

Employer Town Hall Questions - 4/23/2020

- 1. The Pandemic Unemployment Assistance is available already in other states, why is it not available in Wyoming yet?**

In Wyoming we have been working on implementing the necessary computer system programming changes in our WYUI system. We hope to have it available between 4/27/20 and 5/6/20. As soon as it is available a notice will be placed on the DWS website located at www.wyomingworkforce.org.

- 2. Is the first week of Unemployment Insurance still not paid or has this been waived?**

Wyoming does not have a waiting week.

- 3. Will COVID layoffs affect our unemployment insurance rating?**

At this time we do not have a statute to accommodate benefit non-charging for COVID-19. Director Cooley is working closely with the Attorney General's office, the legislature and US Department of Labor to enact legislation to non-charge for COVID-19 related claims.

- 4. For employees returning to work part-time who can earn up to 50% of their weekly benefit, does that benefit amount include the additional \$600 or only the \$508 (if earning the maximum amount)?**

The Federal Pandemic Unemployment Compensation (FPUC) \$600 is in addition to the claimant's Weekly Benefit Amount.

- 5. As an owner (two total) do we qualify for unemployment benefits until things return to normal?**

Owners of a corporation should have reported their wages to Unemployment Insurance and would then fall under Regular Unemployment Insurance guidelines. LLC Members who elected Unemployment Insurance coverage and reported their wages should fall under Regular Unemployment Insurance guidelines. All other owners would need to apply under Pandemic Unemployment Assistance when it is available.

- 6. To what extent will unemployment claims due to COVID affect our tax rate? Will the extra \$600 weekly benefit also count towards the claim amount we are liable for?**

At this time we do not have a statute to accommodate benefit non-charging for COVID-19. Director Cooley is working closely with the Attorney General's office, the legislature and US Department of Labor to enact legislation to non-charge for COVID-19

related claims. Tax rates are relative to Regular Unemployment Insurance payments. The \$600 is federally-funded through the CARES Act and will not be charged to the employer.

- 7. An employee normally works 40 hrs a week and paid \$15/hr equaling \$600/week. Worked for a company for 2 years. If I understand Unemployment Insurance calculations, the employee would be eligible for \$508/week, plus \$600 CARE funds. If the employee is hired back at 15 hrs/week, would they be able to collect \$208 unemployment? Are they still eligible for \$600 CARES Act funds."**

The amount the claimant receives is based on their entire base period wages. If they go back to work and work for 50% or less of their Weekly Benefit Amount they will continue to receive full benefits as well as the \$600.

- 8. I'm a self-employed musician. Do I just wait and sign up for Pandemic Unemployment Assistance?**

If you are not an LLC or Corporation with the Wyoming Secretary of State then yes, you should apply for Pandemic Unemployment Assistance when it is available.

- 9. What are the criteria to remain on unemployment from week to week?**

The answer to this question depends on whether the claim was specifically due to COVID-19.

- 10. It seems like our unemployment notices are being delayed due to remote work and slower mail. Is it best to return them late? Is the state caught up on the claims? Thank you for your hard work!**

The best way to receive notices timely is to sign up for an online WYUI account at wyui.wyo.gov. Once you are in the account you can request email notifications regarding correspondence. If you need assistance with this please contact the Unemployment Tax Division at 307-235-3217.

- 11. I am self employed but I am able to open my business in the package liquor store but not the lounge. What are my options?**

You can file a claim and provide your specific information. An adjudicator will work with you to determine your eligibility on your reduction in pay.

- 12. As far as applying immediately, don't employees have to wait to apply for pandemic Unemployment Insurance [Pandemic Unemployment Assistance] if they don't qualify for regular Unemployment Insurance (not enough base period pay)?**

The base period pay for all individuals will be different. If an individual applies and does not have enough base period wages they will be notified of the issue. Individuals that do not qualify for regular unemployment benefits can apply for Pandemic Unemployment Assistance when it is available.

