COVID-19 WORK REFUSALS
REFERENCE GUIDE

Last Update: June 23rd, 2020
As many local communities and states begin to ease the social distancing restrictions due to COVID-19, you need to gear up and bring your employees back to work. Reopening requires careful planning and preparation, but what happens when you recall your employees and they decide that they aren’t ready or comfortable returning to work?

You need these critical employees to provide the services for your customers and without them, your efforts are hampered. These employees may be making the same or even more per week staying at home and collecting state and federal unemployment benefits. How do you handle these situations?

When your existing employees refuse an offer to return to work, it is important to report this job refusal to the state. In most cases, this job refusal will be disqualifying, and the employee can lose their unemployment (state and federal) benefits.
WHAT DOES THE STATE LOOK AT WHEN REVIEWING A JOB REFUSAL?

- The state will first review whether the offer was genuine and successfully conveyed to the claimant.
  - A genuine offer of work must be for a specific job and should include the details of the job. Specifics such as job duties, starting pay, work location and hours of work should be documented.
  - Ideally, the offer of work should be provided to employees in writing whenever possible, but providing a verbal offer is still considered to be a bona fide offer.
- The state will then determine if there was a decline of the offer. A lack of response does not constitute a job refusal.
WHAT IF THE CLAIMANT HAS A GOOD REASON TO TURN DOWN OUR OFFER?

• It is best to let the state determine if the employee has a compelling reason to refuse an offer of work. Some potentially valid reasons could be those specifically addressed in the CARES Act
  • If you have tested positive for COVID-19 and are experiencing symptoms;
  • If you have recovered but it caused medical complications rendering you unable to perform essential job duties;
  • If a member of your household has been diagnosed with COVID-19;
  • If you are providing care for a member of your household who was diagnosed with COVID-19;
  • If you do not have childcare due to COVID-19 reasons; or
  • If you do not have transportation to your place of work because of COVID-19.
SO WHAT WOULDN’T BE A COMPELLING REASON?

- Many states have already determined that individuals who are asymptomatic and have chosen to self-quarantine are generally not eligible.

- Employees who qualified for both state and federal benefits could be earning more while they are on furlough than they would if they returned to work full or part-time. This is not a compelling reason to refuse an offer of work.

WHY IS THIS IMPORTANT? AREN’T THE BENEFITS FOR COVID-19 CLAIMS BEING CHARGED TO THE STATE TRUST FUND AND NOT MY ACCOUNT?

- COVID-19 claims are being charged to the trust fund, but these trust fund balances determine the overall unemployment tax rates in the states. It is important to ensure that improper payments aren’t charged to the trust funds to keep state unemployment rates in check.
YOU’VE CONVINCED ME!

How do I report these job refusals to Thomas & Company or the state?

Complete our online refusal of work form at https://jobrefusal.thomas-and-company.com/. We will take care of the rest. We will notify the state and provide copies of the information you shared on the specifics of the refusal.

If you work with us mainly through SHIELD or have access to our online reporting portal you can access the form from the navigation bar in SHIELD. Simply click “Did an employee file for UI and refuse work?” option and you will be taken directly to the form.

If you have questions, Thomas & Company is happy to offer a dedicated email to assist you in this process. Please contact us at job-refusal@thomas-and-company.com or reach out directly to your Client Relationship Manager.
# STATE & TERRITORY LIST

Click the link for each state or territory name to learn about state-specific guidelines for work refusals.

<table>
<thead>
<tr>
<th>Alabama</th>
<th>Hawaii</th>
<th>Michigan</th>
<th>North Carolina</th>
<th>US Virgin Islands</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Idaho</td>
<td>Minnesota</td>
<td>North Dakota</td>
<td>Utah</td>
</tr>
<tr>
<td>Arizona</td>
<td>Illinois</td>
<td>Mississippi</td>
<td>Ohio</td>
<td>Vermont</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Iowa</td>
<td>Missouri</td>
<td>Oklahoma</td>
<td>Virginia</td>
</tr>
<tr>
<td>California</td>
<td>Kansas</td>
<td>Montana</td>
<td>Oregon</td>
<td>Washington</td>
</tr>
<tr>
<td>Colorado</td>
<td>Kentucky</td>
<td>Nebraska</td>
<td>Pennsylvania</td>
<td>West Virginia</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Nevada</td>
<td>New Hampshire</td>
<td>Rhode Island</td>
<td>Wisconsin</td>
</tr>
<tr>
<td>Delaware</td>
<td>New Hampshire</td>
<td>New Jersey</td>
<td>South Carolina</td>
<td></td>
</tr>
<tr>
<td>District of Columbia</td>
<td>New Mexico</td>
<td>New York</td>
<td>South Dakota</td>
<td></td>
</tr>
<tr>
<td>Florida</td>
<td>Maine</td>
<td>North Carolina</td>
<td>Tennessee</td>
<td>Texas</td>
</tr>
<tr>
<td>Georgia</td>
<td>Maryland</td>
<td>New Jersey</td>
<td>Texas</td>
<td></td>
</tr>
</tbody>
</table>
GENERAL GUIDANCE

Benefits can be delayed if the employee fails to respond to a call-in notice from the Alabama Career Center regarding a possible job referral. If the employee refuses a referral to a job, fails to keep an appointment with a prospective employer, or refuses suitable work from an employer, benefits can be delayed or denied. Suitability is determined based upon past training and experience, the details of the job, and by the local labor market. Any job referral or refusal must be immediately reported by the employee through the Call Center Inquiry Line, 800-361-4524.

