

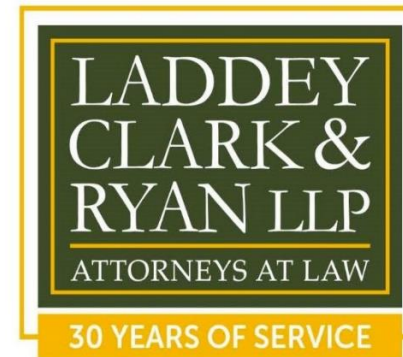
# Employer Basics During COVID-19

**April 16, 2020**



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# 1

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## **FAMILIES FIRST CORONAVIRUS RESPONSE ACT**

# Families First Coronavirus Response Act:

## Purpose

- Effective April 1, 2020 through December 31, 2020
- Help the U.S. combat and defeat COVID-19 by reimbursing American private employers that have ***fewer than 500 employees*** with tax credits for the cost of providing employees with paid leave taken for specified reasons related to COVID-19
- Ensure that workers are not forced to choose between their paychecks and the public health measures needed to combat the virus

# Families First Coronavirus Response Act: Two Key Provisions

- **Emergency Family and Medical Leave Expansion Act (“EFMLEA”):** 10 weeks of paid leave at 2/3 pay
- **Emergency Paid Sick Leave Act (“EPSLA”):** 80 hours of paid sick leave at either full or 2/3 pay, depending on qualifying reason
- To take leave under the EFMLEA or EPSLA, employees must be unable to work or telework

# Employers Covered

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- Private employers with fewer than 500 employees
- Most public employers (including municipalities) with fewer than 500 employees
- Federal employers in some circumstances:
  - Most federal government employees are covered by Title II of the FMLA, which was not amended by this Act, so they cannot get leave under the EFMLEA
  - Federal government employees covered by Title II of the FMLA *are* eligible for paid sick leave under the EPSLA

# Employers Covered: Critical Carve Outs

- **Small Employer Exemption**: employers with fewer than 50 employees may not have to provide EFMLEA leave or certain paid sick leave under the EPSLA
- **Health Care Provider Exception**: employers may not have to provide EFMLEA leave or paid sick leave under the EPSLA to health care providers
- **Emergency Responder Exception**: employers may not have to provide EFMLEA leave or paid sick leave under the EPSLA to emergency responders

# Employees Covered

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- All full-time and part-time employees (for the EFMLEA leave only, employees must have worked for 30 days)
- Employees on leave
- Temporary employees who employers jointly employ with another employer (regardless of whether another employer maintains the jointly employed employees on its payroll)
- Day laborers a temporary agency suppliers (regardless of whether you are the temporary agency or the client if a continuing employment relationship exists)
- DOES NOT apply to independent contractors



# Employer Notice Requirements

- All covered employers must post the DOL's FFCRA Notice (WH1422 REV 03/20) even if they are subject to an exemption or exemption
- Must be posted in a conspicuous place in the workplace
- Requirement can also be satisfied by distributing the notice to employees via email, direct mailing, or by posting the notice on an employee information internal or external website (recommended where employees are teleworking)
- [https://www.dol.gov/sites/dolgov/files/WHD/posters/FFCRA\\_Poster\\_WH1422\\_Non-Federal.pdf](https://www.dol.gov/sites/dolgov/files/WHD/posters/FFCRA_Poster_WH1422_Non-Federal.pdf)

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## **EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT**

# FMLA v. EFMLEA

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- FMLA already provides twelve (12) weeks of unpaid, job-protected leave, but applies only to employers with 50 or more employees
- EFMLEA has temporarily expanded the FMLA so that covered employers under the FFCRA must allow twelve (12) weeks of FMLA leave for use by employees who have been employed for thirty (30) days before the first day of leave; does not revise NJFLA, applicable to employers with 30 or more employees or NJFLI”

