

Unemployment Insurance and COVID-19

April 8, 2020 – Job Service is working as quickly as possible to implement these critical income support programs. At this time, as we await federal guidance and rules, we are not able to provide specific timeline guidance to individuals with questions. Understanding there will be questions, Job Service will update the FAQ document on our website as information becomes available. When the technology changes are in place, Job Service will be posting this information on our website, jobsnd.com, and on all of our social media platforms. Please refer to these sources on a daily basis for updates rather than call with questions. If you are an employee who does not fall into the employee types noted for PUA and PEUC, you can file an unemployment insurance claim immediately at jobsnd.com.

The impact of the COVID-19 (coronavirus) on North Dakota's workforce and employers has raised a variety of questions related to the Unemployment Insurance program. Although the situation is fluid and could change over time, the following are answers to some of the more frequently asked questions that we have been receiving from workers and employers. As *information changes, we will update this document. New information will be in color.* These FAQs are being adjusted based on guidance provided in the CARES Act. **Information will be changing rapidly.**

[Skip to new questions](#)

1. I was receiving Unemployment Insurance benefits prior to the COVID-19 pandemic. I have now used up all benefits from my claim and am still not back to work. Are there any extensions of benefits available for me?

With the passage of the CARES Act those who have current Benefit Year Ends and have exhausted their benefits would most likely be eligible to receive the PEUC extension of 13 additional weeks of regular UI. Other regular claims would be potentially eligible for PEUC at the point they exhaust. We are awaiting guidance on claims where the benefit year has expired and how they might be processed.

CARES Act – Unemployment Insurance Benefits

The CARES Act includes expansion of unemployment insurance benefits:

- *Expands eligibility for unemployment insurance and provides people with an additional \$600 per week on top of the unemployment amount already offered by North Dakota Unemployment benefits.*
 - *Pandemic Emergency Unemployment Compensation (PEUC) – provides an additional 13 weeks of benefits for regular claims that exhaust benefits and whose benefit year has not expired*
 - *Weekly benefit amount is the same as what was paid on the regular claim*
 - *Eligible to receive the \$600 supplemental payment for each week certified*
 - *Pandemic Unemployment Assistance (PUA)*
 - *Available to those who do not qualify for a regular unemployment claim*
 - *Receives the \$600 supplemental payment for each week certified and found eligible*
- *The additional unemployment compensation provided is not considered “income” for purposes of Medicaid and CHIP*

2. I am a business owner and I pay into the Unemployment Insurance system. Can I file a claim if I must shut down my business?

Yes. Governor Burgum signed an Executive Order on Friday, March 20th to assist business owners in the receipt of Unemployment Insurance by temporarily eliminating income reduction requirements for business owners.

3. If my business declines, do I need to close, lay off staff, or cut staff hours, will my Unemployment Insurance account be charged for any benefits paid to employees I had to lay off?

No. Governor Burgum signed an Executive Order on Friday, March 20th directing that individual base period employers accounts for rated employers will be relieved of charges (i.e. No Charged) on claims filed as a direct or indirect result of COVID-19. Employers who have chosen reimbursement as their method of financing are not eligible for non-charging / pool charging of benefits at this time

4. Will my employees be eligible for benefits if they cannot work even if my business remains open and I have work for them?

Yes, generally your employees will be eligible for benefits, if they cannot report for work because they no longer have childcare available to them.

5. **UPDATED** I am a contract worker. I receive a 1099 in lieu of a W2. Will I be eligible for unemployment benefits if no work is available for me?

Included in the CARES Act is Pandemic Unemployment Assistance which is a program for those who do not qualify for regular unemployment benefits. **You can apply at this link for PUA benefits. Please know that the applications for these benefits will not be processed until the federal government provides guidance to the states on implementing this new program.**

6. Would I be eligible for Unemployment Insurance benefits if I am quarantined and cannot work?

Yes, if you are quarantined and physically able to work but cannot work from the quarantine location do to other reasons, you would be eligible to receive benefits based upon recent federal guidance relating strictly to COVID-19.

7. Would I be eligible for Unemployment Insurance benefits if I become ill with the COVID-19 virus and cannot work?

Yes, if you cannot work due to contracting COVID-19 but will be returning to your employer, you would be eligible to receive benefits based upon recent federal guidance relating strictly to COVID-19.

