

Media Mention: Xavier Lightfoot and Will Oden Featured in 'Business North Carolina'

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'How do I get my workers back to the workplace?'

It's a common question frequently asked by employers to our labor and employment attorneys. And recently, attorneys Xavier Lightfoot and Will Oden addressed that specific question in an article appearing in *Business North Carolina*. From the article:

Strategy 1: Educate employees on unemployment fraud.

An individual can refuse work and still receive unemployment benefits under the CARES Act for certain reasons such as being ill or caring for a family member that is ill. In addition, under certain circumstances, individuals may initially refuse a recall to work if they reasonably believe they are in imminent danger of being infected by COVID-19, or if a healthcare provider has advised the individual to self-quarantine because he or she is particularly vulnerable to COVID-19. However, there is no provision that allows an individual to refuse work because he or she is concerned about contracting COVID-19, or because an individual can earn more money by staying unemployed. In these situations, individuals resisting an employer's recall to work have no basis to refuse the available work. Additionally, an individual's refusal to return on such basis will likely result in the individual being ineligible to receive further unemployment benefits.

Most states, including North Carolina, require claimants to submit a weekly certification to the Division of Employment Security ("DES") to continue to receive unemployment compensation. The weekly certification usually asks the claimant if he or she is able and available to work. Executive Order 118 from Governor Roy Cooper waived the state's work search requirements. The EO did not waive the available to work requirements.

For more strategies on "How to successfully return workers back to the workplace," without offering monetary incentives, read the entire article, [here](#).