COVID-SPECIFIC GUIDANCE

None at this time.
A claimant may have good cause to refuse suitable work. Good cause means "a justifiable reason from the standpoint of a reasonable individual", or a cause "based on a necessitous or compelling reason." The claimant's good faith is a necessary element to a finding of good cause. Good faith implies in this sense "actions or attitude consistent with a desire for prompt reemployment." The distinction between suitability of work and good cause is not rigid.

The CARES Act expressly states that if an individual obtains benefits through fraud, the individual is ineligible for any additional benefit payments, must re-pay the benefits, and is subject to criminal prosecution. The Department will vigorously pursue all fraudulent activities to the fullest extent of the law.

If an individual refuses an offer of work because unemployment insurance pays more than their weekly wage, is asking to be laid off, or requests to have their hours reduced so they can collect UI benefits, they may be committing fraud. Employers should immediately report these activities for investigation.

Employers may send the following information to the unemployment insurance office by email at uifraud@alaska.gov or by fax to (907) 375-9520: Business name, Contact Information, Individual’s first and last name, Last four of the individual’s social security number if available, and A brief description of the activity. A representative will contact the business for additional information.

Source: https://labor.alaska.gov/unemployment/bpm/Suitable_Work.pdf
If an employee refuses an offer of or referral to suitable work, they will be disqualified beginning with the week of the refusal and until they are reemployed and earn wages equal to eight times the weekly benefit amount. A determination will be made about whether or not the employee is eligible for benefits. All determinations of whether or not a person is eligible for benefits are made by the appropriate Arizona Revised Statute (A.R.S.), Administrative Code (A.A.C.) or applicable federal laws.

Before any disqualification can be imposed for refusing suitable employment without good cause, the Department must show that all of the following elements exist:

- An opening exists.
- The offer is definite.
- You received the offer of employment.
- You received sufficient information about the prospective job.
- The work is suitable.

Source: https://des.az.gov/services/employment/unemployment-individual/refusal-work-or-referral-work

None at this time.
REPORT A REFUSAL FOR AN OFFER OF WORK USING THE **Online Unemployment Insurance Employer Services portal**

**COVID-SPECIFIC GUIDANCE**

None at this time.

Source: [https://www.dws.arkansas.gov/employers/ui-employer-services/](https://www.dws.arkansas.gov/employers/ui-employer-services/)
Before any disqualification can be imposed for refusing suitable employment without good cause, the Department must show that all of the following elements exist:

- An opening exists.
- The offer is genuine.
- The claimant received the offer.
- The claimant received sufficient information about the prospective job.
- The work is suitable.

None at this time.

Source: https://www.edd.ca.gov/uibdg/Suitable_Work_SW_5.htm
If employers are prepared to bring workers back and have offered an individual work that was then turned down, please report that to the state.

Submit work refusal information here: [http://forms.gle/cRamwMt4RjvP4tRa7](http://forms.gle/cRamwMt4RjvP4tRa7)

Exceptions may be made for vulnerable individuals as follows:

- Per Safer at Home Executive Order D 2020 044, no vulnerable individuals can be compelled by their employer to return to work if their work requires in person work near others.
- Employers must accommodate vulnerable individuals with remote work options, if the work can be done remotely.
- If an employee refuses to return to work due to unsatisfactory or hazardous working conditions based on your status as a member of a vulnerable group, they may continue to be eligible for benefits based on the risk to your health.
- If an employee refuses to return to work due to unsatisfactory or hazardous working conditions because they reside with a person who is a member of a vulnerable group, they may continue to be eligible for benefits based on the risk to the health of their co-inhabitant.
- Any other possible violations of social distancing, or other health and safety orders, should be reported to the federal Occupational Safety and Health Administration or County health officials. [https://www.osha.gov/contactus/bystate/CO/areaoffice](https://www.osha.gov/contactus/bystate/CO/areaoffice)

GENERAL GUIDANCE

Regulations of Connecticut state agencies related to refusal of general work can be found here: https://eregulations.ct.gov/eRegsPortal/Browse/getDocument?guid={3E6E66EB-1D79-414C-84E2-1E93EE612482}

COVID-SPECIFIC GUIDANCE

None at this time.

Source: https://eregulations.ct.gov/eRegsPortal/Browse/getDocument?guid={3E6E66EB-1D79-414C-84E2-1E93EE612482}
DELAWARE

GENERAL GUIDANCE

No specific state-guidance provided. Follow federal guidelines.

COVID-SPECIFIC GUIDANCE

None at this time.
<table>
<thead>
<tr>
<th>GENERAL GUIDANCE</th>
<th>COVID-SPECIFIC GUIDANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>No specific state-guidance provided. Follow federal guidelines.</td>
<td>None at this time.</td>
</tr>
</tbody>
</table>
Floridians are ineligible for unemployment benefits if they have refused without good cause the employer’s offer of suitable work. Beginning May 10th, 2020, claimants will be required to return to the CONNECT system every two weeks to request their benefits for “claim their weeks.” In doing so, claimants will confirm that they are still unemployed and acknowledge that they are able and available for work should it be offered.

Source: https://floridarevenue.com/forms_library/current/rt800001.pdf
GENERAL GUIDANCE


Please fax or mail this form and any additional documents to:

Georgia Department of Labor UI Policy and Procedures
Suite 700
148 Andrew Young International Blvd
Atlanta, GA 30303

(404) 232-3199

COVID-SPECIFIC GUIDANCE

If an employer asks employees to return to work and the employee(s) refuses to come back, employers are not required to continue to file employer filed partial claims on behalf of those employees. Employers should stop filing employer filed partial claims and report the refusal to return to work here. The employee would be required to file a regular UI individual claim and start the process from the beginning. The employer will be notified when the employee files a regular UI individual claim and will have the right to provide detailed information regarding the job refusal.

