemployment accounts. First, usernames are case-sensitive so: do not use capital letters. Second, as soon as you create an on-line account, verify your email. This will help you reset your password later if needed. To do that, log into your account, go to the "Benefit Maintenance" tab on the home screen, click on "Update Claimant Profile," and then "Verify Email." Enter the code sent to the email on record in the text field.

If you've tried to log into your account two times and the password still isn't working, hit "Forgot Password" and follow the instructions. We currently have eight staff members dedicated solely to password resets. Please help free up these folks so they can focus on resolving other unemployment issues. Do not attempt your password more than twice. Thanks for your help!

10. What does "able and available" mean?

A. Individuals who think they may be eligible for unemployment benefits should apply (online, available 24/7). Under the law, individuals applying must be able to work and available to work in order to be eligible for unemployment. Under the new state temporary unemployment measures, individuals must stay in contact with their employer and make sure the employer has current contact information.

11. Why must I register with the Maine JobLink when I apply for unemployment?

A. Registering on the Maine JobLink—a public job database which gives job seekers access to thousands of jobs at any one time—is normally required for those receiving unemployment benefits as part of work search. However, work search has been waived at least until August 8th for those not expected to return to their previous employer and till September 5th for those planning to return to their employer (see Question 1). Registering is still highly recommended because once work search is reinstated, anyone still receiving UI benefits will need a JobLink account. When individuals register and submit a new unemployment claim, the UI system creates a partial Maine JobLink account for them, assigning a generic username and a temporary password with a social security number. Once they log into Maine JobLink with the login information provided, Maine JobLink will respond that the assigned password has expired and require they create a new password.

12. Why does MDOL contact my employer when I apply for unemployment?

A. The process of determining a person’s unemployment eligibility is a two-part process. MDOL’s Bureau of Unemployment Compensation (BUC) receives an individual’s initial unemployment claim with the information required on the application. BUC Claims Representative also gather information from the employer, analyzes all the available wage and separation information and then makes a determination which is communicated to the individual who has applied through their ReEmployME account.

13. Do I have to wait to get unemployment benefits?

A. For unemployment claims filed under the new, state emergency unemployment legislation, the “waiting week” has been waived as of the date of the Governor’s Emergency Declaration on March 15, 2020. Due to extremely high claims volumes in this challenging time, it is taking time to get claims processed. You *will not lose any benefits* as a result. Once the claim is processed, individuals filing for benefits can expect to receive payments weekly as long as weekly claims are filed timely and they remain eligible to collect benefits.

14. If someone is out of work due to childcare and school closures, what is the unemployment process?

A. Please see information on the website www.maine.gov/unemployment/pua which will explain how you can file for unemployment under the Pandemic Unemployment Assistance program, a federal program launched May 1 to provide unemployment to workers not typically eligible to receive unemployment in the past. Individual should file for unemployment (online is the best way, available 24/7).

15. I have filed an unemployment claim through the online system, but I can’t tell whether my claim has been accepted and I didn’t get a receipt showing I applied?

A. Due to an unprecedented volume of claims, at the moment it might take several days for the claim to show up on your account. For your records, please print or take a screenshot of the final confirmation page where the screen says the claim has been successfully submitted so that you have proof that we received it. (Usually, in times of lower volume claims, the new claim would show in the individual’s portal account within 24 hours. With high volumes, it is taking longer for every item to post to accounts.)

16. Why was my claim denied? What do I do now?

A. If an individual is denied, they will receive a written determination from MDOL in the mail. There are a number of reasons a claim could be denied. This will be explained in the determination letter they receive. They will need to follow the instructions in that written determination letter. If they have additional questions, they can submit a question at this link: <https://www.maine.gov/labor/contact/index.html>

[Update: *See also eligibility under PUA—a new federal unemployment insurance program launched May 1. If the claim under regular unemployment has been denied for insufficient wages, no further action is needed as the person will be eligible for PUA, the claim is in the system and will automatically transfer to PUA, for more information: www.maine.gov/unemployment/pua]*

