

# COVID-19

# Montana Employer Frequently Asked Questions

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**Q: When and how will we know if our employees will be covered by Unemployment Insurance (UI), if I have to lay them off due to COVID-19 and what will happen with employers?**

**A:** If you have had to reduce hours of or lay-off workers due to COVID-19 impacts, encourage them to file a claim for unemployment compensation at [MontanaWorks.gov](https://montanaworks.gov); they may be eligible for benefits. An unpaid temporary closure of an employer's operations functions as a lay-off from work, even if the employer intends to have their employees come back to work when operations resume.

Keep watching our [COVID-19 FAQ](#) webpage for updates. We will also announce any changes using a variety of mediums including: our website, email, and social networks. Like us on [Facebook](#).

**Q: How do my employees file for benefits and how much do they get?**

**A:** File for UI benefits online at [MontanaWorks.gov](https://montanaworks.gov). Use the [benefits estimator](#) to calculate possible weekly benefit amount. Please do not call the state COVID-19 hotline for UI questions.

**Q: Are employees eligible for benefits if their hours are reduced, cutting them from 40 hours per week to 20?**

**A:** If an employee is working less than their customary hours, they may be eligible to receive partial benefits.

**Q: How long will it take for employees to receive benefits?**

**A:** This is really claim specific. If there are any issues or areas that need to be investigated, it will take longer to process. Please have your employee contact our phone center or review any outstanding issues online at [MontanaWorks.gov](https://montanaworks.gov).

**Q: Is there anything I can do to help ensure my employees receive benefits as quickly as possible?**

**A:** If you have not already, sign-up for SIDES right away. Signing up for SIDES will allow us to communicate electronically with you regarding claims filed by your employees, provided you sign-up before they file. The quicker we can gather the information required the better. Review our [SIDES Information Sheet](#) to learn more. To sign-up visit [uieservices.mt.gov](https://uieservices.mt.gov) or call (406) 444-3834 (select option 2) for help.

**Q: How long will the employees be eligible for UI?**

**A:** The duration of a claim depends on a claimant's wages during their base period. Steps to determine eligibility, amount and length of benefits can be on page 8 of the [claimant handbook](#).

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**Q: If I lay off my employees due to COVID-19, will they be considered job attached?**

**A:** Your employees may be considered job attached. Advise them to select the Job Attached option when filing or reactivating their UI claim.

**Q: If employees are considered job attached, should we send in lists of the affected individuals? If so, where can those lists be sent?**

**A:** Fax a list to: (406) 444-2699 ATTN: Claims Processing. When these lists are received, they are input in our system.

**Q: Will COVID-19 layoffs be treated like any other layoff?**

**A: Yes.** If you have questions regarding benefit charging to employers, please call our Employer Charging unit at (406) 444-0399.

**Q: How will this affect salaried employees?**

**A:** It does not affect them any differently than an hourly employee, they can file a UI claim.

**Q: How will this affect my UI Tax rate? Will the benefit charges be relieved?**

**A:** Under the emergency rules that went into effect March 17, 2020, employers will not be charged on a COVID-19 claim.

**Q: If our company must shut down due to a forced closure, are the employee's eligible for unemployment or are we better off doing a layoff so that employees would be covered?**

**A:** Either would be considered a layoff.

**Q: If a business owner closes the business for the next few months, is the owner eligible for unemployment?**

**A:** It depends. If the business operated as a corporation or an LLC filing as a corporation, and the business reported wages for the owner as a corporate officer, the owner may be eligible for UI benefits.

If the owner of the business is a sole-proprietor, partner, or LLC member whose LLC files as a partnership, those entities are not subject to UI and the owner would not be eligible for UI benefits.

For more information please review section 3 of our [Employer Handbook](#).

**Q: Are self-employed individuals or contract employees who have experienced a downturn in their businesses due to COVID-19 eligible for unemployment benefits?**

**A:** Currently self-employed individuals and 1099 contract employees are not eligible for unemployment benefits as wages are NOT considered covered by the Unemployment Insurance program. To be eligible, either you or an employer had to make contributions in the past 18 months.

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**Q: Is payout of accrued leave, whether sick or vacation, required during a furlough or temporary layoff?**

**A:** Generally, no. When the situation is considered temporary by the employer and the employee, pay out of accrued leave is not required. When an employee is furloughed or temporarily laid off due to the COVID-19 pandemic, the employer intends to recall the employee to work at the end of the temporary layoff; and the employee intends to return to work when recalled by the employer, pay out of leave is not required. An employee should take reasonable measures to maintain contact with the employer. If the separation between the employer and employee becomes permanent at any time during the temporary layoff, then the accrued leave must be paid to the employee pursuant to 39-3-205, MCA. If the employer initiates the permanent separation, the employer must pay out the leave and the employee is still eligible for unemployment insurance. If the employee initiates the permanent separation, the employer must pay out the leave and the employee is no longer eligible for unemployment insurance.

**Montana Employee** Frequently Asked Questions, See Next Page.

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# Montana Employee Frequently Asked Questions

## Montana Employee Frequently Asked Questions

**Q: How do you apply for Unemployment Insurance (UI)?**

**A:** File online at [MontanaWorks.gov](https://montanaworks.gov). If you are new to this website, you will have to first create an account to file a new Unemployment Claim. If you have filed for unemployment in the past, you may be asked for a Security Word. Please be aware that Security Word used to be Mother's Maiden Name on the previous website. If you do not have access to a computer, you can file your claim through our Claims Processing Center by calling (406) 444-2545 Monday through Friday 9:00 a.m.- 4:00 p.m.

