

COVID-19

Montana Employer Frequently Asked Questions

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Q: When and how will we know if our employees will be covered by Unemployment Insurance (UI), if I have to lay them off due to COVID-19 and what will happen with employers?

A: If you have had to reduce hours of or lay-off workers due to COVID-19 impacts, encourage them to file a claim for unemployment compensation at [MontanaWorks.gov](https://montanaworks.gov); they may be eligible for benefits. An unpaid temporary closure of an employer's operations functions as a lay-off from work, even if the employer intends to have their employees come back to work when operations resume.

Keep watching our [COVID-19 FAQ](#) webpage for updates. We will also announce any changes using a variety of mediums including: our website, email, and social networks. Like us on [Facebook](#).

Q: How do my employees file for benefits and how much do they get?

A: File for UI benefits online at [MontanaWorks.gov](https://montanaworks.gov). Use the [benefits estimator](#) to calculate possible weekly benefit amount. Please do not call the state COVID-19 hotline for UI questions.

Q: Are employees eligible for benefits if their hours are reduced, cutting them from 40 hours per week to 20?

A: If an employee is working less than their customary hours, they may be eligible to receive partial benefits.

Q: How long will it take for employees to receive benefits?

A: This is really claim specific. If there are any issues or areas that need to be investigated, it will take longer to process. Please have your employee contact our phone center or review any outstanding issues online at [MontanaWorks.gov](https://montanaworks.gov).

Q: Is there anything I can do to help ensure my employees receive benefits as quickly as possible?

A: If you have not already, sign-up for SIDES right away. Signing up for SIDES will allow us to communicate electronically with you regarding claims filed by your employees, provided you sign-up before they file. The quicker we can gather the information required the better. Review our [SIDES Information Sheet](#) to learn more. To sign-up visit uieservices.mt.gov or call (406) 444-3834 (select option 2) for help.

Q: How long will the employees be eligible for UI?

A: The duration of a claim depends on a claimant's wages during their base period. Steps to determine eligibility, amount and length of benefits can be on page 8 of the [claimant handbook](#).

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Q: If I lay off my employees due to COVID-19, will they be considered job attached?

A: Your employees may be considered job attached. Advise them to select the Job Attached option when filing or reactivating their UI claim.

Q: If employees are considered job attached, should we send in lists of the affected individuals? If so, where can those lists be sent?

A: Fax a list to: (406) 444-2699 ATTN: Claims Processing. When these lists are received, they are input in our system.

Q: Will COVID-19 layoffs be treated like any other layoff?

A: Yes. If you have questions regarding benefit charging to employers, please call our Employer Charging unit at (406) 444-0399.

Q: How will this affect salaried employees?

A: It does not affect them any differently than an hourly employee, they can file a UI claim.

Q: How will this affect my UI Tax rate? Will the benefit charges be relieved?

A: Under the emergency rules that went into effect March 17, 2020, employers will not be charged on a COVID-19 claim.

Q: If our company must shut down due to a forced closure, are the employee's eligible for unemployment or are we better off doing a layoff so that employees would be covered?

A: Either would be considered a layoff.

Q: If a business owner closes the business for the next few months, is the owner eligible for unemployment?

A: It depends. If the business operated as a corporation or an LLC filing as a corporation, and the business reported wages for the owner as a corporate officer, the owner may be eligible for UI benefits.

If the owner of the business is a sole-proprietor, partner, or LLC member whose LLC files as a partnership, those entities are not subject to UI and the owner would not be eligible for UI benefits.

For more information please review section 3 of our [Employer Handbook](#).

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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.

Q: What businesses are subject to the FFCRA?

A: Federal guidance has been issued for FFCRA. You may review FAQs from the Federal Department of Labor regarding FFCRA at <https://www.dol.gov/agencies/whd/pandemic>

Other helpful links:

<https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>

<https://www.irs.gov/coronavirus>

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Q: Is there a method by which employers can submit information regarding several employees whose employment has been affected by COVID-19?

A: No. We need a completed a paper request for information for each affected employee or if your business is signed up with the State Information Data Exchange System (SIDES), you can answer the questions electronically.

To use SIDES for responding to employment separation questions, log in to <https://uieservices.mt.gov> (UI eServices for Employers), and sign-up for SIDES E-Response. Once signed up, you or your designated contact, will receive email notification of a UI claim. You or your designated contact can log into UI eServices vices to complete the questionnaire and send it back to UI using the SIDES E-Response system.

Q: How should employers submit information that has been requested by UID?

A: Each request for information is specific to the claimant, so each form needs to be completed for each claimant. Please be sure that you are providing accurate information for the claimant whose name is on the form.

You may answer the questions electronically if your business is signed up with the State Information Data Exchange System (SIDES). SIDES is a convenient and secure way for employers (or their agents) to electronically receive and respond to requests for information regarding unemployment insurance (UI) benefit claims. The best part, it's fast, it's free, and it greatly reduces any forfeiture of rights to protest benefit eligibility or benefit charges! Developed by the U.S. Department of Labor and the National Association of State Workforce Agencies (NASWA), SIDES provides a nationally standardized format for responding to UI information requests.