

## Department of Labor Issues Additional Guidance to Employers Related to COVID-19 Issues

**By Karen Adinolfi**

The Department of Labor (DOL) has issued yet more guidance to employers relative to issues raised by the COVID-19 pandemic. The latest round of guidance covers employer reporting of cases of COVID-19 and guidelines applicable to the supplemental unemployment benefits contained in the CARES Act.

### Employer Reporting Obligations

The DOL has reiterated the obligation of an employer to record confirmed cases of COVID-19 among its workforce, but has stated that it will temporarily suspend enforcement of the requirement that employers determine whether the cases are work-related. However, employers of health care, emergency response, and correctional employees must still make the determination that a confirmed case of COVID-19 among these employees is work-related. The DOL has also said that it may still enforce the reporting requirement in other cases if there “objective evidence that a COVID-19 case may be work-related” and the employer knew or should have known about it. The purpose behind the suspension of the work-related determination requirement is to encourage employers to focus on implementing good hygiene practices and other mitigating measures in the workplace, rather than spending time on work-relatedness decisions that may be difficult to make in light of the widespread nature of the virus.

### Unemployment Compensation Programs Under the CARES Act

There are three major unemployment compensation programs under the CARES Act, each of which addresses a different need and/or a different group of recipients.

The Pandemic Emergency Unemployment Compensation Program (PEUC) provides up to 13 weeks of benefits to workers and individuals who have exhausted regular unemployment benefits under state or federal law, have no rights to regular UC under any other state or federal law, and meet other specific requirements. The benefits extension is available through December 31, 2020. Those receiving PEUC funds must be actively looking for work, although the DOL will allow states to relax that requirement somewhat in light of pandemic-related difficulties in seeking employment.

The Pandemic Unemployment Assistance Program (PUA) provides benefits to eligible individuals affected by COVID-19 who would not otherwise qualify for unemployment benefits, such as independent contractors, the self-employed, and gig economy workers. In order to receive benefits under PUA, an individual must show that they are able and available to work, and that their lack of work

is due to COVID-19 related reasons. If eligible, they can receive regular unemployment benefits in addition to the \$600 federal benefit.

The Pandemic Unemployment Compensation Program (PUC) gives eligible individuals who are already collecting unemployment compensation through the states an additional \$600 per week in federal benefits through the end of July 2020. Recipients must meet their respective states' eligibility requirements and receive at least \$1 in regular unemployment benefits in a week in order to receive the additional \$600 benefit. The PUC also allows recipients to collect up to a total of 39 weeks of unemployment benefits, which in most states is an additional 13 weeks.

If you have any questions or concerns, please contact any of the listed Roetzel attorneys.

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