

Legal and Practical Issues Hinder Return to Work

PS&H employment partner and Chair of the Labor & Employment Group, Alicia Samolis, discussed the unintentional quandary created surrounding unemployment benefits in a recent article in the *Providence Business News*.

In many cases, the unemployment benefits workers are currently receiving are greater than their salaries when they were employed. In other cases, people have become comfortable and have developed a sense of safety working from home. But as the Rhode Island economy begins to open back up for business, employers need employees to return to the workplace.

Samolis explained that employers might be legally obligated to grant unpaid leave for employees who are at risk because of a disability, such as an immunity disorder. In other cases, paid sick leave may be mandated if a person is in quarantine, is experiencing COVID-19 symptoms and seeking a diagnosis, or is caring for someone because of COVID-19. "The situation is shifting," Samolis said, "and some elements of employee rights could change as states move through the phases of reopening." "Emergency legislation could happen if there's a fear of exposure," she said.

However, under the current state of the law, most of the time employers can terminate employees if they refuse to return to work. Thus, Samolis said one of the biggest underlying issues is that increased unemployment benefits – part of the \$2 trillion federal stimulus package – are more lucrative for some people than earning a paycheck. The situation has created attendance and staffing problems for clients even when their business is considered to be essential.

[Click here](#) to read the full article. (Subscription required.)

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