



FROM THE DESK OF

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U.S. Railroad Retirement Board

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It has been a couple of weeks since my last update, and while things are settling down somewhat, there are a couple of issues I wanted to bring to your attention.

Since my last note, we added a question to the Railroad Retirement Board's (RRB) Q&A's regarding the eligibility to unemployment insurance (UI) benefits and a voluntary furlough. Question 2, which was included in the Q&A document when first published, explains that ordinarily, someone who goes on a voluntary furlough is not eligible to receive UI benefits because they are considered to have left work voluntarily. Basically, the voluntary furlough is viewed as the equivalent of an approved leave of absence. The new question, added as question 3 under the UI section, asks "What if I have the opportunity to accept a voluntary furlough under a negotiated agreement with my rail employer and rail union?" The question was added due to inquiries agency field personnel received regarding agreements which have been reached with some railroad employers regarding furlough situations during the pandemic. The answer explains that, if an employee is covered by a negotiated COVID-19 relief plan, it is possible that an employee on a "voluntary furlough" will be eligible for UI benefits, so long as the employee is considered to be in inactive status and does not utilize paid vacation days or personal days. The answer goes on to recommend that employees should contact the RRB if they are uncertain how the furlough under a program offered by an employer would be treated for UI purposes. If you are developing a COVID-19 relief program, we strongly recommend that the plan be reviewed by the RRB's Office of General Counsel to evaluate its impact on eligibility to benefits. If you need assistance in getting a document reviewed, please don't hesitate to reach out to my office.

I also wanted to mention a couple of issues which have been brought to our attention regarding the application process of filing for benefits. In my last update, in recognition of the difficulty in obtaining a physician's signature during these times, I discussed the use of Form G-93, *Statement of Claimant or Other Person*, when filing an application for sickness benefits, in lieu of submitting Form SI-1b, *Statement of Sickness*, which must be signed by a physician. The original instruction provided that written statements did not need to be provided on any specific form. However, to remain in compliance with rules regarding the solicitation of information from the public, the written statement should be on the Form G-93. We have been advised that sickness applications are being submitted with written statements rather than a completed Form G-93. Just a reminder that the Form G-93 should be completed and submitted when filing an application for sickness benefits if the applicant is unable to submit the Form SI-1b.

In addition, there are situations where employers are approving requests by employees to self-quarantine rather than report to work, and employees believe that they are eligible for benefits. It is important to note that an employer approving a request to self-quarantine is the equivalent of a

voluntary leave of absence, and the employee would not be eligible for benefits so long as the circumstances surrounding the employee's absence from work do not change. However, if an employer instructs or directs an employee to stay home due to exposure or potential exposure to the virus, that employee is eligible to apply for sickness benefits. Employees who are involuntarily furloughed by their employer as a result of the virus are eligible for unemployment benefits.

Finally, as noted in the Q&A document, unfortunately, the RRB is not able to immediately pay eligible employees CARES Act benefits. However, agency personnel are diligently working towards the goal of making those payments and I will be certain to share with you when the agency will be able to begin to issue those payments.

Unemployment and Sickness Benefit Flexibilities Under the Railroad Unemployment Insurance Act (RUIA) during the COVID-19 Virus Outbreak

(Updated April 10, 2020)

The RUIA provides for payment of unemployment insurance (UI) benefits to eligible employees for days of unemployment and for the payment of sickness insurance (SI) benefits for days of sickness. Provided below are some frequently asked questions regarding those situations in which benefits are payable during the COVID-19 outbreak and based on the recent legislation passed by Congress. Please note that the answers to these questions are based on the assumption that the employee meets all necessary eligibility requirements. Instructions on filing for benefits are provided following the questions and answers.

