



FREQUENTLY ASKED QUESTIONS FROM WORKERS REGARDING COVID-19

On March 12, 2020, Governor Northam declared a State of Emergency in the Commonwealth due to the statewide spread of COVID-19.

Many workers are asking for guidance on how to navigate this public health crisis as they work to keep their families both healthy and financially stable.

Below are answers to some of the most frequently asked questions received from workers. Please check with your human resource officer for employer-specific policies on sick and medical leave. This document is not designed to give legal advice on individual situations.

1. Because of COVID-19, my employer has temporarily closed, and I do not have paid leave or will not receive a paycheck. What can I do?

You may file a claim for unemployment insurance (UI) benefits with the Virginia Employment Commission (VEC). If VEC approves your claim, you will receive a weekly benefit payment that is dependent on your past earnings. The maximum benefit amount is \$378 for up to 26 weeks. Individuals who receive unemployment benefits may also be eligible for Federal Pandemic Unemployment Compensation (FPUC), which is a \$600 per week supplement payment payable through July 25, 2020.

For more information about unemployment insurance and to file a claim, please visit <http://www.vec.virginia.gov/node/11699>. A detailed guide to applying is available at <https://www.vec.virginia.gov/sites/default/files/documents/Information-on-claims-related-to-layoff-March-2020.pdf>. Thank you in advance for your patience in navigating the site as VEC is experiencing a high volume of claims.

2. My employer has cut my hours back due to the coronavirus. What can I do?

If your weekly earnings fall below what would be your maximum weekly benefit amount, you may file a claim for partial unemployment insurance (UI) benefits with the Virginia Employment Commission (VEC).

For more information on UI and to file a claim, please visit <http://www.vec.virginia.gov/node/11699>. A detailed guide to applying is available at <https://www.vec.virginia.gov/sites/default/files/documents/Information-on-claims-related-to-layoff-March-2020.pdf>. Thank you in advance for your patience in navigating the site as VEC is experiencing a high volume of claims.

3. I am a gig worker (i.e. self-employed or independent contractor). Do I qualify for unemployment insurance if I lose work due to COVID-19?

The self-employed, independent contractors, and other gig workers are eligible to receive Pandemic Unemployment Assistance (PUA) through the Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act.

To determine eligibility for PUA, individuals should first apply for and be denied traditional unemployment benefits through the Virginia Employment Commission (VEC). They may then file a claim for PUA at <https://www.vec.virginia.gov/html/pua.html>. Thank you in advance for your patience in navigating the site as VEC is experiencing a high volume of claims.

4. My unemployment insurance ran out shortly before the public health crisis, and I am now no longer eligible. Has Virginia extended benefits for people in my situation?

Under the Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act, individuals who have exhausted their unemployment insurance benefits may be eligible to receive Pandemic Emergency Unemployment Compensation (PEUC) for up to 13 weeks. VEC will notify eligible candidates who have exhausted their benefits.

5. I was unemployed prior to the COVID-19 crisis. Am I eligible for unemployment insurance now?

Under the recent federal stimulus package (Federal Coronavirus Aid, Relief, and Economic Security Act), unemployment insurance (UI) has been extended to some individuals with insufficient work history that would make them ineligible under normal circumstances. These benefits are administered through the Pandemic Unemployment Assistance (PUA) program.

To determine eligibility for PUA, individuals should first apply for and be denied traditional unemployment benefits through the Virginia Employment Commission (VEC). They may then file a claim for PUA at <https://www.vec.virginia.gov/html/pua.html>. Thank you in advance for your patience in navigating the site as VEC is experiencing a high volume of claims.

6. Am I eligible for benefits if I must miss work because I have been quarantined by a health official, am experiencing symptoms, or am sick with coronavirus?

The Families First Coronavirus Response Act (FFCRA) passed by the federal government in March 2020 requires certain employers to provide a designated amount of paid sick leave to employees that are quarantined and/or experiencing COVID-19 symptoms. Some exemptions may apply. To learn more, please visit <https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>.

If your employer is exempt from this requirement, first talk to them about telework options, flexible schedules, and specific leave policies. In the event that you have to take unpaid leave or lose your job, you may file a claim for unemployment insurance (UI) benefits with the Virginia Employment Commission (VEC).

For more information and to file a claim, please visit <http://www.vec.virginia.gov/node/11699>. A detailed guide to applying is available at <https://www.vec.virginia.gov/sites/default/files/documents/Information-on-claims-related-to-layoff-March-2020.pdf>. Thank you in advance for your patience in navigating the site as VEC is experiencing a high volume of claims.

