



Guidance for Rehiring Staff and Unemployment

- 1) My CHC had to furlough staff. We were able to provide benefits and they were able to access unemployment. We're ready to bring staff back into the clinic but they are telling us they don't want to because they make more on unemployment. What can I do?**
 - Unless the staff fall into particular categories (below), if you offer the staff their job but they decline, then they are giving up their eligibility unemployment. If they continue to claim unemployment, they risk having to repay that money plus possible penalties
 - If the staff fall into these categories, then they can decline the job offer at this time and apply for Pandemic Unemployment Assistance Program:
 - They have COVID-19, or they are seeking a diagnosis for COVID-19 symptoms
 - A medical professional has advised them that they are vulnerable to COVID-19 and should self-quarantine
 - A member of their household was diagnosed with COVID-19
 - They are caring for a family member with COVID-19
 - They must care for a child who cannot attend school or childcare due to the shutdown
 - They had to quit the job "as a direct result of COVID-19"
 - Additional Resource:
 - [NACHC Cashflow Payroll Options](#)
 - [Employers Council Return to Work Resources](#)
 - [Legal Issues in Reopening your Workplace](#)
 - [Return to Work Language](#)
 - [Return to Work Checklist](#)
 - [Return to Work Consideration for Vulnerable Workers](#)
 - [All Employer Council COVID-19 Resources](#)
- 2) My staff have declined to return to work due to safety concerns. What can I do?**
 - If staff decline to return to work both you and they are required to report it to the Colorado Department of Labor and Unemployment (CDLE), unless they fall into the categories in question one.
 - If they do not fall into the categories in question one, and Colorado Department of Labor and Unemployment (CDLE) has not deemed the position unsuitable, workers must return to their position or it is considered a voluntary separation. Factors CDLE will consider for when determining whether a position is "suitable" include:
 - *Is the work similarly paid and of a similar type to previous work?*
 - *Is the work significantly riskier due to the outbreak or other reasons?*
 - *What measures did the employer take to reduce risk?*
 - Employees who cannot return to work due to health or childcare issues must apply for The Pandemic Unemployment Assistance program which offers backup benefits. This is a temporary program, and many have not fully navigated the application process.
 - Additional Resources:
 - [What to do When Scared Workers Don't Report to Work due to COVID-19 - SHRM](#)
 - [Do Colorado Workers Have To Return Next Week? 'Huge Conflict' Looms Over Health and Money – Colorado Public Radio](#)
- 3) My CHC has PPP funds what happens if staff decline to return to work?**
 - If you can hire staff (new or hiring back staff) and spend 75% of the loan on payroll within eight weeks, it can turn into a grant. You have until June 30th, 2020 to rehire.

- The amount of loan forgiveness can be reduced if you do not return to the level of full time employees.
- Additional Resources
 - [Treasury PPP Fact Sheet](#)
 - [Fox Rothschild In Depth: Loan Forgiveness Under the Paycheck Protection Program](#)
 - [SBA How to Calculate Loan Amounts](#)
 - [Feldsman, Tucker, Leifer, Fidell LLC – SBA Second Round of PPP Funding](#)

4) My CHC has laid off a staff member but later found we were able to rehire the same person in the same position. Does Colorado law require we post the position if we are hiring the same person?

- Effective January 1, 2021, Colorado does have the Pay Equity law, which will require employers to post positions internally. Since this law is not effective, you are not required to post the position internally, unless internal practices dictate to do