

# EMPLOYEE RIGHTS AND UNEMPLOYMENT BENEFITS IN THE TIME OF COVID-19

Presented by The Job Connector by MIT  
Featuring Beth R. Myers, Esq.



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## Beth R. Myers

- ▶ I am a partner with the Boston law firm Powers, Jodoin, Margolis & Mantell LLP.
- ▶ My practice focuses on representation of individuals in employment-related matters:
  - ▶ I concentrate on litigation involving: discrimination, sexual harassment and retaliation, as well as failure to pay wages/overtime pay and breach of employment contracts.
  - ▶ I also helps my clients to obtain unemployment benefits, I review and negotiate severance agreements, and handle appellate cases involving employment law issues

# AGENDA

- ▶ **PART I: Workers Rights in the Time of Covid-19**
  - ▶ Helpful definitions
  - ▶ Your Right to Timely Payment of Wages
  - ▶ Your Right to Payment of Accrued Vacation Pay
  - ▶ Massachusetts Earned Sick Time (EST)
  - ▶ Your Right To Use Earned Sick Time (EST) If You Miss Work Due To Covid-19
  - ▶ Your Rights Under the Families First Coronavirus Response Act (FFCRA)
  - ▶ Your Rights If You or a Family Member Become Sick

# AGENDA (continued)

- ▶ **Part II: Unemployment Benefits and Covid-19**
  - ▶ The Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”)
  - ▶ Changes to Unemployment as a Result of Covid-19
    - ▶ Are You Eligible to Receive UI Benefits?
    - ▶ Why You Might be Ineligible to Receive UI Benefits
  - ▶ Pandemic Unemployment Assistance (PUA) provides UI benefits for self-employed, independent contractor, gig workers, etc.
  - ▶ How to File for Unemployment Benefits
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# AGENDA (continued)

- ▶ **Part III: Frequently Asked Questions**
  - ▶ Employee Rights and Employer Obligations During the Covid-19 Crisis
  - ▶ Unemployment Benefits and Covid-19

# Workers' Rights In The Time Of COVID-19

Employee Rights and Employer  
Obligations

# Definitions

## ▶ Furlough

- ▶ A temporary or partial layoff from work. People who get *furloughed* usually get to return to their job after a *furlough*. A furlough is considered to be an alternative to layoff. When an employer furloughs its employees, it requires them to work fewer hours or to take a certain amount of unpaid time off.
- ▶ In general, people are not paid during furloughs, but they do keep employment benefits, such as health insurance. Furloughs are mandatory. Workers are ordered not to do anything work-related while they are on furlough.

## ▶ Layoff

- ▶ Historically, the term *layoff* meant temporary dismissals, like *furloughs*. A layoff historically meant a temporary separation from payroll. An employee is laid off because there is not enough work for him or her to perform. The employer, however, believes that this condition will change and intends to recall the person when work again becomes available. Employees are typically able to collect unemployment benefits while on an unpaid layoff, and frequently an employer will allow employees to maintain benefit coverage for a defined period of time as an incentive to remain available for recall.
- ▶ Today, we generally use the word *layoff* when a person is permanently let go from a job with no intention of rehire, which is actually a reduction in force (RIF).

## ▶ Reduction in Force

- ▶ A reduction in force (RIF) occurs when a position is eliminated without the intention of replacing it and involves a permanent cut in headcount.
- ▶ When an employee is terminated pursuant to a reduction in force, it is sometimes referred to as being "rified." However, some employers use layoff as a synonym for what is actually a permanent separation. This may be confusing to the affected employee because it implies that recall is a possibility which may prevent the employee from actively seeking a new job.



