To reopen or not to reopen, that is the question.

Many employers are debating whether to recall employees and reopen for business. Does an employer have the right to recall employees so it can reopen its business? Some employees are hesitant about returning to work for various reasons. Those in the most vulnerable population—older and with pre-existing medical conditions—may be reluctant to leave their homes until there is greater certainty that it is safe to do so. Some, whether with or without medical conditions, may believe reopening is premature, that a second wave is likely, and that opening our economy will lead to a resurgence in COVID-19’s spread. Some may lack childcare or reliable transportation, given interruptions to mass transit in some areas. And some employees may be collecting more in unemployment benefits than they earn from working due to the federal CARES Act $600 weekly supplement to normal state benefits.

An employer must anticipate that such a notice would not be cheered by all of its employees, and it is likely that not everyone would return to work.

Explore the options available, particularly in a unionized environment, with Mike Soltis in his latest On the Labor Front installment, "Recalling employees to work in the COVID-19 era."