Unemployment Benefits

- Q:** If my employer furloughs me, am I eligible to receive UI benefits under the RUIA?
A: Yes. *An employee furloughed by his employer is eligible for UI benefits.*
- Q:** If my employer offers me the option to go on voluntary furlough, will I be eligible to receive UI benefits under the RUIA?
A: No. *In order to be eligible for UI benefits, an employee must not have left work voluntarily.*
- Q:** What if I have the option to accept a voluntary furlough under a negotiated agreement with my rail employer and rail union?
A: *If your employer and union have negotiated a special COVID-19 relief plan that you are eligible to join that delineates rights of furloughed employees, you may be eligible for UI benefits so long as you are considered to be in inactive status and do not utilize paid vacation days or personal days. If you are unsure if the program your employer is offering is considered a leave of absence, a voluntary furlough, or involuntary furlough, please contact your local RRB office at 877-772-5772 for additional guidance.*
- Q:** If a state or local order to shelter in place, restricts me from reporting to work, will I be eligible for UI benefits under the RUIA?
A: Possibly. *Because of the vital role the railroads play, most railroad positions are exempt from such orders, and therefore, most railroad employees would not be eligible for UI benefits and would be expected to report to work. However, if you believe your position is not exempt from the order, you may be eligible. On your UI application or claim you should identify which order you believe prevents you from reporting to work. A decision on whether you are eligible for UI benefits will be made by the Railroad Retirement Board (RRB).*
- Q:** If I decide to self-quarantine due to concerns about possible exposure to COVID-19, but am not experiencing any symptoms and have not been told by my employer to refrain from reporting for work, am I eligible for UI benefits?
A: No. *Among the eligibility requirements for UI benefits, an employee must be available for work. An employee who opts to self-quarantine is not available for work.*

Sickness Benefits

6. **Q:** If my employer instructs me to quarantine and not to report for work due to exposure or possible exposure to COVID-19, will I be eligible for benefits?
A: Yes. An employee who is quarantined is not available for work, and therefore not eligible for UI. However, if due to exposure or potential exposure to COVID-19, the employee is instructed to quarantine, the employee would be eligible for SI benefits. A copy of the instruction from the employer will serve as proof of the medical restriction. If the employee does not have a copy of the instruction from his employer, or if the instruction was not written, the employee may submit a completed [RRB Form G-93](#) describing the direction received from the employer.
7. **Q:** If I report for work but am sent home by my employer because of possible exposure to COVID-19 through a coworker, but I am experiencing no symptoms, will I be eligible for benefits?
A: Yes. See the answer to Question 5.
8. **Q:** If I am experiencing symptoms of COVID-19 and I am subject to instructions from a health care provider or public health official to quarantine, am I eligible for SI benefits during the period of the quarantine?
A: Yes. An employee unable to work due to sickness is eligible for SI benefits. A copy of the quarantine instruction will be acceptable proof. If the employee does not have a copy of the instruction, or if the instruction was not written, the employee may submit a completed [RRB Form G-93](#) describing his or her symptoms, and the instruction. The completed RRB Form G-93 will only be sufficient proof for one claim period. After the initial claim period, the employee will need to provide a copy of the quarantine instruction.
9. **Q:** If I test positive for COVID-19 am I eligible for SI benefits?
A: Yes. If you test positive for COVID-19, you are eligible for SI benefits. Documentation of the positive test should be submitted with your SI application/claim and SI benefits will be payable until your doctor releases you to return to work.

Coronavirus Aid, Relief, and Economic Security (CARES) Act

10. **Q:** Are there provisions which extend the unemployment periods for which UI benefits can be paid?
A: Yes. The CARES Act amends the extended benefits to be available to individuals who received normal UI benefits during the period beginning July 1, 2019, and ending June 30, 2020. No extended benefit period under this provision will begin after December 31, 2020.
- An employee with less than 10 years of service will now be eligible to receive up to 65 days of extended benefits within 7 consecutive 2-week registration periods.
 - An employee with 10 or more years of service would be eligible for an additional 65 days of extended benefits, for a total of 130 days within 13 consecutive 2-week registration periods.
11. **Q:** Are RUIA claimants eligible for the enhanced CARES Act payments?
A: Yes, IF the benefits are UI benefits. The CARES Act provides a \$1,200 recovery benefit to a qualified employee for any UI registration period beginning on or after April 1, 2020, but no later than July 31, 2020.