Source: https://dol.georgia.gov/
GENERAL GUIDANCE

Claimants are ineligible for unemployment benefits if they have refused without good cause the employer’s offer of suitable work.

COVID-SPECIFIC GUIDANCE

As of 5/19/20, you can submit the Low Earnings Report immediately after the employee refuses to accept work and is currently filing unemployment insurance. By doing so, you will help the Unemployment Insurance Division prevent overpayments as well as ensure your benefits under the Paycheck Protection Program. To use this feature, log into your HUIClaims account and do the following:

• Select the "File Weekly Report of Low Earnings."
• In the "FILE NEW LER" screen, enter the week ending date and click on "New."
• Enter the full names, Social Security Number, hours worked, and earnings of the employee(s).
• Tab to the "Accepted All Work" field, where a pop-up message box will appear.
• In the message box, answer the "did the employee accept ALL work offered?" by indicating "yes" or "no"
• If "no," enter the dates and reason given in the text box provided
• If you received funds from the Paycheck Protection Program, answer the question "was the employee covered under the Paycheck Protection Program?" by indicating "yes" or "no."
• Click on the Save button.
• Complete the "Separation Information For" box and save.
• Click "Finalize" and "Submit"

Source: [https://labor.hawaii.gov/ui/faq/](https://labor.hawaii.gov/ui/faq/)
Claimants are ineligible for unemployment benefits if they have refused without good cause the employer’s offer of suitable work.

If a worker is receiving unemployment, they have an obligation to accept suitable work. If they refuse to accept work, the Labor Department should review the situation. Please email us details including when the employee was asked to return to work and how the offer was made at fraud@labor.idaho.gov. Please do not include the employee’s Social Security number to help prevent identity theft.

GENERAL GUIDANCE

Claimants are ineligible for unemployment benefits if they have refused without good cause the employer’s offer of suitable work.

Employers should complete this form and return to the Illinois Department of Employment Security Office:
https://www2.illinois.gov/ides/IDES%20Forms%20and%20Publications/ADJ016FE.pdf#search=refusal

COVID-SPECIFIC GUIDANCE

If an employer makes an offer to re-hire an employee, the employee refuses, and the employee remains on unemployment insurance, the employer should file notice with IDES.

Source: https://www2.illinois.gov/ides/Pages/COVID-19-and-UI-for-Employers-FAQ.aspx#h24
GENERAL GUIDANCE

Claimants are ineligible for unemployment benefits if they have refused without good cause the employer’s offer of suitable work.

To protest a claim for unemployment benefits, complete the form linked below which must be printed and faxed to UI Adjudications at 317-233-5499 https://forms.in.gov/Download.aspx?id=8154

COVID-SPECIFIC GUIDANCE

The 640-WR form should be utilized by employers during the COVID-19 Pandemic to report that an employee has refused to return to work after a layoff when recalled.

This form was developed by DWD in response to the COVID-19 pandemic. Previously, work recall refusals were reported to DWD using the 640-P. Employers may still report work recall refusals on that form; however, this new form requests more detailed information that will allow DWD to process work recall refusals more quickly.

Employers using SIDES can report a refusal to return to work online. Access the Separation Information exchange, open the claim, choose “Not Listed Above” as the employer’s reason for separation, and attach the document to the response.

When DWD receives a 640-WR, DWD will put a hold on future UI payments to the employee while we investigate the issue.

 Businesses should report employees who refuse to return to work without good reason or who quit their jobs as soon as possible to IWD by completing this online form: https://www.iowaworkforcedevelopment.gov/job-offer-decline-form-employers

Iowans who have been placed on temporary layoff related to COVID-19 but refuse to return to work when recalled by their employer will lose unemployment benefits except for certain circumstances:

• If you have tested positive for COVID-19 and are experiencing symptoms;
• If you have recovered but it caused medical complications rendering you unable to perform essential job duties;
• If a member of your household has been diagnosed with COVID-19;
• If you are providing care for a member of your household who was diagnosed with COVID-19;
• If you do not have childcare due to COVID-19 reasons; or
• If you do not have transportation to your place of work because of COVID-19.

Source: www.iowaworkforcedevelopment.gov
There is a new email for employers to send job refusal forms to: UICC.JobRefusals@ks.gov
If employers go to www.kansasemployer.gov under “Employer Resources” there is a “Job Refusal” form that can be completed any time an employee refuses to come back to work. The form is available here: https://www.dol.ks.gov/docs/default-source/employer-documents/k-ben-3118-(12-18).pdf?sfvrsn=b12d8f1f_0

None at this time.

Source: https://www.dol.ks.gov/employers
GENERAL GUIDANCE

Under Section 341.350 of the Kentucky Unemployment Compensation Laws and Regulations, an individual shall be ineligible for benefits if he/she failed, without good cause, either to apply for available, suitable work or to accept suitable work when offered to him/her by the employment office or an employing unit. If you know of someone who has refused to accept suitable work, please click here to provide details about the refusal which should be submitted via the online portal.

COVID-SPECIFIC GUIDANCE

Kentucky has expanded UI eligibility. Every state has parameters for what constitutes a good reason for receiving UI benefits. Currently, leaving one’s job in order to self-isolate or to care for ailing family members or a lack of childcare is a valid, qualifying reason to receive UI benefits. If the employer offers reasonable accommodations or the opportunity to telecommute, then the employee must continue to work if work is offered. The employee will continue to draw benefits until the employer begins operations. If the employer recalls employees and an employee refuses to return to work then one of two possibilities can occur. First, if the state of emergency is lifted, then the employee must return to work. Second, if the employer recalls employees, but has made reasonable accommodations to protect against COVID-19, then the employee must return to work.