# Your right to timely payment of wages

- ▶ If your employer is shut down or operating at reduced capacity, you still have the right to be paid in full and on time.
- ▶ In the event of a shut down, employers must pay employees on the day of discharge (shut down) or within 6-7 days of the end of a pay period, depending on how many days per week employees work.
- ▶ If your place of employment shuts down and you are an hourly employee, your employer does not have to pay you when you do not work.
- ▶ In general, if you are salaried and your employer shuts down, you may be entitled to full or partial pay for partial week worked. If your employer shuts down for an entire week, the employer is not required to pay you.

# Your right to Payment of Accrued Vacation Pay

- ▶ If you are temporarily laid off, you have a right to be paid all of your earned wages, including all accrued vacation pay, on that same day.
- ▶ If the employer and employee wish to continue the employment relationship by means of a furlough in order to, for example, maintain health insurance, disability insurance, retirement and other benefits, earned and accrued vacation pay need not be paid out upon the date of furlough.
- ▶ If, however, the employee wishes to separate from employment, all earned wages must be fully paid on the next regular pay day.

# Earned Sick Time (EST)

- ▶ Most employees in Massachusetts have the right to earn and use up to 40 hours of job protected sick leave per year to take care of themselves and certain family members. Workers must earn at least one hour of sick leave for every 30 hours worked. If your employer is violating the law, you should report them to the Attorney General's fair labor hotline at [617-727-3465](tel:617-727-3465) or [file a complaint online](#). More information can be found [here](#), including multilingual options.
- ▶ Employees who are laid off, fired or partially unemployed cannot be forced to use all of their earned sick time before applying for unemployment.
- ▶ Under Massachusetts law, workers are eligible for benefits from their employers, including earned sick time, regardless of their immigration status..

# Your Right To Use Earned Sick Time (EST) If You Miss Work Due To Covid-19

- ▶ You have a right to use EST in the following situations:
  - ▶ Public health officials or healthcare providers require you or a family member to quarantine
  - ▶ Public health officials or healthcare providers recommend that you or family member quarantine and employee follows the recommendation.
- ▶ The Attorney General's Office is encouraging (but not mandating) employers to allow their employees to use Earned Sick time in the following situations:
  - ▶ You miss work because your child's school is closed due to an order from a state or local authority because of a COVID-19-related matter
  - ▶ You refuse to attend or participate in work-related crowded events or travel or report to work at all due to COVID-19 concerns

# Helpful Resources on Massachusetts' Earned Sick Time Law

- ▶ For more information, visit the AG's Office overview of the law at [https://www.mass.gov/files/documents/2018/09/21/est\\_faq\\_1.pdf](https://www.mass.gov/files/documents/2018/09/21/est_faq_1.pdf)
- ▶ To learn more about an employer's obligation under the MA Earned Sick Time Law as it relates to COVID-19, please visit the AG's Office COVID-19 guidance document at <https://www.mass.gov/servicedetails/frequently-asked-questions-about-covid-19-employee-rights-and-employer-obligations>

# Your Rights Under the Families First Coronavirus Response Act (FFCRA)

- ▶ The new federal law requires private employers with fewer than 500 employees - and all public employers - to provide **up to 80 hours (or two weeks')** worth of **paid sick leave** if employees are unable to work because they're subject to quarantine or isolation, are experiencing symptoms of COVID-19, or are caring for someone who is in quarantine or isolation.
- ▶ Additionally, the law grants 12 weeks of **emergency paid family leave** to employees caring for children whose schools are closed or whose childcare provider is unavailable because of coronavirus. The first ten days may be unpaid. For the subsequent leave, you can earn two-thirds of your usual pay, up to a daily limit of \$200 per day (\$10,000 total). In order to qualify, you must have been on the job for 30 days and work for an employer with fewer than 500 employees.
- ▶ Certain employers may be exempt, including businesses with fewer than 50 employees, as well as employers of health care providers and emergency responders.

