

# COVID-19

# Montana Employee Frequently Asked Questions

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**Q: How do you apply for Unemployment Insurance (UI)?**

**A:** File online at [MontanaWorks.gov](https://montanaworks.gov). If you are new to this website, you will have to first create an account to file a new Unemployment Claim. If you have filed for unemployment in the past, you may be asked for a Security Word. Please be aware that Security Word used to be Mother's Maiden Name on the previous website. If you do not have access to a computer, you can file your claim through our Claims Processing Center by calling (406) 444-2545 Monday through Friday 9:00 a.m.- 4:00 p.m.

**Q: Will an employee qualify for unemployment benefits if the Coronavirus (COVID-19) causes an employer to shut down operations?**

**A:** Unemployment benefits will be available for eligible individuals who are requested by a medical professional, local health authority, or employer to be isolated or quarantined due to COVID-19, even if they are not actually diagnosed with COVID-19.

**Q: If an employer lays off or reduces hours for an employee due to the loss of production caused by the Coronavirus (COVID-19), will the employee be eligible for unemployment insurance benefits?**

**A:** Yes, if the employees meet all other requirements. Those still working can file due to a reduction in hours.

**Q: If an employee is asymptomatic and decides to self-quarantine because of the Coronavirus (COVID-19), will the employee be eligible for unemployment benefits?**

**A:** In most cases, no. Unemployment benefits are available to individuals who are totally or partially unemployed due to no fault of their own. In this example, the individual has not been directed to quarantine themselves and is choosing not to work. Therefore, they would be ineligible.

**Q: Do you need to apply for work?**

**A:** It depends. If there is reasonable assurance an employee will return to work or start a new job, the employee may be Job Attached and have their Work Search requirement waived.

- If the employee's unemployment is NOT related to the COVID-19 virus, there must be an approximate date they will return to at least 30 hours of work per week.
- If an employee is laid off or had their hours reduced due to the COVID-19 virus, they can be job attached regardless of their hours upon return. Since there is no certainty when the COVID-19 virus will allow employees to return to work, we recommend a return date of 9/30/2020. If work resumes sooner, then employees will simply stop filing and return to work.
- Please be advised that employees must remain in contact with their employer for available work while they are filing.

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**Q: Your child's school is closed due to the Governor's order to close. Are you eligible for unemployment benefits?**

**A:** It depends. Unemployment benefits are available to individuals who are totally or partially unemployed due to no fault of their own. If work is still available with your employer at the place of business (whether in person or by teleworking), you may not qualify for benefits.

**Q: If an employee is in mandatory quarantine because of suspicion of having the coronavirus, will they be eligible for unemployment benefits?**

**A:** Employees who are directed to be quarantined are considered unemployed and may be eligible for benefits.

**Q: Are self-employed individuals or contract employees who have experienced a downturn in their businesses due to COVID-19 eligible for unemployment benefits?**

**A:** As a self-employed contractor, you are eligible for unemployment insurance benefits under the federal legislation, known as the CARES Act. The benefit is designed for self-employed, independent contractors, those people who are generally not otherwise covered by unemployment insurance, and who are unable to work due to the COVID emergency.

**How to prepare to apply for benefits:**

- Gather proof of income documents together – recent tax return, 1099s, whatever documents show past earnings.
- Be patient. We will know more and we will be able to assist you after we have implemented the mechanisms to process these types of benefits. We will be updating this page regularly to provide additional information as it is available.

**Q: Is payout of accrued leave, whether sick or vacation, required during a furlough or temporary layoff?**

**A:** Generally, no. When the situation is considered temporary by the employer and the employee, pay out of accrued leave is not required. When an employee is furloughed or temporarily laid off due to the COVID-19 pandemic, the employer intends to recall the employee to work at the end of the temporary layoff; and the employee intends to return to work when recalled by the employer, pay out of leave is not required. An employee should take reasonable measures to maintain contact with the employer. If the separation between the employer and employee becomes permanent at any time during the temporary layoff, then the accrued leave must be paid to the employee pursuant to 39-3-205, MCA. If the employer initiates the permanent separation, the employer must pay out the leave and the employee is still eligible for unemployment insurance. If the employee initiates the permanent separation, the employer must pay out the leave and the employee is no longer eligible for unemployment insurance.

