

Tips for collecting unemployment benefits as shutdown continues

Most workers who have lost jobs because of coronavirus are entitled to unemployment benefits, allowing them to keep their heads above water for the time being.

LOS ANGELES, CA, USA, April 22, 2020 /EINPresswire.com/ -- With a whopping 22 million Americans recently filing claims for unemployment, the jobs picture is decidedly bleak.



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Ronald Zambrano

The good news is that most workers who have lost jobs or been furloughed because of the economic effects of coronavirus are entitled to unemployment benefits, allowing them to keep their heads above water for the time being.

Workers whose job losses resulted from a demand for safe work conditions or possible discrimination may have also legal claims against their employers.

“Every employee laid off or furloughed should be applying for unemployment,” said [Ronald Zambrano](#), litigation chair at West Coast Employment Lawyers in Los Angeles. Even employees still working but with reduced hours are eligible for benefits through California’s Employment Development Department, he said.

“Under the Unemployment Insurance Code, employees who lost hours or their job for any reason other than misconduct are eligible for unemployment benefits,” said Zambrano. Misconduct is more than just poor performance, he said.

[Sonya Goodwin](#), a partner at Sauer & Wagner in Los Angeles, noted that workers who don’t qualify for state unemployment may be eligible for up to 13 weeks of unemployment benefits under new federal laws. They may not need to look for work to get benefits, she said.

“The federal government has asked states to be more flexible about requiring individuals to be actively seeking work if they’re unable to search due to COVID-19,” said Goodwin.

She cautioned that people should apply as early as possible. “Millions of Americans are applying for unemployment each week, so there’s a tremendous backlog.”

Employers shouldn’t discourage furloughed employees from looking for other work while they’re on furlough, said Zambrano, especially if employees can find work at companies deemed essential businesses, such as grocery stores and delivery services.

An extra job can help ease the financial strain on workers and their families, demonstrate to the EDD a willingness to work, and provide much-needed help to the local community, he said.

At the same time, Zambrano said, anyone who is financially challenged to buy food for the family because of shelter-in-place rules should look into food purchases assistance.

Workers should also know that federal legislation provides incentives for employers to continue operating at least at 75% capacity, he said.

"Employees should ask their employers about options to stay at work under those programs," Zambrano said.

Workers terminated because they refuse to work under conditions that pose a risk to their health also have rights.

Plaintiffs' attorney [Victor George](#) tells of a medical doctor, more than 60 years old, whose high blood pressure caused him to refuse to do up-close intubations and surgeries without a respirator mask.

"The hospital said, 'Sorry, we don't have any,'" George said. "When my client said he wouldn't put his family at risk by performing the intubation – actual touching – they fired him. Of course, they'll be liable for that.

"Entities who put profits above employee safety, who make employees come to work with no personal protective equipment, will be liable when their employees contract COVID-19," said George.

"People with co-morbidity issues or who have spouses or children with co-morbidity issues want to ensure their families' safety. Some are being unjustly furloughed to half-pay or a lesser percentage of their full pay. We want to help them maximize their job earnings and job benefits during this pandemic time."

Zambrano has seen several clients laid off for seemingly discriminatory reasons, ordinarily grounds for a wrongful termination action.

"They haven't seen other workers let go and believe they were singled out because of their age or their race or because they returned from disability leave or for some other unlawful reason," Zambrano said.

Such claims could be harder to validate during these unusual times, said George.

"I get hundreds of calls a year from employees who believe they were wrongfully terminated. Under normal circumstances I can easily determine if the client has a case based on the facts," he said.

"Post shelter-in-place, the analysis of wrongful termination will be different. Employers will be facing an unusual economic situation. It's too early yet to determine who, if anyone, is to blame for all the layoffs and furloughs and, most important, the conditions of rehire."

The bottom line is that being without work, or working fewer hours, doesn't mean losing rights and benefits. Information about unemployment eligibility and how to apply can be found at the new Pandemic Unemployment Assistance page on the EDD website, and a local employment attorney can provide additional guidance and support.

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