

# **Paid Leave & Unemployment during the COVID19 crisis**

- **Yarrow Willman-Cole, NJ Time to Care Coalition, New Jersey Citizen Action Workplace Justice Program Director.**

**[yarrow@njcitizenaction.org](mailto:yarrow@njcitizenaction.org), 973-368-5112**

- **NJ Earned Sick Days**
- **Federal Paid Sick Days & Emergency FMLA**
- **NJ Family Leave Insurance**
- **NJ Temporary Disability Insurance**
- **Unemployment Insurance**
- **Overview**
- **Share your Story & Resources**



# NJ Earned Sick & Safe Days

- Requires all NJ employers to provide 5 job-protected, paid sick days (40 hours) a year, currently employers can require you earn them: *30 hr worked = 1 hr ESD*
- Permitted uses include for **one's own health**, **caring for loved ones**, to address issues related to **domestic or sexual violence** for work and school closures bc of **public health emergency** and now for **isolation** or **quarantine** when recommended by a provider or public health official as a result of suspected exposure to a communicable disease, or to care for a family member under recommended or ordered **isolation** or **quarantine**.

# NJ Earned Sick & Safe Days

Department of Labor & Workforce Development

mysickdays.nj.gov

Home  
🏠

File or Access Your  
Claim ▾

Worker  
Protections ▾

Career  
Services ▾

Employer  
Services ▾

Research &  
Information ▾

About  
Us



Save

EARNED SICK LEAVE  
Don't worry –  
you're covered!

Earned Sick Leave is now the law  
in New Jersey.

# Federal Paid Sick Days for Public Health Emergencies

- Starting April 1, Employers required to pay 80 hours of paid sick time for reasons related to COVID19 when the worker is:
  - complying with Federal, State, or local quarantine or isolation order;
  - advised by a health care provider to self-quarantine/;
  - experiencing symptoms and is seeking a medical diagnosis;
  - caring for an individual subject to self-quarantine or seeking diagnosis;
  - caring for a child whose school or place of care is closed
- Employer must pay the regular rate up to a maximum payment of **\$511 per day/\$5,110 total for self-care** or **2/3 wage up to \$200 per day/\$2,000 total for family care.**
- Employers will receive **100% payroll tax credit** ([www.irs.gov/coronavirus](http://www.irs.gov/coronavirus))
  - Employers with over 500 employees exempt
  - Some small business /w under 50 ee exempt from providing leave for kids' school closings
  - Paid sick days pay also available to self-employed via tax credit

# Emergency Family & Medical Leave Act Expansion

- Employer required to provide 10 weeks of job-protected leave when an employees unable to work/telework because the employee's child's school or place of care is closed.
- Covers employees who have been employed for at least 30 days prior to their leave request.
- Employer must pay worker 2/3 of their wage, up to \$200 per day/\$12,000 total.
- Employers will receive 100% payroll tax credit (incl' health insurance)
  - Employers with over 500 employees exempt
  - Some small business /w under 50 ee exempt

# Federal Paid Sick Leave & Expanded FMLA under FFCRA

## EMPLOYEE RIGHTS

### PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

#### ► PAID LEAVE ENTITLEMENTS

**Generally, employers covered under the Act must provide employees:**

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- $\frac{2}{3}$  for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at  $\frac{2}{3}$  for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

#### ► ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Employees who have been employed for at least 30 days* prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

# NJ Family Leave Insurance

---

- Provides workers with 66% of average weekly wage up to \$667/week till July when it provides 85% of wages up to \$881
- Can be used to bond with a new child and care for a seriously ill loved one, including caring for a family member diagnosed with or suspected of exposure to a communicable disease (**isolation** or **quarantine**).
- Is available for only 6 weeks currently but in July it doubles to 12 consecutive weeks or 56 days.
- To be eligible must have worked 20 weeks and earned \$200 in those 20 weeks or at least \$10,000 in approx. the last 18 months in any NJ employment.

