

Unemployment Insurance, **COVID-19**, and Executive Order 118



Prepared by Mike Okun, General Counsel, NC State AFL-CIO

We have received a number of inquiries about the specifics of that part of Governor Cooper's March 19 Executive Order 118 dealing with Unemployment Insurance (UI) claims. (The other part of the Executive Order dealt with the closing of restaurants and bars.) Although all the possible implications of the Executive Order are not completely clear, we outline below our current understanding of the content of the Executive Order.

Basically, the Executive Order first provides that in the case of those who lose employment as a result of the COVID-19 virus, the North Carolina Department of Commerce, which administers the North Carolina UI program, may flexibly interpret or waive:

1. the one-week waiting period that is normally required;
2. the usual requirement that an individual be "able and available" for other work in order to receive benefits;
3. the requirement that an individual actively seek other work, and demonstrate at least three job contacts per week, in order to receive benefits; and
4. the requirement that only those who work less than three customary days in a week may receive partial benefits, although the Executive Order offers no further guidance on this point.

The Executive Order also provides that employers whose employees become unemployed as a result of the virus and receive benefits from the Trust Fund will not have their accounts charged as would be the usual case.

The Executive Order also orders the Department of Commerce to postpone all mandatory in-person contact with those seeking benefits, including the initial assessment interview, and requires that all such contacts should be by telephone or email.

The Executive Order finally provides that if the Department of Commerce identifies other state laws, regulations, or policies that may inhibit the fair and timely distribution of unemployment benefits to

those affected by the virus, it should so inform the Office of the Governor which can authorize other changes.

Those with questions about Executive Order 118 should contact the Department of Employment Security (DES) Public Information Office at 919-707-1010 or by email at des.pio@nccommerce.com.

We understand that the DES will have information about Executive Order 118 on its website, des.nc.gov, very soon.

We wanted to get this explanation of Executive Order 118 out as soon as possible. If there are further important developments about it that are not covered by the information provided on the DES website, and/or we see significant problems about its application, we will try to supplement this report promptly.

Contacting the NC State AFL-CIO

By Phone: 919-833-6678 (Office)
919-523-2835 (President MaryBe McMillan)

By Fax: 919-828-2102

By Email: info@aflcionc.org

On the Web: aflcionc.org

Facebook: [facebook.com/ncstateaflcio](https://www.facebook.com/ncstateaflcio)

Twitter: [@ncstateaflcio](https://twitter.com/ncstateaflcio)

By Mail: P.O. Box 10805
Raleigh, NC 27605

In Person: 1408 Hillsborough St
Raleigh, NC 27605