

UPDATES AS OF 04/01/2020 IN RED:

Please see highlighted updates below. Old text from our previous release that has been superseded has been struck through.

Unemployment Under the CARES Act

Expansion of Unemployment Benefits

As part of the CARES ACT passed into law late last week, unemployment was expanded to include individuals previously not covered, the number of weeks available for benefits, and the total dollar amount of benefits paid.

It is at the discretion of each state to enter into an agreement with the Federal government to adopt these standards. ~~As of the date of this writing we have been unable to find any indication that Illinois has formally entered into such an agreement.~~ **Per the linked document [here](#) Illinois has indicated that the state plans on taking part in this program and extended benefits will be available to workers who are otherwise eligible for Illinois unemployment.**

The period the expansion is in effect is from January 27, 2020 to December 31, 2020 as long as the unemployment in question is caused by COVID-19. The Secretary of Labor is establishing a process to provide back dated benefits. There is no one week waiting period for benefits.

Expanded Covered Individuals

Under the CARES Act, the following individuals can receive unemployment benefits if they can self-certify that they are otherwise available to work, but are currently unemployed, partially unemployed, or unable to work because:

1. They have been diagnosed with COVID-19 or are experiencing symptoms of COVID-19 and seeking a medical diagnosis;
2. A member of their household has been diagnosed with COVID-19;
3. They are providing care for a family member or a member of their household who has been diagnosed with COVID-19;
4. A child or other person in the household who they are the primary caregiver for cannot go to school or another facility because the school or facility is closed as a direct result of COVID-19 and the child attending the school or facility is necessary for them to work.
5. They are unable to reach work because of a quarantine imposed as a direct result of COVID-19;
6. They are unable to reach work because the individual has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;

7. They were scheduled to start work and no longer have job or are unable to reach the job as a direct result of COVID-19
8. They are the breadwinner or major support for a household because the head of the household has died as a direct result of COVID-19;
9. They have to quit their job as a direct result of COVID-19;
10. Their employer is closed as a direct result of COVID-19
11. They meet any additional criteria as yet to be determined by the Secretary of Labor
12. They are self-employed, are seeking part-time employment, does not have sufficient work history, or otherwise would not qualify for regular unemployment or extended benefits and meets the requirements above

The expanded coverage does not include:

1. Employees who are able to work remotely with pay
2. Employees who are receiving paid sick leave or other paid leave benefits

Expanded Time Length

Previously, unemployment was only available for 26 weeks in Illinois. The CARES Act expands coverage for up to 39 weeks. The 39 weeks will be reduced if the employee is receiving regular wages or extended benefits under any other Federal or State law.

We are pending further guidance on exactly what sort of items would result in the reduction, but possibilities include the expanded FMLA leave and Emergency Paid Sick Leave Acts.

Expanded Benefit Amount

From the date that a state enters into an agreement with the federal government through July 31, 2020 the following expanded benefits are applicable:

Employees: Weekly benefit will be based on the amount of regular unemployment the individual would have been eligible for per the state guidelines plus an additional \$600 per week.

Self-employed: Weekly benefit will be a calculation based on the total self-employment income reported on the individual's tax return plus an additional \$600 per week. If the individual has not filed a tax return with self-employment income then they will be required to provide documentation to support the amount claimed.

The expanded benefit will apply even if the benefit amount received exceeds what the employee earned while working.

Employer Experience Rating

At this time, there has been no indication from IDES that they will change their standard procedures for employer experience rating due to COVID-19. Absent any further changes, employers can anticipate a raise in their unemployment rates if laid-off or former employees submit unemployment claims.

This communication is being made based on Martin Hood's professional judgement and analysis of COVID-19 relief provisions, including, but not limited to, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) and the Families First Coronavirus Response Act (FFCRA). It is at least reasonably possible that final regulations and guidance promulgated related to subjects addressed within may differ significantly from those regulations and guidance available at the time this communication was made. It is the sole responsibility of the recipient to evaluate the adequacy of this communication and how this communication is applicable to the recipient's specific facts and circumstances. The recipient is solely responsible for selection of any relief provisions, as well as for maintaining compliance with all the applicable terms and conditions of such relief provisions.