# Helpful Resources on the FFCRA

- ▶ FFCRA Questions and Answers:  
<https://www.dol.gov/agencies/whd/pandemic/ffcraquestions>
- ▶ FFCRA Employee Paid Leave Rights:  
<https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>
- ▶ FFCRA Employer Paid Leave Requirements:  
<https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave>

# Your Rights If You or a Family Member Become Sick

- ▶ If you are too sick to work, or pose an exposure risk to your fellow employees, your employer can tell you not to come to work, and/or tell you to leave work if you are sick.
- ▶ An employer may require you to stay out of work because you or a member of your family may have been exposed to COVID-19, even if public health officials or healthcare providers have not recommended or required a quarantine.
- ▶ You must still be paid your regular wage for the hours you were at work before the employer sent you home. If you are asked to stay home, you may apply for unemployment insurance benefits. You may also be eligible for paid sick leave under the Families First Coronavirus Response Act (FFCRA), discussed above.



Questions?

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# UNEMPLOYMENT BENEFITS AND COVID-19

# The Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”)

- ▶ The Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) (2020), was signed into law on March 27, 2020. The CARES Act provides some economic and fiscal relief to individuals and small businesses facing financial difficulties due to the COVID-19 crisis.
- ▶ Massachusetts has adopted and implemented Federal Guidance on the CARES Act to Extend Unemployment Benefits to Employees and Individuals Who Cannot Work Due to the Impact of COVID-19.
- ▶ The Division of Unemployment Assistance (“DUA”) is the state agency responsible for administering and facilitating MA’s unemployment benefits system.

# Changes to Unemployment as a Result of Covid-19

- ▶ As a result of COVID-19 and the CARES Act, the DUA has implemented the following changes to the unemployment system:
  - ▶ The week-long waiting period has been waived in cases related to COVID-19.
  - ▶ Additional \$600 in weekly benefits and 13 additional weeks of benefits for claims related to COVID-19 (\$600 additional benefits for 13 weeks only)
  - ▶ Deadlines missed by employers and claimants due to effects of COVID-19 may be excused under DUA's good cause provision.
  - ▶ All requirements regarding attending seminars at the MassHire career centers have been suspended.
  - ▶ "Worksearch" requirements will be interpreted to appropriately permit claimants affected by COVID-19 to collect benefits.
  - ▶ All appeal hearings will be held by telephone only.

# Are You Eligible to Receive Unemployment Benefits?

- ▶ You may be eligible to receive unemployment benefits, if:
  - ▶ You have become unemployed because of lay-offs or business shutdowns taken in response to the virus,
  - ▶ You were laid off temporarily, and can return to work after a period of illness or quarantine;
  - ▶ You remain employed, but your hours and/or wages have been reduced due to COVID-19,
  - ▶ You are self-employed and unable to work due to COVID-19, including gig workers, freelancers, and independent contractors;
  - ▶ You have been laid off from churches and religious institutions and are not eligible for benefits under state law;
  - ▶ You are quarantined due to an order by a civil authority or medical professional;
  - ▶ You are prevented from leaving your home due to illness;
  - ▶ You must care for a sick or quarantined family member; or
  - ▶ You left employment due to reasonable risk of exposure or infection.

\* You need not provide medical documentation and need only be available for work when and as able.

# Why You Might be Ineligible to Receive Unemployment Benefits

- ▶ **You ARE NOT eligible if:**
  - ▶ Your employer shut down, but you can work full-time from home. But...If you were working full-time before the crisis, and you can only work part-time from home, you may be eligible for partial unemployment benefits.
- ▶ **You MAY NOT be eligible if:**
  - ▶ You are undocumented. Undocumented residents are not eligible for unemployment benefits. Lawyers for Civil Rights, and other employee/immigrant activist support group are advocating for the creation of a Fund for Affected Individuals and Families to support people who don't qualify for Unemployment assistance.
  - ▶ You left work because of a fear of being exposed to COVID-19
    - ▶ \*There are certain exceptions

# Pandemic Unemployment Assistance (PUA)

- ▶ Benefits for Self-Employed, Independent Contractors, Gig Workers, etc.
  - ▶ **Pandemic Unemployment Assistance (PUA)** provides payment to workers not traditionally eligible for unemployment benefits who are unable to work as a direct result of the coronavirus public health emergency, including:
    - ▶ self-employed,
    - ▶ independent contractors,
    - ▶ workers with limited work history,
    - ▶ and others.
  - ▶ Please view the DUA's [Pandemic Unemployment Assistance Guide](#).