17. What is the best way to receive unemployment payments, direct deposit or debit card?

A. We recommend all individuals opt for “direct deposit” as a payment method. It is the fastest method to receive payments. For instructions on choosing direct deposit, see the yellow box on the MDOL Unemployment webpage: <https://www.maine.gov/unemployment/>. For a step-by-step walk through of the process, please go to: <https://www.maine.gov/unemployment/reemployemeguide/> (see page 27 of the guide). If instead an individual chooses to use a debit card, please be advised that U.S. Bank handles the Visa debit cards for unemployment benefits (not the MDOL unemployment program). Cards are mailed out by the U.S. postal service. US Bank contact information: 1-855-282-6161 (*corrected number*)

COVID-19 Separation from Employment

18. How do these new UI measures address an employee who is out sick with the virus?

A. The new UI measures are not intended to provide sick leave or short-term disability payments. To receive unemployment, the employee must be able and available to work and maintain contact with the employer.

19. What if I am asked by a medical professional or public health official to quarantine as a result of COVID-19, but I am not sick?

A. If you are following guidance issued by a medical professional or public health official to isolate or quarantine yourself as a result of exposure to COVID-19 and you are not receiving paid sick leave from your employer, you may be eligible to receive unemployment benefits. You must be able and available to accept any work offered by your employer that would not cause you to break isolation or quarantine, and you would need to make sure that your employer has your current contact information.

20. My boss just announced that my business must temporarily close and that everyone will be laid off until it reopens. Can I collect unemployment benefits and do I have to look for work until we reopen?

A. If the business is being temporarily closed as a result of the impact of the COVID-19 virus and you are expected to return to work once the business reopens, you may be eligible for unemployment benefits and should apply online. The work search requirement has been waived. You would not have to look for work as long as you remain able and available to work for your employer and make sure your employer has your current contact information.

21. My boss is allowing me to take an unpaid temporary leave of absence because I am considered high-risk of the COVID-19 infection if I stay at the office, though I am not sick now. Would I be able to collect unemployment benefits until I am able to go back to work?

A. You may be eligible for unemployment benefits during a temporary, unpaid leave of absence if you are expected to return to your job at the end of the leave so you should apply. You must remain able and available to work for your employer and make sure that your employer has your current contact information. In addition, you do not have to get documentation from a health professional.

22. What if my employer goes out of business permanently as a result of COVID-19?

A. You may be eligible for and should apply for unemployment benefits (available through online system 24/7).

23. Can someone be covered by unemployment for reduced or part-time work?

A. Yes, Maine has unemployment coverage for part-time work. The individual should file for benefits and MDOL will review and determine if the individual is eligible for partial benefit based on number of hours worked.

24. If I have to quit, will I be able to get UI benefits?

A. It depends. MDOL will need to make a determination based on the facts of each situation once a claim for benefits is filed. MDOL cannot provide a definite decision prior to the separation from a job.

25. What if my employer says there is no work for me and I am not getting paid, but tells me I am not “laid off?” Can I get unemployment?

A. If you are not working and not being paid, MDOL encourages you to apply for unemployment.

26. The new state legislation includes those who “need to care for a dependent family member as result of COVID-19.” What does that mean for a person?

A. It depends. An individual should apply online for unemployment and MDOL will review and make a determination on a case by case basis. Under the new state legislation, during such a temporary leave of absence, an individual may be eligible for unemployment if that individual continues to remain able and available to work for and maintains contact with the relevant employer. **(Update: Pandemic Unemployment Assistance (PUA) launched May 1-- a new federal unemployment insurance program to provide coverage to many who are not typically covered by state unemployment insurance and are directly affected by COVID-19. . If the person has applied under regular unemployment and been denied for insufficient wages, no further action is needed. The person will be eligible for PUA, the claim is in the system and will automatically transfer to PUA. For more information: www.maine.gov/unemployment/pua)**

Employee unemployment insurance coverage

27. How are “per diem” workers affected?

A. Per diem workers are covered under unemployment as long as they meet monetary eligibility, are able and available to work and stay in contact with their employer. They should apply for unemployment; their application will be reviewed and MDOL will make a determination.

