

**KNOW YOUR  
RIGHTS  
IN THE WORKPLACE:**

**COVID-19**



# **Know Your Rights in the Workplace: COVID-19**

## ***Updated March 26, 2020***

Connecticut has declared a public health and civil preparedness state of emergency related to COVID-19. For up to date alerts and information, please visit <https://portal.ct.gov/coronavirus>.

If you have a question that is not addressed on the website, call 2-1-1 for further assistance. The information line is available 24 hours a day and includes multilingual assistance and TDD/TTY access.

During this time, it's critical that every worker in our state knows their rights in the workplace. If you or someone you know need assistance, call CWEALF's free [Legal Education Information & Referral line](#): 860-524-0601 or [email](#). ¡Se habla español!

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For general questions/information: contact [cwealf@cwealf.org](mailto:cwealf@cwealf.org)

## What Programs are Available to Me?

Program	Size of Employer	Eligibility	Situation	Benefit
<a href="#">Unemployment Insurance (UI)</a>	N/A	<p>Workers of <b>all</b> employer sizes are eligible to file for Unemployment Insurance.</p> <p>During this time, DOL also asks contractors and self-employed workers (who are normally not eligible for UI) to file a claim and they will make a determination based on eligibility.</p> <p>An individual must be physically and mentally able for full time work and ready to return to work in order to qualify for unemployment benefits, unless the individual has a note from a physician stating that the individual is only available for part time work.</p>	<p>If you are laid off, quarantined, furloughed, or are taking care of yourself or your family members because of COVID-19.</p> <p>Unemployment Insurance can be temporarily used during this time. The requirement to look for work has been temporarily waived.</p>	<p>Benefits are typically determined by the amount of wages earned during the base period, which is based on the first four of the last five completed quarters.</p> <p>In most cases, workers can collect benefits for 26 weeks.</p> <p>The amount of benefits workers receive each week is calculated based on 1/26 of the average total wages paid during the two highest quarters in the base period.</p> <p><a href="#">For more information, click here</a> (page 8-9)</p>
<a href="#">Paid Sick Leave</a>	50+ employees	<p><b>Service workers</b> that are paid on an hourly basis or are not exempt from minimum wage and overtime requirements.</p> <p>To see a full list of what is considered a service worker, <a href="#">click here</a>. (starts on slide 7)</p>	<p>If you become sick with a <b>short term</b> illness or if your spouse or child is sick with a short term illness.</p> <p>Workers can also use paid sick days to access preventive care, or seek assistance related to family violence or sexual assault.</p>	<p>Eligible workers accrue 1 hour of paid sick leave for every 40 hours worked and can take a maximum of 40 hours (<b>5 days</b>) of paid sick leave per year.</p> <p>Workers receive their normal rate of pay.</p>

<a href="#">Family &amp; Medical Leave Act (FMLA)</a> - federal unpaid leave	50+ employees	Employees who have worked for their employer for <b>at least 12 months</b> and have worked at least <b>1,250 hours</b> during that time.	To recover from <b>longer term</b> illnesses or surgery, to care for an ill loved one with a serious illness, or to welcome a new child.	Provides up to <b>12 weeks</b> of unpaid, job protected leave in a 12 month period
<a href="#">Family &amp; Medical leave Act (FMLA)</a> - state unpaid leave	75+ employees	Employees who have worked for their employer for <b>at least 12 months</b> and <b>1,000 hours</b> during that time.	To recover from <b>longer term</b> illnesses or surgery, to care for an ill loved one with a serious illness, or to welcome a new child.	Provides up to <b>16 weeks</b> of unpaid, job protected leave in a 2 year period
<a href="#">Families First Coronavirus Response Act (FFCRA)</a>	Less than 500 employees	<p>Emergency paid sick leave is available for <b>immediate use</b> by the employee, regardless of how long the individual has been employed by the employer.</p> <p>Public health emergency leave is available for employees who have been employed for <b>at least 30</b> calendar days.</p>	<p>Employees can take emergency paid sick leave to obtain a medical diagnosis or care if they are experiencing COVID-19 symptoms; to care for a family member who is self-isolating because of diagnosis or symptoms; to care for a child if their school or place of daycare is closed; or if they are experiencing any other substantially similar condition to COVID-19.</p> <p>Workers can utilize public health emergency leave if they are unable to work (or tele work) to care for a child under the age of 18 if the school or place of care is closed due to COVID-19.</p>	<p>Workers are eligible for up to <b>80 hours (10 work days)</b> of emergency paid sick leave.</p> <p>Workers using emergency paid sick leave will receive either their full paycheck or 2/3 of their paycheck depending on their reason for leave.</p> <p>Workers are eligible for up to <b>12 weeks</b> of public health emergency leave and will receive <math>\frac{2}{3}</math> of their weekly earnings. Note: the first 10 days of public health emergency leave is unpaid.</p>

**\*\* Note:** your employer may provide their own short-term disability leave or other form of paid time off. We recommend you check with your employer, HR department or employee manual for more information on what is available to you.

