



## **FREQUENTLY ASKED QUESTIONS** Regarding UI and COVID-19

### **JOB SEPARATION**

#### **ARE SELF-EMPLOYED PEOPLE ELIGIBLE FOR UI IF THEIR BUSINESS CLOSES? WHAT ABOUT CORPORATE OFFICERS?**

Self-employed individuals are exempt from paying UI contributions. As a result, self-employed individuals are not eligible for regular state UI benefits. Corporate officers may be eligible to receive UI benefits provided they did not elect to exempt themselves from UI coverage.

Please note that the Coronavirus Aid, Relief, and Economic Security Act passed by the United States Senate on March 25, 2020 would make unemployment benefits available to self-employed individuals and independent contractors under the Pandemic Unemployment Assistance program. DEW will provide further information if the bill becomes law

#### **IF AN EMPLOYER CLOSES DUE TO COVID-19, BUT PAYS THEIR TEMPORARILY LAID OFF WORKERS WAGES, WILL THE WORKERS BE ELIGIBLE FOR UI?**

No. Employees on a temporary layoff while receiving wages (salary, paid time off/leave, etc.) would not be considered unemployed during any week in which they received that payment.

#### **IF AN EMPLOYER CLOSES DUE TO COVID-19, AND DOES NOT PAY THEIR TEMPORARILY LAID OFF WORKERS, WILL THE WORKERS BE ELIGIBLE FOR UI?**

Yes. Employees on a temporary layoff who are not receiving any type of pay would be considered unemployed during that week through no fault of their own and eligible to receive UI benefits.

#### **IF AN EMPLOYER REMAINS OPEN, BUT AN EMPLOYEE IS QUARANTINED AND WILL RETURN TO WORK WHEN MEDICALLY CLEARED TO DO SO, WILL THE EMPLOYEE BE ELIGIBLE FOR UI?**

No. The employee would be considered to be still employed and on an approved medical leave of absence. The employee would not qualify for the compelling family circumstances exception because they could not show that they would require care for a period of time longer than the employer is willing to provide paid or unpaid leave. Please note, this employee may be eligible for paid sick leave under the Families First Coronavirus Response Act signed into law on March 18, 2020.

#### **IF AN EMPLOYER REMAINS OPEN, BUT AN EMPLOYEE IS QUARANTINED DUE TO THEIR OWN ILLNESS OR TO CARE FOR AN IMMEDIATE FAMILY MEMBER'S ILLNESS AND WILL NOT RETURN TO WORK, OR THE EMPLOYER WILL NOT ALLOW THE EMPLOYEE TO RETURN TO WORK, WHEN MEDICALLY CLEARED, WILL THE EMPLOYEE BE ELIGIBLE FOR UI BENEFITS?**

Maybe. An employee may be eligible to receive UI benefits if the employee is able to establish it was medically necessary to stop working and the employer was unwilling to provide the paid or unpaid leave necessary to cover the employee's absence. If so, the employee might be eligible to receive UI benefits under compelling family circumstances. However, the employee would have to still meet the weekly eligibility requirements by establishing that they were able, available, and actively seeking work.

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# **FREQUENTLY ASKED QUESTIONS**

## **Regarding UI and COVID-19**

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### **AN EMPLOYER REMAINS OPEN, BUT AN EMPLOYEE CANNOT WORK BECAUSE THEY HAVE TO PROVIDE CHILDCARE DUE TO SCHOOL CLOSURES. THE EMPLOYER IS KEEPING THE EMPLOYEE'S JOB OPEN. IS THIS EMPLOYEE ELIGIBLE FOR UI BENEFITS?**

No. The employee would be considered to still be employed and on leave while the business continues to operate. Please note, this employee may be eligible for paid sick leave or paid family medical leave under the Families First Coronavirus Response Act signed into law on March 18, 2020.

