



RI-SHRM

Frequently Asked Questions

Covid-19: Guidance for HR Professionals

Matthew Weldon

Assistant Director at R.I. Dept. of Labor and Training

[linkedin.com/in/matthew-weldon-05047487](https://www.linkedin.com/in/matthew-weldon-05047487)

<http://www.dlt.state.ri.us/>

- 1. Are employees who have to stay home due to schools being closed eligible for TCI or Unemployment Insurance?**

Yes, either one.

If I we are an employer who is subject to Expanded FMLA, can an employee collect benefits under the paid FMLA or/and Emergency Paid Sick Leave and TDI or UI concurrently?

Speaking from DLT's perspective only – for UI/TDI: Folks collecting UI cannot be paid by their employer or be receiving other forms of payment (sick leave); TDI claimants can be paid by their employer but cannot be performing work.

What if they are currently out on TDI? Should they now be changed to the FFCRA benefit?

TDI is an employee-driven insurance benefit. So long as claimants are not working, they can collect payments. Their employer cannot require them to apply for TDI or stop collecting if they are not working.

2. ***If an employer has work available and a healthy employee tells them they don't want to work because they feel uncomfortable, is the employee eligible for UI or TDI/TCI benefits?***

This depends on the individual's circumstances. If people feel uncomfortable because of their personal health condition or that of someone in their household (or otherwise in their care) then they would likely be permitted to collect UI. They would definitely be permitted to collect TDI/TCI. Of course it would be one program or another, not both.

Can the employer hire someone else to fill that job? If folks are on UI or TDI they can be laid off?

If they're collecting TCI they must be restored to their job or a comparable position per RIGL 28-41-35.

If an employee is uncomfortable working because the employer is not practicing social distancing, not screening or not asking the health screening questions of employees or visitors on the employer's premises that the Governor requested, and the employee does not feel safe working, are they eligible for UI or TDI benefits?

Probably, yes. DLT would consider that a quit with good cause for UI purposes. TDI for sure – they'd be permitted to collect for 14 days without a medical certification.

If the employer has a work from home policy can the employee refuse to work from home and collect UI?

That would depend on the circumstances. If the employee didn't have the appropriate equipment or internet speed, etc. they might be allowed. If they have been provided with the necessary equipment, however, they'd likely be denied.

3. ***We are a non-profit organization, and directed to limit our services by the Governor and DOH's recommendations to reduce or minimize community spread, therefore we must lay many of our employees off. Our funding will also be impacted by the Covid-19 crisis because without providing services we cannot bill. We are self-pay/direct pay for unemployment benefits. Will self-pay/direct pay organizations receive a monthly invoice for all unemployment claims (including claims as a result of COVID-19), or will these claims be charged to the general fund? If we are responsible for all claims, will there be any relief or reimbursement?***

As of the latest stimulus bill, reimbursable employers (non-profits/government) would be relieved of up to 50% of the costs of benefits paid to their employees. We have delayed RI's billing and will make this adjustment prior to issuing bills next month.

4. When do you expect the \$600 CARES ACT emergency benefits to be paid? Do employees have to apply for them? Will the following people be eligible for the \$600 emergency unemployment benefits?

The \$600 benefit should be available in the next day or so. When claimants certify their claims on TeleServe the \$600 will be added into their weekly benefit amount. This benefit will be retroactive to week ending 4/4 (payments made this week) – people that have already certified should see the \$600 deposited into their accounts by the end of the week.

- Part time employees – **yes**
- Employees collecting partial unemployment benefits because they are still working some hours or working alternate weeks – **yes**
- Employees on Workshare – **yes**
- Employees collecting TDI or TCI - **no**
- Interns or work study students? – **if they're collecting UI**

Do you feel like this benefit will incentivize those making less than \$600/week to seek unemployment? What if an employee refuses to return to work because they can collect more on unemployment than working?

If there is suitable work available and they do not present with any health concerns, etc. then they'd likely be required to return to work.

Will the \$600 CARES ACT emergency benefit be charged back to the employer?

No. This benefit is being paid by the federal government as part of the stimulus response.

5. Is there something that the state can provide so that HR professionals can walk through the unemployment application process so that we can help our employees apply for benefits due to COVID-19? Preferably a demo version.

This is not something that is available right now, however we have discussed putting something together. I will report back if/when that happens.

6. If employees are already applying to UI but Workshare would be most relevant to our organization, how do we handle those situations until Workshare is in place?

Employees can apply for UI to get into the system – DLT will then pull their claims into the WorkShare plan once it's been approved and activated.

7. ***The maximum UI benefit rate without dependents is \$586. Although we realize DLT has a formula to calculate benefits, can you share what the average salary for someone to collect the maximum benefit?***

Anyone earning about \$60k or more per year would receive the max benefit.

8. **Can students in colleges who are on work study collect UI or TDI?**

If they're on payroll and their wages are subject to UI, then yes. If otherwise ineligible they could apply for PUA.

9. ***Can employees collect UI and company sponsored PTO, vacation, sick, etc. at the same time?***

Right now you could receive vacation pay for a short period of time and that would be attributed to your last day of work – which wouldn't impact your claim. Otherwise, no.