Executive Department
State of Idaho

State Capitol
Boise

EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE

EXECUTIVE ORDER NO. 2020-11

RELATED TO THE IDAHO DEPARTMENT OF LABOR

WHEREAS, I issued a proclamation on June 11, 2020, declaring a state of disaster in the State of Idaho pursuant to Chapter 10, Title 46, Idaho Code, due to the occurrence and threat to public health and safety arising from the effects of COVID-19; and

WHEREAS, that proclamation remains in effect today; and

WHEREAS, I issued a proclamation on March 13, 2020, declaring a state of emergency in the State of Idaho pursuant to Chapter 10, Title 46, Idaho Code, due to the occurrence and imminent threat to public health and safety arising from the effects of the 2019 novel coronavirus (COVID-19); and

WHEREAS, I issued a proclamation on March 25, 2020, declaring a state of extreme emergency in the State of Idaho pursuant to Chapter 6, Title 46, Idaho Code, due to the increasing occurrence and threat to public health and safety arising from the effects of COVID-19; and

WHEREAS, each of those proclamations have since been superseded by my June 11, 2020 proclamation; and

WHEREAS, Section 46-1008(5)(a), Idaho Code, states that the Governor may suspend the provisions of any regulations that would in any way prevent, hinder, or delay necessary action in coping with the disaster; and

WHEREAS, I directed all state agencies to review their regulations to identify opportunities to assist in the COVID-19 response while maintaining public safety; and

WHEREAS, the Idaho Department of Labor has identified regulations to suspend in order to more quickly, efficiently, and safely respond to the declared emergency; and

WHEREAS, the Idaho Department of Labor finds that the emergency conditions present in Idaho continue to restrict the ability of Idahoans to apply for, travel to, and interview with prospective employers. Due to the emergency, including the emergency conditions and extreme emergency conditions addressed in my March 13, March 25, and June 11, 2020 orders, and its necessary responses, the regular requirements of unemployment insurance must be altered to accommodate individuals that may not have been able, available, and actively seeking work because of COVID-19 and those emergency conditions and/or those orders.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution of the United States, the Constitution of the State of Idaho, and the laws of this State, including Section 46-1008, Idaho Code, do hereby find and therefore proclaim, declare and order:

01. *The Executive Order I issued on March 27, 2020, EO-2020-04, is hereby superseded and replaced as follows:*
    a. *Notwithstanding any provision to the contrary in the Employment Security Law, or regulations of the Idaho Department of Labor, it is*

hereby ordered and directed that the following regulations be suspended as follows:

i. *Provisions of the Employment Security Law, Sections 72-1301 et seq., Idaho Code, that would require denial of unemployment benefits, or findings of willful misrepresentation on the sole basis that the claimant entered an incorrect reason for separation when applying for benefits, are waived or suspended in situations where the separation occurred because of the direction of a medical professional, local health authority, employer, or state or local government, that the claimant be isolated or quarantined as a consequence of COVID-19, even if not actually diagnosed with COVID-19.*

ii. *Claimants who are temporarily unemployed for reasons related to COVID-19, and who have a reasonable assurance from their employer that continuing employment exists shall be considered job-attached, and as having met the available for suitable work, and seeking work personal eligibility conditions of Section 72-1366(4)(a)(i), Idaho Code, and any provisions to the contrary in the Employment Security Law shall be suspended in these situations.*

iii. *During this state of emergency, including extensions, or until December 31, 2020, whichever date first occurs, the one-week waiting period in the Employment Security Law shall be suspended for claimants making application for unemployment benefits on or after March 8, 2020, who otherwise meet the personal eligibility requirements of the Employment Security Law, and whose separation from employment occurs during the state of emergency declared pursuant to an emergency proclamation.*

iv. *Claimants who become unemployed because of their quarantine or isolation related to COVID-19 at the direction of their medical professional, local health authority, employer, or state or local government, during such period of quarantine or isolation, shall be considered unemployed through no fault of their own.*

v. *During this state of emergency, including extensions, any benefit paid on unemployment claims described in Paragraphs 01(a)(ii) –(iv) above shall not be charged to the experience rating account of the employer who otherwise would have been charged.*

vi. *To effectuate the purposes of this Order, the Idaho Department of Labor shall interpret flexibly, and may suspend where appropriate to the fullest extent allowed by federal law, non-jurisdictional procedural requirements of the Employment Security Law and provisions of its rules not expressly included in the Employment Security Law.*

vii. *In addition, the requirements set forth in Section 72-1368, Idaho Code, may be suspended and the Idaho Department of Labor, and the Idaho Industrial Commission, will have the discretion, for good cause shown, to extend by a period not to exceed fourteen (14) days the time for filing appeals. Good cause under this provision and the Employment Security Law shall be interpreted flexibly to effectuate the purposes of this Order.*

viii. *This Order and the authority granted hereby shall not be construed to allow a claimant to refuse:*

    1. *to return to work if requested by the employer and suitable work can be performed in compliance with the emergency declarations and directives; or*

2. *to accept suitable work if the claimant applies and is offered work that can be performed in compliance with the emergency declarations and directives.*

02. *Notwithstanding any provision to the contrary of the Employment Security Law, Sections 72-1301 et seq., Idaho Code, and related Department of Labor regulations, it is hereby ordered:*
    a. *The Department of Labor shall have authority, to the fullest extent allowed by federal law, to interpret flexibly, and to suspend, as appropriate, the able to work, available for suitable work, and seeking work personal eligibility conditions of Section 72-1366(4)(a), (b), (6), and (7), Idaho Code, and as necessary to enact temporary rules to effect any such waiver.*
    b. *By this Order, the able to work, available for suitable work, and seeking work personal eligibility conditions of Section 72-1366(4)(a), and (b), (6), and (7), Idaho Code, are suspended for claims for benefit weeks occurring on or after March 13, 2020, through Stage 4 declared by my Stay Healthy Order effective June 13, 2020, but shall only apply to such claims that as of the date of this Executive Order have not become final pursuant to section 72-1368, Idaho Code.*
03. *Pursuant to Section 72-1368(4)(b), Idaho Code, the Director of the Department of Labor shall have the discretion to suspend any regulation that may not allow a claimant to reapply for benefits whose claims were denied because of Section 72-1366(4)(a), (b), (6), or (7), Idaho Code, and have become final pursuant to Section 72-1368, Idaho Code, after March 13, 2020, but prior to the date of this Executive Order. The suspension effected by Section 02(b) of this Executive Order shall apply to any such reapplication approved by the Director.*
04. *These suspensions are not blanket waivers of these requirements, but suspensions to provide Unemployment Compensation to those individuals who were laid off because of COVID-19 with the intent to return to their employer; individuals who were quarantined due to my March 25, 2020, order with the intent to return to their employer; individuals who were quarantined by a medical provider or my March 25, 2020, order due to a reasonable risk of exposure or infection; or individuals who were caring for a family member due to a reasonable risk of exposure or infection.*
05. *The action taken in this proclamation is necessary for the protection of life and property of Idaho citizens, and the authority granted hereby to the Department of Labor shall continue so long as the disaster described above remains in place.*
06. *The Department of Labor is directed to enact temporary rules, where appropriate, to suspend the allocation of charges to employers' accounts for individuals who are paid benefits for reasons related to COVID-19 to the fullest extent allowed by federal law.*
07. *This Executive Order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State of Idaho, its departments, agencies, or entities, its officers, employees, or agents, or any other person.*

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 11th day of June in the year of our Lord two thousand and twenty.

BRAD LITTLE

GOVERNOR

LAWERENCE DENNEY

SECRETARY OF STATE