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State of Rhode Island and Providence Plantations

Gina M. Raimondo
Governor

EXECUTIVE ORDER

20-19

April 9, 2020

SIXTEENTH SUPPLEMENTAL EMERGENCY DECLARATION – INCREASING ACCESS TO UNEMPLOYMENT INSURANCE

WHEREAS, on March 9, 2020, I declared a state of emergency due to the dangers to health and life posed by COVID-19;

WHEREAS, on April 8, 2020, I issued Executive Order 20-18 to extend the state of emergency until May 8, 2020;

WHEREAS, during the pendency of this emergency, business owners and workers in Rhode Island are facing undue economic hardships resulting from businesses adversely impacted by the implementation of federal and state guidelines to mitigate the spread of COVID-19;

WHEREAS, Rhode Island has been experiencing a high volume of unemployment insurance claims due to the COVID-19 crisis and through no fault of Rhode Island employers or Rhode Island employees;

WHEREAS, current law and regulations governing the Rhode Island unemployment insurance claims system impose negative financial consequences to employers impacted by the COVID-19 emergency;

WHEREAS, Rhode Island General Laws § 28-43-3(2)(ii) sets out a methodology in accordance with which the unemployment insurance employer accounts of Rhode Island employers are charged for benefits paid to Rhode Island employees who are separated from employment;

WHEREAS, the contribution rate for Rhode Island employers under Rhode Island General Laws § 28-43-8(b) could be negatively impacted by benefits paid to Rhode Island employees who are separated from employment;

WHEREAS, the suspension of using unemployment benefits paid as a result of the COVID-19 crisis in computing the future unemployment tax charges of a taxpaying employer will provide relief to Rhode Island employers impacted by the COVID-19 crisis;

WHEREAS, since the declaration of the state of emergency, the State has been experiencing an unprecedented level of unemployment claims and seeks to pay qualifying claims as soon as possible;

WHEREAS, the Rhode Island Department of Labor and Training ("DLT") is statutorily charged with protecting employment data pursuant to Rhode Island General Laws §§ 28-42-38(c)(1) and 28-42-38(c)(1)(v). The Rhode Island Division of Taxation ("Tax Division") is statutorily charged with protecting state tax information pursuant to Rhode Island General Laws §§ 44-1-14, 44-30-95(c), and Regulation 280-RICR-20-00-4 (such tax statutory provisions and regulations, collectively, "State Tax Laws");

WHEREAS, DLT and Tax Division are each responsible for ensuring the confidentiality of the information it possesses and prohibiting the disclosure of such data to third parties who are not agency employees or otherwise authorized to access such data under state or federal law;

WHEREAS, in order for DLT to help Rhode Island workers who may qualify for Pandemic Unemployment Assistance ("PUA") under Section 2102 of the federal CARES Act, DLT has determined that it must work with its contractors and Tax Division to access state personal income tax information in order to issue PUA benefits;

WHEREAS, as a result of this emergency, it may be advisable to call upon the knowledge, skills and expertise of certain DLT workers and to bring them back into active state service;

WHEREAS, Rhode Island General Laws § 36-10-36 provides for the suspension of pension benefits of retirees who have retired under the provisions of titles 16 or 36 who return to state service;

WHEREAS, retirees who may have critical skills necessary to address this public health emergency may be reluctant to re-enter state service if their pension benefits will thereby be suspended;

WHEREAS, it is advisable to remove any disincentive to re-employment of skilled and knowledgeable retirees by the state for limited periods and for limited personnel in order to address this health emergency; and

WHEREAS, Rhode Island General Laws § 30-15-9(e)(l) authorizes the suspension of any regulatory statute prescribing the procedures for conducting state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with this emergency.

NOW THEREFORE, I, GINA M. RAIMONDO, by virtue of the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, pursuant to Article IX of the Rhode Island Constitution and the Rhode Island General Laws, including, but not limited to, Title 30, Chapter 15, do hereby order and direct the following:

Relief for Employer Unemployment Insurance Tax Charges

1. The charges to employers' accounts under Rhode Island General Laws § 28-43-3(2)(ii) since January 27, 2020 for individuals who are paid benefits for reasons related to COVID-19 are hereby suspended. DLT may direct these charges to the balancing account under Rhode Island General Laws § 28-43-2(2)(ii) and (vi).

PUA Administration with Shared State Tax Data

2. The statutory confidentiality provisions contained in the State Tax Laws are hereby suspended only insofar as they relate to the narrow purpose of the Tax Division sharing state personal income tax information with DLT and its specifically identified contractors to enable DLT to facilitate verifications and make payments of PUA benefits pursuant to Sec. 2102 of the CARES Act ("Disclosure Purpose"). Otherwise, the State Tax Laws remain in full force and effect.

3. Prior to the release of state personal income tax information by the Tax Division for the Disclosure Purpose, DLT, its contractors, and the Tax Division shall enter into a written agreement to ensure compliance by DLT and its specifically designated contractors with the same confidentiality, use, dissemination, and destruction restrictions applicable to, as well as procedural safeguards required by/of, the Tax Division.

Post-Retirement Employment of Certain DLT Retirees

4. The prohibitions and restrictions on post-retirement employment by persons who have retired under the provisions of titles 16, 36 or 45 which are contained in Rhode Island General Laws § 36-10-36, are hereby suspended with respect to those specific retirees identified by DLT, provided that with respect to each such retiree identified as possessing skills, training or knowledge necessary to address the public health crisis engendered by COVID-19, DLT executes and delivers to the State Retirement Board of the Employees Retirement System of the State of Rhode Island and the Municipal Employees Retirement System of the State of Rhode Island a written certification that the re-employment is of finite duration and is necessitated by the good faith belief that the skills, training or knowledge of the retiree are needed to address the public health crisis caused by COVID-19.

This Order shall take effect immediately and shall remain in full force and effect until May 8, 2020 unless renewed, modified or terminated by subsequent Executive Order.

So Ordered:

Gina M. Raimondo
Governor