

Governor Mills' COVID-19 emergency legislation (LD 2167), which was passed by the Legislature on March 17, included temporary measures to enhance the flexibility of the Unemployment Insurance (UI) program in order to support workers and businesses economically impacted by COVID-19, the novel coronavirus. These measures will 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. This helps not only individuals, but also employers by helping them retain their workforce and stabilizing local economies.

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The legislation temporarily revises eligibility requirements to include situations not typically covered, such as:

- An employer temporarily ceases operation due to COVID-19
- An individual is quarantined with the expectation of returning to work once the quarantine is over

Please note, the legislation is not intended to provide sick leave or short-term disability payments.

The legislation also 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. In addition, any benefits paid under these provisions would not affect the employer's experience rating record.

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## **FAQs FOR EMPLOYEES:**

**Q. 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. If you are expected to return to your job as soon as your isolation or quarantine is lifted, you will not need to search for work. 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.

**Q. My boss just announced that my business has to 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. 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.

**Q. 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, even 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, and provided you remain able and available to work for your employer and make sure that your employer has your current contact information.

**Q. 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.

**Q. 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 are not eligible for unemployment benefits. The new UI legislation does not change this. (There may be Congressional action that provides “disaster unemployment assistance” that could help but that is not certain or resolved.)

**Q. How does this new proposal 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.

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

**A.** Measures in the new legislation are for all covered workers in the state.

**Q. Is unemployment insurance available for hourly workers, especially in schools?**

**A.** All hourly school employees are covered by unemployment insurance. They will have access to these new measures as long as there is a separation from the employment.

**Q. 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.

**Q. Do I have to wait to get unemployment benefits?**

**A.** With the new emergency UI legislation, the “waiting week” has been waived as of March 17th, however it will take 10-14 days for the UI system to implement the changes.

**Q. 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.

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

**A.** The best option is to file online; the unemployment system is available 24/7. Use the online Customer

Message Portal (CMP) to leave questions. Questions are being answered as quickly as possible though there is a wait period due to high volumes at this time.

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

**A.** The individual should file for unemployment (online is the best way, available 24/7) and MDOL will review the application and make a determination on a case by case basis about eligibility. Individual must be able and available to work and stay in contact with their employer.

**Q. What about someone who just started working this year at a new job, will they be covered under these measures for unemployment?**

**A.** The individual should file for unemployment and MDOL will review application and make a determination about eligibility. Eligibility depends on wages earned over course of last 18 months. Within that timeframe an individual must have earned at least \$1713.58 in each of two different calendar quarters and at least \$5140.74 over four consecutive calendar quarters.

**Q. What is considered in the new legislation as “need to care for a dependent family member as result of COVID-19?”**

**A.** It depends. Individuals should apply online for unemployment and MDOL will review and make a determination on a case by case basis. Under the new legislation, during such a temporary leave of absence may be eligible for unemployment if that individual continues to remain able and available to work for, and maintains contact with the relevant employer.

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**FAQs FOR EMPLOYERS:**

**Q. 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.

**Q. If I have to 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.

**Q. 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.

**Q. 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>)

**Q. 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.

**Q. 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.

**Q. What will be the duration of these new UI benefits?**

**A.** The same as regular unemployment benefits at any other time, a maximum of 26 weeks. If individuals are in a year of already receiving some unemployment, they may have already used up some of those 26 weeks. During times of high unemployment, extended benefits may be available based on guidance from federal partners. However, we're not at that point yet.

**Q. If the 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 will need to file claims in NH regardless of their individual residences.

**Q. 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.

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**Bureau of Unemployment Compensation Contact:**

If a worker is unsure if they would be eligible for unemployment insurance, the Maine Department of Labor recommends that workers apply.

More information on UI can be found here: <https://www.maine.gov/unemployment/>

Claims are best filed online at:

- <https://reemploye.maine.gov/>