

# COVID-19 Workplace Benefits & Health and Safety: What Workers Need to Know

*NJWEC - The State of the State:*

*COVID-19 Q and A with the Governor's Office, DOL, and DOH*

*December 15, 2020*



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# Presentation Overview

1. Workplace Health & Safety – EO192
2. How to and who can file a complaint
3. COVID-19 benefits & protections for workers
4. Additional resources



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# **Workplace Health and Safety Executive Order 192**



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New Jersey now has requirements for every employer – business, nonprofit, governmental and educational entities – to protect employees, customers and others who come into physical contact with its operations from COVID-19:

### **Brief Overview of Requirements**

- In Case of Symptoms or Exposure\*
- Social Distancing\*
- Face Masks\*
- Daily Health Checks\*
- Sanitization
- Hand Hygiene
- Cleaning & Disinfecting

**Keep your workplace open and safe.**  
**See [nj.gov/labor/covidsafety](https://nj.gov/labor/covidsafety) for details.**



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# In case of symptoms or exposure, Employers must:

- Immediately **physically separate and send home employees who appear to have symptoms**
  - Employers who are subject to state and/or federal paid and/or job-protected leave laws must follow the requirements of the law
- **Promptly notify employees of any known exposure to COVID-19** at the worksite, consistent with [ADA, EEOC](#) and any other applicable laws
- When an employee has been diagnosed, **clean and disinfect the worksite** in accordance with [CDC guidelines](#).



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# Social Distancing, Face Masks

## Highlights:

- Employers **must provide**, at their expense, face masks for employees.
- Employers **may deny any employee, customer or visitor entry to the worksite who declines to wear a face mask**, except when doing so would violate state or federal law.
- There are some mask wearing **exceptions**, and some **specific requirements** for visitors vs. employees.
- Take note of protections for individuals with disabilities.

See full details at [nj.gov/labor/covidsafety](https://nj.gov/labor/covidsafety).



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# Daily Health Checks, Employers must:

- Prior to each shift, conduct **daily health checks**, such as temperature screenings, visual symptom checks, self-assessment checklists, and/or health questionnaires, consistent with [CDC guidance](#).
- Using [CDC guidance](#), stay appraised of the evolving list of COVID-19 related symptoms.
- Daily health checks of employees must be consistent with the **confidentiality requirements** of the [ADA](#), [LAD](#), and other applicable laws, and consistent with any guidance from the [Equal Employment Opportunity Commission \(EEOC\)](#) and the [New Jersey Division on Civil Rights](#).



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# How to and Who can File a Complaint under EO 192



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# How to File

## Private Sector Employees

- EO 192 violation intake form: <https://lwdwebpt.dol.state.nj.us/global>
- Information about EO 192 and related resources: [nj.gov/labor/covidsafety](https://nj.gov/labor/covidsafety)

## Public Employees

- Should use existing intake process under the PEOSH Act: <https://www.nj.gov/health/workplacehealthandsafety/peosh/compform.shtml>



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# Who Can File a Complaint

**A worker individually or a collective of workers**

**Worker representatives** – union and non-union alike – **can file a complaint on behalf of worker(s)** or if they themselves have witnessed non-compliance with EO 192.

NJDOL encourages **workers and their representatives to share their contact information** with the Department. Our investigations are **more effective for workers when can speak with the worker experiencing the unsafe conditions**. We protect workers' and their representatives' identity.

**Tip: Photos and videos can be taken to document unsafe working conditions.**



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# COVID-19 Benefits and Protections for Workers



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# When employees understand their rights and protections, it helps keep workplaces healthy and safe.

- Familiarize yourself with the COVID-19 federal and state benefits and protections, including paid leave and job protection, and **proactively share this information with workers.**
- If a worker is diagnosed with or exposed to COVID-19, and understands their rights and protections, they'll be **more likely to stay home – keeping the rest of the workforce safe.**



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# Top COVID-19 Benefits and Protections

- 1) Employees **can't be fired** for taking time off to get tested or quarantine if they have a note from a medical professional recommending this time off.
- 2) If an employee **needs time off** from work to test or quarantine, or because you're high risk, they could be eligible for **employer-paid and/or state cash benefits**.
- 3) Employers **can't discriminate** against employees for having COVID-19.
- 4) If an employee **needs to take time off to care for a loved one** with COVID-19, their job may be protected and they may be eligible for **state cash benefits**.