Claimants are ineligible for unemployment benefits if they have refused without good cause the employer’s offer of suitable work.

For employers who are concerned that their employees will not report back to work after the stay-at-home orders have ended, we will address refusal of suitable work and the work search requirement before the order is lifted. We are currently planning for this, including potential messaging, a direct email dedicated for refusal of work issues for employers to use and the potential workload that will occur. We are discussing several areas that we will cover to ensure that individuals that have reported back to work, failed to seek work or refused to work will be addressed. Refusal of work and failure to complete work searches can disqualify individuals from all claims, including regular unemployment, Pandemic Unemployment Assistance and Pandemic Emergency Unemployment Compensation. A disqualification will result in no further payments including the $600 Federal Pandemic Unemployment Compensation.

Source: http://www.laworks.net/FAQs/FAQ_COVID-19_QandA.asp
GENERAL GUIDANCE

Claimants are ineligible for unemployment benefits if they have refused without good cause the employer’s offer of suitable work.

COVID-SPECIFIC GUIDANCE

Work refusals will depend on the claimants’ personal circumstances. When those receiving unemployment benefits file their required weekly certification, they must answer questions regarding whether they have been offered any work in the past week. Employers should let MDOL know if they have recalled employees back to work and if those employees have turned down the work offer (please do so by emailing the Tax Division at: division.uctax@maine.gov). MDOL will analyze the circumstances on a case-by-case basis to see if there is a valid reason for refusing the work or not. For example, under the new federal programs, unemployment benefits are made available to a broader set of people with circumstances affected by COVID19. MDOL’s determination may also depend upon the circumstances of the particular workplace, such as whether the employer is taking steps to minimize the risk of COVID-19 exposure, or such as by following recommendations by the Maine CDC that are in place at the relevant time. If MDOL determines that an offer of suitable work was made and that there was no valid reason to refuse it, unemployment benefits including the $600 additional benefit would be disallowed. If regular unemployment benefits are denied, the additional $600 a week in federal benefits would also be denied. In any event, the additional $600 benefit under FPUC is temporary and expires July 25th for all applicants.

Source: https://www.maine.gov/labor/docs/2020/covid19/covidfaqandui.pdf
GENERAL GUIDANCE

Employers should report the following information within 15 days of when they offer work and it is refused by the employee:

- Employee’s full name and social security number
- The date the employee was offered work
- The date the employee refused the offer of work

Employers who have a valid Maryland account number and FEIN may easily report job refusals and update return to work dates by utilizing the Division’s new online application available at https://secure-2.dllr.state.md.us/net207/welcome.aspx. The application will accept an updated return to work date up to 30 days in the past and up to 12 months in the future.

Employers without a valid Maryland account number, such as federal employers and those who are out-of-state, may report job refusals and update return to work dates by emailing ui.bulkclaim@maryland.gov.

COVID-SPECIFIC GUIDANCE

The following are circumstances where a claimant has “good cause” to refuse an offer of work, including:

- Being sick or still isolated as the result of COVID-19
- An unreasonable risk of exposure at place of employment
- Caring for a family member who is sick or isolated as the result of COVID-19
- Caring for a child who is unable to attend school or a childcare facility
- The work is not “suitable.” In the context of an individual returning to work with the same employer in which the individual had been laid off or furloughed as a direct result of COVID-19, suitable employment means employment that the claimant is qualified for based on their customary occupation, experience, education level, and/or training.

Source: https://secure-2.dllr.state.md.us/net207/help.aspx
If an employee is recalled to work but fails to report, you must notify DUA in writing within 5 days. You must include the following information in your notice:

- Employee name
- Social Security number
- Occupation
- Recall date
- How the employee was notified of the recall

DUA will determine if the individual had good cause for failing to return to work. A disqualification of the individual may result if DUA determines that there was no good cause.

Source: https://www.mass.gov/guides/employer-responsibilities-during-the-unemployment-claims-process
If a worker refuses an offer of suitable work, the employer should notify the Talent Investment Agency – Unemployment Insurance (TIA-UI) of the refusal, either in writing at P.O. Box 169 Grand Rapids, MI 49501-0169; by fax, at (517)636-0427, or online using the employer’s MIWAM Account. Provide the following information:

- A copy of the offer including the rate of pay, who offered it, and how it was communicated to the claimant (verbally, written, posted, personally delivered)
- If applicable, how the offered work compares to work previously performed for the employer by the claimant
- The reason given by the claimant for refusing the offered work

None at this time.

To raise an issue for a job refusal, you should [Log in to your account](https://www.uimn.org) at www.uimn.org

- Verify the issue you want to raise is not already in process or been determined.
- Raise your issue and complete the Request for Information **within 10 days** of the date of the mailed Notice of Benefit Account. Delay may cause unnecessary charges to your account.
- Be prepared to complete a Request for Information. You will be asked to provide details about the issue you are raising.
  - You must complete the online Request for Information within 30 minutes to avoid being automatically logged out. For security reasons, the system automatically logs you off if you stay on the same page for 30 minutes.
  - Be specific in your answers - dates, names and dollar amounts are important.
  - If you are providing a large amount of detail, you may want to draft your responses to the questions in your word processor and then copy/paste them into the online Request for Information.

Workers who are offered the opportunity to return to work and don’t qualify for an exemption under Executive Order 20-05 or state unemployment insurance law are no longer eligible to receive benefits.

Under Minnesota law, businesses can “raise an issue” regarding a former employee’s eligibility for unemployment insurance. Raising an issue is the way to tell us that you have a question regarding an employee’s eligibility for unemployment. [You can find more information about how to raise an issue here](https://www.uimn.org/employers/help-and-support/employer-user-guide/raise-issue.jsp).