7. Am I eligible for benefits if I must stay home to care for a family member that is seriously ill with coronavirus?

The Families First Coronavirus Response Act (FFCRA) passed by the federal government in March 2020 requires certain employers to provide a designated amount of paid family and medical leave to employees that must stay home to care for a family member that is subject to quarantine or [seriously ill with coronavirus](#). [Some exemptions may apply. To learn more, please visit https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave.](#)

If your employer is exempt from this requirement, first talk to them about telework options, flexible schedules, and specific leave policies. In the event that you have to take unpaid leave or lose your job, you may qualify for unemployment benefits.

For more information about unemployment insurance and to file a claim, please visit <http://www.vec.virginia.gov/node/11699>. A detailed guide to applying is available at

<https://www.vec.virginia.gov/sites/default/files/documents/Information-on-claims-related-to-layoff-March-2020.pdf>. Thank you in advance for your patience in navigating the site as the Virginia Employment Commission is experiencing a high volume of claims.

8. Am I eligible for benefits if I must take time off to care for my child whose daycare or school is closed due to COVID-19?

The Families First Coronavirus Response Act (FFCRA) passed by the federal government in March 2020 requires certain employers to provide a designated amount of paid family and medical leave to employees that are caring for a child whose school or daycare is unavailable due to COVID-19. Some exemptions may apply. To learn more, please visit <https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>.

If your employer is exempt from this requirement and you must use unpaid leave or lose your job, you may qualify for unemployment benefits. For more information about unemployment insurance and to file a claim, please visit <http://www.vec.virginia.gov/node/11699>. A detailed guide to applying is available at <https://www.vec.virginia.gov/sites/default/files/documents/Information-on-claims-related-to-layoff-March-2020.pdf>. Thank you in advance for your patience in navigating the site as the Virginia Employment Commission is experiencing a high volume of claims.

9. I waited to apply for unemployment insurance (UI) benefits after I lost my job. Am I eligible for benefits for the weeks I was unemployed before I completed the UI application?

Unemployment claims are effective the date they are filed. For verification purposes, there is unfortunately no way in the system to backdate a claim. You should file for unemployment as soon as possible after you are furloughed or lose your job.

10. I received unemployment payments for a few weeks and then nothing. What can I do to reinstate my benefits, and why might they have stopped?

There are a variety of reasons why you may be receiving payments during some weeks and not others. Individuals will not receive payments during weeks where they do not file their weekly claim with the VEC. If you are working part-time or earning reduced income, it is also possible that your weekly earnings have exceeded your maximum weekly benefit amount during certain weeks, making you ineligible for benefits. See question two of this document for more information on partial unemployment benefits.

Another possibility is that you have had an “outstanding issue” placed on your account. Regardless of what specifically has caused the issue, a VEC Deputy must review

outstanding issues before benefits can be released. The Deputies are working the issues first in, first out, and the backlog is roughly 2 months. They are not able to pull a particular person's name to determine where they are in that process, but a VEC representative will contact you as soon as possible to provide additional information.

11. 11. Am I required to fulfill the weekly job search requirement to continue receiving unemployment benefits?

The job search requirement for unemployment benefits has been temporarily waived. You will not need to demonstrate that you are looking for a new job to receive weekly benefits.

12. What should I do if I disagree with my monetary determination from the VEC?

If you disagree with your monetary determination for traditional UI, you should appeal and have it evaluated by the VEC. There could be any number of reasons why a determination is incorrect (e.g. misclassification by the employer, wages under an incorrect SSN, etc.)

It is different if you are eligible for Pandemic Unemployment Assistance (PUA). Please see question three for more information on this benefit. The VEC has established that everyone, regardless of 2019 earnings, will receive the minimum weekly benefit amount of \$158 for PUA. Once the VEC is able to accept proof of earnings through the new online system, the monetary determination will be recalculated and individuals will receive retroactive payments if they are eligible for a weekly benefit amount that is more than \$158. The vendor is testing this functionality now, but it is not currently available. You will receive a message from the Gov2Go platform once it is in effect.

13. My employer is not providing me with the paid sick or family and medical leave mandated under the Federal Families First Coronavirus Act (FFCRA). What should I do?

If your employer is subject to the FFCRA requirements and fails to provide eligible employees with paid sick leave by the deadline, you may file a complaint with the federal Department of Labor at <https://www.dol.gov/agencies/whd/workers#complaint>.

14. My employer closed temporarily and I did not receive my last paycheck. How do I get paid?

To file a nonpayment of wages claim, please visit the Virginia Department of Labor's website at <https://www.doli.virginia.gov/labor-law/payment-of-wage-english/>.

15. I feel that my employer is not taking the necessary precautions to maintain a safe working environment in this public health crisis, and they are also not allowing me to telework. What can I do?