12. **Q:** How do I know if I am an employee considered qualified for the additional CARES Act payment?
A: *You are eligible for the special CARES Act payment(s) for registration periods for which (1) you are receiving UI benefits or (2) you would be receiving UI benefits if you had not already exhausted UI benefits for benefit year 2019. The benefit year for 2019 began on July 1, 2019, and will end June 30, 2020.*
13. **Q:** Does the CARES Act include a provision to waive the 7-day waiting period for UI or SI benefits under the RUIA?
A: *Yes. The CARES Act waives the 7-day waiting period for both UI and SI benefits under the RUIA for any registration period that begins on or after March 28, 2020, and ends on or before December 31, 2020. (Note, this is the only provision of the CARES Act that applies to both UI and SI benefits.)*
14. **Q:** Will the RRB be able to pay eligible employees the additional UI benefits and eliminate the seven day waiting period for both UI and SI immediately?
A: *No. However, employees will receive retroactive payments of additional monies in the future. The RRB is working diligently to make the necessary adjustments to its applications and systems so that we can pay employees the additional benefits and eliminate the waiting period as soon as possible.*
15. **Q:** Will I lose benefits which would have otherwise been payable to me during the time in which the RRB updates its applications and systems to implement the CARES Act?
A: *No. If you are eligible for RUIA benefits, you should file as you normally would and benefits will be computed and paid using the rules existing prior to the CARES Act. Additional benefits due under the CARES Act will be paid retroactively once the RRB's systems are updated to properly implement the provisions of the CARES Act.*
16. **Q:** Are the benefits payable under the CARES Act subject to sequestration, similarly to other benefits payable under the RUIA?
A: *No. Benefit payments issued under the CARES Act are not subject to sequestration. Normal UI and SI benefits as well as normal extended UI and SI benefits will still be subject to sequestration.*
17. **Q:** Is the RRB going to pay the one-time-only economic relief payment available to individuals with income of \$99,000 or less and couples with income of \$198,000 or less?
A: *No. The Department of the Treasury will be responsible for making those payments. Additional information regarding the one-time-only economic relief payments can be found at the following link: <https://www.irs.gov/newsroom/economic-impact-payments-what-you-need-to-know>*

Filing Applications/Claims for Benefits during the National Emergency due to the COVID-19 Virus

- Railroad employees should sign up for online access through **myRRB** at RRB.gov. Employees can **file for unemployment benefits** as well as **complete claims for both sickness and unemployment benefits** online.
 - Employees can create a **myRRB** account by visiting <https://rrb.gov/Benefits/myRRB> and clicking on the button labeled “Sign in with LOGIN.GOV”.
 - Establishing a myRRB account gives workers a head start in the event that RRB unemployment or sickness benefits are needed by railroad workers in the case of carrier furloughs or illness. A **myRRB** account permits users to have instant access to: Apply for unemployment benefits, claim unemployment benefits, view Railroad Unemployment Insurance Act account info, claim sickness benefits, and view service and compensation.
 - The following information is needed to create a **myRRB** account through login.gov:
 - A current, state-issued ID;
 - An email address;
 - Enabling two-step authentication;
 - Providing basic information such as name, address, and phone number;
 - Social Security Number (SSN);
 - Address verification.
 - Once the user’s personal information is verified, login.gov will provide a personal key that will be needed to gain access and make changes to the account. This key should be written down and stored in a safe place.
- Employees who need to apply for **sickness benefits** can **print the necessary forms**. The **Application for Sickness Benefits (Form SI-1a)** must be submitted with the first claim. *In lieu of* the **Statement of Sickness (Form SI-1b)**, employees may submit a copy of the quarantine instruction or a completed **RRB Form G-93** describing the quarantine instruction. The documents should be mailed as directed below, or as noted, may also be faxed.
 - If mailed, the completed forms should be mailed to:
U.S. Railroad Retirement Board
PO Box 10695
Chicago, IL 60610-0695
 - Due to the unique circumstances we are faced with, the RRB will accept sickness applications via fax, which will be reviewed on Tuesdays and Thursdays. The fax number is: 312-751-7185.

*****IMPORTANT NOTE*****

Employees who are filing or claiming via paper forms through the mail and are experiencing significant delays should contact the RRB by phone at 877-772-5772 or by using the public e-mail address SicknessandUnemploymentbenefits@rrb.gov. Please note: Do not include personally identifiable information, such as an SSN, as this e-mail box is not secure.