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Unemployment Claimants Called Back Must Accept Work

PIERRE, S.D. – The Department of Labor and Regulation reminds unemployment claimants who have been placed on a temporary layoff related to COVID-19 that they must return to work if called back to remain eligible for benefits.

Not returning to work when there is available work could be considered a “refusal of work” and potentially disqualify claimants from receiving reemployment assistance (unemployment insurance) benefits.

“We have had several employers contact us in the last week reporting they tried to call back employees to work, but an individual refused,” said state Labor and Regulation Secretary Marcia Hultman. “This constitutes fraud, and the department will take investigative action.”

Businesses may report such activity to RAFraud@state.sd.us.

“Claimants called back to work should not cancel their unemployment claims,” said Secretary Hultman. “Instead, leave your claim open and do not file a weekly request for payment, in case you are laid off again.”

However, if a claimant is called back but only working reduced hours, they may continue to file a weekly request for payment to possibly receive a partial benefit.

The CARES Act specifically provides for serious consequences for fraudulent cases including fines, confinement and an inability to receive future unemployment benefits until all fraudulent claims and fines have been repaid. Individuals are responsible for paying back benefits deemed as overpayments due to ineligibility.