28. How long does the individual have to work to qualify for unemployment? What is “monetary eligibility”?

A. Unemployment insurance depends on being “monetarily eligible” by review of wages earned over the last five full calendar quarters. Four consecutive quarters within that timeframe must have earnings of at least

\$5,336.04 and two of the four quarters must have earnings of at least \$1,778.68 (these are the updated figures as of June 1, 2020). These amounts are set annually based on the average weekly wages earned by Maine workers. The amount of benefits and the length of time someone can collect are based on how much you earn. For more information, please visit <https://www.maine.gov/unemployment/claimsfaq/>.

29. What is the maximum weekly unemployment benefit?

A. As of June 1 (and through May 31, 2021), the maximum weekly benefit amount for the state unemployment program has risen from \$445 to **\$462**. Claimants filing for a new benefit year on June 1 or after will have their weekly benefit amount range between \$80 and \$462 per week. The previous benefit amount, based on the 2018 average weekly wage, ranged from \$77 to \$445. Those who already have an active unemployment claim will not see a difference in their claim, this is for new claims filed on or after June 1.

30. Are immigrants and asylum-seekers eligible for UI?

A. If immigrants or asylum-seekers have work authorization to work in the U.S. and lose their job due to COVID-19, they should apply for unemployment (preferably through the online system, available 24/7). MDOL will review the claim on a case-by-case basis as we would all other claims and make a determination about eligibility.

31. What should a refugee or asylee—who has an I-94 but not a green card or work permit—do when the unemployment application asks for their “A Number?”

A. Please use your 11-digit I-94 number for this purpose (even though the application will say “A Number,” it is the I-94 number that is needed).

32. Can I get unemployment if I receive Social Security?

A. Yes, MDOL does not offset benefits for Social Security payments.

33. I am a high school student with a part-time job—can I apply and qualify for unemployment?

A. Yes, workers including those younger than 18 who earn wages (including part-time) in covered employment and become unemployed may file for unemployment. You may qualify for unemployment benefits under regular state unemployment assuming you have enough wages to meet the monetary eligibility requirements and all other requirements (e.g., qualified job separation, are able to work and available to work, etc). You would also be eligible as well for the additional \$600/week federal payment.

If you do not qualify for regular state unemployment because you don't have sufficient wages and you have been directly affected by COVID-19, you may be eligible for unemployment under a new federal program (PUA), regardless of age or student status. For example, a full-time student who works a few hours per week in a part-time job and becomes unemployed, partially unemployed, or unable or unavailable to work as a direct result of COVID-19 may be eligible for unemployment under the federal PUA program. For more information: www.maine.gov/unemployment/pua

34. Can college students who have lost work study jobs get unemployment?

A. Generally, students who are in work study jobs are not (unemployment) covered employees. However, there may be special circumstances that could be considered if students also had other employment beside work study. They are encouraged to apply for unemployment through the online system (available 24/7): www.maine.gov/unemployment.

35. If my employer continues my health insurance while I am on temporary layoff or leave, will this affect my UI benefits?

A. No, this will not affect your weekly unemployment benefits.

36. I was just about to start a new job and my new employer does not want me to start it yet. Can I collect unemployment insurance?

A. It depends. You should file a claim for unemployment. MDOL will review your employment history and make a determination about eligibility.

37. Is unemployment insurance available for hourly school workers?

A. Governor Mills signed an Executive Order (15 FY 19/20) on March 19th ordering that all school districts continue to pay their hourly school employees for the duration of this school year. These employees will not be eligible for unemployment insurance because they will be receiving their regular pay, a preferable situation.

38. [NEWLY EDITED] Are school employees eligible for unemployment insurance during the summer months?

A. Someone who only works for a school during the normal school year is most likely not eligible for unemployment. As long as there is reasonable assurance that an individual is returning to their job in the fall, Maine statute excludes the summer break from unemployment eligibility. A school employee who also works outside of the school or outside of the regular school year may be eligible for unemployment during the pandemic. The loss of work from the second job would have to be related to COVID-19.

39. Are employees of the federal government—such as employees at Portsmouth Naval Shipyard or Togus VA—eligible for unemployment benefits?

