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NC EMPLOYERS MUST GIVE SEPARATED WORKERS NOTICE OF UNEMPLOYMENT ELIGIBILITY

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By Travis Hockaday

The Division of Employment Security now requires employers to give notice of unemployment eligibility to workers separated from employment as a result of coronavirus (COVID-19)-related reductions.

As we previously reported in our March 19, 2020 alert, "[COVID-19 Update for Employers: Congress Passes Emergency Employment Legislation; Governor Cooper Issues Executive Order on Unemployment Benefits](#)," the Families First Coronavirus Response Act provided a significant amount of funding to states for COVID-19-related issues and encouraged states to ease eligibility requirements that would otherwise limit unemployment insurance benefits for COVID-19-related job losses. Funding to the states is conditioned on several new requirements for providing benefits related to the COVID-19 emergency, including requiring employers to provide notification of potential unemployment insurance eligibility to workers who are separated because of COVID-19-related issues.

In keeping with these requirements, the Division of Employment Security (DES) recently issued [emergency rules](#), effective April 14, 2020. In addition to the temporary waiver of certain benefit eligibility requirements and charges to employer accounts for benefits paid on COVID-19-related claims, the new rules require North Carolina employers to provide employees with notice of the availability of unemployment compensation at the time of a separation related to COVID-19. The notice must inform employees that:

- Unemployment insurance benefits are available to workers who are unemployed and who meet the State's eligibility requirements.
- Employees may file a claim in the first week that employment stops or work hours are reduced.
- Employees may file claims online at nc.gov or by telephone to (888) 737-0259.
- Employees must provide DES with the following information for DES to process the claim:
 - full legal name;
 - social security number; and
 - authorization to work (if the employee is not a U.S. citizen or resident).
- Employees may contact DES at (888) 737-0259 and select the appropriate menu option for assistance.

In order to comply with the new emergency rules, employers should be prepared to issue a simple notice containing the information outlined above to employees separated from employment. And, although the emergency rule appears to require the notice only in the case of a "separation," we recommend also providing the notice to employees who are subject to a furlough, temporary layoff or reduction in hours.

We will continue to provide further updates and guidance as appropriate on employment issues arising from the COVID-19 crisis. In the meantime, please feel free to reach out to anyone on our Employment, Labor and Human Resources team if you have any questions or want to discuss specific circumstances you are facing.

Please visit and bookmark our firm's [Coronavirus \(COVID-19\) Business Resource Center](#), which is continuously updated with useful materials and resources related to COVID-19. This tool has been made available to ensure that our clients and the broader business community stay informed on key issues that may impact their operations and to navigate the related business and legal issues during these challenging times.

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