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Do I Lose Unemployment Insurance Benefits if I Refuse to Go Back to Work?

This Legal Alert highlights the pressing issue that faces workers who live in states that are attempting to reopen their economy.

Workers who have been able to navigate the unemployment benefits application process and have begun receiving benefits now face a new challenge. In states such as Georgia and Tennessee, restaurants, hair salons, barber shops, and other businesses have been given permission to re-open if they meet certain guidelines. This means those businesses are now recalling their furloughed workers and/or rehiring their former workers. Workers who have been at home for the because of they have been furloughed or out of work as a direct result of COVID-19, are receiving instructions on when their places of work will re-open and when they have to report back to work.

But, if people do not feel safe to return to work, what are they to do? If they do not return to work and do not give a legitimate reason why they are not coming back to work, they most likely will forgo unemployment insurance benefits as they will be treated as having voluntarily quit their jobs. Thus, it is important to contact your employer immediately to let him/her you are willing to come back to work. But, if you are unable to return to work as a result of COVID-19, or quarantine based on the advice of a health care provider, s/he should tell his/her boss as soon as possible so both the employer and the individual can develop a plan on when s/he can return to work safely.

Of course, the employee may still be entitled to emergency paid sick leave if s/he: (i) is subject to a federal, state or local quarantine or isolation order related to COVID-19; (ii) has been advised by a health care provider to self-quarantine due to concerns related to COVID-19; or (iii) is experiencing symptoms of COVID-19 and seeking medical diagnosis.

Furthermore, the employee also may be entitled to paid sick leave if an employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to Federal, State, or local government order or advice of a health care provider). An employee may also be entitled to those paid sick leave provisions if s/he is caring for a child (under 18 years of age) whose school or childcare provider is closed or unavailable for reasons related to COVID-19. Further guidance from the U.S. Department of Labor and/or states' departments of labor would be helpful.

If you have any questions about any employment law issues you may be facing, please contact **Nwa'ndo Ume-Nwagbo** by phone at 404-418-8492, ext. 103 or by e-mail at: neu@stulawgroup.com.

DISCLAIMER



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