

## COVID-19 Resuming Business Operations Frequently Asked Questions

The state has taken emergency measures to slow the spread of COVID-19, resulting in many temporary business closures. As more business operations start to resume in Oregon, situations may occur where workers either cannot or do not return to work, or are asked to return to work with a changed schedule or number of hours. Employers cannot make unemployment benefit qualification determinations for workers. Here are some general guidelines you need to know:

### **What are the situations where an employee can continue claiming unemployment benefits if they do not return when called back to work?**

Employees may still be eligible for unemployment benefits if they turn down an offer of suitable work due to COVID-19 related reasons as defined in our temporary [rules](#).

They may still be eligible for unemployment benefits if they are:

- Ill with COVID-19
- Potentially exposed to COVID-19 and subjected to a mandatory quarantine period
- Staying home to care for a family member, or other person they live with or who they provide care for, who is suffering from COVID-19 or subject to mandatory quarantine
- Unable to work because they have to stay home to care for a child due to the closure of schools, child care providers, or similar facilities due to COVID-19
- Asked to work when it would require them to act in violation of a mandatory quarantine or government directive
- Unable to work because they have been advised by their health care provider or by advice issued by public health officials to self-quarantine due to possible risk of exposure to or spread of COVID-19

### **I have called my staff back to work, but one person is sick with COVID-19 and the other is in quarantine. Are they eligible to continue for unemployment benefits?**

Yes. A person sick with COVID-19 or in quarantine is eligible for benefits if they have been advised by their health care provider or by advice issued by public officials to self-quarantine due to possible risk of exposure to, or spread of, COVID-19.

### **I called my employees back to work but some are refusing because the worksite can't follow social distancing [guidelines issued](#) by government or public health officials. Can they continue receiving unemployment benefits?**

If a worksite cannot follow social distancing [guidelines issued](#) by government or public health officials, the employee may continue claiming benefits each week. The standards that have been issued by the Governor are not uniform across all types of businesses. Along with her orders, standards incorporate guidance issued by the [Oregon Health Authority](#).

### **What are the situations where an employee cannot continue claiming unemployment benefits if they do not return when called back to work?**

Employers cannot make unemployment insurance benefit determinations for employees. Determinations can only be done by the Oregon Employment Department. There are some situations, outlined above, where an employee can continue to receive benefits if not returning to work when called back. If those situations do not apply, workers risk unemployment insurance benefits if they do not return to work when called back by their employer.

**I have called my staff back to work, however, some are choosing not to return because they are financially better off receiving unemployment benefits. What do I do?**

If your employee does not return to work, and it is not for a reason listed above, [please let us know](#).

**I have been called back to work but some are choosing not to return because they are scared.**

As long as your workplace can follow social distancing [guidelines issued](#) by government or public health officials, and a situation outlined above where they can continue receiving benefits does not apply, they are considered able to work. Choosing not to return to work would affect their unemployment benefit eligibility.

**I have called staff to return to work but some are choosing not to return because they are afraid they will be exposed to COVID-19 even though the worksite follows current government and public health guidelines. What do I do?**

As long as the work site can meet government and public health guidelines, and a situation (outlined above) where an employee can continue claiming benefits does not apply, employees are considered able to work and no longer eligible for benefits.

**Are there benefits for those who do come back to work?**

There are situations where workers can continue [claiming benefits while working](#). If someone is either working full-time or earns more than their regular weekly benefit amount (the extra \$600 does not factor in to this computation), they are not eligible for any benefits for that week. ***If they work less than full time and earn less than their weekly benefit amount, they can generally receive at least some benefits that week.***

Workers can earn up to either \$125 per week (ten times the highest minimum wage in Oregon) or one-third of their regular weekly benefit amount, whichever is higher, without any reduction in their benefits. Any amount earned over that threshold reduces their weekly benefits dollar for dollar. For any eligible week between March 29 and July 25, 2020, if they receive any benefits at all in a week, they also receive the additional \$600.

**I received a loan through the Paycheck Protection Program (PPP) but I am having trouble getting all of my employees to come back to work. What do I do?**

The Employment Department is unable to advise people about the Paycheck Protection Program. Please contact the Small Business Administration for guidance at [sba.gov](#). The PPP program is not a determining factor for unemployment benefits. The factors that affect unemployment benefits include if a business is able to operate under executive or public safety guidelines, the amount of earnings they have when returning to work, and potential situations related to COVID-19 that might prevent returning to work.

If you believe someone may have received benefits to which they are not entitled, please let us know by [reporting it](#). Although the forms refers to suspected fraud, this is the way to tell us of any situation where you think someone might have received benefits when they should not have.

Many times this was not done intentionally, but we still need to ensure that only those entitled to benefits receive them, and that we protect the UI Trust Fund by recovering benefits that should not have been paid. If a person intentionally has misrepresented or omitted information to get benefits to which they were not entitled, they may be subject to additional sanctions, including monetary and other penalties, and potential state and federal criminal prosecution.

Governmental orders and public health guidelines continue to change, please check for [updates](#).