CHRISTOPHER T. SUNUNU
Governor

STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

STATE OF NEW HAMPSHIRE
BY HIS EXCELLENCY
CHRISTOPHER T. SUNUNU, GOVERNOR

Emergency Order #5 Pursuant to Executive Order 2020-04

Access to State unemployment benefits for individuals impacted by COVID-19

Pursuant to Section 18 of Executive Order 2020-04, it is hereby ordered, effective immediately, that:

1. The waiting period required to be served by individuals filing for unemployment compensation benefits pursuant to RSA 282-A:31, I (h) is hereby temporarily suspended and shall not apply to any individual who commences a benefit year while Executive Order 2020-04, or a subsequent related directive or order, is in effect.

2. Self-employed individuals and those individuals providing services currently excluded from the definition of "employment" pursuant to RSA 282-A:9, III or IV, except RSA 282-A:9,IV (f), (h), (i), (o) and (x), shall be considered eligible for unemployment compensation benefits to the extent otherwise consistent with RSA 282-A where the individual's partial or total unemployment was necessary because:
    a) The individual has a current diagnosis of COVID-19;
    b) The individual is quarantined (including self-imposed quarantine), at the instruction of a health care provider, employer, or government official, to prevent the spread of COVID-19;
    c) The individual is caring for a family member or dependent who has COVID-19 or is under a quarantine related to COVID-19; or
    d) The individual is caring for a family member or dependent who is unable to care for themselves due to the COVID-19 related closing of their school, child care facility, or other care program.

3. Individuals providing services in employment shall be eligible for unemployment compensation consistent with RSA 282-A despite RSA 282-A:32, I,(a) if determined by the Department of Employment Security to meet the provisions contained in RSA 282-A:31 whose leaving of employment was necessary because:
    a) The individual has a current diagnosis of COVID-19;
    b) The individual is quarantined (including self-imposed quarantine), at the instruction of a health care provider, employer, or government official, to prevent the spread of COVID-19;
    c) The individual is caring for a family member or dependent who has COVID-19 or is under a quarantine related to COVID-19; or

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d) The individual is caring for a family member or dependent who is unable to care for themselves due to the COVID-19 related closing of their school, child care facility, or other care program.

4. Unemployment compensation benefits paid by reason of and pursuant to this Order shall be charged against the unemployment compensation trust fund and not assigned against the account of the most recent employer.

5. Unemployment compensation benefits paid by reason of and pursuant to this Order shall be charged against the unemployment compensation trust fund and reimbursement shall not be sought against employers electing reimbursement under RSA 282-A:69, II, RSA 282-A:70, RSA 282-A:71, or RSA 282-A:72 except as said shall apply to the state.

6. In the event that any provision in this Order fails to meet federal minimum standards, the Governor or designated State officials with written approval of the Governor, is hereby authorized to make such revision as may be necessary to cause the provisions of this Order to conform with such minimum standards. If any of the provisions of this Order or the application thereof to any persons or circumstances are held invalid, the remainder of this Order or its application to other persons or circumstances shall not be affected thereby.

7. In the event that the Federal government should pass any legislation amending or establishing a federal program providing eligibility for any week of benefits similar to those provided in this Order, or should the President declare a national emergency resulting in the institution or implementation of Disaster Unemployment Assistance, Emergency Paid Leave Benefits, Emergency Unemployment Assistance, Extended Unemployment Compensation, Paid Sick Days for Public Health Emergencies, or Personal and Family Care Act payments or any similar type program, eligibility for unemployment benefits pursuant to this Order shall be immediately terminated and benefits shall be paid under such Federal program unless and to the extent this Order provides eligibility for benefits not provided by the Federal program, in which case such benefits provided under this Order shall continue.

Given under my hand and seal at the Executive Chambers in Concord, this 17th day of March, in the year of Our Lord, two thousand and twenty, and the independence of the United States of America, two hundred and forty-four.

Christopher T. Sununu

GOVERNOR OF NEW HAMPSHIRE

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