



# LEGAL RIGHTS AND ECONOMIC RESOURCES FOR WORKERS IMPACTED BY THE CORONAVIRUS (COVID-19) PANDEMIC

## NEW YORK STATE

### Women Valued: Legal Rights and Economic Resources for Workers Impacted by the Coronavirus (COVID-19) Pandemic

The current health crisis has impacted individuals and families across the country and the globe. Because so many women work on the front lines of this crisis, women in particular are facing new burdens and costs.

As a worker, you may be facing new circumstances that have imposed additional financial hardship or you may work in a sector that has been uniquely or disproportionately impacted. For example, you may have to take time off from work to address the impact of the health crisis, you may have lost your job or had to close your business, you may be unable to work and earn an income, you may be working from home with children, or you may be working under hazardous conditions that increase your risk of exposure to the virus.

To help workers and families navigate these challenges and alleviate some of the financial hardship caused by the COVID-19 pandemic, below is an overview of potential legal protections, benefits, and resources.

**NOTE:** Different protections are being enacted at the national, state and local levels. It is important that you find out about what protections are available where you live. If you need assistance obtaining this information, contact your federal congressional representative, state governmental representatives or governor's office, or mayor's office or local council member. These individuals are elected officials in the government who are responsible for enacting laws and policies that cover your jurisdiction. To obtain the names and contact information for your representatives, visit: <https://www.usa.gov/elected-officials>.

### Do you need general guidance on how to stay safe during the COVID-19 pandemic?

See guidance from the World Health Organization on how to be safe at home and at work and how to keep your children safe: <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public>.

## Do you need to take time off from work to care for yourself, your child, or another family member?

If you need to take time off from work as a result of the COVID-19 pandemic, it is important that you consult your employer about applicable workplace policies and any new emergency benefits regarding paid leave and sick time that your employer may be providing during the crisis. Additionally, it is important that you educate yourself about federal, state and local benefits that you may be eligible to receive.

**Paid Sick Time:** under a new federal law called the Families First Coronavirus Response Act, you may be eligible to receive 80 hours (10 eight-hour days) of emergency sick time to care for someone who is sick from COVID-19, if you are quarantined, impacted by school closures, or caring for close family members who are similarly impacted. To qualify for benefits, you must work for an employer with less than 500 employees and exemptions may apply if you work for a small business or if you are a healthcare provider, an emergency care provider, or an emergency responder. For more information, visit:

<https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>.

**Emergency Paid Leave:** under the same federal law, you may be eligible to take 12 weeks of job protected emergency paid leave at partial wage replacement if your child's school or place of care has closed or childcare is unavailable as a result of the pandemic. To qualify for benefits, you must work for an employer with less than 500 employees and exemptions may apply if you work for a small business or if you are a healthcare provider, an emergency care provider, or an emergency responder. For more information, visit:

<https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>

**State and Local Laws:** many states and localities have passed similar or stronger protections and you can find out more about applicable protections in your state by contacting your state or local elected officials or representatives. See the note above to find your representative, governor, or mayor.

- **New York State:** If you are subject to an order of quarantine or isolation, depending on the size of your employer, you may qualify to receive 5-14 days of paid sick leave, job protection, guaranteed access to paid family leave at partial wage replacement, and short-term disability benefits. Benefits may not be available if you are able to work from home. For more information, visit: <https://www.governor.ny.gov/paid-sick-leave-covid-19-impacted-new-yorkers/emergency-covid-19-paid-sick-leave> or visit: <https://paidfamilyleave.ny.gov/COVID19>

Additionally, as of January 1, 2021, full-time and part-time employees in New York State will have a permanent right to paid sick days, and will be able to accrue between 40-56 hours of job protected leave per year depending on the size of their employer. Leave can be used to recover from illness, visit the doctor, care for a sick family member, or attend to certain medical needs related to domestic or sexual violence, stalking, or human trafficking.

## Do you need unemployment assistance after losing a job?

Unemployment insurance provides temporary income for eligible workers who lose their jobs through no fault of their own. To qualify, you generally must meet certain requirements. For example, many states require that you wait a certain period before receiving benefits; demonstrate that you worked and earned enough wages in covered employment; are ready, willing, and able to work; and actively looking for work during each week in which you are claiming benefits.

Under the federal CARES Act, the government is providing Supplemental Federal Pandemic Unemployment Compensation, providing a temporary benefit of \$600 per week for workers eligible for state or federal unemployment compensation benefits (through July 31, 2020). Under this legislation, states are now also permitted to expand eligibility for benefits to workers who previously were ineligible if unemployment is connected to COVID-19. Check with your state agency because you may qualify even if you are self-employed, an independent contractor, working in the gig economy, or unable to start a new job or contract due to the pandemic. For more information, visit:

<https://waysandmeans.house.gov/sites/democrats.waysandmeans.house.gov/files/documents/UC%20FAQ%20CARES%20Act.pdf>.

In light of the COVID-19 crisis, many states are also waiving certain requirements such as the waiting period and the federal government has extended unemployment benefits in certain qualifying states.