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1) Employers **can't fire their employee** for taking time off to get tested or quarantine if they have a note from a medical professional recommending this time off.

- New Jersey has a new law that prohibits an employer from firing or otherwise punishing an employee who requests time off or takes time off from work based on a medical professional's determination that the employee has, or is likely to have, COVID-19.
- The law only applies during the COVID-19 Pandemic and related Public Health Emergency and State Emergency.
- Enforced by NJDOL. **Learn more at [nj.gov/labor](https://nj.gov/labor).**
- An employee may also be eligible for job-protected leave under the **FMLA** ([USDOL](https://www.dhs.gov/eis-a-101) enforces this law).



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2) If an employee **needs time off** from work to test or quarantine, or because they're high risk, they could be eligible for **employer-paid and/or state cash benefits**.

- **NJ Earned Sick Leave**
  - employer pays / [NJDOL](#) enforces
- **Federal Emergency Paid Sick Leave**
  - employer pays / [USDOL](#) enforces
- **Temporary Disability Insurance benefits** (up to 26 weeks)
  - NJDOL: [myleavebenefits.nj.gov](https://myleavebenefits.nj.gov)
- **Pandemic Unemployment Assistance benefits**
  - NJDOL: [myunemployment.nj.gov](https://myunemployment.nj.gov)

Try our eligibility tool at [getstarted.nj.gov](https://getstarted.nj.gov) and learn more at [nj.gov/labor](https://nj.gov/labor)



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3) An employer **can't discriminate** against an employee for having COVID-19.

- Learn more about rights and protections against discrimination and bias-based harassment related to the COVID-19 pandemic and the [NJ Law Against Discrimination](#)
- Enforced by the NJ Division on Civil Rights: [njcivilrights.gov](https://www.njcivilrights.gov)



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4) If an employee **needs to take time off to care for a loved one** with COVID-19, their job may be protected and they may be eligible for **state cash benefits**.

- **NJ Family Leave Act:** up to 12 weeks of unpaid, job-protected leave
  - NJ Division on Civil Rights: [njcivilrights.gov](https://njcivilrights.gov)
- **NJ Family Leave Insurance benefits** (up to 12 weeks)
  - NJDOL: [myleavebenefits.nj.gov](https://myleavebenefits.nj.gov)
- **Pandemic Unemployment Assistance benefits**
  - NJDOL: [myunemployment.nj.gov](https://myunemployment.nj.gov)



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## Other benefits and protections to know about

**Workers' Compensation** (if worker contracts COVID-19 on the job) New law in NJ (SB 2380): creates a rebuttable presumption of workers' compensation coverage for COVID-19 cases contracted by "essential employees" during a public health emergency; seek counsel from WC attorney; learn more at [nj.gov/labor](https://nj.gov/labor)

**Mandatory remote learning:** benefits and protections for employees who can't work because their children are in mandatory remote learning. See [nj.gov/labor](https://nj.gov/labor) for more information.

**Return to work:** when employees are recalled to work or receive an offer of work they have questions about benefits and protections. See [nj.gov/labor](https://nj.gov/labor) for more info.



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# Other Resources



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# Resources


**Benefits and protections available in NJ can be confusing!**

In addition to the websites and resources available in this presentation, please refer workers with questions on their benefits and protections to:

[getstarted.nj.gov](https://getstarted.nj.gov)

*Available in English & Spanish in modern internet browsers (Chrome, Firefox, etc.).*

 OFFICIAL SITE OF THE STATE OF NEW JERSEY

 NEW JERSEY  
COVID-19 Information Hub

**Check your eligibility for different benefits by filling out this questionnaire.**

**Are you currently employed in New Jersey?**

☐ Yes

☐ No, I was laid off, furloughed, or am otherwise not receiving pay for my job in New Jersey.

☐ No, I work in another state

☐ No, I was laid off, furloughed, or am otherwise not receiving pay for my job in another state.