8. Would I be eligible for benefits if my employer shuts down or lays me off because of the COVID-19 situation?

If your employer shuts down or lays you off due to lack of work caused by the impact of COVID-19 on the business, you will generally be eligible for Unemployment Insurance benefits.

9. I have a claim and I was required to do four work search contacts each week. Do I have to do my work search during the pandemic?

No. Governor Burgum signed an Executive Order on Friday, March 20th that temporarily waives the work search requirement for all claimants. Job Service has adjusted our systems so that you will not be asked to enter any work searches you have completed when you certify your weekly eligibility.

10. What is the waiting week?

The waiting week is a one-week delay between the date a claim is filed and the date of the first payment issued. It has been built into the Job Service North Dakota mainframe since before online filing became commonplace. It allows Job Service to verify statements made on claims and is a tool in the fight against insurance fraud. Governor Burgum waived the waiting week on April 1, 2020 in an executive order.

11. **UPDATED** Has the waiting week been waived?

Yes, as of April 1. Waiting week payments began going out the week of April 5, and will be back-paid to all claims filed March 8 through April 4.

12. How does waiving the waiting week affect my claim?

Waiving the waiting week does not increase the amount of money an individual will be eligible to receive; however, it does help get benefit payments into the hands of claimants sooner.

All individuals filing claims with a week ending date of March 14 and going through the duration of this pandemic situation WILL NOT be required to serve a waiting week

13. Do claimants need to do anything additional to get paid for the waiting week?

No, the benefit payment will be automatic, so individuals do not have to contact Job Service to ask about it or receive it. In fact, citizens are encouraged NOT to call Job Service about it simply because of the call volume they are currently experiencing.

14. Does the waiting week waiver affect only those claims associated with COVID-19?

No, all individuals filing unemployment insurance claims will have their waiting week waived. Remember, this does not increase or decrease the benefit amount people receive, it simply speeds the process for receipt of that benefit.

15. **UPDATED** Why is this all taking so long?

Because of the many programming changes associated with new programs introduced in the CARES Act, Job Service North Dakota recognizes the critical need to get each of these programs in place. We had to prioritize the order of programming all while weighing the risk of complete system failure, which could have resulted in the inability to provide any individual a benefit payments at all. We also took into account the fact that no benefits would be lost by anyone if we could not find a way to program it.

At this time, the federal government still has not provided the guidance necessary to program the new CARES Act programs and has told the states not to act until they have completed it. We have updated our systems to accept claim applications to PUA and PEUC but will not be processing these types of applications until we receive guidance from the US Department of Labor.

We have waived the waiting week and are currently back paying UI claims filed March 8 through April 4.

16. **NEW** What do I do if my claim for benefits is denied?

There are several reasons your claim could be denied, but it is important to remember that with the new federal Pandemic Unemployment Assistance (PUA) and Pandemic Emergency Unemployment Compensation (PEUC), almost all

individuals will be eligible for benefits if they are unemployed due to the pandemic. The federal government considers PUA and PEUC to be programs of last resort. This means that they are only available to individuals who are not eligible for regular state unemployment insurance, or those who have been denied regular state unemployment insurance.

Following are some details explaining why you may have been denied regular UI benefits and what you should do next:

- **Your earnings do not qualify you for regular unemployment insurance benefits**
 - *If you receive a Monetary Determination noting that you are not eligible for benefits, you should file a claim using the [Pandemic Unemployment Assistance link](#).*
- **You filed a claim less than a year ago but you have used up all of your benefits (exhausted your claim)**
 - *If you have received all of the benefits available to you on a claim you filed within the last year, you should file a claim using the [Pandemic Emergency Unemployment Compensation link](#).*
- **You are unemployed for a reason other than the pandemic**
 - *If you are unemployed for a reason not related to the pandemic, you will need to follow [normal procedures in place for state unemployment insurance benefits](#) (click "File a Regular UI Claim"). The most common reasons for these types of denials will be if you quit a job or were terminated by your employer. You will be notified of your eligibility with a Non-Monetary Determination. This determination will provide you with information and actions you should take if you do not agree with the determination.*