



LEGAL FOOD HUB

A project of Conservation Law Foundation

Last updated on April 14, 2020

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 Rhode Island Department of Labor and Training, Rhode Island Department of Environmental Management 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 have yet to be fully implemented. The following is a summary of the programs and their benefits.

What are the programs in Rhode Island for people out of work due to COVID-19?

There are several state programs that may be applicable to Rhode Islanders who are out of work due to the COVID-19 pandemic.

There is [traditional unemployment insurance \(UI\)](#), which has long been available to workers when they lose their jobs. People who qualify for unemployment insurance are eligible for 26 weeks of benefits, which replace a portion of their lost wages.

There is [Temporary Disability Insurance \(TDI\)](#), an option for people who are out of work for a shorter period due to illness or a COVID-19 quarantine.

There is also [Temporary Caregiver Insurance \(TCI\)](#) that offers paid leave to workers caring for a family member. TCI provides up to 4 weeks of caregiver benefits to care for a seriously ill child, spouse, domestic partner, parent, parent-in-law or grandparent.

Rhode Island has implemented emergency unemployment measures for those affected by COVID-19. The emergency regulations waive three rules:

- the seven-day waiting period to claim regular unemployment insurance or Workshare short-term compensation;
- the seven-day minimum time to be out of work before qualifying for Temporary Disability Insurance (TDI) or Temporary Caregiver Insurance (TCI) benefits;
- and the requirement for medical certification that someone is on a COVID-19 quarantine.

Rhode Island Department of Labor and Training encourages workers to apply on-line for benefits.

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.

Pandemic Unemployment Assistance (PUA) Program. PUA is meant to cover people who have lost work due to COVID-19 but don't qualify for traditional unemployment benefits, such as the self-employed and those without sufficient work history. 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 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 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 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 can 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.

What program applies to me?

If you had a standard job with a W-2 and just got laid off, whether permanently or temporarily, you should apply for the traditional unemployment program. If you are paid on a 1099 form or have some other circumstances that make you ineligible for traditional unemployment insurance, you should apply for benefits under the new PUA program. The state has a quick guide for determining what programs to apply for [here](#).

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.

RI Department of Labor and Training: <http://www.dlt.ri.gov/>

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>