# How to File for Unemployment Benefits

- ▶ Filing a Claim for Unemployment Benefits
  - ▶ All in-person services are currently unavailable at DUA Career Centers and unemployment walk-in centers across Massachusetts.
  - ▶ The fastest way to file a claim is to apply for unemployment benefits online, here: <https://uionline.detma.org/Claimant/Core/Login.ASPX>
  - ▶ (Pre-COVID-19) Guide for Filing a New Unemployment Claim <https://www.mass.gov/doc/filing-a-new-unemployment-claim-covid-19/download>



# When Should you Apply for Unemployment Benefits?

## ▶ When to Apply

- ▶ Right away - You should apply for unemployment benefits during your first week of total or partial unemployment.
- ▶ Most claims are processed within 21-28 days after filing. It may take longer if there is an issue with your claim.
- ▶ Your benefits will be retroactive to your filing date, or date when you were no longer able to work due to COVID-19.

# When Will You Start Receiving Benefits?

- ▶ When will you get your benefits?
  - ▶ If you select direct deposit as your method of payment:
    - ▶ you will not receive your first payment until at least 9 days from the date of requesting this payment method
  - ▶ If you select debit card for your payments:
    - ▶ there is a similar time-frame to receive the card in the mail. Once you activate your debit card, you will have access to your first payment.
  - ▶ Every week that you certify you are eligible for benefits that week, you should receive your benefits on the Tuesday of that week.

# How Much Money Will You Receive?

- ▶ Calculating your benefits
  - ▶ You will get approximately half of your average weekly wage up to a maximum of \$823.
  - ▶ You also get \$25 per dependent child up to an amount that is half of your UI check.
  - ▶ Plus, a \$600 supplement for 13 weeks for claims related to the COVID-19 crisis
- ▶ You can [Calculate your weekly benefit amount by using the DUA's benefits calculator](#).
- ▶ With the addition of the CARES Act you can receive up to 39 weeks of unemployment benefits, total, in a benefit year. (That is 13 additional weeks on top of the usual 26 weeks)

# What To Do If There Is A Problem With Your Claim

- ▶ Is there a problem with your claim?
  - ▶ Individuals requiring additional help can contact the DUA using their contact form [here](#). (The contact form is available in several languages)
  - ▶ This contact form should be used primarily by those with disabilities, special needs, and language barriers who need help with the following questions:
    - ▶ If you don't know whether you qualify for unemployment during the COVID-19 crisis;
    - ▶ If you need help applying for unemployment;
    - ▶ If you are having trouble logging into the online claim system;
    - ▶ If you filed your claim, but you want to check the status of need to make a correction; or
    - ▶ For some other h the following questions:
    - ▶ If you reason

# Check For Updates Often

- ▶ **Check for updates frequently**
  - ▶ Rules and legislation on unemployment benefits are changing frequently.
  - ▶ Check for updates here [mass.gov/unemployment/covid-19](https://mass.gov/unemployment/covid-19)

# Helpful Resources – Sick Leave

- ▶ Information can be found on the United States Department of Labor's website, Families First Coronavirus Response Act: Employee Paid Leave Rights, available at: <https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>
- ▶ For an overview of Earned Sick Time in Massachusetts, visit <https://www.mass.gov/infodetails/earned-sick-time>.
- ▶ To learn more about the MA Earned Sick Time Law, visit the AG's Office overview of the law at [https://www.mass.gov/files/documents/2018/09/21/est\\_faq\\_1.pdf](https://www.mass.gov/files/documents/2018/09/21/est_faq_1.pdf).
- ▶ To learn more about an employer's obligation under the MA Earned Sick Time Law as it relates to COVID-19, please visit the AG's Office COVID-19 guidance document at <https://www.mass.gov/servicedetails/frequently-asked-questions-about-covid-19-employee-rights-and-employer-obligations>