# EFMLEA: 30-Day-Employment Requirement

- An employee is considered employed for at least 30 calendar days when:
  - Employee was on the employer's payroll for the 30 calendar days immediately prior to the date on which the employee's leave would begin; or
  - Employee was laid off or otherwise terminated by the employer on or after March 1, 2020, and rehired or reemployed by the employer on or before December 31, 2020 (if employee had been on the employer's payroll for 30 or more of the 60 calendar days prior to the date the employee was laid off or terminated)

# EFMLEA: Qualifying Reasons for Leave

- Leave under the EFMLEA may only be used if the employee is “unable to work (or telework) due a need for leave to care for the employee’s child under 18 years of age if the child’s school or place of care has been closed, or the child care provider of the employee’s child is unavailable, due to a public health emergency regarding COVID-19 as declared by a Federal, State, or local authority.”
- “Son or daughter under 18 years of age” also includes an employee’s disabled adult child whose care facility is closed for COVID-19-related reasons.

# EFMLEA: Key Provisions

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- Employers may not require employees to use their PTO or other accrued time off before taking leave under the EFMLEA
- **The first 10 days of leave are unpaid** (*the 10-day period is equivalent to two work weeks*)
- The first 10 days of leave may be covered by the EPSLA
- Employees may choose to use any accrued paid time off—including vacation days, sick days, and PTO—to cover the initial 10-day period
- **Remaining 10 weeks of leave are paid by the employer**

# EFMLEA: Paying Full-Time and Part-Time Employees

- Full-time employees are paid 2/3 of their regular rate of pay for the number of hours for which the employee would otherwise typically be scheduled
- For salaried, full-time employees, must pay 2/3 of the employee's base salary for the 10 paid weeks of EFMLEA leave
- Employees who work a part-time or irregular schedule are entitled to be paid based on the average number of hours the employee worked for the six months prior to taking the EFMLEA

# EFMLEA: Pay is Capped

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Pay entitlement is limited to **\$200**  
**per day** and **\$10,000 in the**  
**aggregate** per employee



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## EMERGENCY PAID SICK LEAVE ACT

# What is the EPSLA?

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- Creates a new federal emergency paid leave benefits program
- Employer required to provide up to 80 hours of paid sick leave to full-time employees or the equivalent of two (2) weeks of hours to part-time employees

# EPSLA: Full-Time v. Part-Time

- Employees are "full" time and receive 80 paid sick leave hours in two situations, if:
  - Employer normally schedules them to work at least 40 hours each work week; or
  - If the average number of work week hours the employer schedules them to work (including leave hours taken) is at least 40 hours per work week over the entire period of employment *or* the 6-month period that ends when the employee takes paid sick leave—whichever is shorter.
- All other employees are considered part time

# EPSLA: Calculating Paid Leave

- Part-time employees with a normal weekly schedule receive pay equivalent to the total amount of hours worked in a 2-week period.
  - E.g. If employees work 30 hours each week, they receive up to 60 hours of pay

# EPSLA: Calculating Paid Leave

- For employees without a normal weekly schedule, employers must:
  - Take the total hours the employee worked during the 6-month period (or the entire period of employment, whichever is shorter) before going on leave, then
  - Divide that by the number of calendar days in the period, then
  - Multiply the result by 14.
- E.g. employee works 500 hours in a six-month period, that roughly equates to 2.740 hours per calendar day, so, multiplied by 14, the employee receives up to 38 hours of paid sick leave

# Qualifying Reasons 1-3: Pertain to Employee

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- 1- Subject to a federal, state or local quarantine or isolation order related to COVID-19
- 2- Advised by a health care provider to self-quarantine due to COVID-19 concerns
- 3- Experiencing COVID-19 symptoms and seeking medical diagnosis

***For these qualifying reasons, pay is at the employee's regular rate and limited to \$511 per day and a total of \$5,110 per employee***

# Qualifying Reasons 4-6: Employee's Care of Others

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- 4- Caring for an individual [not limited to a family member] subject to a federal, state, or local quarantine or isolation order or advised by a health care provider to self-quarantine due to COVID-19 concerns
- 5- Caring for the employee's child if the child's school or place of care is closed or the child's care provider is unavailable due to public health emergency

