



# PLUMBING CONTRACTOR ANSWERS



## **IDES Unemployment Benefits Q&A for PCA Contractors Related to the COVID-19 Outbreak**

The PCA is interested in providing our contractors with as much useful information as possible to operate their business effectively, especially during these extraordinary times regarding the Coronavirus pandemic. For an overview of unemployment benefits related to the COVID-19 outbreak, the PCA asked attorney Jason Martin Loebach, Partner at Chitkowski Law Offices the following series of questions.



**If an employee (plumber, other union member, or non-bargained-for staff) is laid off, are they automatically eligible to apply for Unemployment Benefits? If not, please explain why or why not.**

Yes, all persons who become unemployed through no fault of their own and meet all eligibility requirements are eligible to receive unemployment benefits.

**Scenario: an employee is offered the opportunity to continue to work and the employer is willing to schedule him/her. However, the employee notifies the employer of his/her unwillingness to do so. Under what circumstances is he/she eligible to apply for Unemployment Benefits?**

The eligibility of an individual in this situation will depend on whether the facts of his/her case demonstrate the individual had a good reason for quitting and that the reason was attributable to the employer. An individual generally has a duty to make a reasonable effort to work with his or her employer to resolve whatever issues have caused the individual to consider quitting. The individual would likely be considered able and available for work if there was some work that they could perform from home (e.g., transcribing, data entry, virtual assistant services) and there is a labor market for that work.

**Must the employee's reasons for declining to report for work be cited in order to be eligible for Unemployment Benefits?**

Yes. An individual who leaves work voluntarily without a good reason attributable to the employer is generally disqualified from receiving unemployment benefits. However, if the individual is unable to report to work for a covered reason (such as being diagnosed by a licensed physician as having COVID-19, having to stay home to care for a spouse, parent or child that a medical professional has diagnosed as having COVID-19, having to stay home because of a government-imposed or government-recommended quarantine, or having to stay home to care for a child who is required to be at home due to the state mandated school closures and there is no work available from the employer for the individual to perform at home), the individual would likely be considered as unemployed through no fault of his or her own and, thus, eligible for unemployment benefits. Since the reason the person did not report to work is a determining factor in whether the person is eligible for unemployment benefits, the person's reason for not reporting for work must be stated.

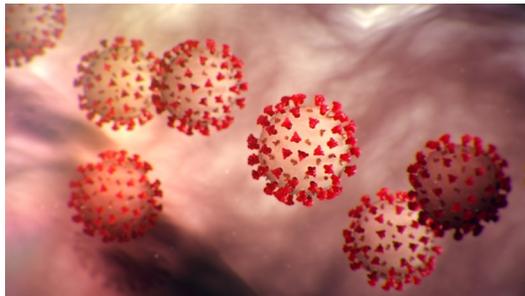
**Under what circumstances is he/she NOT eligible to apply for Unemployment Benefits?**

As was the case before the COVID-19 pandemic, an individual who leaves work voluntarily without a good reason attributable to the employer or who has already received the full 26 weeks' worth of benefits for their current benefit years is generally disqualified from receiving unemployment benefits.

(over)



## **Unemployment Benefits Q&A for PCA Contractors Related to the COVID-19 Outbreak** *(continued from other side)*



### **Are there reasons for declining to report for work that the IDES does not consider acceptable?**

Yes. An individual generally has a duty to make a reasonable effort to work with his or her employer to resolve whatever issues have caused the individual to consider quitting. For example, if an employer had work that the individual could have performed from home and in the individual declined that for work, the individual would likely be found to have

voluntarily left their job without a good reason attributable to the employer would likely be disqualified from receiving unemployment benefits.

### **Has the IDES expanded the types of reasons that it accepts to be eligible for benefits?**

Yes. The Illinois Department of Employment Security (“IDES”) has expanded the eligibility requirements for receiving unemployment benefits. For example, if an individual is temporarily laid off because his or her place of employment is temporarily closed because of the COVID-19 virus, the individual temporarily laid off could qualify for unemployment benefits as long as he or she was able and available for and actively seeking work. Under the emergency rules recently adopted by IDES, the individual would not have to register with the employment service and would be considered to be actively seeking work as long as the individual was prepared to return to his or her job as soon the employer reopened. An other is example is if an individual has to stay home to care for a child who is required to be at home due to the state mandated school closures and there is no work available from the employer for the individual to perform at home, the individual would likely be considered as unemployed through no fault of his or her own and, thus, eligible for unemployment benefits.

### **The IDES has waived, or modified, a number of its policies concerning applying for Unemployment Benefits and waiting periods. Can you explain the status of these new changes?**

Generally, an individual must serve a waiting week the first week of each benefit year and unemployment benefits are not typically paid during this waiting week. However, under Governor Pritzker’s emergency order, the required one-week waiting period for unemployment insurance claims for claimants who are unemployed and who are otherwise eligible for unemployment benefits is suspended. However, the number of weeks a person is eligible to receive unemployment benefits has NOT been increased from 26 weeks.



**For more information on this subject matter or other legal concerns, contact PCA Associate member Jason Loebach at 630-824-4808 or by email at [jml@chitkowskilaw.com](mailto:jml@chitkowskilaw.com).**

**Chitkowski Law Offices  
901 Warrenville Road, Suite 103  
Lisle, Illinois 60532  
[www.chitkowskilaw.com](http://www.chitkowskilaw.com)**