Checklist for Returning to Work During Coronavirus

You’ve been called back to work... Now what?

As businesses get loans to rehire workers and governments begin to loosen restrictions on business operations, workers across CT will face a hard dilemma about how to balance risks to their health and livelihood with employer requests that they return to work.

It is important that you understand that if you decide not to return to work, it is possible that you could lose your Unemployment Compensation (UC) or Pandemic Unemployment Assistance (PUA) benefits. The checklist below identifies some issues that may help you decide whether or not you should return to work.

Do any of these statements apply to you?

1. My employer offered my job back, but they offered me lower pay or fewer hours.
   
   YES ___   NO ___

2. My employer offered my job back, but without healthcare or other employer benefits that they gave me in the past.
   
   YES ___   NO ___

3. My employer is violating the CT Governor’s Stay-At-Home Order and is NOT one of the businesses allowed to reopen on May 20, 2020.
   
   YES ___   NO ___

4. My employer is an essential business and is not following the health and safety requirements under the CT Safe Workplace Rules for Essential Employers.
   
   YES ___   NO ___

5. My employer is not following the health and safety recommendations for employers that are allowed to reopen May 20.
   
   YES ___   NO ___

6. My employer is not following other recommended guidelines from the federal Occupational Safety and Health Administration (OSHA) and/or the Center for Disease Control (CDC).
   
   YES ___   NO ___

7. I am over the age of 65, pregnant, or I have an underlying health condition that places me at higher risk if exposed to coronavirus. (Examples of underlying health conditions can be found on the CDC website: https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html.)
   
   YES ___   NO ___
8. A family member I live with has an underlying health condition that places them at higher risk if exposed to coronavirus.

   YES ___   NO ___

9. I have childcare responsibilities that I did not have before, and I do not have alternative care at this time.

   YES ___   NO ___

NOTE: If you refuse to return to work for any of the reasons identified above:

- You should remain eligible for unemployment benefits, but the decision will be made by the State based on the facts of your case. You will keep benefits while your case is reviewed.
- There is a risk that the State won’t agree and you could lose benefits. It’s also possible the state will decide you have an overpayment, which means they may say they paid you too much money and you have to pay it back.

If you said YES to any of the statements above:

- You should have good cause to refuse an offer to return to work. Before doing so, however, you must tell your employer about the issues, preferably in writing, and give your employer a chance to accommodate your concern so that you can return to work. You should keep a copy of any written communications with your employer for evidence.
- If other co-workers share your concerns, you should act together as a group to raise these issues to your employer. By acting together, you have greater legal protections against retaliation.

If you said YES to #1 or #2:

You should have good cause to refuse an offer to return to work if

- your wages or hours have been significantly decreased,
- your hours have been reduced from full-time to part-time, or
- your benefits have been reduced or eliminated.

The State will determine whether you will still be eligible for UC/PUA based on the facts of your case. If you return to work at reduced hours, you may still qualify for partial benefits (including the additional $600 weekly PUC benefit through July 31, 2020).

If you said YES to #3:

You will not lose benefits if you refuse to return to work at a business that has reopened in defiance of the stay-at-home order and should not be open during a specific reopen phase.

If you said YES to #4, #5 or #6 above:

You should talk with your employer about any health and safety accommodations you need in order to return to work safely.

You should ask your employer in writing to tell you about any actions it will take to protect workers and how it will comply with
the CT government guidelines for essential employers,
the Governor’s guidelines for businesses that are allowed to reopen starting May 20, 2020, and
recommendations of OSHA/CDC.

If your employer does not comply with the law and refuses to correct any hazards, you should have good cause to refuse the job offer and remain eligible for UC/PUA benefits. The State will determine whether you remain eligible for UC/PUA based on the facts of your case.

You can also report your employer to the 2-1-1 State hotline, your local health department (860-757-4700 for Hartford and 203-946-6999 for New Haven), and OSHA (online at Osha.gov or call 1-800-321-6742. You can ask to keep your complaint anonymous.

If you said YES to #7 or #8 above:

Try to get a note from a health care provider that says you or a family member are vulnerable and high risk and that the health care provider recommends you do not return to work at this time. You should tell your employer in writing about the health issue and request an accommodation if one is possible.

If your employer refuses to accommodate you in order to provide a safe work environment, you should have good cause to refuse the job offer and remain eligible for UC/PUA benefits. The State will decide if you are still eligible for UC/PUA based on the facts of your case.

If you said YES to #9 above:

Your employer should consider accommodations that would allow you to return to work, such as telecommuting or a modified schedule. If you return to work, you may be eligible for up to 12 weeks of partially-paid leave under the federal Families First Coronavirus Response Act (FFCRA).

If your employer is unable to accommodate you and you are unable to get childcare, you should have good cause to refuse the job offer and remain eligible for UC/PUA benefits. The State will decide if you are still eligible based on the facts of your case.

If you refuse to return to work without good cause, you may no longer be eligible for unemployment.

Generally, this means that you can’t stay home

• just because you want to,
• because you have a general fear of contracting coronavirus, or
• because you are currently getting more money through unemployment benefits.

Doing so may cause you to lose benefits or receive an overpayment!

Do you have questions or need legal help? The legal services program in your area may be able to help. Call Statewide Legal Services at 1-800-453-3320 or apply online at https://apply.slsct.org.

www.ctlawhelp.org – Free legal information for people with very low income.

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