# Helpful Legal Resources

## Massachusetts Attorney General's Fair Labor Division (FLD)

<https://www.mass.gov/orgs/the-attorney-generals-fair-labor-division>

The Attorney General's Fair Labor Division protects workers from exploitation and enforces wage and hour, sick time and child labor laws.

## Division of Unemployment Assistance

<https://www.mass.gov/orgs/departments-of-unemployment-assistance>

DUA oversees the unemployment insurance (UI) program, which provides temporary income assistance to eligible workers in Massachusetts.

## Greater Boston Legal Services

<https://gbls.org/what-we-do/employment>

Greater Boston Legal Services provides free legal assistance and representation on civil (noncriminal) matters to help low income families and individuals secure the most basic necessities of life: shelter, safety, food, and stability

## Lawyers For Civil Rights

<http://lawyersforcivilrights.org/coronavirus/>

Lawyers for Civil Rights fosters equal opportunity and fights discrimination on behalf of people of color and immigrants. We engage in creative and courageous legal action, education, and advocacy in collaboration with law firms and community partners

## MassLegalHelp

<https://www.masslegalhelp.org/health-mental-health/covid-19>

Need legal information? We can help. Massachusetts legal aid programs put together this website to help you find practical information about your legal rights

## Massachusetts Employment Lawyers Association (MELA)

<https://www.massnela.org/home>

Use MELA's online member directory to obtain contact information for more than 160 employment lawyers who represent individuals in MA.



# Questions?



# Frequently Asked Questions:

Employee Rights and Employer  
Obligations During the COVID-19  
Crisis

## If an employer temporarily lays off its employees, do employees have a right to be paid in full on the day of layoff?

- ▶ A: Yes, when an employee is temporarily laid off, they have a right to be paid all of their earned wages, including all accrued vacation pay, on that same day. If an employee voluntarily agrees to save accrued vacation for later use, the AGO will not take enforcement action for untimely payment of vacation pay, although our office does not have control over private litigation.
- ▶ If the employer and employee wish to continue the employment relationship by means of a furlough in order to, for example, maintain health insurance, disability insurance, retirement and other benefits, AGO will not consider it to be a discharge from employment for purposes of the Wage Act. Therefore, earned and accrued vacation pay need not be paid out upon the date of furlough. If, however, the employee wishes to separate from employment, all earned wages must be fully paid on the next regular pay day.

## Can an employer pay its employees late if they are shut down or operating at reduced capacity due to COVID-19?

- ▶ A: No, employers must pay employees on the day of discharge (shut down) or within 6-7 days of the end of a pay period, depending on how many days per week employees work.

## Can an employer require an employee to stay out of work or make them leave work because they are too sick to work?

- ▶ A: Yes, an employer can tell an employee not to come to work. An employer can also require an employee to leave work if they are sick. The employee must still be paid their regular wage for the hours they were at work before the employer sent them home. If employees are asked to stay home, they may apply for unemployment insurance benefits. Employees may also be eligible for paid sick leave under a new federal law - Families First Coronavirus Response Act (FFCRA).
- ▶ Employers may not require an employee to use other paid leave provided by the employer to the employee before the employee uses emergency paid leave under the FFCRA.

Can an employer require an employee to stay out of work because the employee or one of their family members may have been exposed to COVID-19 but public health officials or healthcare providers have not recommended or required a quarantine?