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**Q: If Coronavirus (COVID-19) impacts cause my employer to offer a temporary, voluntary leave of absence to avoid more drastic cost-saving measures, and I take it, will I still be eligible for unemployment insurance?**

**A:** Yes, if the Coronavirus (COVID-19) causes an employer to offer temporary approved leaves of absence which are unpaid to avoid more drastic cost-saving measures, including involuntary reductions, unemployment benefits may be available for eligible individuals. Please retain all documentation provided to you from your employer. These types of leaves of absence are similar to a temporary layoff.

File for UI benefits online at [MontanaWorks.gov](https://montanaworks.gov). If you are new to this website, you will have to first create an account to file a new Unemployment Claim. If you have filed for unemployment in the past, you may be asked for a Security Word. Please be aware that Security Word used to be Mother's Maiden Name on the previous website. Use the [benefits estimator](#) to calculate possible weekly benefit amount. Please do not call the state COVID-19 hotline for UI questions.

**Q: My employment has permanently ended. I didn't get my final paycheck. What can I do?**

**A:** First, ask the employer why you haven't received your final check. If the employer refuses to give you your final check, you may choose one of the three options to obtain your wages:

- Obtain the services of a private attorney;
- File a claim in court; or
- File a wage claim with the Investigations Section of the Employment Relations Division at the Montana Department of Labor & Industry.
- You can download the wage claim form [here](#).

**Q: How soon after termination of employment must an employer pay wages?**

**A:** When an employee is permanently laid off or discharged, all wages are due immediately (within four hours or end of the business day, whichever occurs first), unless the employer has a preexisting, written policy that extends the time for payment. In the event of a preexisting written policy, the wages may not be delayed beyond the next payday for the period in which the separation occurred, or 15 calendar days.

**Q: If I am self-employed, do I need to file a claim online for unemployment?**

**A:** Yes. We are currently programming the MontanaWorks system to accept claims from self-employed individuals. Until then, file for regular employment. If you are denied or you cannot complete an online claim, that should meet the "not otherwise qualify for [regular UI] benefits" requirement in the CARES Act. To prepare, please create an account at MontanaWorks.gov and gather proof of income documents together – recent tax return, 1099s, whatever records show past earnings. Also, please be patient. We will be able to assist you after we have implemented the mechanisms to process these types of benefits. We will be updating the COVID-19 page regularly to provide additional information as it is available.

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Montana Department of  
**LABOR & INDUSTRY**

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**Q: When will I get the additional \$600 per week on my unemployment claim? Do I need to apply to receive the additional \$600 per week on my unemployment claim?**

**A:** If you have already filed a claim that is in process or have filed a claim and are currently receiving benefits, you do not need to take any action to receive the additional \$600 per week. As U.S. DOL provides federal guidance on those payments, you will be issued those payments as they become available.

**Q: I was receiving unemployment through last week, and my benefits have exhausted. I am still within my benefit year and was told I couldn't file again until my claim expires. Do I need to refile a new claim to receive the additional money that was passed in legislation for the CARES Act?**

**A:** No, you do not need to file a new application. When the extended benefits are available, additional information will be posted on our website. All claimants who exhausted benefits after March 15, 2020, or the first week an individual is out of work due to COVID-19, whichever is later, will be processed for the extended benefits. In the meantime, keep filing weekly payment requests.

Please know if you are eligible for back weeks of unemployment benefits on one of these federal programs, we will work with you to make those changes as allowed by state and federal law.

**Q: How do I check the status of my claim? How do I know if I filled out my application correctly?**

**A:** If you received the confirmation your claim was filed, then we received your application. If we have a question about the information submitted on your claim, a customer service representative will contact you for additional information. Please be sure to provide correct contact information when establishing your claim, including your telephone number, email address, and an address where you can receive your mail in a timely fashion. You are responsible for ensuring there is an effective way for UI representatives to contact you.

**Q: What do I do if I have not received wages for work that I have performed, and my employer is temporarily closed but I expect to return to work?**

**A:** It depends. If your employer is temporarily closed and it has been unable to process payroll due to the COVID-19 shelter in place order, stay in contact with your employer and allow them a bit of time to catch up given the extraordinary circumstances many businesses are facing. If you are unable to contact them or obtain your wages, you can consider filing a wage claim (<http://erd.dli.mt.gov/labor-standards/wage-and-hour-payment-act/filing-a-wage-claim>)

**Q: Where should I file my claim for unemployment benefits if I live in a different state than where my employer is located?**

**A:** Claims should generally be filed in the state where you performed the work. If you have questions about where to file your claim, contact the state unemployment insurance agency where you now live for more information.

