



Refusal to Work Employee Questions and Answers

If my employer calls me back to work do I have to return?

Yes, unless you meet a qualified exception.

How will TDLD be made aware of my failure to report back to work when recalled by my employer?

You will be asked to report any offers of work you received during the week during certification. Additionally, your employer may also report a failure to return to work.

What is considered a qualifying exception to the requirement to return to work?

Each exception will require investigation and a decision will be made on a case-by-case basis.

Examples include, but are not limited to:

Quarantine by a medical professional or governmental entity, supported by documentation.

Lack of childcare due to COVID-19

Is my employer required to provide me with Personal Protective Equipment (PPE)?

Businesses should follow guidance issued by the CDC, Tennessee Department of Health, and any applicable federal or regulatory requirements. In addition to these general guidelines for all Tennessee employers and employees, each employer and employee should refer to their industry-specific guidance as set forth in the Tennessee Pledge. The Tennessee Pledge can be found at <https://www.tn.gov/governor/covid-19/economic-recovery/tennessee-pledge.html>.

Am I required to return to work if my child is out of school due to COVID-19?

If you are unable to return to work due to your child being out of school due to COVID-19, you may be permitted to remain out of work for a limited time, and still collect UI benefits. Based on guidance provided by the US Department of Labor this exception will only apply until the date the school year was scheduled to end prior to the COVID-19 pandemic. If you have other reliable child care options you may not be eligible for this exception. These cases will be investigated and decisions will be issued on a case-by-case basis.

Am I required to return to work if my child care facility reopens after being closed due to COVID-19?

Yes. If you have access to reliable child care this will not qualify as an exception for refusing to return to work. Failure to return to work for this reason could result in a loss of UI benefits. Additionally, any benefits you received after the employer extended an offer for you to return to work after regaining access to child care will result in an overpayment of benefits. These cases will be investigated and decisions will be issued on a case-by-case basis.

If I don't return will my unemployment benefits be stopped?

Unless you meet a qualifying exception, refusing to return to work is a disqualifying circumstance for receiving unemployment compensation benefits. It may also result in an overpayment of benefits, which must be repaid to the agency. Overpayments that are deemed to be the result of fraud, will also incur penalties and interests, as well as potential for criminal prosecution.

If I don't return and continue to draw benefits will I have to repay any benefits after recall date?

Unless you meet a qualifying exception, and it is determined you should have returned to your employer any benefits paid to you after that date will be considered overpaid, and could be potentially determined as fraud. An overpayment resulting from fraud will result in penalties and interest being assessed to the balance; additionally, you may face criminal prosecution.

If I am on orders to quarantine by a medical professional or governmental agency do I need to return to my employer? Do I need to provide documentation to my employer and the agency?

You will not need to return to your employer until released by your physician or the governmental entity. However, you must supply your employer and TDLWD with documentation to support your quarantine.

Will the agency let me know the outcome of the refusal of return to work issue?

The agency will issue a written determination that will be delivered to your preferred method of communication.

What are my options if I disagree with that determination?

You will have fifteen (15) calendar days from the mail date of the issued decision to file an appeal. You may file an appeal online via jobs4tn.gov, by email at at.newappeals@tn.gov, facsimile at 615-741-8933, or you can mail your appeal to:

TDLWD

Attention: Appeals Tribunal

220 French Landing Dr.

Nashville, TN 37243