



LEGAL FOOD HUB

A project of Conservation Law Foundation

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Disclaimer: The authors of this document have made every effort to ensure that it is accurate at the time of publication. Given how rapidly the COVID-19 pandemic response is evolving, we strongly recommend that you check the websites of the Maine Dept. of Agriculture, Conservation, and Forestry, the Maine Dept. of Labor and the U.S. Dept. of Labor regularly for the latest information. This document does not provide legal advice or create an attorney-client relationship.

What Farms Need to Know: COVID-19 and Unemployment

With the closing of many sales outlets for farm produce, farmers are facing uncertainty and financial challenges. Farms may choose to delay onboarding of newly hired employees, reduce hours of current employees, lay off employees or put employees on unpaid leave. On March 28, the Federal government enacted new unemployment programs to provide relief to people affected by COVID-19. These new programs are complex and have yet to be fully implemented. The following is a summary of the programs and their benefits. Maine Department of Labor has prepared a [chart](#) summarizing these benefits.

What Unemployment Insurance (UI) benefits are provided under state law?

Maine has implemented Emergency UI benefits for those affected by COVID-19. Benefits are available to anyone who has been laid off or is on an unpaid leave of absence due to COVID-19. The emergency rule may cover situations such as when an employer temporarily ceases operation due to COVID-19 or when an employee is quarantined but expects to return to work once quarantine is over.

- Provides 26 weeks of coverage
- UI benefits may available for those whose work hours have been reduced through Maine's unemployment coverage for part-time work through Workshare program. (<https://www.maine.gov/unemployment/workshare>)
- Temporarily laid-off or on-leave workers may still receive employer health insurance without loss of UI benefits.
- To make sure Mainers get the help they need in a timely manner, the work search requirement and one-week waiting period have been waived.
- The Experience Record Rating of employers will not be affected by employees claiming benefits under the COVID-19 emergency provisions.

For employees facing unemployment for reasons unrelated to COVID-19, the existing Maine Unemployment Insurance is still available. See, <https://www.maine.gov/unemployment/docs/2018/UITGuide2018.pdf>.

What unemployment benefits are provided under Federal law?

On March 27, the Coronavirus Aid, Relief and Economic Security (CARES) Act of 2020 became law. The law substantially increases the number of people eligible to receive unemployment benefits, the amount of unemployment benefits and the compensation period.

Pandemic Unemployment Assistance (PUA) Program. The PUA program will provide up to 39 weeks of benefits to people who would (i) not normally be eligible for unemployment compensation, or have already exhausted regular unemployment compensation, and (ii) are unemployed, partially unemployed, or unable to work as a direct result of the COVID-19 emergency. The self-employed and those without sufficient work history who are typically ineligible for unemployment insurance may be covered under this program.

The Federal government will cover first week of unemployment, which is usually not covered by UI. The Federal government has offered to pay states to provide unemployment compensation immediately, foregoing the one-week waiting period. Note that Maine has already waived the one-week waiting period.

PUA benefits will be calculated the same way that they are for the federal Disaster Unemployment Assistance Program (used in natural disasters such as Hurricane Katrina). PUA minimum benefit is one-half Maine's average weekly UI benefit.

PUC benefits are not considered income for the purpose of determining Medicaid or CHIP eligibility.

Pandemic Unemployment Compensation (PUC). Regular unemployment compensation (whether UI or PUA benefit) is increased by \$600 per week for up to four months (until July 25, 2020) using Federally provided dollars. This will meaningfully increase the amount of money an individual may receive through unemployment.

Pandemic Emergency Unemployment Compensation (PEUC). PEUC provides an additional 13 weeks of benefits after states' UI have been exhausted. This is not available for workers taking advantage of PUA benefits.

Who is eligible for PUA benefits?

To be eligible for Pandemic Unemployment Assistance program, a worker must:

- not be otherwise eligible for regular unemployment compensation or have exhausted regular unemployment compensation; and
- self-certify that they are unemployed, partially unemployed, or unable to work because of COVID-19 related reasons.

COVID-19 related reasons for being unavailable to work include:

- a diagnosis of COVID-19 or experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- member of individual's household has been diagnosed with COVID-19;

- providing care for a member of the individual's household or family who has been diagnosed with COVID-19;
- primary caregiving duties for a child in the household who is unable to attend school or another facility as a direct result of the COVID-19 emergency;
- unable to reach the place of employment because of a quarantine imposed as a direct result of the COVID-19 emergency;
- unable to reach the place of employment because the individual has been advised to self-quarantine by a health care provider;
- previously scheduled to begin employment and does not have a job or is unable to reach the job as a direct result of the COVID-19 emergency;
- has become the breadwinner or major support for a household because the previous head of household died as a direct result of COVID-19;
- had to quit his or her job as a direct result of COVID-19; or
- his or her place of employment is closed as a direct result of COVID-19 emergency.

A worker is **not** eligible for this program if they have the ability to telework with pay, are receiving paid sick leave, or are receiving any other paid leave benefit, regardless of whether that person would otherwise meet the eligibility requirements. Undocumented workers also are not eligible for PUA.

Useful Resources

The COVID-19 pandemic and the government response are changing rapidly. We suggest that you consult the following websites regularly for the latest information.

Maine Department of Labor: <https://www.maine.gov/labor/covid19/>

UI FAQs regarding COVID-19:

<https://www.maine.gov/labor/docs/2020/covid19/covidfaqandui.pdf>

U.S. Department of Labor: <https://www.dol.gov/agencies/whd/pandemic>

Maine Dept. of Agriculture, Conservation, and Forestry: <https://www.maine.gov/dacf/>

U.S. Centers for Disease Control and Prevention: <https://www.cdc.gov/coronavirus/2019-ncov/index.html>

Maine Center for Disease Control & Prevention: <https://www.maine.gov/dhhs/mecdc/infectious-disease/epi/airborne/coronavirus.shtml>