



**DEPARTMENT OF UNEMPLOYMENT ASSISTANCE
UI POLICY & PERFORMANCE
INTEROFFICE MEMORANDUM**

Date: March 13, 2020

Rescission(s): None

Reference No.: UIPP 2020.05

TO: All DUA Managers and Staff

FROM: Emmy Patronick, Director of Policy and Performance

SUBJECT: Unemployment Compensation (UC) for Individuals Affected by the Coronavirus Disease 2019 (COVID-19)

1. PURPOSE:

To provide guidance for proper application of Massachusetts Unemployment Law for the purposes of the current COVID 19 state of emergency.

2. ATTACHMENT:

- UIPL 10-20- Unemployment Compensation (UC) for Individuals Affected by the Coronavirus Disease 2019 (COVID-19)

3. BACKGROUND:

The Department of Labor's Employment and Training Administration has provided guidance to state workforce agencies regarding unemployment eligibility for claimants that are affected by the Coronavirus Disease 2019 (COVID-19.)

The following information provides guidance with respect to potential non-monetary issues that are related to COVID-19:

Is an individual affected by COVID 19 “unemployed”?

Anyone who is subject to a reduction in work hours and earnings is considered to be unemployed.

But, if the individual is receiving paid sick leave from the individual’s private employer, that individual is not considered to be unemployed.

Is an individual who is affected by COVID 19 “able to work, available to work and actively seeking work”?

The UI program is designed to assist individuals who are unemployed due to lack of suitable work. While there are no exceptions to the requirement that an individual be able to work, available to work, and actively seeking work, the individual will be considered “available for work” if the individual is on a temporary lay-off from the individual’s regular employer due to COVID 19, and remains available to work any hours requested by that employer.

An individual whose most recent separation was due to exposure to COVID-19 *may be considered able and available until such time as the individual is offered suitable employment and declines it due to the same illness.*

An individual must only look for suitable work. Depending on the circumstances, there may be no suitable work for the individual.

Examples of common scenarios:

- 1. An employer temporarily ceases operations due to COVID 19, with the expectation that employees will return when business resumes.**

This situation will be treated as a temporary lay-off. Suitable work for this individual is the work to which the individual intends to return after the business resumes operations. Individuals need only be able and available for work with that employer and must take reasonable steps to preserve their ability to return to that job, such as attempting to remain in contact with the employer to the extent they are able.

- 2. An individual is quarantined by a medical professional or government direction, and the employer has told the individual to return to work when the quarantine has expired or has given no instruction to return to work.**

This situation will be treated as a temporary lay-off. Suitable work for this individual is the work to which the individual intends to return after the period of quarantine ceases. Individuals need only be able and available for work with that employer and must take reasonable steps to preserve their ability to return to that job, such as attempting to remain in contact with the employer to the

extent they are able. If the individual does not return to work after the quarantine ends, eligibility would need to be reassessed.

- 3. Individual is quarantined by a medical professional or government direction or leaves employment due to a reasonable risk of exposure or infection (i.e. self-quarantine) or to care for a family member, and does not intend to return to work or is not allowed to return to work.**

State law controls whether the circumstances are considered a quit or a discharge. Such leaving will be considered a quit due to urgent, compelling and necessitous personal reasons, or if the individual is prevented from returning, it will be considered a discharge. Efforts to preserve employment in these circumstances should be evaluated in light of the circumstances. If the individual must leave work without prior warning, efforts to preserve employment will be deemed futile.

An individual who is quarantined or caring for a sick family member will be considered able, available and actively seeking work, provided the work is suitable for an individual in that circumstance and the limitation does not constitute a withdrawal from the job market.

If the individual has left work due to a reasonable risk of exposure or infection, (i.e. self-quarantine) or to care of a family member with COVID-19, *no medical documentation will be required*. The claimant must establish only that his or her actions were reasonable under the circumstances.

4. ACTION:

Effective immediately, all staff should adhere to these guidelines when determining whether to set up issues on unemployment and when adjudicating issues pertaining to those affected by the COVID 19 emergency.

5. QUESTIONS:

Please contact UI Policy and Performance at 617-626-6422.