



## FREQUENTLY ASKED QUESTIONS FROM WORKERS REGARDING COVID-19

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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. Who is eligible for the one-time stimulus payment from the federal government through the Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act? Do I need to do anything to receive the benefit?**

Single adults with Social Security numbers who have an adjusted gross income of \$99,000 will receive a one-time stimulus payment of up to \$1,200, with individuals making \$75,000 or less receiving the full amount. Married couples with no children earning \$150,000 or less will receive payments of \$2,400, and income adjusted payments will be made to couples making up to \$198,000. Adults will receive an additional \$500 for every qualifying child age 16 or under. For more information, please visit <https://www.irs.gov/newsroom/economic-impact-payments-what-you-need-to-know>.

Individuals with Social Security numbers for whom the IRS already has direct deposit information do not need to take action to receive payment. In the coming weeks, the Treasury plans to develop a web-based portal for individuals to provide their banking information to the IRS online, so that individuals can receive payments immediately as opposed to checks in the mail. Individuals who have not filed federal taxes in 2018 or 2019 will need to file a simple tax return to receive the payment. The payment will not be taxed as income.

## **2. 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?**

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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. Congress has authorized additional benefits that will be added when Virginia completes implementation of the new program.

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-claimsrelated-to-layoff-March-2020.pdf>. Please be sure to put "Lack of Work" as your reason for separation from employment on the application. Thank you in advance for your patience in navigating the site as VEC is experiencing a high volume of claims.

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

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If your weekly earnings fall below what would be your weekly unemployment insurance benefit, 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>. Please be sure to put "Lack of Work" as your reason for separation from employment on the application. Thank you in advance for your patience in navigating the site as VEC is experiencing a high volume of claims.

## **4. 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?**

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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. The weekly benefit amount will be provided for 39 weeks, along with an additional \$600 as provided in the law.

Once the federal Department of Labor issues guidance to states on the administration of PUA, individuals will be able to file a claim with the Virginia Employment Commission

(VEC). For updates 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>. Once filing is open for this program, please be sure to put “Lack of Work” as your reason for separation from employment on the application. Thank you in advance for your patience in navigating the site as VEC is experiencing a high volume of claims.

**5. 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 Unemployment Assistance (PUA) for up to 13 weeks. They will also qualify for an additional \$600 per week for 13 weeks. VEC will notify eligible candidates who have exhausted their benefits.

For updates 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>. Please be sure to put “Lack of Work” as your reason for separation from employment on the application. 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 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 lose your job, you may file a claim for Unemployment Insurance (UI) benefits with the Virginia Employment Commission (VEC).

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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>. Please be sure to put "Lack of Work" as your reason for separation from employment on the application. 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?**

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The Families First Coronavirus Response Act 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 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>. Please be sure to put "Lack of Work" as your reason for separation from employment on the application. 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 day care or school is closed due to COVID-19?**

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The Families First Coronavirus Response Act 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, 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>. Please be sure to put "Lack of Work" as your reason for separation from employment on the application. Thank you in advance for your patience in navigating the site as the Virginia Employment Commission is experiencing a high volume of claims.

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

If your employer is subject to the 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>.

**10. 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/>.

**11. 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?**

Guidance for essential businesses on how to avoid the spread of COVID-19 in their facilities can be found here: <http://www.vdh.virginia.gov/coronavirus/>. Virginia does not currently have the authority to enforce sanitation efforts, but if there is a concern of an outbreak at your facility, contact your local health department immediately. If your employer is in need of financial support for the sanitization of facilities, please refer to Question #16 of this FAQ.

The Virginia Occupational Safety and Health (VOSH) Program through the Virginia Department of Labor and Industry (DOLI) is responsible for enforcing occupational safety and health laws and regulations in the private and public sectors. For more information about VOSH standards or to file a complaint against your employer for failing to comply with the Governor's COVID\_19-related directives, please visit <https://www.doli.virginia.gov/vosh-programs/coronavirus-covid-19-resources/>.

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

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

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

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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.

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

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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.

**15. 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?**

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

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

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*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/>.

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### *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>.

### *Small Business 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. To submit a loan application through the SBA Economic Injury Disaster Loan program, please visit <https://disasterloan.sba.gov/ela/>.

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For business-related questions not answered above, please email [business@virginia.gov](mailto:business@virginia.gov).

For worker-related questions not answered above, please email [workforce@governor.virginia.gov](mailto:workforce@governor.virginia.gov).