A. These employees are eligible for a separate unemployment program – Unemployment Compensation for Federal Employees (UCFE). Federal employees in Maine will need to apply through ReEmployME for UCFE (<https://reemploy.me.maine.gov/accessme/faces/login/login.xhtml>). This is an ongoing program and they can apply at any time. They will likely get a note about a monetary investigation on their account while MDOL reaches out for wages from the federal government.

40. I was laid off due to COVID-19 emergency and now my employer plans to re-open the business and has notified workers to return to do their jobs. I prefer to stay on unemployment rather than return to work.

Can I still collect benefits?

A. It depends. This is a complex situation and eligibility for unemployment depends on the employee's personal circumstances. When those receiving unemployment benefits file their required weekly certification, they must answer questions regarding whether they have been offered any work in the past week. Employers notify MDOL if they have recalled employees back to work and if those employees have turned down the work offer. MDOL will analyze the circumstances on a case-by-case basis to see if there is good cause for refusing the work or not. (For example, under the new federal programs--e.g. Pandemic Unemployment Assistance-PUA--unemployment benefits are made available to a broader set of people with circumstances affected by COVID-19.) MDOL's determination may also depend upon the circumstances of the particular workplace, such as if the work can be done from home, or whether the employer is taking steps to minimize the risk of COVID-19 exposure. If MDOL determines that an offer of suitable work was made and that there was no valid reason

to refuse it, the person would no longer receive unemployment benefits including the additional \$600. The additional \$600 benefit under FPUC is temporary and expires July 25th.

Identity Theft and Fraud

41. What do I do if I think someone is using my personal information to file fraudulent unemployment claims?

The unprecedented increase in unemployment insurance claims over the past two months due to COVID-19 means that Maine, along with the rest of the country, is experiencing an increase in reports of identity theft. This is when a person's Personal Identifiable Information (PII) is stolen and used by someone else to apply for unemployment benefits. Scammers use stolen PII from outside data breaches or other illicit means to create fraudulent unemployment claims in our unemployment system. **To report Identity Theft online: MDOL Online Identity Theft Reporting Form** For more information: visit the Maine AG Identity Theft web page and the Federal Trades Commission website to report identity theft and get guidance on steps you should take.

42. What should I do if my unemployment claim has been put on hold?

In light of extensive identity theft and unemployment fraud being investigated across the country, the Maine Department of Labor is holding claims that might potentially be fraudulent and canceling those that have been identified as most likely fraudulent. In order to release the hold, the Department must confirm your identity. Please go online to the ReEmployME homepage at reemploy.me. Select "**Upload Documents for Identity Verification**" located just above the login link. Please provide **TWO forms of identification** (scans or photos ok), one of which must be a government issued photo ID.

Government issued photo IDs

(you must include at least one from this category):

- ✓ Driver's license
- ✓ Passport
- ✓ Military ID
- ✓ Federal or State employee ID

Non-photo documentation (you may include an item from this category as the second form of documentation):

- ✓ A recent utility bill that shows your name and residential address
- ✓ Social Security Card
- ✓ Birth certificate

Information on the documentation must match the information in our files. *Experienced law enforcement will be reviewing the documents in the order it is received.* You should receive a confirmation email upon submission. Once your identity is verified, the hold on your claim will be released and payment will be sent within 7-14 days.

Unemployment, Payroll Protection Program (PPP), Reopening

43. What if I am receiving wages through my employer's PPP grant/loan?

A. If you are receiving wages through the PPP, you must report those earnings as wages on your weekly certifications.

44. My employer has been approved for a Payroll Protection loan and is telling me that while the business is not yet open for employees to return to work, they would like to put me back on payroll to receive my wages. Can I refuse to be put back on payroll, and continue collecting unemployment benefits instead, especially since there is now the additional \$600 weekly payment?

A. No, employees should go back onto payroll if they have the option to do so. An employee would no longer

be eligible for unemployment benefits if they are receiving either their full wages, or more than \$467 a week, as they would not be considered unemployed. When those receiving unemployment benefits file their required weekly certification, they must answer questions regarding whether they have been offered any work or been paid in the past week. The additional \$600 federal benefit is temporary and expires July 25.

44. I've been receiving unemployment benefits. My employer received a PPP grant and has put me back on the payroll. What do I need to do in terms of ending unemployment?