- ▶ A: Yes, an employer can tell an employee not to come to work. We encourage employers to allow employees to use earned sick time in this situation.
- ▶ For certain salaried employees (i.e., EAP exempt3), employers must pay their full salary when they have worked any part of a work week. See also COVID-19 or Other Public Health Emergencies and the Fair Labor Standards Act Questions and Answers, United States Department of Labor, available at <https://www.dol.gov/agencies/whd/flsa/pandemic>.

Can an employer require an employee to go to crowded events or travel or report to work at all despite COVID-19 concerns?  
Is the employee eligible to use earned sick time?

- ▶ A: All employers should follow applicable federal and state guidelines with respect to travel and social distancing restrictions. If an employee does not feel comfortable carrying out an assignment, we encourage employers to allow liberal use of earned sick time, vacation or paid time off during this public health emergency in order to support full compliance with the recommendations of health professionals.

# When can I use Earned Sick Time (EST) if I miss work due to COVID-19

- ▶ Public health officials or healthcare providers require an employee or a family member to quarantine.
- ▶ Public health officials or healthcare providers recommend that an employee or family member quarantine and employee follows the recommendation.
- ▶ The Attorney General encourages employers to allow use of Earned Sick Time, accrued vacation or other paid time off during this public health crisis even if Earned Sick Time is not required.
  - ▶ Ex. An employee misses work because their child's school is closed due to an order from a state or local authority because of a COVID-19-related matter.

# Do employees have to be paid if a business temporarily shuts down due to COVID19?

- ▶ A: In general, hourly employees do not have to be paid when they do not work. There are a few very specific exceptions that are beyond the scope of this FAQ. Consult an attorney if you need more detailed answers. We encourage employers to allow employees to use earned sick time in these situations. If employees are asked to stay home, they may apply for unemployment.
- ▶ For salaried employees who are EAP exempt from overtime requirements:
  - ▶ If the business shuts down for an entire week: no pay is required provided the employee has not performed ANY work during that week.
  - ▶ If the business shuts down for only part of the week: full pay is required. The employer may require employees to use vacation or other paid time off for the part of the week the business is closed for an entire day to ensure full weekly salary



## I'm an independent contractor. Is there any help for me?

- ▶ You may find information about food, cash and housing assistance here [<https://www.mass.gov/topics/health-social-services>]. We will update this FAQ to reflect any developments
- ▶ The new federal PUA program provides up to 39 weeks of unemployment benefits who are unable to work because of a COVID-19-related reason but are not eligible for regular or extended unemployment benefits. This includes self-employed workers, independent contractors, gig economy workers, and those with limited work history. Applicants can learn more and apply at [www.mass.gov/pua](http://www.mass.gov/pua)

## I own a small business, what relief options are available to me?

- ▶ A: There is a \$10 million dollar fund, run through Mass Growth Capital Corporation where businesses with fewer than 50 employees can request up to \$75,000 with a 3% interest rate. The application is live and has more information on all the requirements a business must meet.
- ▶ Additionally, Massachusetts has received a disaster designation from the Small Business Administration which enables small businesses and non-profits to apply for disaster assistance loans. These are loans up to \$2 million, with a 3.75% interest rate for businesses and 2.75% interest rate for non-profits. Many businesses signed an initial petition for Massachusetts to receive the designation. This was not an application, and you still need to fill out an application with the SBA. If you did not sign the initial petition, you can still apply through the SBA. The application has more information on the requirements of these loans.

I heard there is a new federal law giving workers public health emergency leave and emergency paid sick leave – where can I find more information about that?

- ▶ A: The Families First Coronavirus Response Act (FFCRA), goes into effect on April 1, 2020, and includes public health emergency leave and emergency paid sick leave provisions that affect many employees and employers.
- ▶ The FFCRA provides up to 12 weeks of public health emergency leave to eligible employees who are unable to work because they must care for their child whose school is closed or whose child care provider is unavailable due to a public health emergency related to COVID-19. The first ten days of such leave may be unpaid but the remaining days must be paid.
- ▶ The FFCRA also provides up to 80 hours of emergency paid sick leave to eligible full-time employees who are unable to work for specified reasons related to COVID-19. Part-time employees are entitled to emergency paid sick leave based on the average number of work hours in a two-week period.

