



April 7, 2020

Honorable Michelle Lujan Grisham  
Governor  
State of New Mexico

**Re: Request to Waive the “Waiting Week” for Unemployment Benefits**

Dear Governor,

New Mexico’s hospitals are actively engaged in all aspects of response to the COVID-19 pandemic. From frontline care of COVID-19 patients, to screening, testing and surge planning. Hospitals are also in compliance with the Public Health Order restricting non-essential health care services, procedures and surgeries. The result is an unprecedented revenue reduction. As all businesses are doing, hospitals are examining their expenses and making hard choices to reduce their workforce costs. This is inevitable given the fact that staff costs are typically over half of a hospital’s operation.

Even while hospitals shift resources to brace for a COVID-19 surge in numbers of patients and more critical care, they are also starting to impose staff furloughs to adjust to the lost revenue.

Hospitals have a deep concern about the welfare of their employees and wish to provide the best possible support to them during this disruptive time. Certainly, the ultimate goal is to preserve our limited pool of health care workers so they can get back on the job in a post-COVID world, providing access to care around the state.

On behalf of our 46 member hospitals, we ask that you waive the “waiting week” that is currently required of applicants for unemployment insurance. Section 2105 of the CARES Act provides full federal funding to the state for the cost of the first week of unemployment benefits. It behooves the state to access this federal funding and it would deliver an incredible resource to displaced workers.

Please consider this opportunity. The text of Section 2105 is attached for your reference.

Sincerely,

A handwritten signature in black ink that reads 'Jeff Dye'.

Jeff Dye  
President

# FACT SHEET

**WWW.JOBS.STATE.NM.US**

Fast, convenient, and secure.

Apply for unemployment benefits online.

## Information for Workers Affected by COVID-19

**1-877-664-6984 TOLL-FREE**

Apply for unemployment benefits by phone  
Monday–Friday, 8:00am–4:30pm.



Governor Michelle Lujan Grisham has declared a state of public health emergency as a result of the novel coronavirus disease (also known as COVID-19). In light of the Governor's declaration, certain workers may be eligible for Unemployment Insurance (UI) benefits. Learn more at [www.dws.state.nm.us/COVID-19-Info](http://www.dws.state.nm.us/COVID-19-Info).

### Am I eligible for unemployment benefits?

You may be eligible if the situations described below apply to you:

- Employers may lay off some or all of their workforce as a result of the impact of COVID-19; for example, a restaurant that sees a significant reduction in business due to lack of customers dining out during this time, or an event facility that cancels all events until a later date, or bus drivers who are out of work due to temporary school closures.
- Workers who are self-quarantined or directed to be quarantined, or who have immediate family who is quarantined.
- Workers who have their hours reduced as a result of COVID-19.

### How do I file an unemployment claim?

UI claims are processed by the New Mexico Department of Workforce Solutions (NMDWS), and there are two ways to file an unemployment claim:

- **ONLINE:** You can file your new (initial) UI claim online at [www.jobs.state.nm.us](http://www.jobs.state.nm.us).
- **1-877-664-6984 TOLL-FREE TELEPHONE:** You can also file over the phone by calling 1-877-NM-4-MYUI (1-877-664-6984). After following the automated prompts, your call will be transferred to a Customer Service Agent (CSA) who will complete your claim. The UI Operations Center is open 8:00am–4:30pm, Monday–Friday.

### What requirements are there?

NMDWS will be waiving the work search requirements for any of the above impacted workers for up to four weeks. After you have applied for benefits, you must file a weekly certification for each week for which you are applying for benefits. Weekly certifications may be filed online or by phone.

**PLEASE NOTE:** The first eligible week of any new claim is a "waiting week." You will not receive benefits for this week and it is not included in your weeks of payment.

### What do I need to file my claim?

Whether you file online or by phone, you will need the following information to file a new claim:

- Social Security Number (SSN)
- Mailing address and phone number(s) of employer(s) you worked for in last 18 months
- The starting and ending dates of your last job (or jobs if more than one employer in last 18 months)
- If you are a non-citizen, have your alien registration number and expiration date
- If you worked during the week you are filing your claim, be sure you know the gross amount (total dollars and cents before any deductions) of your pay before filing
- Pencil and paper to write down questions and instructions

## CARES Act – HR 748

### SEC. 2105. TEMPORARY FULL FEDERAL FUNDING OF THE FIRST WEEK OF COMPENSABLE REGULAR UNEMPLOYMENT FOR STATES WITH NO WAITING WEEK.

(a) FEDERAL-STATE AGREEMENTS.—Any State which desires to do so may enter into and participate in an agreement under this section with the Secretary of Labor (in this section referred to as the “Secretary”). Any State which is a party to an agreement under this section may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) REQUIREMENT THAT STATE LAW DOES NOT APPLY A WAITING WEEK.—A State is eligible to enter into an agreement under this section if the State law (including a waiver of State law) provides that compensation is paid to individuals for their first week of regular unemployment without a waiting week. An agreement under this section shall not apply (or shall cease to apply) with respect to a State upon a determination by the Secretary that the State law no longer meets the requirement under the preceding sentence.

(c) PAYMENTS TO STATES.—

(1) FULL REIMBURSEMENT.—There shall be paid to each State which has entered into an agreement under this section an amount equal to 100 percent of—

(A) the total amount of regular compensation paid to individuals by the State for their first week of regular unemployment; and

(B) any additional administrative expenses incurred by the State by reason of such agreement (as determined by the Secretary).

(2) TERMS OF PAYMENTS.—Sums payable to any State by reason of such State's having an agreement under this section shall be payable, either in advance or by way of reimbursement (as determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(d) FUNDING.—

(1) COMPENSATION.—

(A) IN GENERAL.—Funds in the Federal unemployment account (as established by section 905(g)) of the Unemployment Trust Fund (as established by section 904(a)) shall be used to make payments under subsection (c)(1)(A).

(B) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not otherwise appropriated) to the Federal unemployment account such sums as the Secretary of Labor estimates to be necessary to make payments described in subparagraph (A). There are appropriated from the general fund of the Treasury, without fiscal year limitation, the sums referred to in the preceding sentence and such sums shall not be required to be repaid.

(2) ADMINISTRATIVE EXPENSES.—

(A) IN GENERAL.—Funds in the employment security administration account (as established by section 901(a) of the Social Security Act ([42 U.S.C. 1105\(a\)](#)) of the Unemployment Trust Fund (as established by section 904(a) of such Act ([42 U.S.C. 1104\(a\)](#)) shall be used to make payments to States pursuant to subsection (c)(1)(B).

(B) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not otherwise appropriated) to the employment security administration account such sums as the Secretary of Labor estimates to be necessary to make payments described in subparagraph (A). There are appropriated from the general fund of the Treasury, without fiscal year limitation, the sums referred to in the preceding sentence and such sums shall not be required to be repaid.

(3) CERTIFICATIONS.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(e) APPLICABILITY.—An agreement entered into under this section shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before December 31, 2020.

(f) FRAUD AND OVERPAYMENTS.—The provisions of section 2107(e) shall apply with respect to compensation paid under an agreement under this section to the same extent and in the same manner as in the case of pandemic emergency unemployment compensation under such section.

(g) DEFINITIONS.—For purposes of this section, the terms “regular compensation”, “State”, “State agency”, “State law”, and “week” have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 ([26 U.S.C. 3304](#) note).