### **AN EMPLOYEE QUILTS BECAUSE THEY ARE AFRAID THEY WILL CONTRACT COVID-19 AT THEIR WORK SITE. WILL THIS EMPLOYEE BE ELIGIBLE FOR UI?**

Maybe. An employee would be ineligible for UI benefits unless the employee is able to show that their fear was reasonable (part of an at-risk population, recent unaddressed outbreak at the job site, etc.), and that the employer was unwilling to provide job protected leave.

### **AN EMPLOYEE QUILTS OR IS DISCHARGED DUE TO ABSENTEEISM BECAUSE THEY HAVE TO PROVIDE CHILDCARE DUE TO SCHOOL CLOSURES. WILL THIS EMPLOYEE BE ELIGIBLE FOR UI?**

No. An employee would be ineligible for UI benefits because the reason for quitting was personal and unrelated to the terms and conditions of the employment. This scenario does not fall under the compelling family circumstances exemption because the absences were not due to the child's illness or disability.

### **DOES A CLAIMANT QUIT FOR GOOD CAUSE IF AN EMPLOYER REFUSES TO ALLOW A HIGH-RISK INDIVIDUAL TO WORK FROM HOME OR PROVIDE LEAVE?**

Maybe. An employee may be eligible to receive UI benefits if the employee is able to establish it was medically necessary to stop working and the employer was unwilling to provide the paid or unpaid leave necessary to cover the employee's absence. If so, the employee might be eligible to receive UI benefits under compelling family circumstances. However, the employee would have to still meet the weekly eligibility requirements by establishing that they were able, available, and actively seeking work.

### **IS A CLAIMANT ELIGIBLE TO RECEIVE BENEFITS IF AN EMPLOYER FIRED THEM FOR FALSIFYING COVID-19 EXPOSURE?**

No. This claimant would likely be disqualified from receiving UI benefits for having engaged in misconduct.

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# FREQUENTLY ASKED QUESTIONS

## Regarding UI and COVID-19

### CLAIMANT FILED CLAIMS

#### HOW CAN A CLAIMANT FILE A CLAIM FOR UI BENEFITS?

Claimants can file a claim for UI benefits 24 hours a day, 7 days a week online by visiting [scuihub.dew.sc.gov/CSS](https://scuihub.dew.sc.gov/CSS).

#### HOW CAN A CLAIMANT CHECK ON THE STATUS OF THEIR CLAIM FOR UI BENEFITS?

If you have questions about your claim, please log into your self-service portal or visit us at [dew.sc.gov](http://dew.sc.gov) under the individuals tab. Below is a link regarding frequently asked question about managing your benefits.

<https://dew.sc.gov/individuals/manage-your-benefits>

#### HOW FAST WILL UI BENEFITS BE AVAILABLE TO CLAIMANTS?

In most cases, a claimant will receive their first UI benefits within 7 and 14 days of filing the initial claim.

#### HOW LONG MUST SOMEONE BE EMPLOYED BY A COMPANY BEFORE THEY CAN RECEIVE UI BENEFITS?

There is no set period of time the employee must be employed by the company.

The claimant, however, must have earned at least 8 times their UI weekly benefit amount with the company in order to establish eligibility. Further, an individual must have earned at least \$4,455 in covered employment in their base period.

The base period is either the four oldest of the last five completed calendar quarters or the last four completed calendar quarters. Additionally, the total amount of wages in the base period must be at least 1.5 times the wages the individual earned in their highest earning quarter.

#### HOW LONG CAN A CLAIMANT RECEIVE UI BENEFITS?

Claimants can receive up to twenty weeks of full UI benefits, and may receive benefits in more weeks if they were filing for partial UI benefits

### EMPLOYER FILED CLAIMS

#### HOW DOES AN EMPLOYER DESIGNATE THAT A CLAIM IS FOR A GROUP OF EMPLOYEES AFFECTED BY COVID-19?

Our System will automatically designate the claims as COVID-19 for claims with an effective date from March 15, 2020 through April 18, 2020.

