



March 20, 2020

Emergency Rule Concerning COVID-19 Pandemic of 2020

Justification

In accordance with §§ 8-72-102 and 24-4-103, Colorado Revised Statutes (C.R.S.), an emergency rule is adopted.

The Division of Unemployment Insurance is responsible for administering Articles 70 through 82 of Title 8, C.R.S., connected to paying unemployment insurance benefits to stabilize the workforce and to minimize the impact of unemployment on the state's economy.

In order to respond to the potential economic crisis created by the outbreak of the novel coronavirus known as COVID-19, the Division of Unemployment Insurance seeks to codify a modification to the definitions of the waiting week, job-search requirements, and benefit charging. For the duration of the pandemic, the waiting week and job-search requirements are waived. Charges to an employer's account associated with any benefits paid during the COVID-19 pandemic shall not be charged directly against the contributing employer's account, thus not affecting a contributing employer's rate. Finally, the Division is adding an allowance for employers who are unable to meet the required deadlines for submitting quarterly reports and paying unemployment insurance premiums as a result of effects from a COVID-19 outbreak.

This emergency rule is adopted and shall be effective March 20, 2020.

A handwritten signature in black ink, appearing to read 'Joe Barela', with a long horizontal stroke extending to the right.

Joe Barela
Executive Director



PART II CLAIMS FOR BENEFITS

2.1.7 Filing a Continued Claim. A continued claim is a request filed for waiting-period credit or payment for one or more weeks of unemployment. Continued claims shall be filed by interactive voice response system or by division-approved electronic means unless the division permits a continued claim to be filed by mail or in person because filing by interactive voice response system or by division-approved electronic means would cause undue hardship for an individual. Continued claims shall be filed on a weekly or biweekly basis, as directed by the division.

.5 The division, at its discretion during a COVID-19 pandemic, shall waive the waiting week requirement.

2.4 Job Attachment

2.4.5 Duration of Job Attachment. - Claimants who are job-attached to an employer or who are job-attached by virtue of a union hiring hall arrangement will be presumed to meet the requirements of 8-73-107 (1)(g), C.R.S., for a period of up to sixteen weeks unless it can be shown that said job-attached status is not reasonably designed to result in prompt reemployment in suitable work. Job-attached status may be granted for a period of no more than two weeks to a claimant with a promise of new work.

.1 The division, at its discretion during times of economic recession, may extend the period of job attachment for up to twenty-six weeks for claimants who are job-attached to an employer or who are job-attached by virtue of a union hiring hall arrangement.

.2 The division may permit a period of job attachment to a claimant who suffers a lack of work as a direct result of an order by the governor which requires the closure of places of public accommodation related to the COVID-19 pandemic. Such job attachment shall be for a period no longer than the period of closure required by the order.

2.8 ELIGIBILITY REQUIREMENTS

2.8.4 Actively Seeking Work. In general, a claimant shall be considered to be actively seeking work if he or she is following a course of action reasonably designed to result in prompt reemployment in suitable work. Failure to establish to the satisfaction of the Division that the work-search activities in which the claimant engages are reasonably designed to result in prompt reemployment may result in a disallowance of benefits.

.12 The division, at its discretion during a COVID-19 pandemic, shall waive the work-search requirement. When the work-search requirement is waived, the division may require that a claimant register for work with the online job database.

2.8.5 THE WAITING WEEK. Any unemployed individual shall be eligible to receive benefits with respect to any week only if the division finds that the individual has been either totally or partially unemployed for a waiting period of one week except that, this requirement shall be waived as a direct result of an order by the governor during a COVID-19 pandemic.

PART IV JOB SEPARATIONS

4.3 SEPARATIONS RELATED TO THE 2020 COVID-19 PANDEMIC

4.3.1 STATUTORY REFERENCE: 8-73-108(4)(a), C.R.S.

4.3.1.2 As a direct result of an order by the governor, any benefits awarded and paid during a COVID-19 pandemic and normally charged to the employer's account and experience rate shall be charged to the fund.

4.3.1.3 Benefits payable pursuant to this regulation 4.3 shall not be payable during any week during which the claimant has been determined to be entitled to other, similar benefits which may be made available by act of Congress or the President in response to the COVID-19 pandemic.

PART VI PREMIUMS AND ASSESSMENTS

6.1 EMPLOYER PREMIUMS

6.1.2 Due Date of Premiums. Except as otherwise provided by this rule 6.1, premiums shall become due and be paid no later than the last day of the month immediately following the end of the calendar quarter for which the premiums have accrued. For purposes of this rule 6.1, payment will be considered timely if postmarked or received in person or electronically on or before the due date. If the due date of premiums falls on a Saturday, Sunday, or legal holiday, payment will be considered timely if postmarked or received in person or electronically on the next business day that is not a Saturday, Sunday, or legal holiday.

.1 Quarterly payment shall not be required when the total amount of any premiums due, including any penalties and interest accrued for an untimely or incorrect report, is less than five dollars.

.2 Payment will be considered timely if:

.1 A COVID-19 infection at the employer's place of business caused the employer to close or severely curtail operations.

.2 The employer or an immediate family member received a request from a medical professional, local health official, or the secretary of health to be isolated or quarantined as a consequence of COVID-19.

PART VII EMPLOYER RECORDS AND REPORTS

7.2 REPORTS

7.2.4 Unemployment Insurance Quarterly Reports. Every employer subject to the act shall furnish to the division a quarterly report of total covered wages paid and premiums owed, and a report of covered wages paid to all workers in his or her employ except that no such reports shall be required with respect to an employee of a state or local agency performing intelligence or counterintelligence functions if the head of such agency has determined that filing such reports could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission. These reports are due and any premiums due thereon are payable no later than the last day of the month immediately following the end of each calendar quarter, regardless of whether covered wages were paid during such quarter, and shall be filed in accordance with the methods specified in rule 7.2.5.

Quarterly wage reports will be considered timely if received electronically on or before the due date. If an employer has received a waiver of the requirement to file quarterly reports by electronic means, the report shall be considered timely if it is postmarked or received prior to the due date. If the due date for filing timely quarterly wage reports falls on a Saturday, Sunday, or legal holiday, the due date will be extended to the next business day that is not a Saturday, Sunday, or legal holiday.

.1 Quarterly premiums owed reports will be considered timely if postmarked or received in person or electronically on or before the due date. If the due date for filing timely quarterly premiums owed reports falls on a Saturday, Sunday, or legal holiday, the reports due under this paragraph will be considered timely if postmarked or received in person or electronically on the next business day that is not a Saturday, Sunday, or legal holiday. Any report due under these provisions that is postmarked or received after the due date will bear penalties as provided in 8-79-104 (1), C.R.S., until properly filed on prescribed division forms using division-approved reporting methods.

.2 Reports will be considered timely if:

.1 A COVID-19 infection at the employer's place of business caused the employer to close or severely curtail operations.

.2 The employer or an immediate family member received a request from a medical professional, local health official, or the secretary of health to be isolated or quarantined as a consequence of COVID-19.