



As you know, the Alabama Department of Labor is adjusting the rules for unemployment benefits in light of the COVID-19 impact on the workforce. Here's a quick rundown of the changes:

Who qualifies?

- Anyone under mandatory quarantine (either by medical professional or governmental agency)
- Asymptomatic individuals who voluntarily choose to self-quarantine do not qualify for assistance in most cases. However, the DOL stressed that this is a fact specific inquiry that will depend on other factors such as whether the employer sent the employee home to quarantine and whether the employee was offered paid leave or telework options.
- Anyone laid off or sent home without pay for an extended period due to COVID-19
- Anyone who is permitted to telework or take PTO or paid sick leave is not eligible
- Anyone diagnosed with COVID-19 or caring for an immediate family member who is diagnosed with COVID-19
- NOTE: anyone claiming under these categories must provide documentation in the form of a letter from the employer or a doctor confirming the quarantine/diagnosis/unpaid leave. As a practical matter, however, doctors and other health care professionals may be too busy during and immediately after the pandemic outbreak to provide documentation. Therefore, new approaches may be necessary, such as reliance on local clinics to provide a form, a stamp, or an e-mail to certify that an individual does or does not have the pandemic virus.

What benefits are available?

Applicants who qualify are eligible for up to \$275 per week for up to 3 weeks. At the end of the 3 week period, if the person is still out of work, their case will be reviewed again.

When can workers apply and when will they receive benefits?

Normally, unemployment benefits take up to 3 weeks to receive. However, the Alabama DOL is processing these claims similar to those of temporary layoffs, which will permit them to process the claims quickly and get payments out faster. To further expedite the process, the usual one week waiting period to receive benefits is waived. The application can be completed online starting Monday, March 23, 2020.

What are the differences between COVID-19 related claims and normal unemployment claims?

Usually, a person seeking unemployment must search for other work, and in the case of a layoff the worker must be "able and available" to work while receiving unemployment. These requirements are being modified for COVID-19. The person doesn't need to be "able and available" and they do not have to demonstrate that they are searching for other work as long as they take reasonable steps to preserve their ability to return to the same job when the quarantine is lifted. The DOL hasn't said what shows "reasonable steps to preserve the ability to return to the same job."

What do we not know?

The DOL is still awaiting guidance on the impact of these special circumstance unemployment benefits on taxes and the mutual fund. Additionally, these guidelines may change once a federal aid bill passes if such a bill includes mandatory paid sick leave or other similar provisions that relate to the terms outlined above. We do not know exactly how long workers can expect to wait between application, approval/denial, and receipt of benefits. We also do not know what a worker will have to do to prove they are taking reasonable steps to preserve their ability to return to the same job. Finally, there is no guidance as to what happens to workers who have limited PTO or sick leave. It seems that when they use up the paid leave and switch to unpaid, then they would become eligible, but the DOL hasn't specifically stated that they are or are not eligible. Recent news stories seem to indicate that this quarantine situation could last longer than originally thought – possibly into the summer. There is no information as to whether the 3 week period will be extended to match the longer quarantine period, though I would imagine the volume of case reviews at the end of the three weeks will force the DOL to consider extending the initial eligibility period if the quarantines and mandatory restaurant closures continue.

The DOL has set up a COVID-19 website with links to various agencies such as the CDC, Health Department, WHO, and others, as well as a FAQ related to COVID-19 and unemployment benefits and a flyer with the information above:

<https://www.labor.alabama.gov/covid19resources.aspx>

Here is the link to the press release announcing the COVID-19 related benefit program:

https://www.labor.alabama.gov/news_feed/News_Page.aspx?id=201

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