



DOL says workers may remain eligible for expanded unemployment benefits after refusing work due to COVID-19 safety concerns

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On July 21, 2020, the U.S. Department of Labor (DOL) [advised](#) state unemployment insurance administrators that workers who lost their jobs due to COVID-19 and then refuse work that would unreasonably expose them to the virus may remain eligible for expanded unemployment benefits under the Coronavirus Aid, Relief and Economic Security (CARES) Act, known as the Pandemic Unemployment Assistance (PUA) program.

The PUA benefit, which adds a \$600 weekly federal supplement to an individual's state unemployment benefits for workers who lost their jobs for COVID-19-related reasons, is set to expire during the week of July 25, unless Congress extends it. One proposal extends the \$600 payments to January, while another reduces PUA benefits to \$200 until states can begin using a new formula that would pay workers 70 percent of the wages they earned before they became unemployed.

The DOL has clarified that whether workers who refuse work for COVID-19 health and safety concerns remain eligible for any potential extension of PUA will depend on what their states consider to be "suitable work." If individuals receiving PUA payments refuse work that *unreasonably* exposes them to COVID-19 and state law determines the work to be unsuitable, their refusal would not disqualify them from receiving benefits.

It is unclear what Ohio would consider unreasonable exposure of workers to COVID-19. Section 4141.29(D)(2)(b) of the Ohio Revised Code (ORC) disqualifies from unemployment benefits individuals who refuse without good cause to accept an offer of suitable work. ORC 4141.29(F) then lists factors to consider in determining whether work is suitable, including "the degree of risk

to the claimant's health, safety, and morals.”

The DOL also explained that a worker who rejects work for “good cause” under state law may remain eligible for expanded PUA benefits, even if the work is considered “suitable.” (In a [previous publication](#), we discussed how an employee’s voluntary resignation or refusal of an offer of work, without good reason, may render the employee ineligible for unemployment benefits. This new DOL guidance confirms this with respect to PUA payments.)

Questions and answers regarding unemployment insurance and COVID-19 continue to evolve daily, particularly as Congress considers whether and how to extend the expanded PUA benefits.

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