# NJ Temporary Disability Insurance

---

- Provides workers with 66% of average weekly wage up to \$667/week till July when it provides 85% of wages up to \$881
- Can be taken for any any medical reason that prevents you from working and is certified by a medical care provider, includes pregnancy. Recent expansion includes self-**isolation** or **self-quarantine** related to COVID19.
- Eligibility is the same as for FLI (20 weeks, \$200/wk or \$10,000)
- Up to 26 weeks in a 12 month period



# NJ Family Leave & Temporary Disability Insurance

Department of Labor and Workforce Development



Division of Temporary Disability and Family Leave Insurance

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

[Home](#)  
🏠

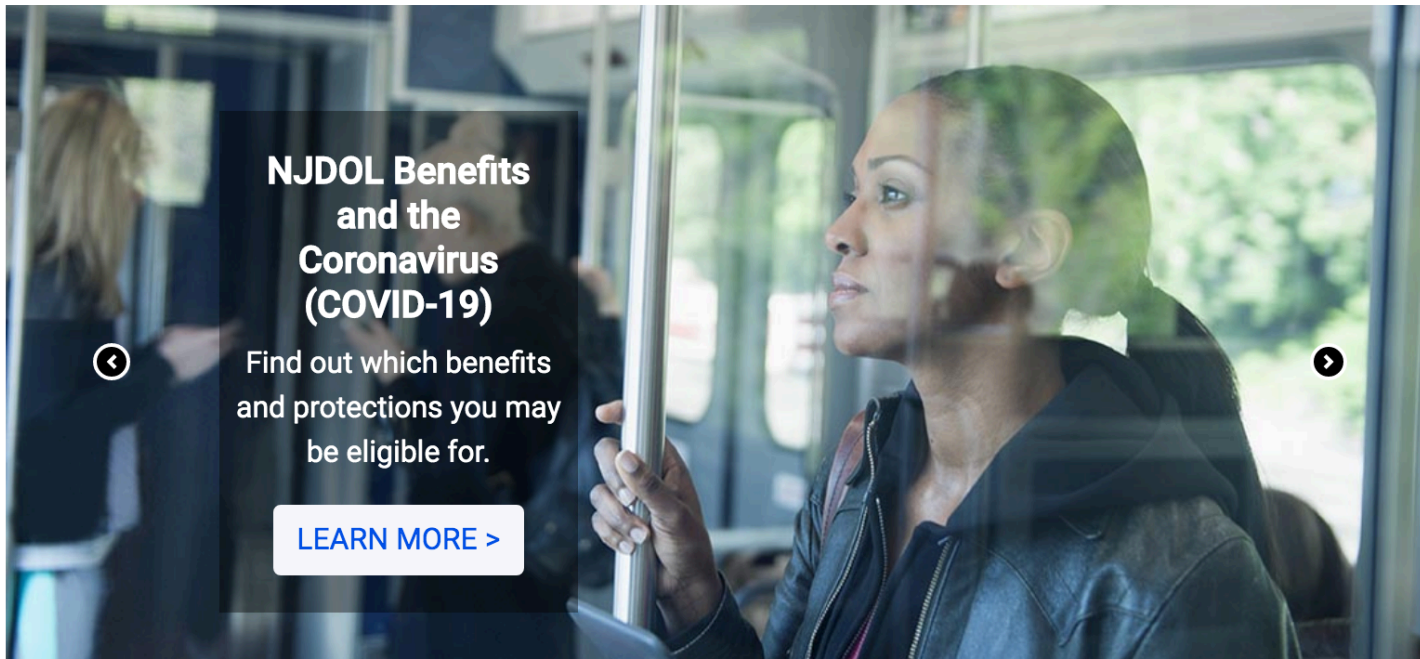
[Information for Workers](#) ▾

[Information for Employers](#) ▾

[Information for Healthcare Providers](#) ▾

[About Our Programs](#) ▾

[Need Help?](#) ▾



## NJDOL Benefits and the Coronavirus (COVID-19)

Find out which benefits and protections you may be eligible for.

