



Coffee Break Series

EMPLOYER OBLIGATIONS AND UNEMPLOYMENT BENEFITS

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TODAY'S SPEAKER



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AGENDA

- Overview of Unemployment Insurance (UI)
- The CARES Act
- Changes to UI due to COVID-19
- Return to work consideration for employers
- Employee risks and penalties for refusing to return to work
- Best practices

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UI ELIGIBILITY

- Worked < 40 hours/week and earned less than weekly benefit amount
- Lost employment or hours reduced through no fault of EE
- Worked 500 hours or earned minimum amount in base year
- Able to work, available for work, activity seeking work



THE CARES ACT OF 2020

- Pandemic Emergency Unemployment Compensation (PEUC) – 13-week extension
- Federal Pandemic Unemployment Compensation (FPUC) – \$600/week
- Pandemic Unemployment Assistance (PUA) – UI for self-employed, ICs, and gig workers



ELIGIBLE FOR UI IF REFUSE WORK DUE TO “COVID-19 RELATED SITUATIONS”

- Ill with the coronavirus
- Potentially exposed to C-19 and subject to a mandatory quarantine period
- Advised by health care provider or public health officials to self-quarantine due to possible risk of exposure to C-19
- Individual’s employer has ceased or curtailed operations due to C-19, including closures or curtailments based on the direction or advice of the government or of public health officials
- Staying home to care for a family member, or other person with whom they live or for whom they provide care, who is suffering from C-19 or subject to a mandatory quarantine
- Staying home to care for a child due to the closure of schools, child care providers, or similar facilities due to C-19
- Asked to work when it would require them to act in violation of mandatory quarantine or government directive regarding the limitation of activities to limit the spread of C-19

EMPLOYEE RISKS AND PENALTIES

- Stop receiving UI
- Pay back overpayment of UI
- Penalty of 30% of overpayment
- 52 penalty weeks
- State and federal criminal prosecution



BEST PRACTICES

- Assist workers in maintaining their UI claims while business is closed or curtailed
 - Stay in touch with employees; keep current contact info
- Communicate to IC about PUA and how to apply
- Carefully review notice of claims; verify that workers are eligible
 - If you disagree (EE has refused work or IC included), then timely file a response/challenge

BEST PRACTICES (CONT.)

Return to work offer letters should include:

- Position, pay, hours, and schedule
- Statement about commitment to safety and compliance with CDC and OHA requirements and recommendations
- New C-19 related health and safety policy implemented to prevent spread of C-19
- Statement about worker's risks for refusing work without good reason, as specified by the UI regulations