Businesses must follow all CDC and MDH guidance and OSHA standards about creating a safe and healthy environment for workers and customers. For non-Critical Sector businesses, this includes having a COVID-19 Preparedness Plan.

A business may not take adverse action (including terminating, laying off or other retaliatory action) against a worker for raising safety and health concerns, refusing to work under conditions they reasonably believe are unsafe or unhealthy related to COVID-19, participating in union activities concerning workplace safety and health issues, filing a safety and health complaint, or participating in an OSHA investigation.
### MISSISSIPPI

<table>
<thead>
<tr>
<th>GENERAL GUIDANCE</th>
<th>COVID-SPECIFIC GUIDANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>To report a refusal to work, complete the online form here: <a href="https://mdes.ms.gov/employers/online-transactions/report-separation-refusal-of-work/">https://mdes.ms.gov/employers/online-transactions/report-separation-refusal-of-work/</a></td>
<td>None at this time.</td>
</tr>
</tbody>
</table>

Source: [https://mdes.ms.gov/employers/online-transactions/report-separation-refusal-of-work/](https://mdes.ms.gov/employers/online-transactions/report-separation-refusal-of-work/)
GENERAL GUIDANCE

An employer should notify Missouri of any work refusal by an individual to return to his/her prior job by manually submitting a protest that includes the claimant’s first and last name, social security number, hours (full-time, part-time), rate of pay, whether they will actually be working or just receiving pay and whether the employee is still job connected after the work refusal. This should be submitted within 10 days of the refusal. Please submit the protest to:

MO DIV OF EMPLOYMENT SECURITY
PO BOX 3915
JEFFERSON CITY MO 65102
Fax: 573-751-2009

Missouri is currently developing a portal to allow electronic submission of protests for work refusals.

COVID-SPECIFIC GUIDANCE

Missourians who have been placed on a temporary layoff related to COVID-19 but refuse to return to work when recalled by their employer will lose unemployment benefits and have to repay any benefits received after the work refusal. Exceptions to returning to work under the law can be found on the DES website at labor.mo.gov/coronavirus website under question number 2.

Employers can submit information about employees who refuse to return to work or quit their jobs here. Employers will need to login to UInteract, click on “Benefits” and then on “Work Offer Refusal Detail.” Instructions can be found on a Help button on the Work Offer Refusal Detail Screen. Employers may complete the Work Offer Refusal Detail Screen or upload a completed Excel template provided on the site.

Source: https://labor.mo.gov/coronavirus
To report refusals of work to the Montana UI Program, email uieservices@mt.gov.

Please use a subject line of “Refusal of Work Report” and provide as much detail as possible regarding the claimant’s refusal of work, including: the claimant’s name, the date(s) they refused work, what type of work was offered, how was the work offered and by whom, and what was the reason given for not accepting the work.

It is imperative we receive this information to minimize and prevent UI fraud. If you have any questions, please contact our eServices Customer Support at (406) 444-3834, select option 2, or email uiservices@mt.gov.

Federal law requires those placed on a temporary layoff, related to the COVID-19 pandemic, to return to work if called back. Failure to do so when there is available work could be considered a “refusal of work” and potentially disqualify the claimant from receiving unemployment insurance benefits.

To report refusals of work to the Montana UI Program, email uieservices@mt.gov. Please use a subject line of “Refusal of Work Report” and provide as much detail as possible regarding the claimant’s refusal of work, including:

- the claimant’s name,
- the date(s) they refused work,
- what type of work was offered,
- how the work was offered and by whom,
- and what was the reason given for not accepting the work.

It is imperative we receive this information to minimize and prevent UI fraud. If you have any questions, please contact our eServices Customer Support at (406)444-3834, select option 2, or email uiservices@mt.gov.
If a worker refuses suitable work, a disqualification is imposed for the week of the refusal plus 12 weeks, as determined by an Adjudicator. There must be a bona fide offer of work by an employer, or referral to work by Employment Services. Suitability is determined by considering the worker’s training and experience and the conditions in the labor market.

Federal law requires those placed on a temporary layoff, related to the COVID-19 pandemic, to return to work if called back. Failure to do so when there is available work could be considered a "refusal of work" and potentially disqualify the claimant from receiving unemployment insurance benefits.
A person who fails to accept suitable work when offered, or fails to apply for available suitable work as directed, will be ineligible for benefits until he has earned wages equal to or exceeding his benefit amount for up to 15 weeks from a subsequent employer subject to Unemployment Compensation Law.

None at this time
Although a department form is not needed to file an appeal, a Request for Appeal Form may be completed and faxed, mailed, or hand delivered to a local office.

- To file an appeal online, use the Online Appeal Form
- If filing by fax, send the request to: (603) 223-6141
- If filing by mail, send the request to:
  Attn: Appeal Tribunal Unit
  NH Employment Security
  PO Box 2009
  Concord, NH 03302-2009

An appeal request should include:
- The claimant's name and at least the last four digits of his/her Social Security Number;
- If an employer appeal, the business name and the name of the person filing the request;
- Contact information, including an address, telephone number, and email address; and
- If possible, a copy of the determination notice(s)
- The reason for the disagreement with the determination.

None at this time

Source: www.nhes.nh.gov
NEW JERSEY

GENERAL GUIDANCE

Use this form to notify the Division of Unemployment Insurance that an employee who filed a claim for unemployment insurance, failed to return to work when notified to do so by the employer. Failure to return to work, or accept an offer of suitable work may be a cause for disqualification of benefits.