# [Connecticut Law: Unemployment Insurance, Paid Sick Leave, FMLA](#)

## **1. Unemployment Insurance (UI)**

Connecticut has waived work-search requirements for unemployment claimants during the COVID-19 public health crisis. Employees that are furloughed, laid off, quarantined, or taking care of themselves or their family members because they are sick, can possibly apply for unemployment insurance.

\*Note: school employees who might otherwise be ineligible for unemployment during school breaks or summer vacation are eligible for UI if they are furloughed or laid off because of school closings. Contractors and self-employed workers are generally not eligible for unemployment insurance; however, during this time the Department of Labor asks that they file a claim and a determination will be made based on their eligibility.

### **More information:**

- [To file an unemployment insurance claim, click here.](#)
- [To learn how to apply for unemployment insurance, whether you are eligible for the program and more information specific to COVID-19, click here.](#)
- [For additional information about unemployment insurance, click here.](#)

## **2. Paid Sick Leave**

Eligible workers can take paid sick days to recover from a short-term illness or to care for a sick child or spouse. Workers can also use paid sick days to access preventive care, or seek assistance related to family violence or sexual assault.

### **Who can take paid sick leave & how much?**

- Connecticut's paid sick leave law applies to workplaces with 50 or more service workers. The law provides a detailed definition of "service worker", which also includes those who are paid on an hourly basis or are not exempt from minimum wage and overtime requirements.
- The statute provides a comprehensive list of classifications that qualify as service workers and additional occupations and descriptions are provided on the [Bureau of Labor Statistics website](#). Service workers do not include day or temporary workers, or individuals that work on a per diem, irregular, or occasional basis. For example, the definition of service worker includes a local librarian; however, someone who works at a small tech firm with 15 employees is likely not covered.
- Paid sick leave is accrued on an annual basis. Employees accrue 1 hour of paid sick leave for every 40 hours worked, (not including vacation, sick time or any other leave) with a maximum of 40 hours (5 days) per year.

### **How much money will workers receive while taking paid sick leave?**

- Employers must pay service workers for paid sick leave the hourly wage for their job, or the minimum fair wage rate in effect for the pay period during which the employee used paid sick leave. Overtime and commissions are not included as "normal hourly wage." Service workers who earn tip credit are paid minimum wage for any paid sick leave hours used.
- Note: your employer may provide their own short-term disability leave or other form of paid time off. We recommend you check with your employer, HR department or employee manual for more information on what is available to you.

[For additional information and resources on the law, click here.](#)

### **3. Family and Medical Leave Act (Connecticut & Federal)**

Workers might also be eligible for *unpaid*, job protected leave through the Connecticut and federal Family and Medical Leave Act (FMLA) to recover from *longer term* illnesses or surgery, to care for an ill loved one with a serious illness, or to welcome a new child.

#### **Who can take unpaid family and medical leave & how much?**

- Federal FMLA applies to all employers with 50 or more employees. Federal FMLA provides eligible workers up to 12 weeks of leave during a 12 month period. Workers are eligible for federal FMLA if they've worked at their employer for at least for 12 months and have worked at least 1,250 hours.
- Connecticut FMLA applies to employers with 75 or more employees. Under Connecticut's FMLA, workers can take up to 16 weeks of leave within a two year period. Workers are eligible if they've worked for their employer for at least 12 months and 1,000 hours.
- If you are eligible for both programs, the general rule is to follow the program that is more favorable to the employee.

#### **How much money will workers receive while taking unpaid leave?**

- Both Connecticut & federal FMLA provide unpaid leave; however, workers are entitled upon return from leave to be restored to their job position or to an equivalent position with equivalent employment benefits, pay, and other terms/conditions of employment.
- Note: your employer may provide their own short-term disability leave or other form of paid time off. We recommend you check with your employer, HR department or employee manual for more information on what is available to you.

[For additional information and resources on FMLA, click here.](#)

#### Paid Family and Medical Leave

In 2019, Connecticut passed P.A. 19-25 to create a paid family and medical leave system; however, **workers will not begin to receive paid leave benefits until January 2022**. Payroll contributions to the program will begin in January 2021. Similar to FMLA, workers will utilize paid family and medical leave to recover from serious chronic or long-term illnesses, to care for a seriously ill loved one, or welcome a child. For more information on Connecticut's upcoming paid family and medical leave program, [click here](#).

### **Federal Law: Families First Coronavirus Response Act (FFCRA)**

The Families First Coronavirus Response Act (H.R. 6201) will take effect on April 2, 2020 and sunset on December 31, 2020. The law includes emergency paid sick leave and public health emergency leave.

