



Employers and Workers – Preparing for the Return to Work

Recent executive orders have started the slow, phased process of reopening the economy. As employers and workers plan and prepare to return to work, we would like to offer answers to some frequently asked questions to help ease the transition.

For Employers

How do I make sure I'm ready to bring my employees back to work?

DEED has a great hub for employers to help them plan for a safe return to work. All employers should develop a **COVID-19 Preparedness Plan** to map out how both employee and customer health and safety will be protected. Visit <https://mn.gov/deed/newscenter/covid/safework/business/> for a plan template and other resources.

What if my employees refuse to return to work?

The CARES Act included an extra \$600 per week payment on top of Unemployment Insurance benefits. For some employees, this provides a disincentive to return to their previous job when re-called. Employers who have requested that a particular employee return to work, and the employee refuses to do so, may 'raise an issue' through the employer portal of the Unemployment Insurance website. This allows DEED to deny eligibility for Unemployment Insurance when the employee makes their weekly payment request. This must be done within ten (10) days of the request to return to work.

For many employers, returning to work will look different than before. Though your doors may be open, your employees may be at higher risk if contracting COVID-19, or may have child care responsibilities they must balance with work. Consider various ways you can offer accommodations to employees to allow them to work from home, or come to work but with schedule or other adjustments.

What are the paid leave requirements created by the Families First Coronavirus Response Act (FFCRA)?

The FFCRA requires certain employers to provide their employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. More information can be found here:

<https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave>



For Workers

What if my employer has called me back, but I don't want to return to work?

If your employer reopens and you are able to return to work, you need to do so. Refusing to return to work may affect your continued eligibility for unemployment benefits.

What if I don't feel that my health and safety is being protected at work?

Before returning to work, review your employer's COVID-19 Preparedness Plan. If you feel that your employer is not abiding by CDC and MDH guidance or its COVID-19 Preparedness Plan, please contact OSHA.Compliance@state.mn.us or 651-284-5050.

I am at greater risk if I contract COVID-19 because of an underlying health condition. Do I still need to return to work?

The Minnesota Human Rights Act (MHRA) protects workers from discrimination on the basis of disability, race, national origin, age and other protected classes. Individuals with disabilities have the right to request "reasonable accommodations" from their employer. If you have a disability that affects your risk for contracting COVID-19 or being harmed if you do contract the virus, you have the right to request a reasonable accommodation from your business. For example, workers with disabilities that put them at high-risk for complications related to COVID-19 may request telework or paid/sick/unpaid leave as a reasonable accommodation to reduce their chances of infection during a pandemic.

If a worker has an underlying health condition that places them at greater risk if they contract COVID-19 and their employer is refusing to provide reasonable accommodation, they should contact the department at 651-539-1133, 800-657-3704 or info.mdhr@state.mn.us or [complete a consultation inquiry form](#).

A family member I live with has an underlying health condition that puts them at greater risk if they contract COVID-19. Do I still need to return to work?

Workers who live with family members who are at greater risk if they contract COVID-19 are encouraged to ask for reasonable accommodations from their employer that will allow them to continue working while maintaining the safety and health of their family member.

If your employer is unable to provide a reasonable accommodation, you may be eligible for unemployment insurance benefits if you decide to leave your job. Minnesota unemployment insurance law provides that an applicant is eligible for unemployment insurance benefits if the applicant quits employment in order to provide necessary care because of the illness, injury, or disability of an immediate family member of the applicant.

Because schools are closed, I need to stay home and care for my children. Can I be required to return to work?

Workers who must care for their children because schools are closed and child care is unavailable should talk with their employer about the possibility of working from home.

If working from home is not an option, you may qualify for paid leave. Expanded FMLA provides eligible employees up to 12 weeks of job-protected leave due to a qualifying need related to a Public Health Emergency – though small businesses with less than 50 employees may qualify for exemption. Additionally, the federal Families First Coronavirus Response Act (FFCRA) requires certain employers to provide employees with two weeks (up to 80 hours) of partially-paid leave if they cannot work due to the need to care for children whose school or child care is closed. More information about FFCRA paid leave requirements can be found here:

<https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>