



**EMPLOYMENT LAW ALERT
(MARCH 27, 2020)**

FEDERAL LEGISLATION PASSES WHICH INCLUDES ENHANCED UNEMPLOYMENT BENEFITS

Today, Congress passed and President Trump signed the Coronavirus Aid, Relief and Economic Security Act (the “CARES Act”). The CARES Act includes a number of new programs in response to the financial crisis caused by the coronavirus pandemic, including funding that will allow states to offer enhanced unemployment benefits. These enhanced benefits will be available to individuals in 11 coronavirus-related situations including, among others: the individual or a member of their family has or may have COVID-19; a child of the individual is unable to attend school because the school is closed due to COVID-19; the individual cannot go to work because of a quarantine or order of the applicable department of health or because the individual’s employer is closed due to COVID-19; or the individual has to quit their job as a direct result of COVID-19. The enhanced benefits include:

- An extension of the period an individual can collect unemployment benefits by 13 weeks (beyond most states’ normal timeframe of 26 weeks);
- An enhanced benefit of \$600 per week for up to four months, to be paid weekly and in addition to the amount for which the individual is eligible under state law (this amount may be more than the individual’s normal weekly wages for low wage earners);
- The elimination of any waiting period for benefits (many states have a one-week waiting period before becoming eligible for unemployment benefits); and
- The availability of benefits for self-employed individuals, independent contractors, and individuals who have exhausted their unemployment benefits or have a limited work history.

Many employees understandably have questions about their unemployment benefits. Employers should not, however, give advice or predictions to employees about their eligibility for benefits or the amount or duration of any benefits they might receive. Those determinations are made by the relevant state unemployment agency, not the employer. Instead, employers should encourage employees to file a claim for unemployment benefits with the relevant state agency and to address any questions they have to that agency. In some states, the employer must provide a notice to laid off/departing employees that gives information about the process of applying for benefits.

**DEPARTMENT OF LABOR PUBLISHES AND CONTINUES TO UPDATE
Q&AS REGARDING TWO NEW CORONAVIRUS-RELATED LEAVES OF ABSENCE**

We still await regulations from the Department of Labor which hopefully will provide guidance to smaller employers (under 500 employees) that are required to implement the two new federal coronavirus-related leaves that go into effect on April 1, 2020. However, the Department of Labor has published various Q&As on its website, and is continuing to add to them. The Q&As are not necessarily authoritative or binding upon a court, but they do provide insights into the DOL’s interpretation of the new leave act and, potentially, the future regulations to be issued by the DOL. The Q&As are located at: www.dol.gov/coronavirus.

Please feel free to contact us if you have any questions. Stay safe.