



As Colorado businesses begin to reopen, workers who are called back to work need to know their rights and responsibilities, and the rights and responsibilities of their employers. This guidance does not cover every return to work situation. Visit coloradoui.gov for more information.

Unemployment and employer requests for return to work

If you are currently receiving unemployment and your employer is reopening and you refuse to return, you must report that to us when you are requesting payment of your benefits. Your employer may also report any refusals to return to work and your claim may be audited. If it is determined you do not have valid cause for refusal to return, you might be subject to overpayments and in some cases, fraud review. Under unemployment laws, you must be able and available to work to be determined eligible. Unless otherwise covered under the Safer at Home Executive Order (*vulnerable populations, caring for a vulnerable dependent, etc*), when your current employer requests for you to return, you will likely not be eligible for unemployment benefits if you refuse to return.

Reasons you **might be eligible** for unemployment if you refuse to return:

- If you are a vulnerable individual and your work requires in person work near others.
- If you care for a dependent who is a vulnerable person
- If you are not able to work remotely and you have childcare issues
- If the conditions at the work environment clearly do not conform broadly to Safer at Home guidance and thus pose a clear health concern.
- If you are being called back to a position by your employer that is considerably different from the original job and thus unsuitable to your skills.

Reasons you **might not** be eligible for unemployment if you refuse to return:

- You are not able to demonstrate exemptions under the Safer at Home Executive Order mentioned above.
- You are not able to work remotely but your employer provides you with the means to do so
- If you are not able to work remotely and you have childcare issues
- If the conditions at the work environment clearly do not conform broadly to Safer at Home guidance and thus pose a clear health concern.
- If you are being called back to a position by your employer that is considerably different from the original job and thus unsuitable to your skills.

Please note, unemployment benefits that are greater than your regular wages is not a reason to not return to work.

Working & Collecting Unemployment Benefits

You may be eligible to collect partial benefits if you are working **fewer than 32 hours per week**. When you work, we can pay part of your weekly benefits, but you must have **earned less than the weekly benefit amount**. Your weekly benefit amount does not include the additional \$600 from Federal Pandemic Unemployment Compensation. You can earn up to 25 percent of your weekly benefit amount and still be paid your full benefit payment. After that, we must reduce your benefit payment by one dollar for each dollar you earn.

You must report your hours worked and gross earnings (*pay before any withholdings, e.g., taxes or child support*) for each week when you request payment of unemployment benefits.

- Be sure to keep track of all of your hours and earnings for each week.
- Instead of waiting until you are paid, we require that you report the time and gross earnings as it occurs (*when you request payment*).
- You must report if you stop working for an employer.
- Up to the first \$1000 in wages earned as a Colorado election judge are not reportable. You must report any wages once you earn \$1000 or more.

For more information, go to colorado.gov/pacific/cdle/working-collecting. There is a detailed fact sheet about reporting your hours and earnings and examples on how to track and report your hours and earnings. If you are eligible to receive any part of your weekly benefit amount, you will also continue to receive the \$600 in Federal Pandemic Unemployment Compensation.