

COVID-19 REEMPLOYMENT ASSISTANCE/ UNEMPLOYMENT BENEFITS



Cesar Juarez

cjuarez@lynnjackson.com



Jennifer Suich Frank

jfrank@lynnjackson.com



Tracye Sherrill

tsherrill@lynnjackson.com

There may be other sources of financial assistance for people who are unable to work or who may have lost their jobs when a business closed because of COVID-19. You may be able to get benefits if:

- You have tested positive for COVID-19 and can't work.
- You are out of work because your employer closed due to COVID-19.
- Your work hours have been reduced because of a reduction in force due to COVID-19.
- You were sent home from work because your employer thinks you are at risk for exposure to COVID-19, or because you are at risk for exposure.

To learn whether you might be eligible for this financial assistance, the South Dakota Department of Labor recommends that you file online at reclaims.sd.gov. If you do not have access to the internet, you may call **(605) 626-3179**. Please be aware that there may be a significant wait time to speak to someone on the phone.

CONTACT LYNN JACKSON FOR REEMPLOYMENT ASSISTANCE

LYNN,
JACKSON,
& SHULTZ
LEBRUN, P.C.

SIoux FALLS OFFICE

110 N. Minnesota Ave., Suite 400
(605) 332-5999

RAPID CITY OFFICE

909 Saint Joseph St., Suite 800
(605) 342-2592

SPEARFISH OFFICE

311 N. 27th St., Suite 4
(605) 722-9000

www.lynnjackson.com

COVID-19 REEMPLOYMENT ASSISTANCE ELIGIBILITY DETERMINATIONS

The Reemployment Assistance (RA) program provides temporary financial assistance for people who have lost their job through no fault of their own. Workers who become unemployed because their employer needs to temporarily shut down or isolate workers due to COVID-19 might be eligible to receive benefits. Many variables can affect a worker's eligibility and an employer's liability for benefits. The Department of Labor and Regulation examines each case on an individual basis and makes determinations in accordance with the law.

PROPOSED SCENARIO INTERPRETATIONS:

A worker has tested positive for COVID-19 and is temporarily unable to work.

- **ELIGIBLE for RA benefits.** A claim would need to be filed online at raclaims.sd.gov or by phone at 605.626.3179. Workers who are temporarily unemployed and expected to return to work with their employer would not be required to actively seek work each week. As of now, a layoff lasting longer than 10 weeks would require the person to be able, available, and actively looking for work.

A worker is out of work because their employer closed due to COVID-19.

- **ELIGIBLE for RA benefits.** A claim would need to be filed online at raclaims.sd.gov or by phone at 605.626.3179. Workers who are temporarily unemployed and expected to return to work with their employer would not be required to actively seek work each week. As of now, a layoff lasting longer than 10 weeks would require the person to be able, available, and actively looking for work.

A worker has their work hours reduced because of a reduction in force related to COVID-19.

- **LIKELY ELIGIBLE for PARTIAL RA benefits.** Depending on the number of hours that have been reduced and the amount of earnings for the week, a person would be eligible for reduced RA benefits. 75% of earnings over \$25 would be deducted from the weekly benefit amount. A worker would not be eligible if earnings were equal to or more than the weekly benefit amount.

A worker is sent home from work because their employer thinks they are a risk, or they are at risk.

- **LIKELY ELIGIBLE for RA benefits.** If the worker is not being paid by the employer while at home, the worker may be eligible for benefits. A claim would need to be filed online at raclaims.sd.gov or by phone at 605.626.3179. The worker would not be required to actively seek work each week. As of now, a layoff lasting longer than 10 weeks would require the person to be able, available, and actively looking for work.

A worker chooses to self-quarantine and is unable to work.

- **INELIGIBLE for RA benefits.** To receive benefits, an individual must be able and available to work.

A worker is unable to work because they need to care for a dependent (e.g. child).

- **INELIGIBLE for RA benefits.** To receive benefits, an individual must be able and available to work.

A school worker is unable to work because their place of employment is closed.

- **LIKELY ELIGIBLE for RA benefits.** South Dakota schools will stay closed through March 27 as a precaution to slow the spread of COVID-19. If the worker is not being paid by the employer while at home, the worker may be eligible for benefits. A claim would need to be filed online at raclaims.sd.gov or by phone at 605.626.3179. The worker would NOT be required to actively seek work each week.

An employer decides to temporarily close or do a reduction in force because of COVID-19.

- **LIABLE for RA benefits.** Benefit payments would be charged to an employer's account.