The Virginia Department of Labor and Industry (DOLI) is responsible for enforcing safety and health laws and regulations in Virginia workplaces. At the direction of Governor Northam, DOLI's Safety and Health Codes Board recently voted to approve first-in-the-nation, statewide workplace safety standards for the COVID-19 emergency. These temporary regulations will remain in effect for six months and address appropriate personal protective equipment, sanitation, social distancing, infectious disease preparedness and response plans, record keeping, training, and hazard communications in the workplace.

The standards and informational materials are available at <https://www.doli.virginia.gov/covid-19-outreach-education-and-training/>. If you feel that your employer is not complying with the new safety regulations, you may file a formal complaint with the federal Occupational Safety and Health Administration (OSHA) here. Complaints received through OSHA will be investigated at the state level by DOLI.

16. Where can I learn more about the Governor's face covering requirement and how it applies to workers?

Governor Northam's Executive Order 63 requires Virginians to wear face coverings in public indoor settings to help contain the spread of the novel coronavirus. For more information on the new face covering requirement, please refer to <https://www.virginia.gov/coronavirus/eo63/faq/>.

17. Can my employer not pay me if I am sent home early from work or told not to come in for a scheduled shift?

Yes. A Virginia employer is only required to pay an employee for the work performed.

18. I caught coronavirus from my work. Can I file a workers' compensation claim?

Please contact your human resources director for more information about your employer's policies. Workers' compensation claims are evaluated according to the condition and specific circumstances. For more information on how to file a workers' compensation claim in Virginia, please refer to <http://www.vwc.state.va.us/documents/workers-compensation-brochure>.

19. If I have coronavirus, what can my employer tell others about my condition?

All medical information on an employee is confidential and cannot be shared with other employees. For the safety of the workplace, an employer may disclose this information to a health authority.

The Health Insurance Portability and Accountability Act provides protections concerning disclosure of medical information. Information concerning disclosure of medical conditions can be obtained at (800) 368 – 1019.

20. Can my employer ask me if I have a health condition such as a weak immune system or existing condition that would be affected by coronavirus?

No. Your employer cannot ask you questions that might disclose a disability.

21. Apart from unemployment insurance for employees, what other resources are available to support businesses during the COVID-19 crisis?

Rapid Response Funds to Assist Small Businesses

Rapid Response is a federal program to help workers, companies, and communities experiencing layoffs and closures and provide strategies to avert layoffs. Virginia will help businesses avert COVID-19-related layoffs by providing additional Rapid Response assistance for the sanitization of workspaces, implementation of telework options to support social distancing that the company has not supported prior, or other innovative strategies that help keep employees on the job. Businesses may apply for the assistance through their regional workforce boards. To contact your regional workforce board director, please visit <https://virginiacareerworks.com/local-workforce-boards/>.

Employee Retention Credits for Employers

This provision through the Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act provides a refundable payroll tax credit for a percentage of wages paid by eligible employers to certain employees during the COVID-19 crisis. The credit is available to employers, including non-profits, whose operations have been fully or partially suspended as a result of a government order limiting commerce, travel or group meetings. The credit is also provided to employers who have experienced a greater than 50 percent reduction in quarterly receipts, measured on a year-over-year basis. To learn more, please visit <https://www.irs.gov/newsroom/faqs-employee-retention-credit-under-the-cares-act>.

Economic Injury Disaster Loans

Following a request submitted by Governor Northam on March 18, the U.S. Small Business Administration (SBA) approved an Economic Injury Disaster Loan declaration for Virginia. Small businesses and nonprofit organizations throughout the Commonwealth affected by the COVID-19 public health crisis can now apply for low-interest federal disaster loans of up to \$2 million from the SBA to pay fixed debts, payroll, accounts payable, and other expenses. A \$10,000 loan advance, which does not need to be repaid, is also available. For updates on this resource, please visit <https://www.sba.gov/funding-programs/loans/coronavirus-relief-options/economic-injury-disaster-loan-emergency-advance>

Paycheck Protection Program

The federal Paycheck Protection Program (PPP) is an SBA loan that helps businesses keep their workforce employed during the COVID-19 crisis. SBA will forgive loans if all employees are kept on the payroll for eight weeks and the money is used for payroll, rent, mortgage interest, or utilities. For updates on this resource, please visit <https://www.sba.gov/funding-programs/loans/coronavirus-relief-options/paycheck-protection-program-ppp>

22. How is Governor Northam working with the Virginia Congressional Delegation to expand the supports available to Virginians during this crisis?

On April 16, 2020, Governor Northam submitted a letter to the Virginia Congressional Delegation requesting a wide range of additional federal supports for Virginia workers, businesses, and families in response to COVID-19. The letter can be accessed at <https://www.governor.virginia.gov/media/governorviriniagov/governor-of-virginia/pdf/4.16.20-RSN-Stimulus-Letter-to-CoDel.pdf>.

For business-related questions not answered above, please email business@virginia.gov.

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