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Client Alert: COVID-19 Related Information on North Carolina and South Carolina Unemployment Claims

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On March 17, 2020, North Carolina Governor Cooper issued an executive order that – for so long as the March 10, 2020, state of emergency remains in place – the Department of Commerce is authorized to interpret flexibly or waive the following provisions of the Employment Security Law:

1. The usual one-week waiting period for benefits.
2. The “able to work” and “available to work” requirements.
3. The “work search” and “actively seeking work” requirements.
4. The partially unemployed “lack of work” requirements.

The Department was further directed not to allocate charges to employers’ unemployment accounts for individuals who are paid benefits for reasons related to COVID-19. Also, all claims shall be received by telephone or internet only.

On March 19, 2020, South Carolina Governor McMaster issued an executive order also waiving the usual one-week waiting period for benefits. In addition, employers’ first quarter unemployment tax payments may be paid with second quarter payments on June 1, 2020, without penalty. However, applicable wage reports must still be filed on time.

Further, according to a Department of Workforce and Employment COVID-19 publication available on its website at <https://dew.sc.gov/covid-hub>, employers will not be charged for benefits employees receive as a result of a COVID-19 related business shutdown.

Finally, existing South Carolina law provides that employers who have a temporary shutdown, are experiencing a slow or smaller workload than normal, or have temporary/seasonal work can request

permission to file claims on their workers' behalf. Employers are allowed to file up to six weeks for affected employees. Such employees are exempt from work search requirements during those six weeks. See <https://dew.sc.gov/employers/ui-benefits/filing-claims-for-your-workers>.

If you have any questions, please do not hesitate to contact Frederick Thurman, Jr. at ftthurman@shumaker.com or 704.945.2154.