13. I am self-employed, hoping to open my daycare sometime, do I have to wait to apply for Pandemic Unemployment Assistance when it is put on the website?

Unfortunately we have no way of paying Pandemic Unemployment Assistance until the computer system programming changes are in place. Once the changes are complete and up and running you will be able to apply for Pandemic Unemployment Assistance.

14. Can an employee file job-attached unemployment if their employer's business is slow and receive that benefit, as well as, the additional COVID-19 \$600 supplemental benefit?"

The employer needs to lay the employee off job-attached. Based on the eligibility of the claim, the claimant may qualify for the additional \$600 weekly payment.

15. What if an employee files a claim and was denied? They were laid off due to COVID and will be able to return to work when a business can bring back an employee, but answered the question that was at a higher risk due to pregnancy, but wasn't instructed to leave by a doctor. Do they try to file again? They have tried to phone but never get through because lines are busy. What is the process for these people, there are 6 women pregnant at the daycare?

Please contact the Benefits Helpline at 307-473-3789 and they will be able to assist you.

16. If the additional \$600 per week makes their benefit more than their normal weekly wage do they get only a partial amount of the \$600?

The \$600 is paid in addition to the Weekly Benefit Amount even if it is more than their normal weekly wage.

17. We have had a few employees who are not being paid for weeks of Unemployment Insurance because they filed too late? Can this be fixed?

Please contact the Benefits Helpline at 307-473-3789 and they will be able to assist you.

18. Is everyone able to collect Federal Pandemic Unemployment Assistance or only those that are on unemployment?

Pandemic Unemployment Assistance is for individuals who do not qualify for Regular Unemployment Compensation.

19. I am the owner of a childcare facility in Cheyenne. I and the other owner are still working but not able to pay ourselves. Is there something we would qualify for?

Please contact the Benefits Helpline at 307-473-3789 and they will be able to assist you.

20. We have an employee who we asked to quarantine due to exposure; this was in March. She also had children at home and couldn't work regular hours even if she was not quarantined. So at that time she filed for unemployment. She did begin to telework partial hours but the number of hours available to her through telework is minimal. Now that the paid Emergency sick leave and Emergency and EFMLA have been enacted should she be collecting that although she was already collecting unemployment?

Claimants who are receiving benefits are required to report any compensation that they receive during the time that they are receiving unemployment benefits.

21. What are the types of unemployment available? Traditional, Pandemic Unemployment Assistance, and Federal Pandemic Unemployment Assistance?

Please feel free to visit our website where there is information relative to Regular Unemployment Compensation and all of the additional plans added by the CARES Act. Our website is located at www.wyomingworkforce.org.

22. Will the pandemic Unemployment Insurance benefits go against my employer Unemployment Insurance rate in the future?

At this time we do not have a statute to accommodate benefit non-charging for COVID-19. Director Cooley is working closely with the Attorney General's office, the legislature and US Department of Labor to enact legislation to non-charge for COVID-19 related claims.

23. I work for a reimbursable employer. I have heard that some states are only charging reimbursable employers 50% for unemployment during this time. Is that the case with Wyoming? If so, is it 50% of the 2/3 paid normally, or is it 50% of the 2/3 plus the extra \$600. Also, will we be charged for just the first 26 weeks or the extension time as well?

Claimants who were employees of a Reimbursing Employer will receive their calculated Weekly Benefit Amount amount. We are still awaiting Federal Guidance on how the 50% will be applied back to the Reimbursing employer accounts.

24. This question has to do with unemployment claims. My staff was furloughed in March, and now I have received PPP money to bring them back. What should they

do unemployment-wise? I thought I saw something about leaving their claim open while I pay them, and just not sending a claim for those weeks- is that true?

The employees should file a claim if they have not already done so. Once they come back to work for you they will need to report their income. If they receive 100% or more of their Weekly Benefit Amount they will no longer be eligible for Unemployment Compensation.