**Q: Will an employee qualify for unemployment benefits if the Coronavirus (COVID-19) causes an employer to shut down operations?**

**A:** Unemployment benefits will be available for eligible individuals who are requested by a medical professional, local health authority, or employer to be isolated or quarantined due to COVID-19, even if they are not actually diagnosed with COVID-19.

**Q: If an employer lays off or reduces hours for an employee due to the loss of production caused by the Coronavirus (COVID-19), will the employee be eligible for unemployment insurance benefits?**

**A:** Yes, if the employees meet all other requirements. Those still working can file due to a reduction in hours.

**Q: If an employee is asymptomatic and decides to self-quarantine because of the Coronavirus (COVID-19), will the employee be eligible for unemployment benefits?**

**A:** In most cases, no. Unemployment benefits are available to individuals who are totally or partially unemployed due to no fault of their own. In this example, the individual has not been directed to quarantine themselves and is choosing not to work. Therefore, they would be ineligible.

**Q: Do you need to apply for work?**

**A:** It depends. If there is reasonable assurance an employee will return to work or start a new job, the employee may be Job Attached and have their Work Search requirement waived.

- If the employee's unemployment is NOT related to the COVID-19 virus, there must be an approximate date they will return to at least 30 hours of work per week.
- If an employee is laid off or had their hours reduced due to the COVID-19 virus, they can be job attached regardless of their hours upon return. Since there is no certainty when the COVID-19 virus will allow employees to return to work, we recommend a return date of 9/30/2020. If work resumes sooner, then employees will simply stop filing and return to work.
- Please be advised that employees must remain in contact with their employer for available work while they are filing.

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**Q: Your child's school is closed due to the Governor's order to close. Are you eligible for unemployment benefits?**

**A:** It depends. Unemployment benefits are available to individuals who are totally or partially unemployed due to no fault of their own. If work is still available with your employer at the place of business (whether in person or by teleworking), you may not qualify for benefits.

**Q: If an employee is in mandatory quarantine because of suspicion of having the coronavirus, will they be eligible for unemployment benefits?**

**A:** Employees who are directed to be quarantined are considered unemployed and may be eligible for benefits.

**Q: Are self-employed individuals or contract employees who have experienced a downturn in their businesses due to COVID-19 eligible for unemployment benefits?**

**A:** Currently self-employed individuals and 1099 contract employees are not eligible for unemployment benefits as wages are NOT considered covered by the Unemployment Insurance program. To be eligible, either you or an employer had to make contributions in the past 18 months.

**Q: Is payout of accrued leave, whether sick or vacation, required during a furlough or temporary layoff?**

**A:** Generally, no. When the situation is considered temporary by the employer and the employee, pay out of accrued leave is not required. When an employee is furloughed or temporarily laid off due to the COVID-19 pandemic, the employer intends to recall the employee to work at the end of the temporary layoff; and the employee intends to return to work when recalled by the employer, pay out of leave is not required. An employee should take reasonable measures to maintain contact with the employer. If the separation between the employer and employee becomes permanent at any time during the temporary layoff, then the accrued leave must be paid to the employee pursuant to 39-3-205, MCA. If the employer initiates the permanent separation, the employer must pay out the leave and the employee is still eligible for unemployment insurance. If the employee initiates the permanent separation, the employer must pay out the leave and the employee is no longer eligible for unemployment insurance.

**Q: If Coronavirus (COVID-19) impacts cause my employer to offer a temporary, voluntary leave of absence to avoid more drastic cost-saving measures, and I take it, will I still be eligible for unemployment insurance?**

**A:** Yes, if the Coronavirus (COVID-19) causes an employer to offer temporary approved leaves of absence which are unpaid to avoid more drastic cost-saving measures, including involuntary reductions, unemployment benefits may be available for eligible individuals. Please retain all documentation provided to you from your employer. These types of leaves of absence are similar to a temporary layoff.

File for UI benefits online at [MontanaWorks.gov](https://MontanaWorks.gov). If you are new to this website, you will have to first create an account to file a new Unemployment Claim. If you have filed for unemployment in the past, you may be asked for a Security Word. Please be aware that Security Word used to be Mother's Maiden Name on the previous website. Use the [benefits estimator](#) to calculate possible weekly benefit amount. Please do not call the state COVID-19 hotline for UI questions.



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**Q: My employment has permanently ended. I didn't get my final paycheck. What can I do?**

**A:** First, ask the employer why you haven't received your final check. If the employer refuses to give you your final check, you may choose one of the three options to obtain your wages:

- Obtain the services of a private attorney;
- File a claim in court; or
- File a wage claim with the Investigations Section of the Employment Relations Division at the Montana Department of Labor & Industry.
- You can download the wage claim form [here](#).

**Q: How soon after termination of employment must an employer pay wages?**

**A:** When an employee is permanently laid off or discharged, all wages are due immediately (within four hours or end of the business day, whichever occurs first), unless the employer has a preexisting, written policy that extends the time for payment. In the event of a preexisting written policy, the wages may not be delayed beyond the next payday for the period in which the separation occurred, or 15 calendar days.