

Coronavirus COVID-19 Outbreak - Frequently Asked Questions

Unemployment Related Questions

What are employer's options now that there is a Stay at Home order from the Governor?

Employers can determine if you need to permanently lay off employees, temporarily lay off employees, or reduce your employee's hours.

- **Permanent Layoff** – in the event you do not want to bring an employee back to work.
- **Standby (temporary Layoff)** – you anticipate bringing the employee back to work sometime within 12 weeks. Employees are waived from work searches during this time.
- **Partial – (temporary reduction in hours)** – temporarily reducing hours of full-time employees. Employees are waived from work searches during this time if they were hired to work full time, return to at least 1 week of full-time employment within 4 months, and work at least 16 hours a week.

Do part time employees qualify for standby?

As part of the emergency rule by ESD, all employees are eligible for standby – full time, part time, and others less than full time employees. If the employee was part time, they must meet the minimum requirement of having worked 680 hours in their base year in order to qualify.

How long can employees remain on standby?

Currently the maximum length is 12 weeks. However, the new emergency rule gives the Commissioner the ability to extend standby status beyond 12 weeks.

What is the waiting time to receive benefits?

The Governor has waived the one week waiting period for benefits. Employees will be eligible the first week of their claim once approved by ESD.

Should the employer pay out any PTO or sick leave before placing employees on Standby? Does the employee have to take their sick leave or PTO before unemployment?

If the employer is only temporarily laying off staff, you do not need to pay out PTO or have employees exhaust sick leave before they will be eligible for standby. The employee may request that they do use up their accrued PTO & sick leave first.

Can an employer utilize unemployment if they need to reduce an employee's schedule?

Yes. An employer who needs to keep operating on less than full time basis can request a status such as "Partial" for their employee. The employer would not be required to search for work while on unemployment as long as:

- The employee was hired to work full time
- The employee works at least 16 hours a week (on the reduced schedule)
- The employee returns to at least 1 week of full-time work within 4 months

Can an employee use their PTO to supplement unemployment on Standby?

No. Any wages paid by the employer would be affect their unemployment benefits.

What financial assistance is ESD offering employers who are forced to lay off staff?

Under emergency rules, employers will receive “relief of benefit” charges if an employer needs to curtail or shut down operations temporarily because of COVID-19. This means that employers that seek this relief will not be charged for these unemployment claims.

Are reimbursable employers or those traditionally exempt, such as non-profits, eligible for to receive the “Relief of Benefit” charges?

At this time, it does not appear reimbursable employers will be able to take advantage of the relief of benefit charges. However, this may change in the future as new rules are created and adopted.

How can an employee file for benefits?

Employees can file for unemployment benefits by filing on-line at www.esd.wa.gov or by phone at 1-800-318-6022.

If we have to lay off an employee, when do they receive their final paycheck and what needs to be included?

Employees must receive their final paycheck on or before the next regularly scheduled payday. Accrued sick leave is not required to be paid out to employees. Vacation, PTO, and severance are voluntary benefits. Employers can choose to pay these benefits on the final paycheck. Check your company handbook for guidance. You can find a list of allowed and prohibited deductions on L&I’s website here: <https://lni.wa.gov/workers-rights/wages/getting-paid/paycheck-deductions>.

Resources

[Employment Security Department – COVID-19](#)

[ESD Webinar: How to file for benefits on-line](#)