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 #68 Pursuant to Executive Order 2020-04 as extended by Executive Orders, 2020-05, 2020-08, 2020-09, 2020-10, 2020-14, 2020-15, 2020-16 and 2020-17

Unemployment compensation changes to broaden eligibility for the new federal supplemental payment and providing continuing relief for non-profit employers by enabling access to additional reimbursement for the unemployment compensation trust fund

WHEREAS, upon the issuance of the Presidential Memorandum dated August 8, 2020 creating the Lost Wages Assistance (LWA) program, states may elect to participate in a new program administered through the Federal Emergency Management Agency (FEMA) providing supplemental payments to individuals collecting unemployment benefits; and

WHEREAS, pursuant to the application submitted by the State of New Hampshire and approved by FEMA, starting August 1, 2020, individuals collecting unemployment benefits in New Hampshire who are both (i) able to certify to being unemployed due to disruptions caused by COVID-19 and (ii) eligible to receive at least $100 per week in unemployment benefits, are eligible for this new $300 LWA weekly payment; and

WHEREAS, if New Hampshire had proceeded with implementation of the new LWA program without making any further changes at the state level, approximately 5% of individuals filing for unemployment benefits would not have been eligible for the $300 LWA payment because they are not eligible to receive at least $100 per week in unemployment benefits; and

WHEREAS, in order to create fair, broad based eligibility for this new LWA payment, an immediate, emergency change is required to be made to increase the lowest weekly unemployment benefit to $100 per week; and

WHEREAS, upon the enactment of the Protecting Nonprofits from Catastrophic Cash Flow Strain Act (S.4209) on August 3, 2020, Sec. 2103 of the CARES Act was amended so that it no longer requires reimbursing employers to pay unemployment compensation benefit charges in full before a state may receive federal relief for one-half of such reimbursing employers' obligations; and

WHEREAS, pursuant to Emergency Order #5, unemployment compensation benefits paid during the state of emergency were charged against the unemployment compensation trust fund and neither charged against contributory employers nor reimbursement sought against employers electing reimbursement in order to avoid further worsening the impact brought on employers by the nature of the pandemic; and

WHEREAS, one-half of unemployment benefits paid may now be charged to reimbursing employers without requiring any corresponding payment to be made by such reimbursing employers; and

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WHEREAS, the Unemployment Compensation ("UC") Trust Fund is projected to be depleted during the second calendar quarter of 2021; and

WHEREAS, charging reimbursing employers for one-half of benefit payments will permit New Hampshire to receive an equivalent amount of federal reimbursement, thus helping to preserve the solvency of the UC Trust Fund.

Now therefore, pursuant to Section 18 of Executive Order 2020-04 as extended by Executive Orders 2020-05, 2020-08, 2020-09, 2020-10, 2020-14, 2020-15, 2020-16 and 2020-17, it is hereby ordered, effectively immediately:

1. Notwithstanding the provisions of RSA 282-A:25, those eligible individuals whose annual earnings are not less than $2,800 but are less than $9,000 shall temporarily receive a maximum weekly benefit amount of $100 and maximum benefits of up to $2,600, effective for all weeks determined payable starting with the week beginning July 26, 2020. The maximum weekly benefit amount and maximum benefits payable to an eligible individual shall continue to be determined by the individual's annual earnings, of which in each of 2 calendar quarters, the individual must have earned not less than $1,400. This order shall not affect the maximum weekly benefit amount or maximum benefits of individuals with annual earnings of $9,000 or more.

2. In keeping with the Protecting Nonprofits from Catastrophic Cash Flow Strain Act, one-half of unemployment compensation benefits paid shall be charged against the unemployment compensation trust fund and reimbursement of such one-half 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. Unemployment compensation benefits otherwise chargeable to the separate accounts of contributory employers shall continue to be charged against the Unemployment Compensation Trust Fund.

3. To the extent any provisions of this Order and Emergency Order #5 conflict, the provisions of this Order shall control. All other provisions of Emergency Order #5 shall remain in full force and effect.

Given under my hand and seal at the Executive Chambers in Concord, this 9th day of September, in the year of Our Lord, two thousand and twenty, and in the independence of the United States of America, two hundred and forty-four.

GOVERNOR OF NEW HAMPSHIRE

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