



ALSC

ACADIANA LEGAL SERVICE CORPORATION
— EQUAL JUSTICE FOR ALL

LEGITIMATE REASONS NOT TO RETURN TO WORK

Prohibited by Governmental Order

An order of the local, state, or federal government prohibits your employer from reopening
If in doubt, contact your elected officials

Local: call your city or parish government

State: <https://www.legis.la.gov/legis/FindMyLegislators.aspx>

Federal

House: <https://www.house.gov/representatives/find-your-representative>

Senate: https://www.senate.gov/general/contact_information/senators_cfm.cfm

Seek legal help. If you cannot afford legal help, contact Legal Aid:

Use <https://louisianalawhelp.org/find-legal-help> to find the law firm serving your parish

Generally:

East of the Mississippi River, contact [Southeast Louisiana Legal Services](#)

West of the Mississippi River, contact [Acadiana Legal Service](#)

ADA

The Americans with Disabilities Act may offer you protection if:

Your disability poses a direct threat to your health if you return to work

More than just a diagnosed condition, the threat must be imminent and severe

The threat cannot be eliminated or reduced by reasonable accommodation OR you have requested a reasonable accommodation of your disability from your employer and it has refused

If in doubt, contact the Equal Employment Opportunity Commission ([EEOC](#)) 800-669-4000

Dangerous working conditions

You must have good faith belief that working conditions you return to are abnormally dangerous

Can be any working conditions or practices in the place of employment which are such that a danger exists which can reasonably be expected to cause death or serious physical harm immediately or before the danger can be eliminated

Must be supported by ascertainable, objective evidence

Consider Center for Disease Control ([CDC](#)) [guidance](#)

If in doubt, contact the Occupational and Safety Health Administration ([OSHA](#)) 800-321-6742

FMLA

The Family Medical Leave Act (FMLA) entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with the continuation of group health insurance coverage under the same terms and conditions as if you had not taken leave

You may take up to twelve workweeks of leave in a twelve-month period:

For the birth of a child and to care for the newborn child within one year of birth

If a child was placed with you for adoption or foster care, and to care for the newly placed child within one year of placement



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LEGITIMATE REASONS NOT TO RETURN TO WORK *continued*

You have any qualifying exigency arising out of the fact that your spouse, son, daughter, or parent is a covered military member on covered active duty

You may take up to twenty-six workweeks of leave during a single twelve-month period to care for a covered servicemember with a serious injury or illness if you are the servicemember's spouse, son, daughter, parent, or next of kin

If in doubt, contact the Department of Labor ([DOL](#)) 866-487-9243

FFCRA

The Families First Coronavirus Response Act (FFCRA) provided additional paid sick leave for the following situations:

You are:

A federal employee covered by Title II of the Family and Medical Leave Act, OR

You work for a private employer with fewer than 500 employees

Up to 80 hours of paid sick leave:

At your regular rate of pay if:

You are unable to work because you are quarantined under a Federal, State, or local government order or advice of your health care provider

You are experiencing COVID-19 symptoms and seeking a medical diagnosis

At two-thirds of your regular rate of pay if:

You are unable to work because of a bona fide need to care for an individual subject to quarantine under a Federal, State, or local government order or advice of their health care provider

You are unable to work because of a bona fide need to care for a child under 18 years of age whose school or childcare provider is closed or unavailable for reasons related to COVID-19

You are experiencing a substantially similar condition as specified by the Secretary of Health and Human Services ([HHS](#))

Up to an additional 10 weeks of expanded family and medical leave at two-thirds of your regular rate of pay if both:

You have been employed for at least 30 calendar days, AND

You are unable to work due to a bona fide need for leave to care for a child whose school or childcare provider is closed or unavailable for reasons related to COVID-19

Risks

If you do not return to work when your employer recalls you, you risk being terminated from your job

You may also be disqualified from receiving unemployment benefits if:

It is determined that you were discharged for intentional misconduct OR

It is determined that you quit, but not because your employer made a substantial change to your working conditions

To file for unemployment benefits contact the Louisiana Department of Labor [Workforce Commission](#) at 866-783-5567

If in doubt, seek legal help before quitting or refusing to return to work