A. You do not need to call the Department of Labor or the Unemployment Bureau. If you are fully back on payroll and receiving your normal wages, you are no longer unemployed and should stop filing weekly claims. Your claim will remain open through the remainder of your benefit year in case you become unemployed at a later date and need to access any remaining benefits for which you are eligible.

45. Is a person required to take a job earning less than they were earning before?

A. It's possible, depending on a comparison of the similarities of the job offered to the individual's prior job and how long the individual has been unemployed. The Maine law provisions for considering whether someone can refuse a job and still receive unemployment benefits, apply to both regular state unemployment and PUA programs. Refusal of 'suitable' work without good cause would result in a denial of benefits, but prior earnings is just one of the factors that is looked at in assessing whether the job that was refused was suitable work. Other factors taken into consideration include an assessment of degree of risk to the individual's health and safety, the individual's physical fitness, length of unemployment (under or over 10 weeks), and prospects in finding similar work to what the individual has held before and the distance of available work from the individual's residence. As the facts of each situation vary, each must be looked at individually to determine if benefits will be allowed.

46. Are individuals required to take a job earning less than their UI benefits including the \$600?

A. Yes. Unemployment benefits are intended to provide a temporary financial bridge to finding new employment. The amount of unemployment benefits a person is receiving is not one of the factors considered in determining whether an offer of work is suitable. The federal provisions related to the temporary \$600 Federal Pandemic Unemployment Compensation payments specifically prohibit someone from collecting unemployment benefits if the individual quits or refuses employment in order to collect these payments.

Exhausted Benefits

47. What if I have used up all my unemployment benefits already? What happens now?

A: Beginning week of May 18th, additional weeks of unemployment benefits are retroactively available to people who have exhausted their state unemployment benefits. These additional weeks are available to anyone whose benefit year ends on or after July 1, 2019 and who remains otherwise eligible. Benefits will be paid retroactively to the week ending March 21, 2020 or the week following your state unemployment exhaustion, whichever is later. The weekly certifications must be filed for those weeks in order for payments to be made. If you have not filed for the week ending March 21 or later, please log in to your ReEmployME account to file those certifications. Anyone who meets the eligibility criteria and who exhausted their state unemployment benefits will receive Pandemic Unemployment Assistance (PUA) for the weeks ending March 21 and March 28. Starting with the week ending April 4 and later, the Pandemic Extended Unemployment Compensation (PEUC) will begin. This program launched the week of June 26th. For weeks ending April 4 through July 25, 2020, the additional \$600/week in Federal Pandemic Unemployment Compensation will also be paid.

Workplace Safety Concerns

48. What do employees do if they are concerned about safety of their workplace?

A. If employees are concerned about the safety of their workplace, they should express their concerns to their employer or manager and let them try to address the issues. If employees are not comfortable doing that or if the issues are not resolved, they can contact OSHA (if employees work for a private employer or the federal government) at <https://www.osha.gov/contactus/bystate/ME/areaoffice> or the Maine Department of Labor's Bureau of Labor Standards (if employees work for a state or local government) at 207-623-7900 to file a complaint. In addition, please see other items on the MDOL website for additional options such as paid leave related to COVID: <https://www.maine.gov/labor/covid19/>.

FAQs: FOR EMPLOYERS

Coverage & Eligibility

1. If I must temporarily close part or all of my business operations due to the COVID-19 virus and lay off my employees, will they have to look for other work while they are collecting unemployment benefits?

A. No. As long as you plan to return them to their jobs when you resume operations, and provided they remain able and available to work for you and provide you with current contact information by which to reach them, they will not have to seek other work.

2. Can an employer who needs to temporarily lay off employees because of COVID-19 continue to pay health insurance premiums for the employee during the layoff period or will that negatively impact the employees' unemployment benefits?

A. Continuing to provide health insurance will not impact your employee's ability to receive unemployment benefits.

3. What if an employer is considering a reduction in work hours?

A. Employers are encouraged to contact MDOL's Bureau of Unemployment Compensation to learn about Workshare, an unemployment option that helps businesses retain their workforce during a temporary slowdown in work. The program allows employers to voluntarily reduce the hours of staff in lieu of layoffs. Employees of the business are allowed to collect a partial unemployment benefit to help them offset the loss of income. (<https://www.maine.gov/unemployment/workshare>)

4. Is it better to lay off employees than have employees resign?

A. It is easier to determine unemployment eligibility in the case of a layoff because there is a clear separation from work. To be eligible for unemployment, individuals must lose their jobs through no fault of their own.

