

## **Returning to Work Webinar Follow-Up**

Below is a summary of the most frequently asked questions and answers discussed in the Agudah/LRRC webinar regarding returning to work. This write-up includes some important clarifications that were reviewed by presenter Mr. Chaim Book, Esq. Please take the time to read the below even if you tuned into last week's webinar.

You can call the LRRC with any follow-up questions, 732-942-9292, or e-mail: [questions@lrrcenter.org](mailto:questions@lrrcenter.org). To view the full list of LRRC FAQs related to the COVID-19 pandemic, visit <https://bit.ly/lrrc19ghfaq>.

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### **My employer furloughed me, but they have now reopened and asked me to return to my job. Can I remain on Unemployment?**

No. Individuals receiving regular unemployment compensation must accept any offer of suitable employment. Barring unusual circumstances, a request that a furloughed employee return to his or her job very likely constitutes an offer of suitable employment that the employee must accept. While eligibility for PUA does not require an individual to be seeking work, it does require that the individual be unemployed, partially employed, or unable or unavailable to work due to certain circumstances that are a direct result of COVID-19 or the COVID-19 public health emergency, such as lack of childcare due to school closure. In the situation outlined here, an employee who had been furloughed because his or her employer has closed the place of employment would potentially be eligible for PUA while the employer remained closed, assuming the closure was a direct result of the COVID-19 public health emergency and other qualifying conditions are satisfied. However, as soon as the business reopens, and the employee is recalled for work, eligibility for PUA would cease unless the individual could identify some other qualifying circumstance outlined in the CARES Act.

### **Is my job protected while I am on Unemployment?**

Your job is not protected while you are collecting Unemployment benefits. However, your job is protected while you are on FFCRA leave.

**I am on Unemployment and just had a baby. Can I remain on Unemployment instead of applying for Temporary Disability (since those on Temporary Disability do not receive the extra \$600 weekly)?**

You cannot remain on Unemployment while you are disabled since you are not ready, willing, and able to work. You can apply for Disability During Unemployment to cover the time that you are disabled. Discuss with your doctor how long you are disabled for.

**I am a school teacher and only work during the school year. Can I continue collecting Unemployment benefits during the summer months, when I never work?**

No. Unemployment is for lost wages. You are only eligible for benefits during weeks that you typically work, or you were planning on working, but you were not able to due to the pandemic.

**I was about to start a job. Will I qualify for Unemployment? What if I did not fulfill the work requirement?**

You may still qualify. Generally, to be eligible for Unemployment, you would have to fulfill the work requirement during the base year. The NJ base year and alternate base year charts can be viewed here: <https://myunemployment.nj.gov/labor/myunemployment/before/about/who/>. However, PUA allows someone who does not have sufficient work history and who is impacted by COVID-19 to qualify.

**I applied for and received the PPP loan. Can I receive Unemployment at the same time as I pay myself through PPP funding?**

You cannot receive Unemployment benefits at the same time as PPP. However, if your PPP funds have already been spent and your business is still not operating due to COVID-19, you may be able to apply for Unemployment.

**I usually work 40 hours per week, but I am having trouble meeting my hours because my children are home from daycare due to COVID-19. My employer is not offering FFCRA. Can I file for Partial Unemployment for 20 hours per week?**

If you are the primary caregiver of a child who is at home due to a forced school closure that directly results from the COVID-19 public health emergency, you may be eligible for PUA. You are only eligible for PUA if you are the primary caregiver of a child whose care requires such ongoing and constant attention that it is not possible for you to perform your customary work functions at home. For example, if your employer allows you to telework and you are caring for a more mature child who is able to care for him or herself for much of the day, you likely would not qualify for PUA because you are still able to work. You should try to work out an

arrangement with your employer that is agreeable to all parties. However, assuming that you are the primary caregiver as provided by the definition above, live in NJ, and able to work 80% or less of your normal working hours, you may be eligible for partial Unemployment benefits.

**I have been collecting Unemployment benefits since I am the primary caregiver of children whose school was closed due to COVID-19. My children's daycare has now opened, but I am worried about sending them during the pandemic. Can I choose to keep them home from daycare and continue collecting PUA?**

No. Although you are entitled to keep your child home from daycare, fear alone of sending a child to a childcare provider does not guarantee you continued PUA benefits. If your childcare provider is not meeting a level of health and safety standards that you are comfortable with, you can find another one. If your child is immunocompromised, speak to your doctor about whether he/she would recommend that the child remains at home.

**My child's daycare is remaining closed after June 15<sup>th</sup>. Do I have to find a new childcare provider, or can I continue claiming PUA since I am the primary caregiver and my children need constant care?**

An attempt should be made to find other suitable arrangements for your children. Keep documentation and notes to prove your efforts.

**I was forced to close my playgroup mid-March due to COVID-19. I have been collecting Unemployment Insurance since then. I heard playgroups in NJ are permitted to open on June 15<sup>th</sup>, and that camps are permitting to open on July 6<sup>th</sup>. I don't know what the CDC requirements are, and I would prefer to stay closed and continue collecting Unemployment benefits. Can I do that?**

No, you cannot continue to collect Unemployment benefits, unless you have another COVID-related reason for continuing to claim Unemployment. When a business owner who is allowed to reopen chooses not to do so, that person is likely not eligible for Unemployment benefits. If some children dropped out of your daycare/camp due to COVID-19, you need to make efforts to find children to fill those slots. Document all your efforts. If you need financial assistance to reopen your daycare while following CDC and other sanitation and hygiene guidelines due to COVID-19, NYS and NJ both have their respective financial assistance/grant programs available. Some available funds that we are aware of are the following: New York Forward Child Care Expansion Incentive Program, New York Forward Loan Fund, and NJ grant program for child care providers.

*The Lakewood Resource and Referral Center provides comprehensive social service information, referrals, counseling, community education, and assistance in navigating both government and private-sector programs. We can be reached at 732-942-9292, and we are located at 212 2nd Street, Suite 204. For more information, to donate, or to be added to our mailing list to receive valuable tips and special program announcements, visit [www.lrrcenter.org](http://www.lrrcenter.org).*