[LEARN MORE >](#)

### Attention Customers:

During these difficult times we **strongly** recommend filing online to ensure your application is reviewed in a timely manner.

**Welcome! How Can We Help?**

# Job Protection

- Governor Murphy signed into law March 20 A3848: During the current Public Health and declared State of Emergency, employers are **prohibited from terminating** (or refusing to reinstate) an employee if they request or take time off work based on the recommendation from a medical professional stating that the employee has or is likely to have an infection disease.
- Employers are prohibited from discharging, disciplining, or otherwise discriminating or retaliating against an employee who takes federal paid sick leave or expanded FMLA leave under the FFCRA.

[www.dol.gov/agencies/whd/fmla/pandemic](http://www.dol.gov/agencies/whd/fmla/pandemic)  
[www.njtimetocare.org/njjobprotections](http://www.njtimetocare.org/njjobprotections)

# NJ Unemployment Insurance

---

- **Provides workers 60% of avg. weekly wage (or more if you have dependents) with a weekly benefit cap of \$713, .**
- **The federal stimulus will begin to provide an additional \$600/week as early as next week\*.**
- **Unemployment is available in NJ for 26 weeks but the federal stimulus will allow an additional 13 weeks of benefits = 39 weeks. This would be for people who have exhausted unemployment in the past 8 months.**
- **Eligibility is the same as for TDI & FLI (20 weeks, \$200/wk or \$10,000)**
- **Can apply for UI with reduced/lost hours, you must work less than 80% of normal hours. And some self-employed who get a W2 can apply for UI.**

# Expanded Unemployment Insurance

---

- **For workers not eligible for regular unemployment** (self-employed, freelancers, independent contractors, seeking part-time employment, those who do not have sufficient work history)
- **Paid at one-half of state average benefits plus \$600/week. federal payment.**
- **Applicants will need to provide self-certification that they are (1) partially or fully unemployed, OR (2) unable and unavailable to work because of COVID19 related reasons**
- **To be eligible for any type of UI, you must be work authorized when you apply for the benefits and you must have been work authorized when you lost your job.**

# NJ Unemployment Insurance

Be sure to visit the website with important info for claiming benefits due to the coronavirus:

<https://myunemployment.nj.gov/labor/myunemployment/covidinstructions.shtml>

To ensure the continued stability of our online application, **please claim your weekly benefit according to the UPDATED schedule below (as of Friday, March 27).**

*(If you are filing a new claim or reopening an existing claim, you can do so online anytime.)*

If the last 4 digits of your Social Security Number are between:

**0000 and 1250** access the application between **8am and 9am**

**1251 and 2500** access the application between **9am and 10am**

**2501 and 3750** access the application between **10am and 11am**

**3751 and 5000** access the application between **11am and 12pm**

**5001 and 6250** access the application between **12pm and 1pm**

**6251 and 7500** access the application between **1pm and 2pm**

**7501 and 8750** access the application between **2pm and 3pm**

**8751 and 9999** access the application between **3pm and 4pm**

**Regardless of the time you claim your benefit, your payment will be processed overnight.**

*If you miss your designated window, you may certify from 4pm to 7pm.*



# NJ Unemployment Insurance

Division of Unemployment Insurance

myunemployment.nj.gov

Home  
🏠

Before You  
Apply ▾

If You Already Filed a  
Claim ▾

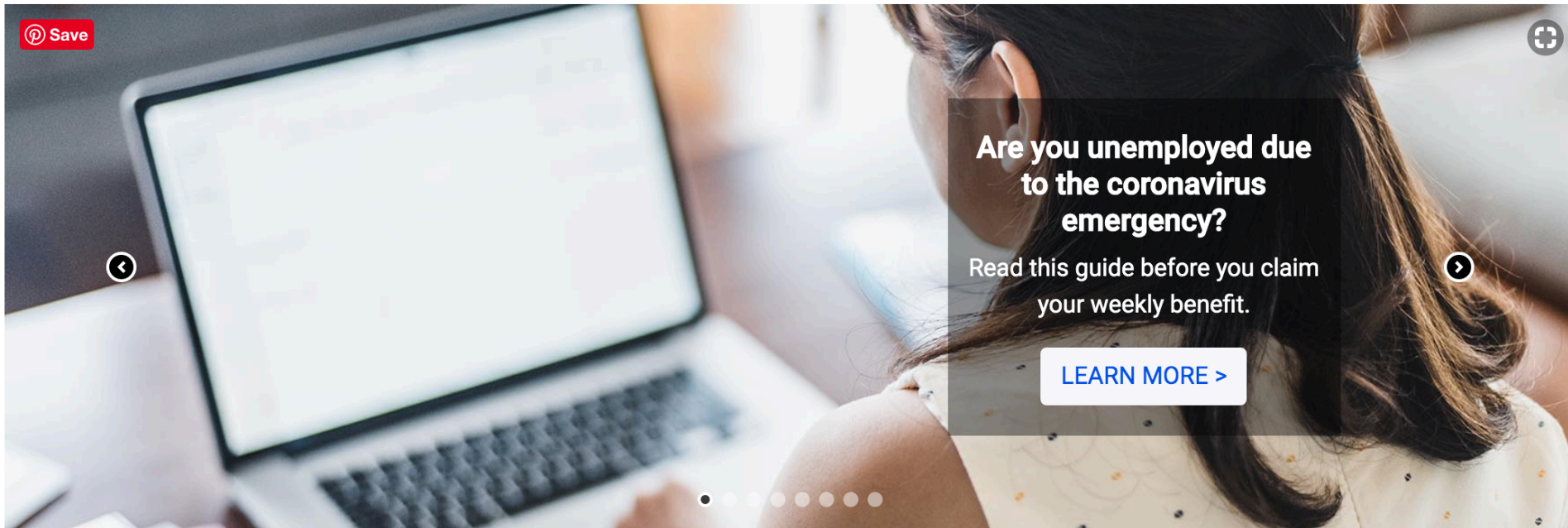
Tools for  
Jobseekers ▾

Tools for  
Employers ▾

Appeals  
▾

Need Help?  
▾

FILE A CLAIM: 👤+ New users register here   ➡ Existing users login here



# Overview of NJ's Benefits

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

<https://www.nj.gov/labor/assets/PDFs/FamiliesFirstCoronaResAct.pdf>

COVID-19 SCENARIOS & BENEFITS AVAILABLE		PAID SICK TIME				
Worker needs time to care for others	Federal Emergency Law: Childcare FMLA* <a href="http://dol.gov">dol.gov</a>	Federal Emergency Law: Paid Sick Leave* <a href="http://dol.gov">dol.gov</a>	NJ Law: Earned Sick Leave <a href="http://mysickdays.nj.gov">mysickdays.nj.gov</a>	Unemployment Insurance <a href="http://myunemployment.nj.gov">myunemployment.nj.gov</a>	After or instead of	NJ Law: Family Leave Insurance <a href="http://myleavebenefits.nj.gov">myleavebenefits.nj.gov</a>
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		Federal Emergency Law: Paid Sick Leave* <a href="http://dol.gov">dol.gov</a>	NJ Law: Earned Sick Leave <a href="http://mysickdays.nj.gov">mysickdays.nj.gov</a>	Unemployment Insurance <a href="http://myunemployment.nj.gov">myunemployment.nj.gov</a>	After or instead of	NJ Law: Temporary Disability Insurance <a href="http://myleavebenefits.nj.gov">myleavebenefits.nj.gov</a>
3 Worker who has COVID-10, 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](http://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 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

## What is the best order in which to use the new federal emergency leaves, expanded Unemployment Insurance benefits, and my NJ benefits/protections?