5. Will self-employed, sole proprietors be covered?

A. If the self-employed are incorporated, they will be eligible for unemployment benefits. However, most independent contractors, small business owners and other self-employed individuals are not incorporated, do not contribute to unemployment taxes and usually are not eligible for unemployment benefits. **[Update: *The self-employed are covered under Pandemic Unemployment Assistance (PUA) which launched May 1. It is a new federal unemployment insurance program providing coverage to those not typically eligible for state unemployment benefits like the self-employed and those directly affected by COVID-19. For more information: www.maine.gov/unemployment/pua. Benefits will be paid retroactively.***

6. To what extent are the changes in the new bill applicable to people who work for large (500+ employees) employers?

A. The new state temporary measures in the new legislation are for all covered workers in the state.

7. [EDITED] How will certain employers who pay unemployment benefits directly (“direct reimburseable employers”) be affected by state and federal pandemic unemployment relief measures?

A. Certain non-profit and government employers can choose to either pay into the unemployment trust fund or to cover the cost of any benefits paid out directly at the time when an employee leaves the job. All private employers must contribute to the unemployment trust fund; these contributions provide funding so unemployment resources are available during economic downturns. Those employers who choose not to pay the unemployment tax are typically responsible for 100% of the cost of any benefits paid as unemployment to former employees. The CARES Act provided federal funds to cover 50% of the state unemployment benefits that would have otherwise been charged to direct reimbursable employers. As of August 3rd, Congress passed and the President signed a bill allowing states to bill and collect the 50% due from these employers directly, a more streamlined and less onerous process than had been previously required (collecting 100% and reimbursing 50% back).

8. If an employer lives in Maine and owns a restaurant in New Hampshire and has employees who live in both states, in which state do the employees apply for unemployment?

A. The work is being performed in NH so all claimants (workers) will need to file claims in NH regardless of their individual residences.

9. Is an employer required to have employees exhaust all paid time off before putting them on temporary layoff (after which they will apply for unemployment)?

A. No. Employers are not required to pay out all paid time off before a layoff, but they are allowed to do so. Use of leave time during a temporary layoff depends on an employer’s policies. The employer may require use or payout of leave time. Payments received by employee may have an impact on unemployment benefits paid to an individual.

10. Is it possible to find out if an employee is eligible for unemployment before the person files a claim?

A. No, MDOL can’t determine whether an individual would be eligible for unemployment before that person separates from the employer. An individual must separate from their employer and then file a claim. MDOL reviews the case to make a determination. If an individual is not sure whether they would be eligible, it is best to apply. The individual must still be connected to the labor market in order to receive benefits, be able and available for work and retain contact with the employer.

11. Can I layoff my employees and they get unemployment, can they come back and volunteer to work for me?

A. Employees cannot volunteer at a for-profit business. Employees cannot volunteer to perform the same work they would normally get paid to do for a public employer. If employees are laid off—by a private or public employer—and then go back in to perform work for their employer, they are employed (not laid off) and must be paid wages. If they are truly laid off, they can apply for unemployment benefits through the online system.

12. I am self-employed and trying to decide whether to file for unemployment or to apply for a loan or for the Payroll Protection Program. What should I do? Can I apply for both?

A. The decision of whether to file for unemployment or to apply for loans or for the Payroll Protection Program is a decision that must be made by individual businesses. However, if individuals are receiving their full wages, then they would not be considered unemployed, and therefore wouldn't be eligible for unemployment benefits. If they are making partial wages, then they may or may not be eligible. Anyone earning more than \$467 a week (which is the maximum weekly state unemployment benefit plus \$5) is not considered to be unemployed under the UI program.

13. As a business owner, I have been approved for a Payroll Protection loan to keep my business open and allow me to pay my workers their wages. While I am not ready to ask my employees to come back on the job yet, I would like to use the loan to pay them. Can my employees refuse to be put back on payroll, and continue to collect unemployment benefits instead?