COVID-SPECIFIC GUIDANCE

None at this time

Source: https://myunemployment.nj.gov/labor/myunemployment/employers/letter/
Unemployment claimants are required to be able, available, and actively seeking work. That means that if they are offered suitable work and refuse a bona fide offer, they become ineligible for benefits. A bona fide offer includes specific information such as the title of the job offered, the duties, the pay rate, and the number of hours the individual is expected to work.

Suitable work requirements include:
- the work presents an unreasonable risk to employee’s health, safety, or morals
- employee’s level of physical fitness, training, or experience make a position unsuitable
- the work is unreasonably far from employee’s residence
- the wages, hours or other conditions of the work are substantially less favorable than comparable work in employee’s area
- the work is available only because of an organized labor strike or lockout; or
- the work is available only to those who join a company union.

Employees cannot be made to resign from or be prohibited from joining a recognized union.

As a period of unemployment lengthens, individuals may need to broaden the work search and reduce salary demands.

Source: https://www.dws.state.nm.us/Portals/0/DM/UI/UI_Handbook_052015.pdf?ver=2016-08-19-154613-000

None at this time
GENERAL GUIDANCE

If a refusal issue arises at any time during a claim, there are four conditions to be satisfied before a claimant may be disqualified.

"A claimant....refuses employment..." The individual who refused employment must have been a claimant on the day of the refusal.

"Offer of employment" There must be an unconditional offer of a specified job starting on a definite date.

"Refuses to accept an offer" A claimant may not be disqualified for refusal of employment unless (s)he has actually refused to accept the job offer.

"Without good cause" including any one of the following four:

- acceptance of such employment would either require the claimant to join a company union or would interfere with his joining or retaining membership in any labor organization
- there is a strike, lockout, or other industrial controversy in the establishment in which the employment is offered.
- the employment is at an unreasonable distance from his residence, or travel to and from the place of employment involves expense substantially greater than that required in his former employment unless the expense be provided for,
- the wages or compensation or hours or conditions offered are substantially less favorable to the claimant than those prevailing for similar work in the locality, or are such as are likely to depress wages or working conditions.

COVID-SPECIFIC GUIDANCE

None at this time

Source: [https://labor.ny.gov/ui/aso/Section_1200.htm](https://labor.ny.gov/ui/aso/Section_1200.htm)
If work is refused, DES must determine if that offer was ‘suitable’ work based upon information provided by the claimant and the potential employer. If the offer is deemed ‘suitable’ the claimant may be disqualified from receiving unemployment benefits.

COVID-SPECIFIC GUIDANCE

None at this time

Source: https://des.nc.gov/need-help/faqs/work-search-guidelines-faqs
GENERAL GUIDANCE

If an individual fails to accept suitable work when it is offered, or if an individual fails to apply for a job when directed, the individual will be disqualified until such time as the individual has obtained subsequent employment and earns wages equal to or greater than ten times his/her current weekly benefit amount.

COVID-SPECIFIC GUIDANCE

None at this time

Source: http://www.library.nd.gov/statedocs/JobService/jsnd4036.pdf
Benefits will be suspended for the duration of the unemployment caused by the refusal of an offer of suitable work when it is determined the refusal was without just cause.

As employers begin reopening their doors to a “new normal,” in compliance with the Responsible RestartOhio requirements, many employees are expected to return to their previous employment. Ohio law prohibits individuals from receiving unemployment benefits if they refuse to accept offers of suitable work, or quit work, without good cause.

If you have employees who refuse to return to work or quit work, it’s important that you let the Ohio Department of Job and Family Services (ODJFS) know so we can make accurate eligibility determinations.

To report these occurrences, please visit unemployment.ohio.gov/employer and click on “Report COVID-19 Work Refusals.” This will take you to a web page to report these employees for investigation by ODJFS. Based on an individual examination of the facts from both parties, our claims examiners will then determine whether good cause exists for the individuals in question to continue receiving unemployment benefits.

<table>
<thead>
<tr>
<th>OKLAHOMA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GENERAL GUIDANCE</strong></td>
</tr>
<tr>
<td>No specific state-guidance provided. Follow federal guidelines.</td>
</tr>
</tbody>
</table>
A worker who refuses suitable work without good cause will be disqualified. The Employment Department has no way of discovering these issues unless you or the worker tells us. If you offer a job to someone who is claiming benefits, please let your local UI Center know at once if that person fails to accept the job or behaves in a way that causes you to withhold a job offer. View the link for telephone numbers for all three UI Centers.


COVID-SPECIFIC GUIDANCE

None at this time
GENERAL GUIDANCE

Section 402(a) of Pennsylvania Unemployment Compensation Law provides, in part, that an employee shall be ineligible for compensation for any week in which their unemployment is due to failure, without good cause, to accept suitable work; provided that the employer who offers the work notifies the department of the refusal within seven days from when the offer is made.

The department has created a new form, **UC-1921W**, so employers can notify the department that suitable work was refused. The form can be saved, printed, and submitted directly to the department online. Be an active partner in helping to improve the integrity of unemployment compensation payments. Notify the department **within seven days** of the offer by submitting the form, **UC-1921W**, online. If you prefer to send the form via facsimile, please complete, print, and fax the form with any additional documentation to UIAS at 717-772-0378.

COVID-SPECIFIC GUIDANCE

As an employer, if you are continuing to pay your employees through the COVID-19 social distancing period, either in full or in part, an email can be sent to **RefusalofWork@PA.gov** to notify the department of such payments. Spreadsheets can be attached to your email in order to notify the department of all employees that are continuing to receive pay during this time. If you create a spreadsheet, it should include the full names of the employees, the last four digits of their social security numbers and details regarding the wages the employee received, as well as the weeks the compensation covered. This information will be reviewed by the department, and the employer may be contacted for further information.