# How is the FFCRA different from the Massachusetts Earned Sick Time Law?

- ▶ A: Most employees in Massachusetts have the right to earn and use up to 40 hours of jobprotected sick leave per year to take care of themselves and certain family members. Employees must earn at least one hour of earned sick leave for every 30 hours worked. If eligible for both FFCRA leave and Massachusetts earned sick leave, employees may choose to take FFCRA leave first and to save Massachusetts earned sick leave for later use.

# FREQUENTLY ASKED QUESTIONS

Unemployment Benefits

# My employer has shut down because of the coronavirus? Should I apply for unemployment?

- ▶ Yes. Apply as soon as possible. Apply online.

# My employer has reduced my hours because of COVID-19. Should I apply for unemployment benefits?

- ▶ Yes, if your employer has reduced your hours of work or your wages, you may be eligible for partial unemployment benefits.

I have been quarantined, and my employer has told me to return after quarantine.

## Should I apply?

- ▶ Yes. Workers who are temporarily unemployed due to lack of work because of COVID-19 will be eligible for unemployment benefits. They will be considered unemployed due to lack of work regardless of whether they are quarantined, laid off, furloughed, or if their workplace is fully or partially shut down temporarily. This status is granted automatically for the first 4 weeks, and then, your employer may request that this status be extended to 8 weeks. If necessary, DUA has authority to allow for longer periods.
- ▶ Instead of looking for other work, you must remain in reasonable contact with your employer, and be prepared to go back to work when the employer has hours for you and you are able to do so.



# I have been quarantined, and my employer has told me NOT to return after quarantine. Should I apply?

- ▶ Yes. A worker who is quarantined due to an order by a civil authority or medical professional, or to care for a family member, and is not allowed to return to work is eligible for unemployment benefits. The worker need not provide medical documentation and need only be available for work when and as able.

# What if my workplace is shut down, and I am working from home?

- ▶ You are not eligible for unemployment if you are working full-time hours in any given week, even from home. If you were a full-time employee before your workplace shut down and you now are working part-time hours from home, you may be eligible for partial unemployment benefits.

# I am concerned about being exposed to COVID-19 and plan to quit my job. Am I eligible for unemployment benefits?

- ▶ It depends. Under current law, employees that demonstrate that they left work due to “urgent, compelling, and necessitous circumstances” are eligible for benefits. Such determinations are driven by the facts of the individual case. An employee who leaves work because of a fear of being exposed to COVID-19 will need to demonstrate, among other things, that such fear was reasonable in the circumstances.

# I am trying to file a claim. Do I need the legal name of my employer?

- ▶ Yes. You need to file for benefits using the employer's exact name as it is stated on your W-2.

# My claim has already been filed and I want to know the status of my claim. How do I find that?

- ▶ Check the Claimant Home Page ([log into UI Online](#) and go to “My Home Page”). This is where DUA will post any important messages. In addition, you will be able to see an overview of your benefits, including details regarding your benefit rate and weeks remaining to claim (“monetary eligibility”).
- ▶ This page will prompt you on when next to claim benefits. It also includes your payments overview, including your last payment date, amount paid, payment method, and any tax withholdings.

## Do I need to file a new claim, If I have filed in the past year & returned to work?

- ▶ If you have filed a UI claim within the past 52 weeks, you do not have to file a new claim. You will be able to reopen your prior claim. When you log onto UI Online using the account information from your prior claim, click on the **Reopen Claim** link. You will need to validate your contact and payment information and provide employment information for the new employment you had since you filed your prior claim.
- ▶ Processing of the Reopen Claim is often quicker because your UI claim was already established. Please note that you will be paid using the same method of payment as you used previously unless you change it. If you had a debit card as your method of payment, you can use the debit card that was issued to you already.

