

HRW CLIENT ALERT

2020



HIRSCH
ROBERTS
WEINSTEIN LLP

New Emergency Regulations Enable Massachusetts Workers Experiencing Temporary Lack of Work Caused by COVID-19 to Collect Unemployment Benefits

The Massachusetts Department of Unemployment Assistance (DUA) has issued emergency regulations (430 CMR 22.00 et seq) enabling employees who have been placed on “standby status” by their employer to be eligible for unemployment benefits. It is assumed that “standby status” includes both lay-offs and furloughs, so long as the employee has an “expected return to work date.” Benefits will run for the length of the standby period set by the employer up to a maximum of eight weeks. The DUA in its discretion may award benefits for longer than eight weeks if “due to a COVID-19 infection at the employer’s place of business” the employer has closed or severely curtailed operations for longer than eight weeks. Notably, the one-week waiting period normally applicable to unemployment claims has been waived. Also waived is the normal requirement that a claimant actively search for work, though a claimant must still “be available for all hours of suitable work offered by the employer.” The regulations also provide flexibility to claimants and employers in meeting DUA deadlines if a delay is caused by COVID-19. The emergency regulations are effective immediately, for a period of 90-days.

When employees apply for unemployment and when employers fill out the request from the DUA, if “standby status” is not a choice on the DUA online application, choose “leave of absence.”

For Questions/More Information

For questions, please contact any of the following HRW attorneys:

- Jeff Hirsch: jhirsch@hrwlawyers.com / 617-348-4315
- Pete Moser: pmoser@hrwlawyers.com / 617-348-4323
- Cathy Reuben: creuben@hrwlawyers.com / 617-348-4316
- Dave Wilson: dwilson@hrwlawyers.com / 617-348-4314
- Charlotte Petilla: cpetilla@hrwlawyers.com / 617-348-4353