Return to Work Information for Small Business Employers Impacted by COVID-19

The Employment Security Department (ESD) has information designed to help employers and their workers as they begin returning to the workplace during the recovery phase from the COVID-19 pandemic. The main link for ESD information is at https://esd.wa.gov/newsroom/covid-19 (English only). This information is updated frequently so check back often.

Employer Information

Employer questions, like those listed below, are answered on the employer specific site: https://esd.wa.gov/newsroom/covid-19-employer-information

1. I provided an offer to return to work to an employee who is refusing to return. What should I do?

   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.
   - Having to stay home to take care of a young child because their school or daycare is closed.
   - The position they are coming back to has been substantially changed, their pay is significantly cut their pay, or the job location is moved a significant distance away.

   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.

2. How do I report someone who has refused to return to work and is continuing to collect unemployment?

   Anyone filing weekly claims must truthfully attest as to whether they received an offer to return to work. When they notify the ESD that they received an offer to return to work, we will contact their employer as part of fact finding to determine continued unemployment benefit eligibility. As an employer, you can also proactively inform the ESD by reporting work refusal issues in your eServices account, or by sending the information to the claims center.

3. What are the consequences for individuals who do not truthfully report when they are not able to and available for work, refuse an offer of work, or receive earnings when they file weekly claims?

   Individuals must truthfully report when they are not able to and available for work, whether they were offered employment, and any earnings when filing weekly claims. Breaking the rules, such as intentionally failing to report correct work and earnings or the reason for separation, can result in a denial of benefits, as well as an overpayment, and penalties that the ESD will collect. Such actions may
even result in criminal prosecution.

Fraud is knowingly withholding information about a claim. Individuals that refuse an offer of work and fail to report that they refused an offer of work on their weekly claims may be denied benefits and assessed an additional penalty for fraud.

4. Is there a difference between a temporary layoff and a furlough?
   
   a. **Temporary layoffs** are when employers let employees go due to reductions in work. *Employers do not have to rehire those employees.*

   b. **Furloughs** are a form of temporary layoff that may consist of a complete stoppage of work or reduced work hours for a specific period. For example, a reduction of one day a week for a year.

5. What about my benefit charges?

   Under the new emergency rules, temporary shutdowns related to COVID-19 infection at the place of business that cause you to close or severely reduce operations are considered extraordinary circumstances. You may request relief of benefit charges. Workers must accept any telework you offer.

6. What about financial penalties for businesses?

   Financial penalties may be waived for employers who file tax reports late, pay taxes late, or do not respond to requests for information in a timely fashion because of COVID-19. If you need any additional assistance, call Linda Helenberg 206.628.6988 or lhelenberg@seattlejobsinit.com.

**Additional Resources for Small Business Employers**

The Seattle Office of Economic Development is working with our regional, state and federal partners to help working people and small businesses impacted by the COVID-19 pandemic.

For general inquiries, please email OED@seattle.gov or call 206-684-8090.

When you call you may reach a live person or a voicemail. If you reach the voicemail, please tell us:

- Your name
- Phone number
- The language you need in English
- What support you need

[Resource list for small businesses from the Seattle Office of Economic Development](#)

**Phase 2 Reopening Toolkits**

**Temporary Outdoor Café, Merchandise Display and Vending Permits**

**FREE SBA Technical Assistance for PPP and EIDL Loans**