



# CHECKLIST FOR RETURNING TO WORK DURING CORONAVIRUS

*You've been called back to work...now what?*

As businesses receive loans to rehire workers and governments loosen restrictions on business operations, workers across PA 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, there is some risk to your continued Unemployment Compensation (UC) or Pandemic Unemployment Assistance (PUA) benefits. However, the checklist below identifies issues that may justify your decision not to return.



See the discussion that follows if any of these statements apply to you:

1. My employer offered my job back but at a reduced salary or hours. (Yes/No)
2. My employer offered my job back but without healthcare or other previously-provided employer benefits. (Yes/No)
3. My employer is operating in violation of the PA Governor's Stay-At-Home Order. (Yes/No)
4. My employer is not following the health and safety requirements under the PA Health Secretary's April 15, 2020 Order on worker protections during coronavirus. (Yes/No)
5. My employer is not following the health and safety recommendations for employers from the federal Occupational Safety and Health Administration (OSHA) and/or the Center for Disease Control (CDC). (Yes/No)
6. I am pregnant/I have an underlying health condition that places me at higher risk if exposed to coronavirus. (Yes/No)
7. A family member I live with has an underlying health condition that places them at higher risk if exposed to coronavirus. (Yes/No)
8. I have childcare responsibilities that I did not have before, and no alternative care at this time. (Yes/No)

**PLEASE NOTE, if you refuse to return to work for any of the reasons identified above:**

- You should remain eligible for unemployment benefits; however, this determination will be in the hands of the State and based on the facts of your case.
- You will continue to receive any current benefits while your case is reviewed.
- There is a risk that the State won't agree and you could lose benefits or be assessed an overpayment.

See next page for additional information...

**If you answered YES to any of the statements above:**

- You should have good cause to refuse an offer to return to work. Before doing so, you should inform your employer of the issues in writing and give your employer a chance to accommodate your concern so that you can return to work. Keep copies of any 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 answered YES to statement #1 or #2 above:**

- You should have good cause to refuse an offer to return to work if your wages or hours have been significantly decreased, you have been reduced from full-time to part-time, or your benefits have been reduced or eliminated. The State will determine whether you remain 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 UC/PUA.

**If you answered YES to statement #3 above:**

- 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 in the specific phase of a county.

**If you answered YES to statement #4 or #5 above:**

- You should begin a discussion with your employer about any health/safety accommodations needed for your safe return to work. You should ask your employer, in writing, to tell you how it will comply with the PA Health Secretary's Order and recommendations of OSHA/CDC, including actions that will be taken to protect workers. 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.

**If you answered YES to statement #6 or #7 above:**

- Try to get a note from a health care provider that you or a family member are vulnerable and high risk, and that the health care provider recommends you not return to work at this time. You should tell your employer, in writing, of 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 determine whether you remain eligible for UC/PUA based on the facts of your case.

**If you answered YES to statement #8 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 secure childcare, 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.

**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 receiving more money through unemployment benefits. Doing so may cause you to lose benefits or receive an overpayment!



**Questions? CLS may be able to help. Call 215-981-3700.**  
**For more info, see [CLS's FAQ on Returning to Work](#)**  
**[During Coronavirus.](#)**