To apply for unemployment assistance and to find out about applicable waivers, contact your state department of labor. For more information, visit:

<https://www.dol.gov/general/topic/unemployment-insurance>.

**Immigrant Workers:** To qualify for unemployment benefits, generally, immigrant workers must have work authorization at the time they apply for benefits. Workers must generally have both work authorization and a Social Security number to receive benefits. For more information, visit: <https://www.nelp.org/publication/immigrant-workers-eligibility-unemployment-insurance/>.

- **New York State:** The state has waived the 7-day waiting period for unemployment benefits for individuals out of work due to COVID-19 closures or quarantines. You can apply for benefits through the NYS Department of Labor: <https://www.labor.ny.gov/unemploymentassistance.shtm>

## Did you lose your job as a direct result of COVID-19 but may not be eligible for unemployment insurance benefits?

The Disaster Unemployment Assistance program (DUA) provides unemployment benefits to individuals who have become unemployed as a direct result of a presidentially declared major disaster, who have been determined to be ineligible for regular unemployment insurance benefits.

Payment will be made to an unemployed worker who

- No longer has a job.
- Is unable to reach their place of work.
- Cannot work due to damage to the place of work.
- Becomes the head of the household and is seeking work (because former head of household died as a result of the disaster).
- Cannot work because of a disaster-incurred injury.

For information about your state program, eligibility, and where to apply:

<https://www.benefits.gov/benefit/597>

- **New York State**
  - For applications in New York State:  
<https://www.labor.ny.gov/secure/ui/disaster/form.shtm>
  - For more information visit the NY Department of Labor's DUA FAQ page:  
<https://www.labor.ny.gov/ui/claimantinfo/specialprovisions.shtm>

### **Are you sick or injured and in need of short term disability benefits or workers compensation?**

Certain states and localities provide disability benefits for eligible workers for off-the job injury or illness (short-term disability) and on-the-job injuries (worker's compensation) to cover a portion of lost wages and medical costs, which you may be eligible to receive if you are working and are sick or injured. To find out whether applicable disability and/or workers compensation protections are available in your state, contact your state or local elected officials or representatives. See the note above to find contact information for your representative, governor, or mayor.

- **New York State:** Employers must provide disability benefits to eligible workers for off-the-job injury or illness. Eligible employees can receive 50% of their average weekly wage capped at the maximum benefit allowed. If you are injured while working or become ill as the result of workplace conditions, you can qualify for workers' compensation, which is a form of insurance that covers a portion of your lost wages and medical costs connected with your workplace illness or injury to assist you while you recover from your injury. You can get more information or file a complaint with the NYS Workers' Compensation Board:  
<http://www.wcb.ny.gov/content/main/Workers/Workers.jsp>.

### **Are you a victim of domestic or sexual violence in need of assistance?**

Due to movement restrictions and quarantines, staying at home with intimate partners and family can prompt abusive behavior or exacerbate existing abuse. If you are the victim of domestic or sexual violence, or other forms of abusive conduct, services are still available and you should seek help. Shelters remain open and service providers continue to provide assistance. If you need assistance, contact a national hotline or reach out to local service providers.

- National Domestic Violence Hotline 1-800-799-7233 or text LOVEIS to 22522
- National Sexual Assault Hotline 1-800-656-4673
- Crisis Text Line: Text HOME to 741741 (for victims of abuse and any other type of crisis)
- Child Help National Child Abuse Hotline™ 1-800-422-4453
- Office on Women's Health Helpline 1-800-994-9662
- **New York:** New York State DV hotline: 1-800-942-6906
- **NYC:** Sanctuary for Families 24-hour hotline: 1-800-621-HOPE (4673).

### Are you having trouble with Housing & Utilities?

If you are having trouble making your rental or mortgage payments and are currently facing eviction or foreclosure, you may be subject to temporary relief from eviction depending on the type of loan you have or based on where you live. Many utility providers are not suspending services even for individuals who have outstanding unpaid bills. Note that halts on evictions and suspension of services do not suspend your payment obligations.

The federal Department of Housing and Urban Development (HUD) has suspended all foreclosures and evictions for single family homeowners with FHA-insured mortgages for the next 60 days. For more information, visit:

[https://www.hud.gov/press/press\\_releases\\_media\\_advisories/HUD\\_No\\_20\\_042](https://www.hud.gov/press/press_releases_media_advisories/HUD_No_20_042).

**State and Local Action:** Certain states have taken similar and stronger action, suspending foreclosures and evictions in the housing and rental markets. To find out more about applicable protections in your state, contact your state or local elected officials or representatives. See the note above to find your representative, governor, or mayor.

- **New York State:** The Governor has issued a 90-day moratorium for all residential and commercial tenants, which is expected to last until at least June 20, 2020, which applies to pending orders in housing court.

### Do you need help caring for your children?

Many states and localities are expanding childcare options and childcare subsidies to assist workers during this time. Public school systems in some jurisdictions are also providing free meals to children as well as resources so that children can learn at home while their schools are closed.

To find out what resources are available, contact your local department of education or your state or local elected officials or representatives. See the note above to find your representative, governor, or mayor.