# Qualifying Reasons 4-6: Employee's Care of Others

6- Experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor

***For qualifying reasons 4 through 6, pay is at 2/3 of the employee's regular rate and limited to \$200 per day and up to \$2,000 total per employee***



# EPSLA Leave for Sick Employees

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- Employees cannot use paid sick leave to self-quarantine without affirmatively seeking a medical diagnosis
- Employees cannot use paid sick leave if they can telework while awaiting test results
- If a health care provider tells employees they do not meet the criteria for testing and advises them to self-quarantine, or if they test positive for COVID-19 and a health care provider recommends self-quarantine, might be eligible to use paid sick leave

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## **EMPLOYEE NOTICE AND DOCUMENTATION REQUIREMENTS UNDER THE EMFLEA AND EPSLA**

# Employee Notice of EFMLEA and EPSLA Leave

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- Notice must be provided as soon as is practicable when:
  - Employees need leave when their child's school or daycare is closed; and
  - Where such leave is foreseeable, employees must provide notice as soon as is practicable
- When an employee needs leave for any other reason under the EPSLA, employers can only require employee notice after the first workday (or part of a workday) that an employee takes paid leave

# Employee Notice of EFMLEA and EPSLA Leave

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- Employers must accept notice of leave from the employee's spokesperson if the employee is unable to personally provide such notice
- Notice need not be written, and can be oral
- Employee, or their spokesperson, must provide enough information for the employer to determine if the employee qualifies for leave under the FFCRA

# Documentation Required for Leave

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- If employee subject to a federal, state, or local quarantine or isolation order related to COVID-19 or caring for someone subject to the same → Name of the governmental entity that issued the Order.
- If an employee's health care provider advises an employee to self-quarantine due to concerns related to COVID-19, or if employee caring for someone advised to self-quarantine → Name of the health care provider who advised the employee to self-quarantine.

# Documentation Required for Leave

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- If an employee is caring for a child whose school or daycare is closed due to COVID-19 precautions:
  - Name of the child;
  - Name of the school, place of care or child care provider that has closed or became unavailable; and
  - Representation that “no other suitable person will be caring for the child during the period” the employee is taking leave under the EPSLA or EFMLEA

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## **INTERMITTENT LEAVE UNDER THE EFMLEA AND EPSLA**

# Intermittent Leave

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- Available under both the EPSLA and the EFMLEA
- Differs for employees who report to work versus employees who telework



# Intermittent Leave for Employees Reporting to Work

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- For employees who report to work, intermittent leave is limited to two main conditions:
  - (1) employee and employer must agree to the use of intermittent leave; and
  - (2) use is limited to the employee's need to care for a child whose school or place of care is closed, or where childcare is unavailable

# Intermittent Leave for Employees Who Telework

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- Only available to teleworking employees under the EPSLA and EFMLEA if the employer agrees
- Employee and employer will “agree on any arrangements” for intermittent leave “that balance the needs of each teleworking employee with the needs of the employer’s business”

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## SMALL EMPLOYER EXEMPTION

# Small Employer Exemption

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***Under the FFCRA, small employers—those with fewer than 50 employees—may be exempt from the requirement to provide leave under the EFMLEA and Section 5102(a)(5) of the EPSLA if the employer can show that doing so would “jeopardize the viability of the business as a going concern.”***

# Small Employer Exemption: Applies to EFMLEA and *One Type* of EPSLA Leave

- Section 5102(a)(5) of the EPSLA (qualifying reason # 5) and the EFMLEA provide for paid leave when:
  - Employee is caring for their son or daughter whose school or place of care has been closed,
  - OR their son or daughter's childcare provider is unavailable,
  - Due to COVID–19 precautions

# Small Employers Must Qualify for Exemption

- Exempt from the requirement to provide leave under the EFMLEA and Section 5102(a)(5) of the EPSLA if can show that doing so would “jeopardize the viability of the business as a going concern.”
- How can employers show this? By fulfilling one of three criteria.