It depends on your particular situation. Here are some likely scenarios and orders of usage, assuming you are a full-time worker, covered under both the federal and state paid leave laws. It's important to think through your individual situation - your wages, other employer-provided paid time off and benefits, such as health insurance - before making these decisions. See [nj.gov/labor](http://nj.gov/labor) for information on all of NJ's laws and programs, including Unemployment Insurance.

**I can't work because I have to watch my children due to school/child care closure or unavailability of child care.**



1. **80 hours of Federal Emergency Paid Sick Leave.** Your employer pays you for this. This will expire at the end of the year and not roll over. Keep in mind it is at 2/3 your rate of pay and capped at \$200 a day and a total of \$2,000. You can also use it as your two weeks of unpaid emergency childcare leave (#3 below.)
2. **Up to one week of NJ Earned Sick Leave,** if you have any left in this benefit year (workers can earn up to 40 hours; one hour accrued for every 30 hours worked). Your employer pays you for this. You can take this now, use it as your two weeks of unpaid emergency childcare leave (#3, below), or save it for later in the year. Your NJ sick leave can be rolled over into the next year or bought back by your employer and is at your regular rate of pay.
3. **12 weeks of Federal Emergency Expanded Family & Medical Leave.** Your employer pays you for this. The first two weeks are unpaid and the remaining 10 weeks are at 2/3 your rate of pay and capped at \$200 a day and a total of \$10,000. If you've already taken your emergency paid sick leave and NJ Earned Sick Leave, you may use other employer-provided paid time off during the first two weeks, although your employer cannot require you to do this. Your employer pays the remaining ten weeks. Using this would exhaust your FMLA leave for the next 12 months.
4. **Up to 39 weeks of Unemployment Insurance,** if you are no longer receiving pay from your employer. Unemployment benefits provide 60% of average wages, with a maximum of \$713/week (+ additional \$600/week through July). Apply at [myunemployment.nj.gov](http://myunemployment.nj.gov).

# Advocacy to close the gaps

<https://p2a.co/RZrRNo4>

- **Expand the unemployment insurance program to include immigrants out of work regardless of status.**
- **Improve our Earned Sick Days law by increasing the base number of days to 7 days and remove other barriers to accessing leave,**
- **Grant 15 emergency sick days to ALL workers,**
- **Allow NJ Family Leave Insurance (FLI) to include parents who cannot work so they can care for their children while their schools are closed.**
- **Enhanced job protection for workers caring for loved ones dealing with health issues related to COVID19, caring for children whose schools are closed, and for those on a temporary layoff because of the pandemic.**



# SHARE YOUR STORY

[www.bit.ly/NJShareYourStory](http://www.bit.ly/NJShareYourStory)



**Has the Coronavirus left you without work or pay?  
Or are you working but in unsafe conditions?  
SHARE YOUR STORY!**

# Additional Resources

- [www.njtimetocare.org/NJEECOVID19](http://www.njtimetocare.org/NJEECOVID19)
  - [Am I Eligible?:Immigration-Related Eligibility Requirements for Benefits Under New Federal Laws](#)
- [www.njcitizenaction.org/?page\\_id=3960](http://www.njcitizenaction.org/?page_id=3960)  
[getcovered@njcitizenaction.org](mailto:getcovered@njcitizenaction.org)  
[needincomesupport@njcitizenaction.org](mailto:needincomesupport@njcitizenaction.org)
- <https://nj.gov/labor>
  - <https://www.nj.gov/labor/assets/PDFs/FamiliesFirstCoronaResAct.pdf>
- <https://www.dol.gov/>  
[www.nj.gov/labor/assets/PDFs/FamiliesFirstCoronaResAct.pdf](http://www.nj.gov/labor/assets/PDFs/FamiliesFirstCoronaResAct.pdf)

## RELIEF FUNDS

- [http://unitedwaynnj.org/give/sf\\_alicerecoveryfund.php](http://unitedwaynnj.org/give/sf_alicerecoveryfund.php)
- <https://www.domesticworkers.org/>
- <https://rocunited.org/relief/>