25. If I plan on reopening in May when/if orders are lifted can employees still apply for pandemic unemployment March-May when we are closed?

Claimants are welcome to file a claim at any time. The earlier the better so that the claim can be processed and benefits can be paid.

26. If I have employees that work for my business and have a second job can they apply for pandemic unemployment if I am closed but their other job is open?

They can file a claim, however their eligibility and Weekly Benefit Amount will be based on the information relative to both jobs.

27. How can we request a change in LLC member Unemployment Insurance status?

You can find the form on our website at: [http://wyomingworkforce.org/businesses/Unemployment Insurance/docs/](http://wyomingworkforce.org/businesses/Unemployment%20Insurance/docs/). Please mail or fax to the information on the form.

28. Do owners qualify for unemployment benefits until things pick up?

Owners of a corporation should have reported their wages to Unemployment Insurance and would then fall under Regular Unemployment Insurance guidelines. LLC Members who elected Unemployment Insurance coverage and reported their wages should fall under Regular Unemployment Insurance guidelines. All other owners would need to apply under Pandemic Unemployment Assistance when it is available.

29. Do you have info on the recent approval of employers now need to provide info about unemployment availability to EE's you separate from employment?

This information is located on our website using the following link: [http://wyomingworkforce.org/businesses/Unemployment Insurance](http://wyomingworkforce.org/businesses/Unemployment%20Insurance).

30. Is there a required unemployment document employers must provide employees at the time of layoff?

This information is located on our website using the following link: [http://wyomingworkforce.org/businesses/Unemployment Insurance](http://wyomingworkforce.org/businesses/Unemployment%20Insurance).

31. Thank you for holding the town hall. This information is very helpful thus far. Instead of laying off, we cut hours so our employees filed claims. One of them was denied over the phone because he made too much money but his rate is \$18.00 hourly. What information can we as the employer provide you to ensure our employees receive Unemployment Insurance?

As long as the wage information has been provided by the employer for the employee, the issues on the claim are most likely relative to the claim itself. The claimant should work with the Unemployment Insurance Benefits staff regarding any issues with their claim.

32. Can we pay our employees even if we cannot open up yet? Our bank says we cannot pay them until they return to work?

In terms of Unemployment Insurance reporting, you are welcome to pay your employees when they are not working. This would be considered paid leave and is subject to Unemployment Insurance employer reporting. ****You should check usage requirements on any funds received from your bank to determine specific allowable uses and/or restrictions on use that are not related to Unemployment Insurance; we cannot advise on topics outside of Unemployment Insurance.****

33. If I have an employee that is refusing to come to work saying she is sick but won't supply a doctor's note. She has filed for unemployment, how do I go about my unemployment claim? We have offered the hours and it seems she just doesn't want to come in.

If you have an employee who is refusing to return to work you should notify our agency. You can either call our Benefits Helpline at 307-473-3789 or report the issue on our website at: wyomingworkforce.org (see the Report Fraud link on the right-hand menu bar on the page).

34. If you have an employee that was temporarily laid off and after receiving money from the PPP fund you try to hire back but they refuse due to receiving more on Unemployment Insurance how should this be handled?

If you have an employee who is refusing to return to work you should notify our agency. You can either call our Benefits Helpline at 307-473-3789 or report the issue on our website at: wyomingworkforce.org (see the Report Fraud link on the right-hand menu bar on the page).

35. Does the Pandemic Unemployment Assistance look at the base period? I have employees that wouldn't qualify, but we are closed.

The best thing to do is have the employees file a claim. The adjudicator would determine if they are eligible monetarily. If they are not eligible monetarily for regular Unemployment Compensation they can file for Pandemic Unemployment Assistance as soon as it is available on our website.

36. What is the best way to contact the unemployment office if money reported as disbursed to an employee is more than the amount the employee received for unemployment benefit? There has been no luck at getting through to the unemployment office when calling.

