

April 14, 2020

UPDATE (4/14/2020): At the direction of Governor Mills, Maine opted in to the new temporary federal unemployment programs created by the CARES Act. Guidance from U.S. DOL has been released and the Maine Department of Labor 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. Those who have exhausted all available benefits already or are self-employed should wait to file a claim for benefits as that program is not yet implemented. Since these programs have not been implemented yet, filing at this point will only result in a denial. We will continue to provide information as it becomes available. **If you have already enrolled in the current unemployment program, you should continue filing your weekly certifications** (each week, preferably on Tuesday or later in the week to avoid the very busy Sunday and Monday).

Temporary Emergency State Changes to Unemployment Program: Governor Mills' COVID-19 emergency legislation (Public Law 20, Chap. 617) was enacted by the Legislature and signed into law March 18th, and 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.

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. Please note, the legislation is not intended to provide sick leave or short-term disability payments. 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. In addition, any benefits paid under these provisions would not affect the employer's experience rating record.

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.

FAQs: FOR EMPLOYEES

Unemployment Process

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

A. As of March 23, MDOL waived the work search requirement for all individuals on unemployment through May 14 due to the widespread impact of COVID-19 and the volume of temporary business closures. This is consistent with the current duration of the temporary emergency unemployment insurance provisions

enacted by the Legislature and signed into law by Governor Mills on March 18, 2020.

NOTE: Individuals must still file a weekly claim in order to get unemployment payments.

2. 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). 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.

3. 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.

4. 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 12:15 p.m. Monday-Friday.

5. 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.

6. 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!

7. What does "able and available" mean?

A. Individuals who think they may be eligible for unemployment benefits, they 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.

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

A. Registering on the Maine JobLink—a public job database which give 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 mid-May due to the COVID-19 public health emergency. Registering is still highly recommended since when the 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.

9. 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.

10. 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.

11. 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). 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 the employer. *[Recently passed federal legislation will expand the scope of coverage to many people in this situation. These new programs are not available yet in Maine but there will be information on our website as soon as they are.]*

12. 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 two 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.)

13. 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. *(NOTE: New federal unemployment programs were just enacted that include provision for additional benefits. MDOL is working to set up the processes to implement them as quickly as possible. Those who have exhausted all available benefits right now should wait to file a claim for benefits. Since these programs have not been implemented yet, filing at this point will only result in a denial. Once implemented, benefits will be paid retroactively. If you have already enrolled in the current program, you should continue filing your weekly certifications.)*

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

A. If an individual was 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 on the Customer Messaging Portal at this link:

<https://www.maine.gov/labor/contact/index.html>

15. 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 and the cards are mailed out by the U.S. postal service. US Bank contact information: 800-872-2657

COVID-19 Separation from Employment

16. 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.

17. 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.

18. 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. 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.

19. 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.

20. 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).

21. 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.

22. 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.

23. 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.

24. The new 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. *(The new federal legislation does extend eligibility to those in this situation. This program is not yet available in Maine. Once implemented, benefits will be paid retroactively. We will continue to provide more information as soon as it is ready.)*

Employee unemployment insurance coverage

25. 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.

26. 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 \$5,140.74 and two of the four quarters must have earnings of at least \$1,713.58. 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/>.

27. What is the maximum UI benefit and what is the average UI benefit?

A. In Maine, the maximum weekly benefit amount is \$445.00. The average weekly benefit amount is roughly \$340.00.

28. 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.

29. 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).

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

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

31. 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.

32. 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.

33. 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.

34. 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.

Workplace Safety Concerns

35. 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. However, the new temporary federal unemployment programs will cover the self-employed. These new programs are complex, and we are working to implement them as quickly as possible. At this moment, **those are self-employed should wait to file a claim for benefits**. Since these programs have not been implemented yet, filing at this point will only result in a denial. We will continue to provide information as it becomes available. Once implemented, 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. What about Direct Reimbursement employers—how will new unemployment measures affect us?

A. Unlike private sector employers, nonprofit and government employers can choose to either pay into the unemployment trust fund or to cover the cost of benefits paid out directly. Private employers must contribute to this social insurance program so that the resources are available during economic downturns. Those who choose not to pay the unemployment tax are typically responsible for 100% of the cost of any benefits paid to former employees. MDOL awaits final interpretation of the federal CARES Act from U.S. DOL; it appears that the legislation provides federal funds to cover 50% of the state unemployment benefits that would have otherwise been charged to direct reimbursable employers. Maine cannot waive the remaining 50%. Having no source of funding available to cover these costs would result in the transfer of the liability to taxable private employers. As of December 31, 2019, there were slightly over 1,000 direct reimbursable employers in Maine.

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.

Financial

12. 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.

13. 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 you, their employer, then the payout of PTO will not count against unemployment insurance benefits. If it is an unpaid leave of absence due to COVID-19 measures, employees can apply for and receive unemployment benefits. If employees are receiving pay for 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 at:

- <https://reemploye.maine.gov/>
- 1-800-593-7660

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.

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