



Returning to Work FAQ for Employers

The primary obligation of a claimant is to become reemployed. The intent of the unemployment insurance program is to assist people during periods of unemployment when suitable work is not available. However, if suitable work is available, the claimant has an obligation to properly apply for and accept offered work. Refusing suitable work will likely result in a loss of unemployment benefits.

Returning to full employment.

Once your employee returns to full-time work there is no need to contact the Department of Workforce Services. They simply stop filing their weekly claim and the claim will automatically be closed by the system.

If they once again become unemployed or their hours are reduced, they file for unemployment insurance online at jobs.utah.gov/ui/home. Depending on the date they file, the closed claim will be reopened or if the claim expired, they will be directed to file a new claim.

Returning to part-time employment.

If your employee returns to part-time work, depending on the number of hours worked and gross earnings during a week, they may still be eligible for partial unemployment benefits.

If they return to part-time work, they may continue filing weekly claims. Remind them to report gross earnings (before taxes/deductions) for the week, regardless of when paid. The system will adjust their weekly unemployment benefit payment based on the gross wages reported. Failure to correctly report work and earnings or refusing work may result in overpayments or possibly a fraud penalty and prosecution.

Remember, once work returns to full-time, or your employee begins to consistently earn over their weekly benefit amount, they are no longer eligible for benefits and can simply stop filing.

What about the \$300 Federal Pandemic Unemployment Compensation (FPUC) stimulus payment?

As long as your employee is eligible for at least a \$1 weekly unemployment payment, they will also receive the \$300 FPUC stimulus payment. If their earnings for a week exceed their weekly benefit amount they will not be paid regular unemployment for that week, this also means the \$300 additional payment will not be paid.

I am ready to reopen/increase business and call my employees back to work. What needs to be communicated to my employee?

You should directly and clearly communicate the details on the work offered. The details should include start date, full-time / part-time, the wage, type of work, hours, general location, and conditions of the job. The employee must understand work is being offered as opposed to a general discussion of work possibilities. If a job offer is made, it must be clearly communicated as an offer of work. If they refuse the job offer, instruct them to report the refusal on their weekly claim.

How do I report when an employee refuses to come back to work or refuses an offer of work?

You can report job refusals at jobs.utah.gov/ui/home/Fraud/FraudForm Please report the date the offer of work was made, the date the employee would have returned to work, and a description of how the offer was directly communicated to the employee. Also report the following details about the work offered:

Details on the work offered:

- Date the work would start
- Full-time / part-time
- Rate of pay
- Type of work performed
- Reason for claimant's refusal (if given)
- Is the claimant being recalled to the same type of work previously performed? If not describe the former working conditions.
- Method the job offer was communicated to the employee

I received SBA funding (like the Payroll Protection Program) to pay employees their wages, how does that impact their UI claim?

Any week an employee is paid, they need to report their gross earnings on their weekly claim. If the amount of the earnings exceeds the weekly unemployment benefit amount they will not receive any benefits for that week.

For any week an employee earns and reports less than their weekly unemployment benefit, they may be paid a partial unemployment benefit. If you back pay employees for weeks that they also received unemployment, then the employees will have to repay any unemployment benefits to the department. Failure to correctly report the back pay may result in overpayments or possibly a fraud penalty and prosecution. Your employees should contact the Claims and Reemployment Team at 801-526-4400, toll free 888-848-0688, or chat online at jobs.utah.gov.

Will the \$300 Federal Pandemic Unemployment Compensation (FPUC) payment be impacted if I pay my employees their regular salary?

The FPUC payment is an add-on payment to someone's regular unemployment payment. To qualify for that additional money, a claimant must be eligible for at least \$1 in regular unemployment payments for the week. The \$300 will not be paid out for any week the claimant earns more than the regular unemployment amount.

If you back pay, or give your employee a retroactive-salary payment that causes your employee to repay their regular unemployment, they will also have to repay the \$300 they received for the impacted weeks.

I am bringing my employees back to work and paying them wages for back weeks that they have already been paid UI. What do I do?

If you pay your employees for back weeks and they also filed for unemployment benefits for those same weeks, they will need to notify the department that they have received back pay. Failure to correctly report work and earnings may result in overpayments or possibly a fraud penalty and prosecution. They may need to repay the Unemployment Insurance benefits for those weeks and should contact the Claims and Reemployment Team at 801-526-4400, toll free 888-848-0688, or chat online at jobs.utah.gov.

My employee cannot return to work because their children are not in school due to the Governor's decision to finish the school year electronically. Are there any options for child care?

Utah's child care programs are open and available to families that need care. Child care programs are implementing strict safety protocols to help reduce the spread of Coronavirus. Families needing child care should contact Care About Childcare at careaboutchildcare@utah.gov. If an employee doesn't have access to the internet, they should call 1-800-670-1552. For more information visit <https://jobs.utah.gov/covid19/>.

If an employee needs assistance paying for child care, Workforce Services provides child care assistance to working families to help offset the cost of child care. Specific income limits and work requirements must be met. To apply online, go to jobs.utah.gov/mycase.

I have been approved to pay wages from a bridge loan. Our work is picking up, but not yet full-time. Do I bring my employees back to work or let them continue receiving unemployment benefits?

The department cannot recommend what strategy is best for your individual business. If you bring them back initially to part-time work the employee may be able to continue receiving partial unemployment payments until they begin to earn more than their weekly benefit amount on a consistent basis; just remind them to report their gross earnings when they file their weekly claim certification. If you bring them back to full-time work they must stop filing for benefits once they begin working full-time.

The unemployment system is designed to ensure payments stop appropriately as long as the person claiming benefits files their weekly claim certifications accurately. If any of your employees intentionally provide inaccurate information in order to continue receiving unemployment benefits improperly, while also working full-time, they may have to pay a penalty for fraudulent activity, including possible prosecution.

Note: *Because Workforce Services does not administer many of the programs currently available to assist businesses during the COVID-19 pandemic, we are unable to answer questions or provide advice about these programs. A good resource for businesses is <https://www.sba.gov/page/coronavirus-covid-19-small-business-guidance-loan-resources>.*