

# WILENTZ

—ATTORNEYS AT LAW—

WILENTZ, GOLDMAN & SPITZER, P.A.

## COVID-19 Scenarios and Employment Benefits Available - Updated

04/01/20

The [New Jersey Department of Labor](https://www.nj.gov/labor) has released a revised chart to guide employees with COVID-19-related issues.

		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
<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>						
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)

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.dol.gov) 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 flier is meant to give a general picture of benefits and rights available in certain COVID-19 work-related situations. Documentation may be required.



NJ.GOV/LABOR

LAST UPDATED: 3.30.2020

The chart is intended only as a guide. For specific COVID-19-related employment questions, please contact [Tracy Armstrong](#) or any other member of our Employment Law Team at 732-313-2323.

**Attorney**

- Tracy Armstrong

**Practice**

- Employment Law