# Three Criteria for Electing Small Employer Exemption

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1. Leave would result in employer's expenses and financial obligations exceeding available business revenues and cause the business to cease operating at a minimal capacity

# Three Criteria for Electing Small Employer Exemption

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2. The absence of the employee or employees requesting leave would entail a substantial risk to the financial health or operational capabilities of the business because of their specialized skills, knowledge of the business, or responsibilities



# Three Criteria for Electing Small Employer Exemption

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3. There are not sufficient workers who are able, willing, and qualified, and who will be available at the time and place needed, to perform the labor or services provided by the employee or employees requesting leave, and these labor or services are needed for the business to operate at a minimal capacity.

# Documenting the Small Employer Exemption

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- To elect small employer exemption, must document that a determination has been made pursuant to these 3 criteria
- Employer not required to send documentation to the DOL, but instead, must retain the records in its files for at least 4 years

# Small Employer Exemption DOES NOT Apply to Most Qualifying Reasons under the EPSLA

- Small employers NOT exempt from providing leave to employees for the five (5) other qualifying reasons under the EPSLA
  - E.g. employees seeking a COVID-19-related medical diagnosis
  - E.g. self-quarantining upon the advice of a health care provider due to COVID-19-related concerns

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## HEALTH CARE PROVIDER AND EMERGENCY RESPONDER EXCEPTION

# Denying Leave to Health Care Providers and Emergency Responders

- The DOL regulations implementing the FFCRA provide that employers may exclude certain employees from eligibility for leave under the EPSLA or EFMLEA if they are health care providers or emergency responders

# Who is a Health Care Provider under FFCRA?

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- “Anyone employed at any doctor’s office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, Employer, or entity.”

# Who is a Health Care Provider under FFCRA?

- Also includes:
  - Any person employed by an entity that has a contract with any of those institutions/entities to provide services to those institutions/entities or to maintain the operation of their facility
  - Any person employed by an entity that provides medical services, produces medical products, or is involved in the making of COVID-19 related medical equipment, tests, drugs, vaccines, diagnostic vehicles, or treatments

# Who is an Emergency Responder under FFCRA?

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- An employee (part-time or full-time) who is necessary for the provision of transport, care, healthcare, comfort, and nutrition of patients, or whose services are otherwise needed to limit the spread of COVID-19



# Who is an Emergency Responder under FFCRA?

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Includes, but not limited to:

- Military/National Guard
- Law enforcement officers
- Correctional institution personnel
- Fire fighters
- Emergency medical services personnel
- Physicians
- Nurses

# Who is an Emergency Responder under FFCRA?

Includes, but not limited to:

- Public health personnel
- Emergency medical technicians
- Paramedics and emergency management personnel
- 911 Operators
- Public works personnel
- Persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency

# NJ Earned Sick Leave and Other Accrued Time Off

- If exception is elected, employees' earned or accrued sick, personal, vacation, or other employer-provided leave under established policies is not impacted.
- Employees must be permitted to use their employer-provided leave, such as PTO, in accordance with existing policies
- Employees may not be prevented from taking earned sick leave in accordance with New Jersey's Earned Sick Leave Law.

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## DISCRIMINATION CONCERNS

# Job Restoration after EFMLEA and EPSLA Leave

- Employee has the right to be restored to the same or equivalent position, subject to certain limitations
- Employee is not protected from employment actions, such as layoffs, which would have affected the employee had they not taken leave
- To deny restoration of employment, employer must be able to show that the employee would not otherwise have been employed at the time reinstatement is requested

# Job Restoration for “Key Employees”

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- After EFMLEA leave only, an employer may deny job restoration to certain “key” employees if denial of restoration is necessary to prevent “substantial and grievous economic injury” to the employer’s operations
- “Key employee” means an employee among the highest paid 10 percent of all the employees who are employed by the employer within 75 miles of the worksite