For employees refusing to return to work, follow the general guidance for submitting the UC-1921W form.

Source: [https://www.uc.pa.gov/forms/Pages/UC-1921W-Refusal-of-Suitable-Work.aspx](https://www.uc.pa.gov/forms/Pages/UC-1921W-Refusal-of-Suitable-Work.aspx)
RHODE ISLAND

GENERAL GUIDANCE
Protest benefit payments online at:
http://www.dlt.ri.gov/ui/EmployerInfoUI.htm

COVID-SPECIFIC GUIDANCE
None at this time

Source: http://www.dlt.ri.gov/ui/EmployerInfoUI.htm
Individuals who have turned down offers of suitable work are not eligible for UI benefits during that week. If you have offered an individual a job and they refused, it is important for you to report the incident to DEW through your Employer Self Service Portal.

Or you can submit an Offer of Work Form (UCB-261) to the address below.

This process ensures that only eligible individuals receive UI benefits and helps minimize tax rates for all businesses.

S.C. Department of Employment and Workforce
Attn: Offers of Work
P.O. Box 995
Columbia, SC 29202

For the duration of the COVID-19 state of emergency, a disqualification may be imposed if DEW determines a written offer of suitable work was refused, regardless of whether it was sent to the claimant by registered mail, certified mail, U.S. Mail, email or text message. Whenever possible, employers should follow up with their employees via email, phone or text to confirm the offer was actually received. Supporting documentation will help DEW make the right decision in adjudicating recall issues.

Follow the state’s general guidance to report an offer of work or, for 10 or more Offers of Work, you can request a spreadsheet by emailing Recall_Taskforce@dew.sc.gov.

GENERAL GUIDANCE

If we find that an unemployed individual has failed, without good cause, to apply for available suitable work when so directed by us, to accept suitable work when offered, or to return to customary self-employment when directed by us, benefits will be denied until he or she has:

• Been re-employed at least six calendar weeks in insured employment during the current benefit year
• Has earned wages equal to or greater than the claimant’s weekly benefit amount in each of those six weeks

In determining whether work is suitable, we consider the:

• Degree of risk involved to the individual’s health, safety and morals
• Physical fitness and prior training
• Experience and prior earnings
• Length of unemployment and prospects for securing local work in the individual’s customary occupation
• Distance of the available work from the individual’s residence

COVID-SPECIFIC GUIDANCE

Workers who have been placed on a temporary layoff related to COVID-19 but refuse to return to work when recalled by their employer will lose unemployment benefits, except for certain circumstances, including:

• If you have been diagnosed with COVID-19 and are experiencing symptoms
• If you have recovered but it caused medical complications making you unable to perform essential job duties
• If a member of your household has been diagnosed with COVID-19
• If you are providing care for a member of your household who was diagnosed with COVID-19
• If you do not have childcare due to COVID-19 reasons
• If you do not have transportation to your place of work because of COVID-19

Businesses should use the Employer Reporting Refusal of Suitable Work form to report employees who refuse to return to work without good reason or who quit their jobs. As soon as possible, email form to RAFraud@state.sd.us or mail to:

DLR RA Division
Attn: Benefits
P.O. Box 4730
Aberdeen, SD 57402-4730

If an employer reopens for business, and requests an employee return to work, that employee must report to remain eligible for unemployment benefits. If a Tennessee employer has an employee who refuses to return to work, that employer can notify the Department of Labor and Workforce Development by filling out the online form found in the link below.


Federal law requires individuals who have been placed on a temporary layoff related to the COVID-19 health emergency return to work if called back.

The following are the COVID-19 eligibility requirements to receive PUA provided through the federal CARES Act:
- Are diagnosed with COVID-19 or have COVID-19 symptoms and are seeking a diagnosis;
- Have a member of the household who is diagnosed with COVID-19;
- Are providing care for a family or household member diagnosed with COVID-19;
- Are the primary caregiver for a child whose school or care facility closed due to COVID-19;
- Were scheduled to start new employment and cannot reach the workplace as a direct result of COVID-19;
- Became the major breadwinner because the head of household died from COVID-19;
- Quit their job as a direct result of COVID-19;
- Had their place of employment closed as a direct result of COVID-19;
- Meet any additional criteria specified by the US Secretary of Labor

More information can be found on the Department’s website, www.tn.gov/workforce including a Refusal to Work form
Section 207.047 of the Act disqualifies a claimant who, while in claim status, has refused a referral to, or an offer of, suitable work without good cause. A referral to suitable work can include the situation that occurs when TWC directs a claimant to return to his or her customary self-employment, if they have had their own business in the past. This proceeds directly from the work search and availability requirements that claimants must satisfy in order to be eligible for continued weekly UI benefits. In a nutshell, in all but the most unusual of cases, a claimant must be available and actively searching for full-time work while collecting UI benefits. Claimants are told that if they receive an offer of suitable work, they must accept it, unless there is some good reason not to do so, or else face disqualification. Such a disqualification is every bit as serious as a disqualification for quitting a job without good cause connected with the work or for being discharged for misconduct connected with the work.

All job refusals should be reported. You may send the information to twc.fraud@twc.state.tx.us or call 1-800-252-3642.