A. No, an employee would no longer be eligible for unemployment benefits if they are receiving either their full wages, or more than \$467 a week; by receiving these wages, they are not unemployed. When those receiving unemployment benefits file their required weekly unemployment certification, they must answer questions regarding whether they have been offered any work or been paid in the past week. Employers should let MDOL know if they have offered to put employees back on payroll and if those employees have turned down the offer. We have created a new electronic form to report potential refusals of work, which may be found at: <https://www.maine.gov/unemployment/ucbr/>. Please complete the form and provide as much information as you can so we can follow up as needed. The additional \$600 in federal unemployment ends July 25, 2020.

14. I laid off workers due to COVID-19 emergency and now plan to re-open my business and have notified my employees I'd like them to return to do their jobs. However, many of them do not want to come back to work and prefer to stay on unemployment. Can they collect benefits even if I have told them I want them back to work?

A. It depends. This is a complex situation and eligibility for unemployment will depend on the claimants' personal circumstances. When those receiving unemployment benefits file their required weekly certification, they must answer questions regarding whether they have been offered any work in the past week. Employers should let MDOL know if they have recalled employees back to work and if those employees have turned down the work offer. We have created a new electronic form to report potential refusals of work, which may be found at: <https://www.maine.gov/unemployment/ucbr/>. Please complete the form and provide as much information as you can so we can follow up as needed. MDOL will analyze the circumstances on a case-by-case basis to see if there is good cause for refusing the work or not. For example, under the new federal programs (e.g. Pandemic Unemployment Assistance-PUA), unemployment benefits are made available to a broader set of people with circumstances affected by COVID-19. MDOL's determination may also depend upon the circumstances of the particular workplace, such as if the work can be done from home, or whether the employer is taking steps to minimize the risk of COVID-19 exposure. If MDOL determines that an offer of suitable work was made and that there was no valid reason to refuse it, the claimant would no longer receive unemployment benefits including the additional \$600. The additional \$600 benefit under FPUC is temporary and expires July 25th.

Financial

14. Will my experience rating record be affected if any of my employees receive unemployment benefits because of COVID-19?

A. If an individual receives unemployment benefits due solely to COVID-19, benefits paid to the worker would not be charged against the experience rating record of the employer.

15. I have laid off my employees and they have requested that their paid time off (PTO) is paid out to them. Will this affect their unemployment benefits?

A. If the employees have been truly laid off and are separated from employment with your business, then the payout of PTO will not count against unemployment insurance benefits (although any severance pay would cause a reduction in benefits in the week it is paid). If the employees are on an **unpaid** leave of absence due to COVID-19 measures, they can apply for and receive unemployment benefits. If employees are receiving pay while on a leave of absence (in any of these forms: sick leave, vacation pay or regular wages), they are not unemployed and would not collect UI on top of their earnings. New federal legislation was enacted March 18th on paid sick leave and paid family and medical leave. There is more information for employees and employers on the website of U.S. DOL: on new federal paid sick leave or federal paid family and medical leave from U.S. DOL: <https://www.dol.gov/agencies/whd/pandemic>

MDOL/Bureau of Unemployment Compensation Contact:

If individuals are unsure if they would be eligible for unemployment insurance, the Maine Department of Labor recommends that they apply. More information on unemployment insurance can be found here:

<https://www.maine.gov/unemployment/>

Claims are best filed online with a computer and at a time when internet traffic is low:

- <https://reemploye.maine.gov/>
- 1-800-593-7660 (8 am – 3pm)
- Please use alphabetical calling: last names beginning with A-H call on Monday, I-Q on Tuesday; and R-Z on Wednesday. Thursday and Friday are left unassigned for those who miss their alphabetical day or need to call at that time.
- If you cannot use the phone system or need to leave a message, please do so in the Customer Messaging Portal (CMP): <https://www.maine.gov/labor/contact/index.html>

For more information and resources, visit the Department's COVID-19 page: <https://www.maine.gov/labor/covid19/>, and follow the Maine Department of Labor on Facebook @MElabor and Twitter @maine_labor.