# Job Restoration When 24 or Fewer Employees

- Employers that employ 24 or fewer employees may deny job restoration under the EFMLEA, but not the EPSLA, where:
  - Employee took leave to care for child whose school or childcare facility was closed for COVID-19 reasons;
  - Employee's position no longer exists due to economic conditions or changes in operating conditions caused by a public health emergency;
  - Employer makes reasonable efforts to restore the employee to an equivalent position; and
  - Where those reasonable efforts fail, the employer makes reasonable efforts to contact the employee for a one-year period if an equivalent position becomes available

*(One-year period begins on the earlier of the date the employee's leave concludes or the date 12 weeks after the employee's leave started)*

# Employers Must Continue Compliance with Anti-Discrimination Laws

- Title VII and the New Jersey Law Against Discrimination (“LAD”) prohibit all employment discrimination and harassment based on protected categories—including race and national origin—whether or not it is linked to the COVID-19 pandemic.
- Employers may not single out employees based on national origin and exclude them from the workplace due to concerns about possible transmission of COVID-19
- Employers must not tolerate a hostile work environment based on an employee's race, national origin, or religion because others link that protected category to transmission of the COVID-19 virus.
- EEOC therefore strongly encourages employers to remind employees of workplace anti-discrimination/harassment policies



# Employers Must Continue Compliance with Anti-Discrimination Laws

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- Employers must:
  - Avoid making determinations of COVID-19 risk based on race, country of origin, or any other protected category under the New Jersey Law Against Discrimination or Title VII of the 1964 Civil Rights Act
  - Maintain the confidentiality of persons with confirmed coronavirus infection and avoid disclosing the identities of employees who test positive for COVID-19

# Employers Must Continue Compliance with Anti-Discrimination Laws

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- If employees report to work and appear to show symptoms of the virus, they should be immediately separated from other employees, customers, and visitors, such as third-party vendors or delivery personnel, and sent home.
- If an employee tests positive for COVID-19, employers should inform other employees of their possible exposure to the virus while maintaining confidentiality as required by the Americans with Disabilities Act (“ADA”)

# COVID-19 and Pregnant Employees

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- Employment actions based on pregnancy are based upon sex, so decisions regarding layoffs and furloughs during the pandemic should never be based upon pregnancy
- Pregnancy-related medical conditions can sometimes be ADA disabilities, but pregnancy itself is not a disability under the ADA
- Federal anti-discrimination laws do not necessarily require an employer to grant a request to telework from an employee who is pregnant because the CDC has indicated that pregnant women are at higher risk if they contract COVID-19
- Where the pregnancy triggers ADA accommodation rights, employers should proceed through the interactive process

# EEOC Guidance

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- Because COVID-19 is considered a direct threat, employers are given greater latitude in the invasiveness of their medical inquiries and examinations of employees AND in their ability to exclude employees from the workplace under the ADA
  - If an individual with a disability poses a direct threat to the workplace despite reasonable accommodation, they are not protected by the ADA's nondiscrimination provisions
  - Laws enforced by the EEOC (e.g., ADA, Title VII) do not interfere with or prevent employers from following the guidance of the Centers for Disease Control (CDC) or other public health authorities

# EEOC Guidance: Permitted Employer Actions

- Asking all employees entering the workplace if they have COVID-19, its symptoms, or if they have been tested for COVID-19
  - May not ask teleworking employees these questions because they are not physically present in the workplace and are not a direct threat

# EEOC Guidance: Permitted Employer Actions

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- Excluding employees from the workplace if they have COVID-19 because their presence would pose a direct threat
- Barring employees who refuse to answer the employer's questions or submit to a physical examination from the workplace

# EEOC Guidance: Permitted Employer Actions

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- Asking employees if they are experiencing influenza-like symptoms, such as fever or chills and a cough or sore throat (this information must be maintained as confidential medical records in compliance with the ADA)
- Taking employees' temperatures - although it is important to note that those infected with COVID-19 sometimes do not display symptoms of a fever
- Requiring sick employees to remain home
- Encouraging employees to telework as an infection-control strategy
- Requiring employees to adopt infection-control practices, such as regular hand washing

