STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 4-20

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the "State of Emergency Declaration"), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, the World Health Organization declared COVID-19 a global pandemic on March 11, 2020; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and

WHEREAS, on March 13, 2020, the President of the United States, pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et. seq., and consistent with Section 1135 of the Social Security Act, as amended, 42 U.S.C. § 1320b-5, declared that the COVID-19 outbreak in the United States constitutes a national emergency, retroactive to March 1, 2020; and

WHEREAS, the public workforce system plays an important role in the lives and economic wellbeing of West Virginia citizens; and

WHEREAS, the United States Department of Labor on March 12, 2020, granted states flexibility in administering unemployment insurance programs to assist Americans affected by the COVID-19 outbreak; and

NOW, THEREFORE, I, JIM JUSTICE, by virtue of the authority vested in me as the Governor of the State of West Virginia do hereby **DIRECT** the West Virginia Department of Commerce/WorkForce West Virginia to ensure that individuals who, due to a documented medical condition caused by COVID-19 or due to communicable disease control measures related to COVID-19, are separated from employment, have had their hours of employment reduced, or are prevented from working, shall be eligible for unemployment benefits to the maximum extent permitted by federal law. For the purposes of this Executive Order, communicable disease control measures shall include quarantine or isolation directives or orders related to COVID-19, including orders that have been issued or may be issued from time to time relating to the closure or limitation of occupancy of certain types of businesses or facilities to limit the spread of COVID-19, issued by the State of West Virginia, the federal government, a local government entity, or a medical or public health professional.

Furthermore, I **DIRECT** the West Virginia Department of Commerce/WorkForce West Virginia to provide the necessary unemployment benefits to those affected by COVID-19 to the maximum extent permitted under federal law, and for so long as the State of Emergency Declaration regarding COVID-19, dated March 16, 2020, remains in place, and to interpret flexibly or waive, as appropriate, the following:

i. the one-week waiting period for benefits (W. Va. Code § 21A-6-2);

ii. the able to work and available to work requirements (W. Va. Code § 21A-6-1(3));

iii. the work search requirements (W. Va. Code § 21A-6-1(6)); and

iv. the actively seeking work requirements (W. Va. Code § 21A-6-1(6)).

Furthermore, if the West Virginia Department of Commerce/WorkForce West Virginia identifies other state laws, regulations, and policies that may inhibit the fair and timely distribution of unemployment benefits to those affected by COVID-19, it is directed to inform the Office of the Governor in writing. Upon written authorization from the Office of the Governor, the West Virginia Department of Commerce/WorkForce West Virginia may interpret flexibly, modify, or waive those state laws, regulations, and policies, as appropriate, to the maximum extent permitted under applicable federal law to effectuate the purposes of this Order.

Furthermore, the West Virginia Department of Commerce/WorkForce West Virginia is **ORDERED** to postpone all mandatory in-person contact with individuals seeking unemployment benefits, as long as the State of Emergency for COVID-19 remains in effect. The West Virginia Department of Commerce/WorkForce West Virginia is further ordered to provide reasonable means for the filing of initial claims and weekly certifications, including both telephone and internet access.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol in the City of Charleston, State of West Virginia, this Nineteenth day of March, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-seventh year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE