

What to do if you have an employee that refuses to return to work?

Employers can access and should look for updated COVID-19 related guidance at <https://dol.ny.gov/covid-19-frequently-asked-questions-employers> we will be adding more guidance and FAQ's soon.

Employers should continue to protest in the normal manner if an employee refuses a job (see additional information below). Many times, UI is made aware of a refusal issue by claimant certification. A refusal of employment no matter the reason will be reviewed by NYSDOL staff and If determined to be without good cause, the employer's charges will be adjusted.

How to report a job refusal:

They will need to document the information regarding the offer of employment or return to work date. UI needs to know when and how your employee was contacted. What was the date to return to work? Who offered the position and the reason the claimant gave for refusing to return to work or accepting the offer? This information can be submitted via mail or fax.

Mailing address:

NYS Department of Labor
PO Box 15130
Albany, NY 12212-5130

Fax- 518-457-9492

OR

The business can reply to their monthly charging statement IA96 to the address provided, which is referenced in the NYS-50 Employer guide.

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Employers should contact the claimant directly if work is available. Employers should promptly notify the UI telephone claim center if: they are unable to contact the claimant for recall; the claimant has declined an offer of re-employment; or, they have information they we're not aware of when they received Form LO 400 that may affect the claimant's entitlement to UI benefits. If the charges appear incorrect for any other reason, employers should contact the Department of Labor, Liability and Determination Section (see Unemployment insurance issues – Where can I find the answers? on page 46).

<https://www.tax.ny.gov/pdf/publications/withholding/nys50.pdf>