



**DEPARTMENT OF UNEMPLOYMENT ASSISTANCE  
UI POLICY & PERFORMANCE  
INTEROFFICE MEMORANDUM**

**Date:** November 25, 2020

**Rescission(s):** None

**Reference No.:** UIPP 2020.15

**TO:** All DUA Managers and Staff  
**FROM:** Emmy Patronick, Director of Policy and Performance  
**SUBJECT:** Waiving of Work Search requirements

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**1. PURPOSE:**

This policy memo is intended to inform staff that the work search requirements of G. L. c. 151A, § 24(b) are waived for all claims filed or re-opened during the COVID-19 pandemic emergency. DUA staff are instructed to apply this policy effective November 2, 2020, until instructed otherwise.

**2. ATTACHMENTS:**

- UIPL 10-20

**3. BACKGROUND:**

The Department of Labor has granted states “flexibility to determine what type of work is suitable for an individual and what it means for that individual to be able, available, and seeking work, even when quarantined or otherwise affected by COVID-19.”<sup>1</sup> States may temporarily loosen work search requirements, as long as claimants have not effectively withdrawn from the labor market.<sup>2</sup> DUA

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<sup>1</sup> UIPL 10-20, p. 3.

<sup>2</sup> Under 20 CFR 604.5(a), a state may consider an individual available for work under any of the following circumstances:

has already determined that work search requirements may be waived for individuals expecting to return to work. Accordingly, DUA filed two sets of emergency regulations in March and August, 2020.<sup>3</sup> DUA has now determined that under Massachusetts law, the work search requirements may be waived for all claimants requesting benefits during the pandemic crisis, so long as such claimants remain ready to return to work once the pandemic measures have been lifted.

DUA will waive work search requirements until such time as the COVID-19 emergency measures have been lifted. DUA's position is based on the following:

- Due to emergency pandemic containment measures that severely limit suitable employment opportunities, DUA finds sufficient cause to temporarily suspend the requirement that claimants apply for available opportunities.
- Under Massachusetts law and longstanding DUA policy, employment is not suitable if it would risk the individual's health or safety.
- Under DUA policy created to respond to the COVID-19 emergency, a claimant is not disqualified under § 25(c) for refusing otherwise suitable work if, due to age, medical condition, or other condition of infirmity, another individual requires the claimant's full-time care and no alternate care is available due to COVID-19.<sup>4</sup> Also, a claimant who has a reasonable belief that the claimant, the claimant's child, or a member of the claimant's immediate family or household will suffer a substantial risk to that person's health or safety is not disqualified based on unavailability under § 24(b) or for refusing work under § 25(c).<sup>5</sup>
- Many of the usual methods of finding employment are currently limited or unavailable across the Commonwealth due to the COVID-19 pandemic.

Claimants are presumed to be ready to return to work once the pandemic measures have been lifted. While the labor market in Massachusetts remains severely affected by emergency pandemic measures and public health restrictions, UI claimants are not considered to have effectively withdrawn from the labor market. Staff will receive additional guidance when conditions change

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(1) The individual is available for any work for all or a portion of the week claimed, provided that any limitation placed by the individual on his or her availability does not constitute a withdrawal from the labor market.

(2) The individual limits his or her availability to work which is suitable for such individual as determined under the State UC law, provided the State law definition of suitable work does not permit the individual to limit his or her availability in such a way that the individual has withdrawn from the labor market . . .

(3) The individual is on temporary lay-off and is available to work only for the employer that has temporarily laid off the individual.

<sup>3</sup> See UIPP 2020.13, November 3, 2020.

<sup>4</sup> UIPP 2020.12 (October 8, 2020).

<sup>5</sup> *Id.*

4. **ACTION:**

Beginning November 2, 2020 and until further notice DUA staff are to waive work search requirements on all claims. Staff should not be creating or adjudicating work search / actively seeking issues at this time. Staff may void any such issue appearing in UI Online.

5. **QUESTIONS:**

Please email [UIPolicyandPerformance@detma.org](mailto:UIPolicyandPerformance@detma.org)