## Can I still add my dependent children's information, if I didn't have them on my original claim.

- ▶ Yes. You can add a dependent child to your UI claim even after you file your claim. After you log into UI Online, select the "**View and Maintain Account Information**" link on the left hand side of your Claimant Home Page. A menu of options will open where you can select Dependent Information. Click "**ADD**" and complete the questions to add a dependent child.

# Can I add more employment information to my claim, if I need to add/update my claim?

- ▶ Adding additional base period employers to the unemployment claim, after an initial claim has already been processed is a function that must be done by staff. Please feel free to reach out to customer service at [mass.gov/forms/covid-19-department-of-unemployment-assistance-contact-request](https://mass.gov/forms/covid-19-department-of-unemployment-assistance-contact-request)



# What if my claim expired already?

- ▶ You will be able to apply soon for the additional 13 weeks of benefits if your benefit year expired any time after July 31, 2020. Please check back for updates.

# I filed an unemployment claim because I'm unable to work due to COVID-19. When will I get a payment?

- ▶ If you have selected direct deposit as your method of payment, you will not receive your first payment until at least 9 days from the date of requesting this payment method (The direct deposit status will show as "Prenote" -- Prenotes are sent and verified before direct deposit payroll can be processed). If you have selected debit card for your payments, there is a similar time-frame to receive the card in the mail. Once you activate your debit card, you will have access to your first payment.
- ▶ After you have successfully completed the initial claim process, you will certify for benefits each Sunday thereafter in order to be paid. If, based on your answers to the certification questions, you are eligible for benefits that week, you should receive your benefits on the Tuesday of that week.

## If I'm approved, how much will my weekly benefit be?

- ▶ You will get approximately half of your average weekly wage up to a maximum of \$823. You also get \$25 per dependent child up to an amount that is half of your UI check. [Calculate your weekly benefit amount by using the benefits calculator.](#)
- ▶ \*\* Plus an additional \$600 per weeks under CARES Act

# For how long can I collect benefits?

- ▶ With the addition of the CARES Act you can receive up to 39 weeks of unemployment benefits, total, in a benefit year.

# Will I get benefits for the first week I am unemployed?

- ▶ Yes. If you applied on or after March 10, 2020, you will get unemployment benefits for the first week of unemployment.

## My employer laid me off temporarily but offered part-time work. Can I work and collect benefits?

- ▶ Yes. But you must report any earnings. Once the earnings reach a certain amount, your unemployment benefits will be reduced on a dollar for dollar basis until you reach the amount of your weekly benefit, in which case, you will be ineligible for that week. This calculation is done on a weekly basis, so you need to accurately report your earnings to DJA each week.

# I'm self-employed but no longer able to work due to COVID-19. Am I eligible for benefits?

- ▶ Yes, through a program called **Pandemic Unemployment Assistance (PUA)** in the CARES Act. The CARES Act extends eligibility for benefits to individuals who are:
  - ▶ self-employed, including gig workers, freelancers, and independent contractors;
  - ▶ seeking part-time employment;
  - ▶ have an insufficient work history to qualify for benefits;
  - ▶ have exhausted all rights to regular or extended benefits under state or federal law or to Pandemic Emergency Unemployment Compensation (PEUC);
  - ▶ have been laid off from churches and religious institutions and are not eligible for benefits under state law;
  - ▶ or otherwise would not qualify for regular or extended benefits or Pandemic Emergency Unemployment Compensation (PEUC).

I was already receiving benefits when the COVID-19 crisis hit. What will happen when I hit 26 weeks?

- ▶ You will be entitled to an additional 13 weeks of benefits under the new CARES Act, for a total of 39 weeks.



# Beth R. Myers, Esq.

Powers, Jodoin, Margolis & Mantell, LLP

111 Devonshire Street, Suite 400

Boston, MA 02109

[www.theemploymentlawyers.com](http://www.theemploymentlawyers.com)

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