Feel free to review the quarters in question on your online WYUI account. If there is a discrepancy please reach out to the Unemployment Insurance Tax Helpline at 307-235-3217 and they will assist you in making any necessary corrections.

37. Re: Expanded unemployment for individuals who are teleworking but it is reduced hours because their full amount of hours are not available any longer?

Employees should file a claim and provide hours worked and hours lost. They can then work with their adjudicator to determine eligibility.

38. Are employees back paid if they file weeks after they are laid off?

Employees should file their claims as quickly as possible. If there has been a delay in filing they will be asked about the reason for the delay.

39. We have about 10 independent massage therapist contractors. They are all worried they won't receive Unemployment Insurance benefits. Will it be available for them to apply on 4/27? And how long will they have to wait to receive funds?

As soon as Pandemic Unemployment Assistance computer programming changes are complete and available on WYUI they will be able to file their claim. They will need to certify the amounts they were paid in each quarter of 2019. Payments should be coming fairly quickly after that information is received.

40. If I volunteer for furlough, am I still eligible for Unemployment Insurance and CARES funds?

The reason for separation still needs to be disclosed on a Unemployment Insurance Claim. Based on the specific information an adjudicator will make a determination for eligibility.

41. Does unemployment insurance start on Sunday and end on Saturday?

Yes, If you go to our website at [http://wyomingworkforce.org/_docs/Unemployment Insurance/Wyoming-Claimant-GUnemployment Insurancedebook.pdf](http://wyomingworkforce.org/_docs/Unemployment_Insurance/Wyoming-Claimant-GUnemployment_Insurancedebook.pdf) there is a copy of the claimant handbook that provides any additional claim information that you may need.

42. In any week that I make more than the \$508 max, I am not eligible for state unemployment insurance? Am I eligible for the \$600 federal money?

The \$600 is simply an add on if you are receiving other benefit payments.

43. Wyoming WARN Notice applies to whom?

WARN stands for Worker Adjustment and Retraining Notification Act; this is a Federal Act. Wyoming does not have additional or separate standards. Wyoming employers are required to comply with the Federal Act. Employers can contact their local workforce center to report a layoff. A list of centers is located here: <http://www.wyomingworkforce.org/contact/employment/>

In general, employers are covered by WARN if they have 100 or more employees, not counting employees who have worked less than 6 months in the last 12 months and not counting employees who work an average of less than 20 hours a week. Private, for-profit employers and private, non-profit employers are covered, as are public and quasi-public entities which operate in a commercial context and are separately organized from the regular government. Regular Federal, State, and local government entities which provide public services are not covered.

Additional WARN information is located here:

<https://www.dol.gov/agencies/eta/layoffs/warn>

44. What does the federal stimulus look like for the Wyoming unemployed? And how is the state processing claims and this additional funding?

The federal stimulus has no relativity to Wyoming Unemployment; the federal stimulus payments are not counted as income.

45. Could WIOA help Spanish speaking employees learn English?

Yes, the WIOA Programs could help an eligible individual through an English Language Learner Program. If there were any costs associated with the classes, the WIOA funds could cover those costs as a defined need.

46. I am wondering why you couldn't just add something to the existing Unemployment Insurance application instead of creating a whole new system for COVID-19?

As each of the additional plans relative to the CARES Act are designed they are developed and added into our existing WYUI application. We are required to track each CARES Act plan separately; this requires us to carefully implement each plan in our WYUI system.

47. What are other state benefits?

All states have information relative to the laws, rules and requirements for their individual programs on their internet sites. Additional Wyoming Department of Workforce Services benefit and program information can be found here: <http://www.wyomingworkforce.org/>

Other Wyoming state agency website links are available here <http://www.wyo.gov/agencies>; various agencies offer varying benefits and assistance to Wyoming citizens.

48. Can we get the Unemployment Insurance Tax helpline number again, please?

307-235-3217