- **New York City:** The NYC Department of Education will make available three meals a day to all NYC children to be distributed at more than 400 sites across the city. For more information on free meals, visit: <https://www.schools.nyc.gov/freemeals>. For more information on learn from home resources, visit: <https://www.schools.nyc.gov/alerts/nyc-public-schools-will-close-starting-monday-march-16-2020>.

## Are you an emergency or essential worker on the front lines?

**Health and Safety:** If you are an emergency or essential worker, who is continuing to work during this crisis, you deserve protection from infectious disease on the job. If you are reporting to a physical workplace, you can request that your employer provide any necessary protective gear or equipment, like masks, gloves, cleaning solutions and materials, to safeguard against transmission of the virus. For resources on health and safety, visit: <https://www.osha.gov/> and <https://nationalcosh.org/coronavirus>.

**Hazard Pay:** If you are an emergency or essential worker, you deserve hazard pay, which is additional compensation for the risks you are taking working during this pandemic. If you are not receiving such pay from your employer, contact your local representative to ask whether such benefits are available from the government or ask that your representative advocate for these benefits. You can also advocate through your union if you have one.

**Child Care:** Note that certain states and localities are providing child care for first responders, emergency workers, health care professionals, and other individuals who must continue to work during this crisis. For example, Oregon public schools and New York City Enrichment Centers will provide child care for the above categories of workers.

- **New York City:** The City will provide supervision of children of healthcare worker, first responders, transit workers, and other essential workers at Regional Enrichment Centers. For more information, visit: [https://www.schools.nyc.gov/enrollment/enrollment-help/regional-enrichment-centers?fbclid=IwAR30MhHBzWRDOYCF4cZ2V9kSJ8l\\_s0S-4LAcPPQXpy8E3z72AxYn39y9R2k..](https://www.schools.nyc.gov/enrollment/enrollment-help/regional-enrichment-centers?fbclid=IwAR30MhHBzWRDOYCF4cZ2V9kSJ8l_s0S-4LAcPPQXpy8E3z72AxYn39y9R2k..)

To find out about applicable protections in your state, contact your state or local elected officials or representatives. See the note above to find your representative, governor, or mayor. If such protections are not in place, ask your representative to advocate for these benefits. For more information about Oregon's model, visit: <https://oregonearlylearning.com/COVID-19-Resources>.

## Do you think that your employer is violating the law?

You have the right to work in an environment free of hazards that could cause you serious physical harm and you may be entitled to certain benefits like paid leave or sick time. If your employer is not providing a right or benefit mandated under the law, you generally should be able to file a complaint with the government agency responsible for administering the benefit.

You also have the option to engage in collective action. Employees covered under the National Labor Relations Act have the right to join together to improve wages and working conditions with or without a union. If you are covered under this law – and many workers are – you are protected under the law if you engage in concerted activity to demand workplace health and safety. Your state may provide additional protections covering collective action.

Note that in most cases, employers are prohibited from engaging in “retaliation” (punishing you) for asserting your legal rights.

**Do you work in an industry that has been disproportionately hurt by the health crisis and need financial assistance?**

**Restaurant Workers:** Are you a restaurant worker who has lost a job or been financially impacted by this crisis? The Restaurant Opportunities Center United, is working to provide relief and resources to restaurant workers impacted by the COVID-19 crisis. For more information, visit: <https://rocunited.org/>.

**Domestic Workers:** As a result of the crisis, many domestic workers are unable to work or need more guidance on whether they can and should continue working. The National Domestic Workers Alliance is providing emergency assistance to domestic workers. For more information, to apply, or to donate, visit: <https://www.domesticworkers.org/>.

**Healthcare Workers:** Are you a healthcare worker on the frontlines of this crisis? For more information about how to protect yourself, visit: <https://www.cdc.gov/coronavirus/2019-ncov/hcp/index.html>. If you provide homecare or hospice services, you can provide guidance here: <https://www.nahc.org/resources-services/coronavirus-resources/>.

**Small Business:** If you are a small business that has been negatively impacted, your local or state government may provide relief to small businesses seeing a reduction in revenue. Contact your state or local elected officials or representatives to see if such benefits are available.

- **New York City:** For assistance for small businesses in NYC, visit: <https://www1.nyc.gov/site/sbs/businesses/covid19-business-outreach.page>.

Contact your state or local elected officials or representatives to advocate for hazard pay, child care benefits, broader unemployment benefits, stronger health and safety protections, small business protections, and other resources.

**Legal Momentum's Helpline:** If you are experiencing sex discrimination and challenges to your physical and economic rights in the workplace, home or school, contact our Helpline, a legal resource that provides information, assistance, and referrals to women and girls.

**EMAIL** us at [Help@LMHelpline.org](mailto:Help@LMHelpline.org) or **CALL** us at 971-353-4251

For more comprehensive guidance regarding your legal rights pertaining to workplace equality and economic security, see our Legal Toolkit:

<https://www.legalmomentum.org/programs/women-valued-initiative/legal-toolkit-womens-economic-equality>.

*Note that this resource is for informational purposes and is not intended to provide legal advice.*