

# FAQ's

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**For Employers and Workers Affected by COVID-19**

## Employers and Claimants

### **Q: Will NMDWS be triggering the Extended Benefits (EB) program?**

**A:** At this time, New Mexico has not met USDOL's qualifications to offer extended benefits. If/When New Mexico does qualify to offer these benefits, eligible claimants will be notified.

(Basic Extended Benefits program provides up to 13 additional weeks of benefits when a State experiences high unemployment.)

### **Q: Will NMDWS be offering Disaster Unemployment Assistance (DUA) benefits?**

**A:** USDOL has not declared an approval to offer DUA benefits at this time.

(Disaster Unemployment Assistance provides financial assistance to individuals whose employment or self-employment has been lost or interrupted as a direct result of a major disaster and who are not eligible for regular unemployment insurance benefits.)

## Employers

### **Q: How will my tax rate be impacted if you are waiving a claimant's work search for four weeks?**

**A:** If a claimant is cleared on a separation with you, the employer, they would be eligible to be paid the four weeks of benefits that we are waiving the work search for and you would automatically be charged for those weeks of payment.

### **Q: How will my tax rate be impacted if I have to temporarily close my business due to the COVID-19 outbreak?**

**A:** Any charges to your account for 2020 will not affect your current tax rate but may affect your tax rate for 2021.

If the New Mexico Department of Workforce Solutions receives additional guidance from USDOL regarding employer charges, employers will be advised regarding changes in your benefits charges due to COVID-19 outbreak. Additionally, the Department will monitor the impact of rate changes due to these benefit charges and, if possible, will attempt to mitigate the increases.

### **Q: What do I do if an employee is diagnosed with COVID-19?**

**A:** Governor Michelle Lujan Grisham has declared a state of public health emergency as a result of the novel coronavirus disease (COVID-19) and if an individual must self-quarantine or take care of an immediate family member due to COVID-19, they would be eligible to apply and receive unemployment benefits.

### **Q: Should I provide a letter to my employees notifying them of job closings or reductions in hours?**

**A:** Yes, employers who are laying people off or reducing hours as a result of the COVID-19 outbreak should provide employees with a notification letter.

### **Q: Do I need to submit a new Letter of Intent (LOI) for those school individuals who are/will be on spring break?**

**A:** Yes, employers should submit an LOI for all individuals on spring break.

**Q: What do we do with our employees, do I lay them off and then hire them later?**

**A:** The department is not able to answer that question for you. If the need for you to dismiss those staff is directly related to the COVID-19 under the following conditions of reduction in business, workers who are self-quarantined or directed to be quarantined, or who have immediate family who is quarantined, or workers who have their hours reduced as a result of COVID-19, they may be eligible for Unemployment Insurance benefits.

## Claimants

**Q: Am I eligible for Unemployment Benefits if I have to quit my job due to the schools being closed for three weeks?**

**A:** Quitting your job because you do not have childcare is not considered good cause under New Mexico law and you would be disqualified for the receipt of Unemployment Benefits.

**Q: Do I need to complete work searches?**

**A:** NMDWS will be waiving the work search requirements for impacted workers for up to four weeks. Impacted workers include those who have lost their job as a direct result of COVID-19, are self-quarantined or directed to be quarantined, or who have immediate family who is quarantined, or workers who have their hours reduced as a result of COVID-19. After you have applied for benefits, you must file a weekly certification for each week for which you are applying for benefits. Weekly certifications may be filed online or by phone.

All claimants who do not have a separation as a direct result of COVID-19 and are not under any type of quarantine are required to complete two work searches each week as required by New Mexico Unemployment Insurance regulations. All claimants currently receiving benefits must continue to perform work searches and meet other eligibility requirements as identified at the time of their initial claim.

**Q: Am I eligible for Unemployment Benefits if I am self-quarantined or have to take care of an immediate family member due to COVID-19?**

**A:** If an individual must self-quarantine or take care of an immediate family member due to COVID-19, they would be eligible to apply and receive unemployment benefits.

**Q: What happens if I am sick for longer than 4 weeks? Will my work search still be waived?**

**A:** The department will advise claimants if the waiver will be extended beyond the 4 weeks.

**Q: What happens if my hours are reduced due to lack of business related to COVID-19?**

**A:** Regardless if you were full-time or part-time and have your hours reduced you will be eligible for unemployment benefits as long as your earnings are under your weekly benefit amount. Please remember that all earnings must be reported on your weekly certifications at the time the wages were earned, not when they are paid.

**Q: Can I quit my job because I am concerned about my exposure to COVID-19?**

**A:** Under New Mexico law quitting because of a medical concern is not considered good cause. The department encourages you to work with your employer to discuss options to limit your exposure.

**Q: What if I need to self-quarantine but don't have any sick leave, annual leave or other type of vacation leave, would I be eligible for benefits?**

**A:** If you have been asked to self-quarantine, are admitted into the hospital, or are caring for a family member who is quarantined as a result of COVID-19 you may apply for unemployment benefits.

**Q: If I am a substitute teacher but cannot work as a result of COVID-19 due to the schools being closed, can I file for unemployment insurance benefits?**

**A:** Yes, if you are unable to work as a result of the schools being closed due to COVID-19 you may apply for unemployment insurance benefits.

**Q: How long do I have to wait to receive unemployment insurance benefits?**

**A:** Under New Mexico Unemployment Insurance law every claimant must serve a one-week unpaid waiting week before they receive benefits.

**Q: If I have to serve compensable weeks is there a way to still receive payment?**

**A:** No, you would not be eligible to receive payment if you are serving compensable weeks due to a prior fraud determination until all compensable weeks are served.

**Q: I worked for a ski resort and have been laid off due to COVID-19, am I eligible to receive benefits?**

**A:** Yes, you can file for unemployment insurance benefits if you have been separated as a direct result of COVID-19.

**Q: If I'm cleared for benefits due to a separation, or reduction in hours directly related to COVID-19 do I need to be able and available for work?**

**A:** No, you do not need to be able and available as you will be eligible for a waiver of 4 weeks.

**Q: Will I still receive correspondence from the Department during this time, even though my work is closed, or I am not able to get to the post office?**

**A:** Log-in to your online account ([www.jobs.state.nm.us](http://www.jobs.state.nm.us)) regularly to check for any correspondence from the department. You will remain responsible for any communication from NMDWS including requests for information and responses to notices of determination, hearings or decisions issued by the Department.