# EEOC Guidance: Permitted Employer Actions

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- Asking an employee why he or she has been absent from work if the employer suspects it is for a medical reason
- Screening for COVID-19 in the pre-employment process, so long as this screening is applied to all incoming employees
- Delaying the start date of an applicant that is diagnosed with COVID-19 or has symptoms of the disease
- Withdrawing a job offer if the employee has COVID-19 or symptoms of the viral infection in order to ensure the safety of the workplace



# Caution: Genetic Information Nondiscrimination Act (“GINA”)

- GINA prohibits employers from asking medical questions about employees’ family members
- Employers should not ask employees whether they have a family member who has COVID-19
- Employers may ask employees whether they have been in contact with anyone diagnosed with, or displaying symptoms of, COVID-19

# What to Do When an Employee has COVID-19

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- EEOC specifically advises that employers must maintain the confidentiality of employees with confirmed COVID-19
- Employers should limit the number of individuals that must know the identity of the infected employee

# What to Do When an Employee has COVID-19

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- EEOC recommendations:
  - Designate a representative tasked with interviewing infected employees to identify any individuals that may have had contact with that infected employee
  - Take appropriate steps to notify those individuals without disclosing the infected employee's name
  - All individuals designated as needing to know the identity of the infected employee should be specifically instructed not to disclose that individual's name
- Employer may notify public health authorities if it learns that an employee has COVID-19

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# TAX CREDITS

# FFCRA: Tax Credits for Covered Employers

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- FFCRA provides a series of refundable tax credits to employers who are required to provide leave under the EFMLEA and EPSLA
- Tax credits are taken against the employer portion of Social Security taxes
- Covered employers will be reimbursed if their costs for qualified sick leave or qualified family leave wages exceed the taxes they would owe

# FFCRA: EPSLA Tax Credit

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- EPSLA: refundable tax credit equal to 100% of the qualified sick leave wages paid for each calendar quarter in adherence with the Act:
  - Capped at \$511 per day (\$200 per day if the leave is for caring for a family member or child) for up to 10 days per employee in each calendar quarter

# FFCRA: EFMLEA Tax Credit

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- EFMLEA: Refundable tax credit equal to 100% of the qualified family leave wages paid by employers for each calendar quarter in accordance with the Act
  - Capped at \$200 per day for each employee, up to \$10,000 total, per calendar quarter

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# UNEMPLOYMENT AND THE CARES ACT



# What is the CARES Act?

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- March 27, 2020: the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was signed into law
- Title II of the Act encompasses "Assistance for American Workers, Families and Businesses" and is broken out into three sections:
  - Subtitle A: Unemployment Insurance Provisions;
  - Subtitle B: Rebates and Other Individual Provisions; and
  - Subtitle C: Business Provisions.

# Unemployment Programs

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The three main programs are:

- 1. Federal Pandemic Unemployment Compensation (PUC):** provides benefits to those employees who are eligible for unemployment or partial compensation benefits
- 2. Pandemic Unemployment Assistance (PUA):** provides benefits for those individuals who are left out of the regular state unemployment compensation system or who have exhausted their state benefits under the PUC

# Unemployment Programs

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## 3. Pandemic Emergency Unemployment Compensation (PEUC): Provides benefits to workers and individuals who:

- Have exhausted regular unemployment compensation under state or federal law;
- Have no rights to regular unemployment compensation under any other state or federal law; and
- Meet other specific requirements

# Purpose of Unemployment Programs

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- Designed to work in coordination with each other and to provide benefits to the maximum number of affected employees possible under the CARES Act
- Each program, with some exceptions, provides for a weekly benefit that is a combination of an individual's regular weekly unemployment benefit under their state law, plus an additional \$600 each week through July 31, 2020
- These supplemental benefits are fully funded by the federal government

# Helpful Information

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- <https://www.dol.gov/agencies/whd/pandemic>
- <https://www.nj.gov/labor/worker-protections/earnedsick/covid.shtml>
- <https://myunemployment.nj.gov/labor/myunemployment/covidFAQ.shtml>

