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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 Massachusetts Department of Unemployment Assistance, Massachusetts Department of Agricultural Resources and the U.S. Dept. of Labor regularly for the latest information. This document does not provide legal advice or create an attorney-client

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 their impacts are yet to be fully realized. The following is a summary of the programs and their benefits.

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

The Massachusetts Department of Unemployment Assistance (DUA) published emergency regulations that made it easier for businesses and individuals impacted by COVID-19 to seek unemployment benefits. The regulations provide prompt financial assistance to employees unable to work due to COVID-19 and to extend the time period during which employers must file reports and remit payments to the DUA. 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. Some key features include:

- The DUA will pay UI benefits to workers who have COVID-19 or have a household member with COVID-19 or who are ordered to quarantine themselves or leave work because of risk, exposure, or infection.
- Employees will also be paid if leaving work to care for a family member.
- UI benefits may be available for those whose work hours have been reduced through Massachusetts's unemployment coverage for part-time work through Workshare program. (<https://www.mass.gov/topics/workshare-program>)
- To make sure workers get the help they need in a timely manner, the work search requirement and one-week waiting period have been waived. Requirement to attend seminars at the MassHire career centers also have been suspended.

Massachusetts DOL encourages those seeking unemployment benefits to apply online. FAQs on COVID-19-related unemployment are found at <https://www.mass.gov/info-details/employee-unemployment-faq-covid-19#monetary-determinations->. Further information about UI in

Massachusetts in general can be found at <https://www.mass.gov/doc/a-guide-to-benefits-and-employment-services-0/download>.

What unemployment benefits are provided under Federal law?

On Friday, March 27, Congress and President Trump signed the Coronavirus Aid, Relief and Economic Security (CARES) Act of 2020. The law substantially increases the number of people eligible to receive unemployment benefits, the amount of unemployment benefits and the compensation period. The CARES Act is funded with federal money, but the benefits will still be administered by Massachusetts unemployment office.

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. People are usually ineligible to receive unemployment the first week that they are unemployed. The Federal government has offered to pay states to provide unemployment compensation immediately, foregoing the one-week waiting period. Note that Massachusetts 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 Katrina).

PUA 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, is receiving paid sick leave, or is 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.

Massachusetts Government: <https://www.mass.gov/resource/information-on-unemployment-and-coronavirus-covid-19>

Massachusetts Department of Labor: <https://www.mass.gov/info-details/covid-19-updates-and-information>

MDAR: <https://www.mass.gov/guides/covid-19-resources-for-agriculture>

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

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