## US VIRGIN ISLANDS

<table>
<thead>
<tr>
<th>GENERAL GUIDANCE</th>
<th>COVID-SPECIFIC GUIDANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>No specific state-guidance provided. Follow federal guidelines.</td>
<td>None at this time.</td>
</tr>
</tbody>
</table>
For all job refusals, please fax tips to 801-526-4402 or https://jobs.utah.gov/ui/home/Fraud/FraudForm

Include details on the work that was offered:
- Full-time / part-time
- Rate of pay
- Type of work performed
- Reason for claimant's refusal (if given)
- Is the claimant being recalled to the same type of work previously performed? If not describe the former working conditions.
- Method the job offer was communicated to the employee
- Date the work was to begin

Source: https://jobs.utah.gov/covid19/uireturningemployerfaq.pdf

None at this time.
GENERAL GUIDANCE

Return this form via mail to:
State of Vermont Department of Labor
P.O. Box 189
Montpelier, VT 05601-0189

Or complete online form at https://labor.vermont.gov/form/refusal-work-fraud-report

COVID-SPECIFIC GUIDANCE

If an individual left employment due to one of the following reasons, they may still be eligible for benefits
• Being sick or isolated as the result of COVID-19
• An unreasonable risk of exposure at place of employment
• Caring for a family member who is sick or isolated as the result of COVID-19
• Caring for a family member who had an unreasonable risk of exposure at place of employment
• Need to care for a child who has had school or childcare center closed

The Department of Labor reminds unemployment claimants who have been placed on temporary layoff or furlough related to COVID-19 that they must return to work if called back to remain eligible for benefits.

If you are an employer that has offered work to an employee that was temporarily laid-off or furloughed, and the employee has refused to return to work, you may report this activity to the Department of Labor.

Employers may submit a report of fraud by completing the online form, found here: https://labor.vermont.gov/form/refusal-work-fraud-report

The VA Unemployment Compensation Act does not allow claimants who are receiving unemployment benefits to refuse jobs without good reason. If a claimant refuses a job, or Workforce Center referral to a potential job, they must report the refusal on their weekly request for payment of benefits. They will be contacted and asked for information about the job, and for the reasons for refusing the job or referral. This information will be given to a deputy, who will determine whether the claimant had good reason for refusing the job or referral.

Just refusals can be reported here.


None at this time.
GENERAL GUIDANCE

Claimants need to actively pursue suitable work to continue collecting unemployment benefits and must report any job refusal while collecting benefits. Suitable work is defined as work that is consistent with an individual’s prior experience, education and training, along with other considerations such as distance of travel to available work. If the refusal was for a suitable job, then benefits may be denied.

COVID-SPECIFIC GUIDANCE

Individuals generally do not have the option to choose between receiving unemployment benefits or an offer to return to suitable work from their employer. Individuals must have a good cause reason not to accept suitable work in order to continue receiving unemployment benefits or Pandemic Unemployment Assistance under the federal CARES Act.

Good cause reasons an employee may refuse work and continue to collect unemployment include: Being sick with COVID-19 or taking care of a household member who is sick with COVID-19. If your employee has to stay home to take care of a young child because their school or daycare is closed, they could also have good cause to refuse to come back to work. Also, if you have substantially changed the job they are coming back to, such as you significantly cut their pay or moved the job location a significant distance away, they may refuse that work and continue to collect benefits.

When an employee files a new or reopened unemployment benefit claim, you will be notified and can dispute the employee’s claim to have been laid off through no fault of their own. You can appeal a decision by the Employment Security Department to provide unemployment benefits to a worker. Report refusals in your eServices account or by sending the information to the claims center.

Sources: [https://esd.wa.gov/about-employees/general-employers-FAQ](https://esd.wa.gov/about-employees/general-employers-FAQ) & [https://esd.wa.gov/newsroom/covid-19](https://esd.wa.gov/newsroom/covid-19)
GENERAL GUIDANCE

Claimants must be available for suitable work. Many factors are considered in deciding whether a given job is suitable. Things considered will include previous work experience and how long the claimant has been unemployed. We consider any possible risk to health, safety or morals, as well as the distance of the work from your home. Also, we consider fitness for that particular job and the pay offered. If a claimant fails to accept an offer of suitable work, without good cause, they will be denied benefits for the week in which they failed to accept the job and the four (4) following weeks. In addition, the total amount of unemployment compensation available will be reduced by four (4) times the weekly benefit amount. The same penalty will be applied if a claimant fails, without good cause, to accept a REFERRAL to suitable work. (A referral is a written notice instructing you to apply for work with a specific employer. Either the local claims office or a Job Service/American Job Center network may offer a referral).

If a claimant refuses an offer of work from you or fails to return to work for you after being duly recalled, **notify the department immediately, providing:**

- the claimant's name and social security number;
- the type of work offered;
- the rate of pay, the hours (or shift);
- the date on which the refusal occurred;
- the date on which the claimant could have begun work; and
- the reason the claimant gave, if any, for refusing the work offered.

None at this time.

Source: [https://dwd.wisconsin.gov/ui201/b7201.htm#refused_work](https://dwd.wisconsin.gov/ui201/b7201.htm#refused_work)
To report work refusals online visit: [http://doe.state.wy.us/uifraudreporting/](http://doe.state.wy.us/uifraudreporting/)

To print out a paper form use [this form](#) and either fax or mail to:
Wyoming Department of Workforce Services
Unemployment Insurance Division – BPC
PO Box 2760
Casper, WY 82602-2706
(307)235-3277 ATTN: BPC

Unemployment claimants called back must accept the work. Federal law requires that those placed on a temporary layoff related to the COVID-19 pandemic must return to work if called back. Not returning to work when there is available work would be considered a "refusal of work" and could potentially disqualify claimants from receiving unemployment insurance benefits. Businesses may report this activity by reporting fraud at [www.wyomingworkforce.org](http://www.wyomingworkforce.org) and clicking the "Report Fraud" button.

Source: [https://dwd.wisconsin.gov/ui201/b7201.htm#refused_work](https://dwd.wisconsin.gov/ui201/b7201.htm#refused_work)