

## Employment Department Temporary Rules for Unemployment Insurance Benefits Flexibility

On March 8, 2020, Governor Brown issued Executive Order No. 20-03 declaring a statewide emergency due to the infectious novel coronavirus. Since then, the impact of the virus and efforts to slow its spread have had an increasing impact on Oregon workers and businesses. The unemployment insurance system aims to help workers and businesses, and the communities they are in, during times of disrupted employment. This rule sets out unemployment insurance provisions applicable to the unique situations arising due to COVID-19 and the actions to slow its spread. The provisions of this rule apply retroactively to March 8, 2020, when the statewide emergency was declared.

(1) The following situations are deemed to be “COVID-19 related situations”:

- (a) A person is unable to work because they are ill with the novel coronavirus;
- (b) A person is unable to work because they have been potentially exposed to the novel coronavirus and have been subjected to a mandatory quarantine period;
- (c) A person is unable to work because they have been advised by their health care provider or by advice issued by public health officials to self-quarantine due to possible risk of exposure to, or spread of, the novel coronavirus;
- (d) A person is unable to work because their employer has ceased or curtailed operations due to the novel coronavirus, including closures or curtailments based on the direction or advice of the Governor or of public health officials;
- (e) A person is unable to work because they have to stay home to care for a family member, or other person with whom they live or for whom they provide care, who is suffering from the novel coronavirus or subject to a mandatory quarantine;
- (f) A person is unable to work because they have to stay home to care for a child due to the closure of schools, child care providers, or similar facilities due to the novel coronavirus; and
- (g) A person is being asked to work when it would require them to act in violation of a mandatory quarantine or Governor’s directive regarding the limitation of activities to limit the spread of the novel coronavirus.

(2) Disqualifications from unemployment insurance benefits. People are not disqualified from receiving unemployment insurance benefits under the following circumstances (although they still must meet the weekly eligibility requirements to receive benefits):

- (a) A person is discharged because of a COVID-19 related situation (ORS 657.176(2)(b));
- (b) A person quits work because of a COVID-19 related situation (ORS 657.176(2)(c));
- (c) A person fails to apply for work when referred by the employment office or the director because of a COVID-19 related situation (ORS 657.176(2)(d); or
- (d) A person fails to accept an offer of work because of a COVID-19 related situation (ORS 657.176(2)(f)).

(3) Able to work – ORS 657.155(1)(c) and federal law require a person be able to work in order to receive unemployment insurance benefits.

(a) A person will not be deemed unable to work because:

(A) They are quarantined by their health care provider, or by advice issued by public health officials to self-quarantine due to possible risk of exposure to, or spread of, the novel coronavirus, but they are not sick;

(B) They are home sick because of the novel coronavirus or a condition with similar flu like symptoms and they have not turned down an offer of work since they began being at home due to the sickness; or

(C) They are hospitalized, or in other institutionalized care, due to the novel coronavirus, but for less than half of the week, and they did not turn down an offer to work that week.

(b) A person is unable to work in a week if they are offered suitable work and do not accept it because they are sick with novel coronavirus, or a condition with similar flu like symptoms.

(4) Actively seeking work – ORS 657.155(1)(c) and federal law require a person to be actively seeking work in order to receive unemployment insurance benefits. A person will be considered actively seeking work if they are unemployed because of a COVID-19 related situation, or if their work search efforts are significantly impacted by the novel coronavirus, and:

(a) They and their employer intend on the person resuming work for their employer when COVID-19 related situations permit (they are “employer attached”) and the person stays in contact with their employer, as reasonably required by their employer, so they can return to work when the employer permits them to do so; or

(b) They or their employer do not intend for the employee to return to work for their employer (they are not “employer attached”) and the person is doing what they can to find employment.

(5) Available for work – ORS 657.155(1)(c) and federal law require a person to be available for work in order to receive unemployment insurance benefits. A person will not be deemed unavailable for work because:

(a) They are staying in their home, or are quarantined, due to risk of exposure to, or spread of, the novel coronavirus at the advice of a health care provider or by advice issued by public health officials or by directive of a government official, even if their employer had work for them they could otherwise have performed;

(b) They are home solely because they lack childcare for a child or children due to school or daycare closures or curtailments; or

(c) They are home to care for a family member due to the effects of novel coronavirus.