#### CAN AN EMPLOYER FILE FOR 600+ EMPLOYEES AT A TIME?

Yes. An employer can file employer filed claims for an unlimited number of employees.

#### WILL EMPLOYERS BE ALLOWED TO FILE MORE THAN 6 EMPLOYER FILED CLAIM WEEKS DUE TO COVID-19?

Yes. DEW is relaxing the limit on the number of weekly claims an employer can file during the duration of the COVID-19 Pandemic.

### EMPLOYER CHARGING

#### WILL BENEFITS PAID AS A RESULT OF COVID-19 BE CHARGED TO A CONTRIBUTORY EMPLOYER'S ACCOUNT?

No. Contributory employers will not be charged for UI benefits that are paid as a direct result of the COVID-19 state of emergency.

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# FREQUENTLY ASKED QUESTIONS

## Regarding UI and COVID-19

### WILL BENEFITS PAID AS A RESULT OF COVID-19 BE CHARGED TO A REIMBURSABLE EMPLOYER'S ACCOUNT?

Yes. South Carolina law does not allow charge removal for reimbursable employers. Please note that the Coronavirus Aid, Relief, and Economic Security Act passed by the United States Senate on March 25, 2020 would reimburse states for 50% of the benefit payments made against a reimbursable employer. DEW will provide further information if the bill becomes law.

### WEEKLY ELIGIBILITY

#### IS SOMEONE WHO CANNOT WORK BECAUSE OF CHILDCARE ISSUES ELIGIBLE TO RECEIVE UI BENEFITS?

Most likely no.

Claimants must still be able and available to work. This generally means that claimants have not unduly restricted their access to the labor market. Claimants who must stay home during normal working hours will likely not be considered to be able and available to work.

However, a claimant may be able to meet this requirement if they are able to show that they can telework or can work different shifts in their customary occupation, and that there are jobs for which the claimant is qualified through training and experience that would allow them to telework or work shifts that did not conflict with their childcare responsibilities.

#### IS SOMEONE WHO IS UNABLE OR UNWILLING TO ACCEPT WORK OUTSIDE OF THE HOME DUE TO COVID-19 CONCERNS TO BE ABLE, AVAILABLE, AND ACTIVELY SEEKING WORK?

Most likely no.

Claimants must still be able and available to work. This generally means that claimants have not unduly restricted

their access to the labor market. Claimants who refuse to leave their homes will likely not be considered to be able and available to work.

However, a claimant may be able to meet this requirement if they are able to show that they can telework, and that there are jobs for which the claimant is qualified through training and experience that would allow them to telework.

#### DO CLAIMANTS STILL HAVE TO PERFORM AT LEAST TWO JOB SEARCHES ON SCWOS IN ORDER TO RECEIVE BENEFITS FOR A WEEK?

No. DEW has waived the regulatory requirement to perform two job searches on SCWOS for the duration of the COVID-19 state of emergency.

### PARTIAL EARNINGS

#### HOW MUCH CAN A CLAIMANT BE PAID IN WAGES (SALARY, PAID TIME OFF/LEAVE, ETC.) BEFORE THEIR WEEKLY BENEFIT AMOUNT IS REDUCED?

Claimants can receive 1/4<sup>th</sup> of their weekly benefit amount in wages before their weekly benefit amount is reduced dollar for dollar. However, a claimant will not receive any UI benefits if they earn more wages than their weekly benefit amount because they would not meet the definition of "unemployed."

For example:

25% of \$300.00= \$75.00	Example 1	Example 2	Example 3
UI Weekly Benefit Amount	\$300.00	\$300.00	\$300.00
Earnings for the week	\$75.00	\$100.00	\$325.00
Earnings Deduction from payment	\$0.00	\$25.00	\$300.00
Amount of UI Payment	\$300.00	\$275.00	\$0.00

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