

2020 MAR 16 PM 2:42

430 CMR 22.00: COVID 19 Emergency Regulations

EMERGENCY PREAMBLE

The Director finds that immediate adoption of these regulations is necessary to address the hardship that COVID-19 may cause to workers and employers.

The Director, therefore, also finds that observance of requirements of notice and a public hearing would be contrary to the public interest.

22.01: Purpose of Regulations: The purpose of 430 CMR 22.00 is to establish procedures and interpret the provisions of G.L. 151A to alleviate hardship caused by COVID-19.

22.02: Scope and Applicability. These regulations apply to claimants and employers.

22.03: Establishment of Standby Status:

(1) Standby Status:

(a) "Standby" refers to a claimant who is temporarily unemployed because of a lack of work due to COVID 19, with an expected return-to-work date.

(b) The requirement to search for work is fulfilled so long as the claimant is on standby and takes reasonable measures to maintain contact with the employer.

(c) The claimant must be available for all hours of suitable work offered by the claimant's employer.

(2) Standby Status duration:

(a) The Department will ask the claimant's employer to verify standby status, including the expected return to work date:

(i) If the employer fails to respond, the claimant will be deemed to be on standby status for four weeks;

(ii) If the employer responds and confirms the claimant's standby status, the claimant will be on standby status until the return to work date given by the employer, subject to the limitations of (b) and (c) of this subsection;

(iii) If the employer responds that the claimant is not on standby or does not have a return to work date within eight weeks, the claimant will be subject to the requirements of 24(b) of G.L. c. 151A.

(b) Employers may request that claimants be placed on standby for a maximum of eight weeks. Any such request that the director deems reasonable will be approved.

(c) At his or her discretion, the director may grant standby for more than eight weeks due to a COVID-19 infection at the employer's place of business that causes the employer to close or severely curtail operations for a longer period of time.

22.04: Suitable work:

In determining whether work is suitable the department will consider whether a claimant has a condition that prevents the claimant from performing the essential functions of the job without a substantial risk to the claimant's health or safety. For purposes of this section, "condition" means a request to a claimant from an employer, a medical professional, a local health official, or any civil authority that the claimant or a member of the claimant's immediate family or household member be isolated or quarantined as a consequence of COVID-19, even if the claimant or the claimant's immediate family or household member has not actually been diagnosed with COVID-19.

22.05: Good Cause reasons for missing deadlines due to COVID-19:

In determining whether any party has good cause for lateness regarding a deadline set forth in M.G.L. c. 151A or 430 CMR 4.00, et seq., including, but not limited to RESEA requirements, the department will consider whether COVID-19 prevented the party from meeting the deadline.

For purposes of this section:

- (i) a claimant will be considered prevented from meeting deadlines by COVID-19 if the claimant or a member of the claimant's immediate family or household is ill with a suspected or confirmed case of COVID-19, or is subject to a request from an employer, a medical professional, a local health official, or any civil authority to be isolated or quarantined as a consequence of COVID-19, even if the claimant or the claimant's immediate family or household member has not actually been diagnosed with COVID-19.
- (ii) An employer will be considered prevented from meeting deadlines by COVID-19 if the employer's business operations are severely impacted by COVID-19.

22.06: Extension of time for employers to file:

Employers directly affected by COVID-19 may request up to a 60-day extension of time from the department to file reports, pay contributions or make payments in lieu of contributions as required by 430 CMR 5.02-5.04 and 5.06 without penalty or interest. A written request for extension must be received within 60 days from the original due date of the payment or return.