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March 25, 2020 Publication

Oregon Expands Access to Unemployment Benefits

COVID-19 Legal Update

The Oregon Employment Department's (OED) new rules provide expanded unemployment benefits to individuals unable to work because of the COVID-19 public health emergency. These eligibility rules encompass job loss when workers are quarantined, businesses are ordered to close, operations have ceased or been curtailed for reasons attributable to COVID-19, or workers need to stay home to care for children whose school or day care has closed. These new rules, adopted March 17, are retroactive to March 8, and will remain in effect until September 12.

Individuals who are unable to work for the following reasons may qualify to receive unemployment benefits under the new OED rules:

- Their employer has ceased or curtailed operations due to COVID-19, including closures or curtailments based on the direction or advice of the Governor or of public health officials;
- They have been potentially exposed to COVID-19 and have been subjected to a mandatory

quarantine period;

- They have been advised by their health care provider or by advice issued by public health officials to self-quarantine due to possible risk of exposure to, or spread of, COVID-19;
- They have to stay home to care for a family member, or other person with whom they live or for whom they provide care, who is suffering from COVID-19 or subject to a mandatory quarantine;
- They have to stay home to care for a child due to the closure of schools, child care providers or similar facilities due to COVID-19;
- They are ill with COVID-19; or
- They have been asked to work in violation of a mandatory quarantine or Governor's directive regarding the limitation of activities to limit the spread of COVID-19.

The new OED rules also relax many of the requirements of workers seeking unemployment. Typically, workers must be able and available to work, and actively seeking work, to be eligible to receive unemployment benefits. Under OED's new rules, workers who are temporarily laid off or experience a reduction in work hours, but whose employer intends to recall them back to full work status, may be eligible to receive unemployment benefits without actively seeking work while waiting to be recalled. Workers must maintain contact with their employer during this time, and be able and available to return to work as soon as they are recalled.

Similarly, workers will not be considered unavailable to work under OED's rules if they are ordered or advised to quarantine, taking care of a family member suffering from COVID-19, or taking care of a child whose school or daycare has been closed due to

COVID-19. As a result, workers may be eligible for unemployment benefits, provided they are otherwise able and available to work. Workers also are excused from seeking additional work during this time, if their employer intends for them to return to work as soon as they are able.

Workers who are sick with COVID-19, or a condition with similar flu-like symptoms, may be eligible to receive unemployment benefits under some circumstances. Whether they are eligible for unemployment benefits will depend on factors such as whether they turn down an offer of work or they are hospitalized.

It can be challenging for employers who are determining how best to navigate these uncertain times. Lane Powell's team of attorneys are here to help you develop and implement the strategy that supports your business and your employees.

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