## COVID-19 SCENARIOS & BENEFITS AVAILABLE

		PAID SICK TIME					
		Federal Emergency Law: Childcare FMLA* dol.gov	Federal Emergency Law: Paid Sick Leave* dol.gov	NJ Law: Earned Sick Leave mysickdays. nj.gov	Unemploy- ment Insurance myunemploy- ment.nj.gov	After or Instead of	NJ Law: Family Leave Insurance myleavebene- fits.nj.gov
<b>Worker needs time to care for others</b>							
1	Employee unable to work because must care for child(ren) at home due to coronavirus closure	✓	✓	✓	➡➡➡➡	✓	
2	Worker is caring for family member who is diagnosed, or in isolation or quarantine with suspicion of exposure		✓	✓	➡➡➡➡	✓	
<b>Worker is sick or loses work</b>			Federal Emergency Law: Paid Sick Leave* dol.gov	NJ Law: Earned Sick Leave mysickdays. nj.gov	Unemploy- ment Insurance myunemploy- ment.nj.gov	After or Instead of	NJ Law: Temporary Disability Insurance myleavebene- fits.nj.gov
3	Worker who has COVID-19, or symptoms of COVID-19		✓	✓	✓	➡➡➡➡	✓
4	Person who is out of work because employer voluntarily closed		✗	✗	✓		✗
5	Person who is out of work because employer was ordered closed		✗	✓	✓		✗
6	Worker has less hours available due to business slow down or lack of demand		✗	✗	✓		✗
7	Employer stays open in defiance of State closure or public health order, and worker refuses to work		✗	✓	?		✗
8	Employer permitted to be open, but worker is afraid of gathering in a group and refuses to work (self-distancing)		✗	✓	✗		?
9	Worker is advised by healthcare provider or public health authority to quarantine		✓	✓	✓	➡➡➡➡	✓
10	Health care provider exposed at work and recommended by medical professional to self-quarantine		?	✓	✓	➡➡➡➡	✓
11	Freelance, independent contractor or "gig" worker has no work or lost hours due to public health emergency		✗	✗	✓		✗
12	Worker received 26 weeks of unemployment; worker remains unemployed		✗	✗	✓		✗

✓ YES | ✗ NO | ? MAYBE  
(PLEASE APPLY;  
EVALUATED CASE  
BY CASE)



[NJ.GOV/LABOR](https://www.nj.gov/labor)

LAST UPDATED: 3.30.2020

Employer pays sick leave and childcare FMLA; others require application to the State. You cannot receive pay or benefits from more than one program/law at the same time.

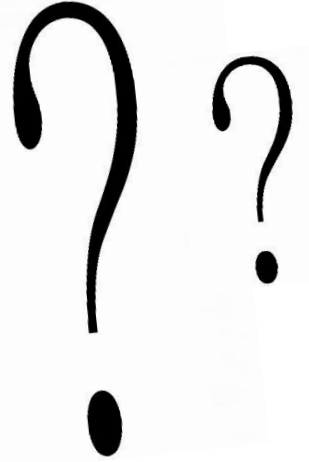
\* **Effective April 1, 2020:** New federal law requires covered employers to provide emergency paid sick leave to certain employees to care for themselves or a family member due to coronavirus illness, symptoms, quarantine or school/child care closure. The Federal Family and Medical Leave Act (FMLA) has also been amended to provide job-protected emergency paid leave to employees who are unable to work because their child does not have school or child care, due to coronavirus. See [nj.gov/labor](https://www.nj.gov/labor) for details. The U.S. Department of Labor will be issuing further guidance and this document may be updated as more information becomes available.

A person who has, because of their employment, contracted COVID-19 at work could be eligible for **Workers' Compensation** and would file through their employer.

The information on this flyer is meant to give a general picture of benefits and rights available in certain COVID-19 work-related situations. Documentation may be required.

# Questions

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***If you have any questions  
please send them to:  
[keckert@lcrlaw.com](mailto:keckert@lcrlaw.com)***



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