#### ***Emergency Paid Sick Leave:***

Employees can utilize emergency paid sick leave to obtain a medical diagnosis or care if they are experiencing COVID-19 symptoms; to comply with a recommendation from a public health official; to care for a family member who is self-isolating because of diagnosis or symptoms; to care for a child if their school or place of daycare is closed; or if they are experiencing any other substantially similar condition to COVID-19.

#### **Who can take emergency paid sick leave & how much?**

- Employees who work for an employer of 500 or less are eligible for up to 80 hours (10 work days) of emergency paid sick leave to deal with COVID-19.
- Emergency paid sick leave is available for immediate use by the employee, regardless of how long the individual has been employed by the employer.
- An employer of a worker who is a health care provider or an emergency responder may elect to exclude such worker from these emergency paid sick leave requirements.
- Businesses with less than 50 employees may apply to the federal Department of Labor to be exempt from the law due to hardship.

### **How much money will workers receive while taking emergency paid sick leave?**

Workers using emergency paid sick leave must be paid the greater of: their regular rate of pay; the federal minimum wage; a state minimum wage where they are employed; or a local minimum wage where they are employed. Wage replacement is capped at \$511 per day and \$5,110 total.

Workers who utilize emergency paid sick leave to care for a family member, to care for a child whose school or daycare is closed due to COVID-19, or if they are experiencing substantially similar symptoms to COVID-19 will receive  $\frac{2}{3}$  of this amount, capped at \$200 per day and \$2,000 total.

### ***Emergency Family & Medical Leave Expansion:***

FFCRA amends the federal Family and Medical Leave Act (FMLA) to include paid leave related to the COVID-19 public health emergency. Workers can access emergency public health emergency leave only if they are unable to work (or telework) due to a need for leave to care for a child under the age of 18 if the school or place of care is closed due to COVID-19.

### **Who can take public health emergency leave & how much?**

- Employees who work for an employer of 500 or less who have been employed for at least 30 calendar days can take public health emergency leave. An employer of a worker who is a health care provider or an emergency responder may elect to exclude that worker from public health emergency leave as provided in the FFCRA.
- Businesses with less than 50 employees may apply to the federal Department of Labor to be exempt from the law due to hardship.
- Workers are eligible for up to 12 weeks of leave for purposes outlined in the FFCRA.

### **Is a worker's job protected while they are out on public health emergency leave?**

- Job protection is included for workers who utilize public health emergency leave; however, an employer with less than 25 employees does not have to restore a worker who took public health emergency leave to their position if *all* of the following apply:
  - The position held by the worker when the leave began no longer exists due to changes in economic/operating conditions caused by COVID-19;
  - The employer made a reasonable effort to restore the employee to an equivalent position with equivalent benefits, pay, and employment terms/conditions; and
  - The reasonable effort to restore the worker fails, the employer makes reasonable efforts for a period of 1-year to contact the individual if an equivalent position becomes available.

### **How much money will workers receive while taking public health emergency leave?**

- The first 10 days of public health emergency leave may be unpaid. During these 10 days, an employee may elect to substitute any accrued vacation, personal, medical, or sick leave (including emergency paid sick leave as also included in the law).
- After the first 10 days of leave, workers will receive  $\frac{2}{3}$  of their weekly earnings, capped at \$200 per day/\$10,000 total.

### **More information:**

- [For guidance from the U.S. Department of Labor on FFCRA, click here.](#)
- [For additional information from CWEALF's national partners, A Better Balance, click here.](#)

**Additional resources on COVID-19:**

- [Frequently Asked Questions on the state of Connecticut's actions related to COVID-19](#)
- Access Health CT: [New Special Enrollment Period in Response to COVID-19](#)
- Center for Disease Control and Prevention: [COVID-19 Frequently Asked Questions](#)
- Children's Bureau: [COVID-19 Resources](#)
- Connecticut Coalition to End Homelessness: [COVID-19 & Homelessness Resource Guide](#)
- Connecticut Department of Social Services: [DSS Response to COVID-19](#)
- Connecticut Fair Housing Center: [COVID-19 Related Fact Sheets & Information](#)
- Hartford Courant: [Coronavirus crisis resources in Connecticut](#)
- Hayber, McKenna & Dinsmore: [Emergency Family and Medical Leave Expansion Act](#)
- Hayber, McKenna & Dinsmore: [What is the Emergency Paid Sick Leave Act?](#)
- IRS: [Coronavirus Tax Relief](#)
- National Alliance on Mental Illness: [COVID-19 \(Coronavirus\) Information and Resources](#)
- Public Utilities Regulatory Authority (PURA): [PURA Directs Utilities to Cease Residential Shut-offs During COVID-19 Outbreak](#)



Contact: [cwealf@cwealf.org](mailto:cwealf@cwealf.org)

For legal assistance, contact CWEALF's free [Legal Education Information & Referral line](#): 860-524-0601 or contact us through [email here](#).

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