

# Workplace Rights & COVID-19

## Sick Leave

- If you experience symptoms of, or are diagnosed with COVID-19, you may have a right to take protected time off from work to get tested and recover from your illness:
  - ◊ The **NYC Paid Safe and Sick Leave Law** provides employees up 40 hours of paid sick leave if your employer has more than five employees, and up to 40 hours of unpaid sick leave if your employer has less than five employees
  - ◊ Under the **Families First Coronavirus Response Act** (effective April 2, 2020) workers at companies with a maximum of 500 employees are eligible for up to 2 weeks of paid leave for a COVID-19-related illness
  - ◊ The **Family and Medical Leave Act (FMLA)** grants up to 12 weeks of unpaid leave for you to care for your own serious health condition, so long as your employer has 50+ employees in a 75-mile radius and you have worked there for over 1 year
- Worker's Compensation is available if you contracted COVID-19 while on the job
- Temporary Disability Insurance (TDI) may be available if you become ill off-the-job

## Family Leave

- If your child's school closed due to COVID-19, or your child-care provider becomes unavailable due to COVID-19, you may take up to 12 weeks of paid time off to care for your child under the **Families First Coronavirus Response Act**
- If a family member experiences symptoms of, or is diagnosed with COVID-19, you may have the right to take protected time off from work to care for them:
  - ◊ 2 weeks of paid leave under the **Families First Coronavirus Response Act**
  - ◊ 12 weeks of unpaid leave under the **FMLA**
  - ◊ Furthermore, **New York State Paid Family Leave Law (PFL)** grants workers who have been employed at least 26 weeks up to 10 weeks of paid family leave

## Mandated or Recommended Quarantines

- If you are unable to work because of a government or doctor-ordered quarantine, you may be entitled to job protection for the duration of the quarantine:
  - ◊ For most employees, the **Families First Coronavirus Response Act** grants up to 2 weeks of paid quarantine, with the remainder unpaid
- In addition, where a public health official mandates quarantine, **NY State's**

**Emergency COVID-19 Paid Sick Leave Law** grants a minimum of 5 days of paid quarantine if your employer has 10+ employees or over \$1 million in annual income, and at least 14 days of paid quarantine for employers with 100+ employees

NOTE: These provisions do not apply if you are able to perform your work remotely



## Loss of Work due to COVID-19

- **NY State Unemployment Insurance Benefits** remain available for employees who have lost their job through no fault of their own during the pandemic
- **The Coronavirus Aid, Relief, and Economic Security (CARES) Act** expands upon regular UI benefits through the following programs:
  - ◇ Pandemic Emergency Unemployment Compensation (PEUC) extends state UI benefits by 13 weeks, available after exhaustion of the 26 weeks of state UI
  - ◇ Extended benefits (EB) extend UI benefits by another 20 weeks
  - ◇ Pandemic Unemployment Assistance (PUA) provides UI benefits to workers who are not usually eligible for UI, including those who are self-employed, gig-economy workers, independent contractors, and freelancers
  - ◇ In addition, Pandemic Unemployment Compensation (PUC) provided for \$600 in weekly UI benefits *in addition* to any UI granted by the state, but those benefits expired on July 31, 2020, and have not yet been renewed by Congress.



## Safety Concerns

- If your employer requires you to come to work despite potential exposure to COVID-19, you may not have a right to job protection if you stay home. You may wish to request protective gear.
  - ◇ You should request an accommodation if you are at particular risk if infected.



## Discrimination

- Employers are prohibited from harassing, firing, or treating you worse than others because of your race/ethnicity, disability, nationality, and other “protected classes”
- E.g., an employer cannot force you self-quarantine simply because you are Asian



## Retaliation

⇒ It is **illegal for employers to retaliate** against employees for requesting or asserting their rights under any of the above laws, including for reporting health/safety hazards

**For Undocumented Workers:** All the above-mentioned laws apply regardless of immigration status **EXCEPT** unemployment benefits, which are only available to workers with valid work authorization or PRUCOL status.

If you have questions regarding your rights in the workplace, contact the New York Legal Assistance Group, **Employment Law Project**

**Phone:** (212) 613-5000 | **Email:** [EmploymentLawProject@nylag.org](mailto:EmploymentLawProject@nylag.org)

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