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# Resources

**Benefits and protections available in NJ can be confusing!**

This chart can be helpful for employees too:

COVID-19 SCENARIOS & BENEFITS AVAILABLE							
Worker needs time to care for others		PAID SICK TIME				After or instead of	NJ Law: Family Leave Insurance myleavebenefits.nj.gov
		Federal Emergency Law: Childcare FMLA* dol.gov	Federal Emergency Law: Paid Sick Leave* dol.gov	NJ Law: Earned Sick Leave mysickdays.nj.gov	Unemployment Insurance myunemployment.nj.gov		
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		✓	✓	✓	➡➡➡	✓
Worker is sick or loses work						After or instead of	NJ Law: Temporary Disability Insurance myleavebenefits.nj.gov
		Federal Emergency Law: Paid Sick Leave* dol.gov	NJ Law: Earned Sick Leave mysickdays.nj.gov	Unemployment Insurance myunemployment.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		✗	✗	✓		✗

Visit: [nj.gov/labor/worker-protections/earned-sick/covid.shtml](https://nj.gov/labor/worker-protections/earned-sick/covid.shtml)

*Available in English, Spanish, Arabic, Chinese, Gujarati, Haitian Creole, Hindi, Italian, Korean, Nepali, Polish, Portuguese and Punjabi*

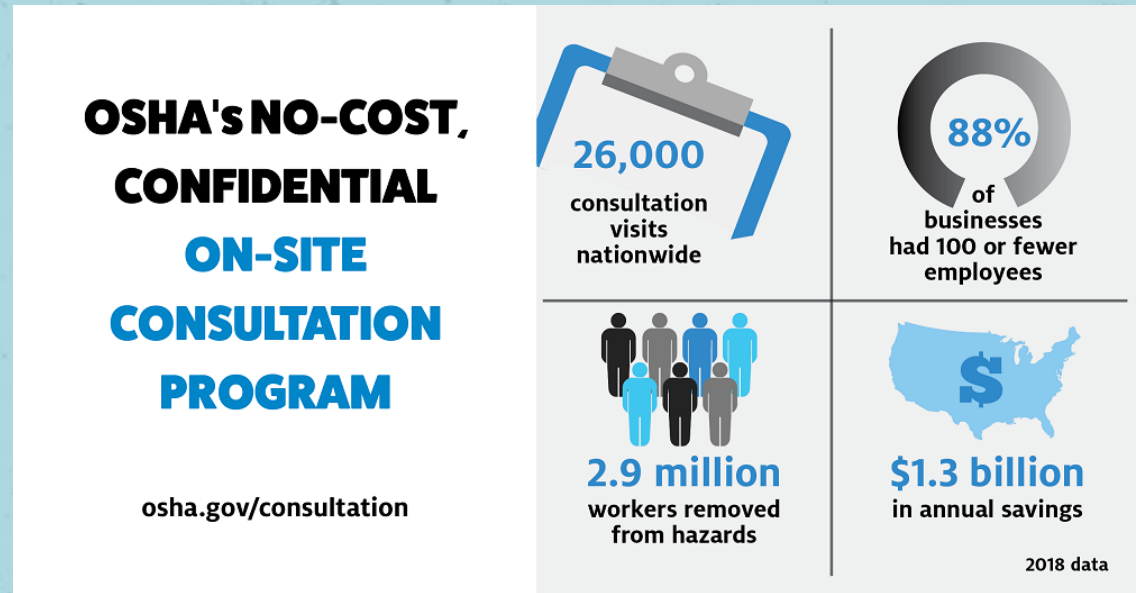


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# Resources

## For employers:

For help with EO 192 or other Occupational Safety and Health issues employers can contact, NJDOL OSHA On-Site Consultation for free, confidential assistance.



<https://www.nj.gov/labor/consultation>



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# Don't forget: Contact Tracing

An employee who has been diagnosed with or exposed to COVID-19 may receive communications from health authorities for contact tracing purposes.

**Encourage employees to help stop the spread**, and **answer** contact tracing phone calls and messages.

Information shared during contact tracing will:

**NEVER** be used for immigration or law enforcement

**NOT** negatively affect a person's public charge assessment

**NOT** be used to deny access to health care or any other essential service

Learn more about contact tracing here: <https://covid19.nj.gov/pages/testandtrace>



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# Questions?



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# Thank You!

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