

NHES Employer Notice under FFCRA

April 7, 2020

On March 17, 2020, Governor Sununu issued Emergency Order #5 (“EO #5”) entitled “Access to State unemployment benefits for individuals impacted by COVID-19.” EO #5 expands access to unemployment benefits in New Hampshire by allowing individuals who voluntarily leave employment due to a COVID-19 diagnosis, a quarantine instruction from a health care provider, a family member’s diagnosis or quarantine, or to care for a dependent at home whose school, care, or childcare program closed due to COVID-19 to file for benefits, and further expands benefit eligibility to self-employed individuals. Moreover, EO #5 temporarily suspends the ordinarily-required one-week waiting period. Since the Governor issued the emergency order, New Hampshire Employment Security (“NHES”) has further clarified that it is not currently asking claimants to demonstrate that they are searching for work in order to qualify for benefits while the Governor’s order remains in place.

On March 27, 2020, President Trump signed the CARES Act into law. A portion of that legislation, provides additional funds to state unemployment system. Specifically, as a result of the federal program, individuals who qualify for benefits will receive \$600.00 per week in addition to their regular unemployment benefits. Individuals will also receive an additional 13 weeks of unemployment benefits on top of the existing 26 weeks.

NHES has released a statement on its website summarizing the additional federal benefits and explaining that “[t]here is nothing [a claimant] need[s] to do to access these new benefits other than continue to file [their] weekly claims.”

NHES has also created an Employer Notice explaining how employees can file for benefits. This letter, ([download here](#)), must be provided to any employee upon any temporary or permanent separation. Employers would also be wise to provide the NHES letter to employees in the event of furlough.

We understand that employees have many questions right now about their eligibility benefits. While we recommend that employers stay on top of these issues, we do not recommend that an employer make any representation regarding an employee’s potential eligibility for regular benefits or the expanded benefits. Ultimately, only NHES determines an individual’s eligibility. However, we recommend that employers encourage furloughed and/or laid off to file for unemployment compensation with NHES as soon as they are able, and continue to file weekly claims for the duration of their unemployed period.