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**Q: Does my employer have to allow me to telework?**

**A:** Though an employer may encourage or require an employee to telework, it has not been mandated they allow it. Resources addressing this are provided by the U.S. DOL. For your convenience links to these and state resources addressing similar issues are provided below.

[U.S. DOL COVID-19 FLSA Q&A](#)

[MT DLI COVID-19 Resource Guide](#)

[U.S. DOL COVID-19 Workplace](#)

**Q: How do I cancel my claim if I no longer want or need unemployment benefits?**

**A:** If you wish to cancel your claim, you must send your request to [UIClaims@mt.gov](mailto:UIClaims@mt.gov). Please note in the subject line: CANCEL CLAIM REQUEST. Include your name, claimant identification number, a brief explanation as to why you wish to cancel your claim; and a telephone number where you can be most readily reached.

**Q: What can I do when I cannot access my claim on MontanaWorks.gov, and I cannot get through to the Claims Center?**

**A:** There have been an unprecedented number of claims for unemployment insurance filed in just the last few days. Wait times may be longer than usual, and you may encounter difficulties accessing your claim online. DLI is adding resources as quickly as possible to address COVID-19 related issues in a continuing effort to provide the best possible customer service to the people of Montana. Please do not call the state COVID-19 telephone hotline with your unemployment questions.

COVID-19 unemployment claims will be backdated if you were unable to file for unemployment benefits due to system outages, or an inability to get through on the phone line. Your claim will be backdated to the first day you tried to file on MontanaWorks.gov or call the UI Claims Processing Center.

**Q: Can my employer lower my wage when I return to work?**

**A:** An employer can change an employee's rate of pay prospectively. The change cannot be effective retroactively and it must meet all minimum wage and overtime requirements. These requirements are set forth in Montana Code Annotated. For your convenience, a link below is to the section of the MCA addressing minimum wage and overtime, as well as one addressing other wage related questions.

[Section 39-3 Part 4 Minimum Wage and Overtime Compensation MCA](#)

[Wage and Hour FAQs](#)

**Q: I am scheduled to start a new job in the next few weeks, but I am not sure what to do?**

**A:** First, contact your employer and ask them what they plan on doing in the coming weeks and months. It is possible the employer does not intend to reopen the business until it can do so safely. If you are unable to reach the job or the job offer has been withdrawn as a direct result of COVID-19, go to [MontanaWorks.gov](https://montanaworks.gov) for resources on filing a claim for unemployment insurance benefits.

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- Q: I am a substitute teacher and the jobs I had lined up were affected by the COVID-19 related school closures. Do I qualify for unemployment benefits?**
- A:** It depends. Substitute teachers are generally covered employees under the unemployment insurance rules. Wages received from substitute teaching will be used to determine whether you can establish a claim for unemployment benefits. If you are job attached, meaning you are expected to return to work in the same or similar capacity for the school district on a certain date, you may not be eligible for benefits. If you do not have enough wages to establish a claim for unemployment benefits, you may be eligible for Pandemic Unemployment Assistance. Resources for filing a claim for unemployment insurance benefits can be found at [MontanaWorks.gov](https://montanaworks.gov).
- Q: I work two jobs. I will continue working the same number of hours at my primary job, but I was laid off from my other job. Can I file a claim for unemployment insurance benefits?**
- A:** An individual can file a claim for benefits at any time. Your last day of work is the last day you physically performed work for the employer. If you are working 40 hours or more each week or earn twice your weekly benefit amount, you will not be eligible for regular unemployment insurance benefits. Your eligibility for regular unemployment insurance benefits will be determined based upon information provided by both you and your former employer. You will receive notice of your eligibility either by mail or through your online claim. Link to [Benefit Calculator](#).
- Q: I received a Notice of Determination or Notice of Redetermination that I do not agree with, what do I do?**
- A:** You have the right to request a redetermination or an appeal of a determination or redetermination that you disagree with. However, you are required to request a redetermination or appeal within ten days of the date of the notice. The notice will be sent via mail and will include directions as to how you can request a redetermination or appeal. It is important that you read every document you receive from UID. Be sure to meet the timelines set forth in those documents. If the document says a matter is "pending", they do not need to request a redetermination or appeal.
- Q: How do I reset my PIN?**
- A:** If you receive a message that you need to reset your pin, please send an email request to [UIClaims@mt.gov](mailto:UIClaims@mt.gov). Make sure to note in the subject line: PIN RESET. Include a brief description in your email as to how you came to need to reset your PIN.