



**DEPARTMENT OF UNEMPLOYMENT ASSISTANCE
UI POLICY & PERFORMANCE
INTEROFFICE MEMORANDUM**

Date: August 6, 2020

Rescission(s): None

Reference No.: UIPP 2020.10

TO: All DUA Managers and Staff

FROM: Emmy Patronick, Director of Policy and Performance

SUBJECT: New Emergency Regulations in effect due to hardship caused by COVID-19

1. PURPOSE:

To provide guidance to DUA staff regarding Emergency Regulations that were filed to establish procedures and interpret the provisions of G.L. 151A to alleviate hardship caused by COVID-19.

2. ATTACHMENTS:

- 430 CMR 23.00 COVID-19 Emergency Regulations

3. BACKGROUND:

On August 4, 2020, DUA filed new Emergency Regulations related to the ongoing COVID-19 emergency. The regulations are 430 CMR 23.00 COVID 19 Emergency Regulations.

The regulations continue to implement changes for the purposes of providing unemployment benefits to as many people as possible who have been affected as a result of the hardship that COVID-19 has caused in claimants and employers.

The following applies to claimants and employers:

Standby Status:

The new regulations include an update to Standby status. Individuals who are temporarily unemployed due to lack of work because of COVID 19, with an expected return to work date, will be considered to be on “Standby” status.

In order to fulfill the requirements to be able, available and actively seeking work, the individual need only take reasonable measures to maintain contact with his or her employer, and to be available for hours offered by the employer.

A claimant will be presumed to be on Standby status during any period in which the claimant is “unemployed” as defined in c. 151A, section 1 (r) and the only cause of the claimant’s unemployment is that the employer is temporarily closed or operating at reduced staffing levels due to COVID-19.

If the employer reopens and offers the claimant “suitable work” and the claimant fails or refuses to return to work, the claimant will be considered to have voluntarily resigned from the employment.

If the employer reopens while these regulations are in effect and does not offer the claimant suitable work, the claimant will be presumed to remain on standby status until the employer offers the claimant work or gives notice of separation to the claimant.

Work Search Requirements for self-employed individuals and gig workers:

When individuals who are receiving Pandemic Unemployment Assistance (PUA) benefits are required to comply with section 24 (b) requirements regarding an active work search, the following actions should be considered in determining whether or not the individual followed a course of action designed to result in a prompt return to work:

1. Documented efforts to obtain new or additional clients for the individual’s business;
2. Documented efforts to expand the individual’s business beyond the services typically performed;
3. Documented efforts to market the individual’s business to new, reasonably available customers;
4. If the individual performs work for an online platform, establishing an account with another similar online platform for the purpose of seeking work with that platform;

5. If the individual performs work for an online platform, seeking work with another online platform for which the individual may reasonably be qualified;
6. Any activity that demonstrates an active search for covered employment.

Suitable work:

The definition of suitable work remains the same in the new regulations. In determining whether work is suitable, we are required to take into consideration whether a claimant has a “condition” that prevents the claimant from performing the functions of the job without risk to his or her health or safety. Under the definition contained in the statute, there will be no suitable work for an individual who has been requested to self-quarantine by his or her employer or any other authority, or who is caring for a family member who has had been requested to self-quarantine. Such an individual will not have to fulfill work search requirements.

Good cause for missing deadlines due to COVID 19:

Good cause extensions of deadlines, and other requests should be liberally granted if COVID-19 prevented either party from meeting such deadlines. Note that this only applies where the law allows for a good cause extension.

Relief from interest and penalty charges for employers:

Employers who were directly affected by COVID-19 will not have to pay penalties and interest if they pay contributions or make payments in lieu of contributions as required within 60 days of the original due date of the payment. In order to be relieved, the employer must file its quarterly wages reports timely.

4. **ACTION:**

Effective immediately, DUA should adhere to these changes as a result of the new Emergency Regulations that are in effect.

5. **QUESTIONS:**

Please email UIPolicyandPerformance@detma.org