Memorandum

To: Kathy Catanzaro, Interim Assistant Director, Income Support

CC: All Income Support Managers and Staff, UI Administrative Staff

From: Scott R. Jensen, Director, Department of Labor and Training

Date: April 13, 2020

Subject: Unemployment Insurance Eligibility – Pandemic Response

---

1. Purpose

The purpose of this Memorandum is to provide clarity on Unemployment Insurance program eligibility determinations during the COVID-19 public health emergency.

2. Definitions

A. As used in this Memorandum, the following terms shall be defined as follows:

1. "Able and available for work" means a person is physically able to work full-time and available to work full-time as required pursuant to R.I. Gen. Laws § 28-44-12.

2. "Department" means the Department of Labor and Training.

3. "Department of Health" means the Rhode Island Department of Health, as established per R.I. Gen. Laws § 42-18-1.

4. "Good cause" means a reason that does not impact the ability of Rhode Island employers to serve the general public, their customers and the State, when doing so is in accordance with the safe social distancing practices and general safety precautions as offered by the Department of Health and the individual has not been impacted by COVID-19.

   Good cause does not mean voluntarily quitting a job or otherwise leaving an employment position to collect Unemployment Insurance when:

   a. suitable work is available; and

b. the worker has not been diagnosed with COVID-19; or

c. the worker is not in a high-risk category as articulated by the Department of Health; or

d. the worker is not the primary caregiver for a child whose school or childcare center has been closed by order of the government; or

e. the worker is not the primary caregiver for a person that has been diagnosed with COVID.

5. "Layoff" or "Laid off" means an involuntary separation from employment when that separation was the result of an action taken by an employer.

6. "Voluntary quit" means separation from employment when that separation was the result of a decision made by the employee to leave their job.

3. Unemployment Insurance Eligibility

3.1 Reason for Separation

A. Pursuant to R.I. Gen. Laws § 28-42-1, et. seq., and R.I. General Laws § 28-44-1, et. Seq., Rhode Island employees that become separated from employment may file for Unemployment Insurance benefits.

B. Employees that separate from employment as the result of a voluntary quit without good cause shall be ineligible for benefits as prescribed in R.I. Gen. Laws § 28-44-17.

3.2 Eligibility Requirements

A. Any individual who is separated from employment as the result of a layoff shall be eligible to collect benefits if they satisfy the monetary requirements as required pursuant to R.I. Gen. Laws §28-44-11 and the non-monetary requirements as prescribed in 28-44-1, et. seq., including, but not limited to being able and available to work.

B. Any individual who fails to meet the monetary requirements or non-monetary requirements to establish a claim shall not be eligible to collect benefits.

4. Pandemic Unemployment Assistance

4.1 Program Overview

A. The Pandemic Unemployment Assistance program was established by Congress to provide Unemployment Assistance benefits to individuals separated from employment, as a result of COVID-19, that do not qualify for traditional Unemployment Insurance or Unemployment Compensation.

B. Pursuant to Unemployment Insurance Program Letter (UIPL) No. 16-20, issued by the United States Department of Labor on April 5, 2020, states are required to protect the integrity of the Unemployment Insurance program by ensuring that individuals only receive benefits in accordance with statutory provisions and by enforcing anti-fraud provisions of state law and federal regulations.

4.2 Eligibility

A. Pursuant to UIPL No. 16-20, issued by the United States Department of Labor on April 5, 2020, the following individuals may be eligible to collect benefits under the Pandemic Unemployment Assistance program:

1. Self-employed individuals, including independent contractors, gig-economy workers and workers for certain religious entities;

2. Individuals seeking part-time employment;

3. Individuals lacking sufficient work history; and

4. Individuals not otherwise qualified for regular Unemployment Compensation, extended benefits under state or federal law or PEUC.

B. In accordance with UIPL 16-20, the Department requires eligible individuals to be able and available to work as required by state law, unless the individual is unemployed or partially unemployed due to the following circumstances regarding COVID-19:

1. The individual or someone they reside with has been diagnosed with COVID-19 or is seeking a diagnosis;

2. The individual is the primary caregiver for a family member, or member of their household, that has been diagnosed with COVID-19 or is seeking a diagnosis;

3. The individual has been quarantined by a medical professional or public health official as a result of COVID-19;

4. The individual is the primary caregiver for a child whose school or childcare center has been closed as a result of COVID-19; or

5. The individual or a member of their household is at high risk of contracting COVID-19 because of their medical condition, their age or other rationale as offered by the Department of Health.

C. Individuals unemployed for the reasons articulated in part 3.2 (B) shall be eligible to collect Pandemic Unemployment Assistance if other applicable eligibility requirements as prescribed in R.I. Gen. Laws § 28-44-1, et. seq., and 260-RICR-40-05-1 are satisfied.