

# COVID-19 Workplace Health/Safety and Employee Benefits

## What Employers Need to Know



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# PRESENTATION OVERVIEW

1. Workplace health & safety
2. Top health and safety resources for employers
3. COVID-19 benefits & protections for workers
4. Additional resources for employers



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# WORKPLACE HEALTH & SAFETY: AWAITING FEDERAL STANDARDS

We are currently awaiting new COVID-19 standards from the Occupational Safety and Health Administration (OSHA).

The emergency temporary standard may preempt Executive Order 192. Please check back for more information.



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# WORKPLACE HEALTH & SAFETY

## Executive Order 192



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**New Jersey 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:**

**Overview of Requirements:**

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

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



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# SOCIAL DISTANCING

- **Six feet of distance** between individuals to the maximum extent possible, including, but not limited to:
  - activities that normally require people to be together in a single room or space, in close proximity, such as meetings and orientations
  - common areas such as restrooms and breakrooms, and when people are entering and exiting the worksite
- **If nature of work or work area does not allow for six feet of distance**, each employee **must wear a mask** in accordance with face mask requirements.



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# FACE MASKS (1/3)

- **Employees, customers, visitors, and other individuals** entering the worksite **must wear cloth or disposable face masks** while on the premises, according to CDC recommendations.
- **Some exceptions:**
  - If it would **inhibit the individual's health**, or the individual is **under 2 years of age**
  - When **eating or drinking**
  - When a service being provided **requires access to an individual's face**
  - **School districts** have their own face mask policy laid out in Executive Order 175



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# FACE MASK REQUIREMENTS FOR EMPLOYEES (2/3)

- **When employees are at their workstation and more than six feet from others, or alone in a walled office, they may be permitted to remove their face masks.**
- **Employers must provide, at their expense, face masks for their employees.**
- **Employees may wear a surgical-grade mask or other more protective equipment if the employee already has it, or if the business is already required to provide it.**
- **Employers may deny any employee entry to the worksite who declines to wear a face mask, except when doing so would violate any state or federal law.**



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# FACE MASK REQUIREMENTS FOR EMPLOYEES (2/3) continued

- Where an employee cannot wear a mask because of a **disability**, an employer may, consistent with the Americans with Disabilities Act (ADA) and/or New Jersey Law Against Discrimination (NJLAD):
  - be required to provide the employee with a **reasonable accommodation** unless doing so would be an undue burden on the employer's operations.
  - **require an employee to produce medical documentation** supporting the employee's claim that they are unable to wear a face mask because of a disability.



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# FACE MASKS FOR VISITORS (3/3)

- Employers may deny any customer or visitor entry to the worksite **who declines to wear a face mask**, except when doing so would violate state or federal law.
- For a customer or visitor who declines to wear a mask due to a **disability**,
  - the employer may be required to provide service or goods via a **reasonable accommodation**, consistent with the [ADA](#) and the [NJLAD](#), unless such accommodation would pose an undue burden on the employer's operations.
  - the employer and/or employees **may not require the customer or individual to produce medical documentation** verifying the stated condition, unless production is otherwise required by state or federal law.



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# SANITIZATION

- Provide employees, customers and visitors with **sanitization materials**, such as hand sanitizer and sanitizing wipes, at no cost to those individuals.
- Hand sanitizers and wipes **are regulated** by the federal Food and Drug Administration (FDA) or contain at least 60% alcohol to be effective. See FDA guidelines on hand sanitizer [here](#).



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# HAND HYGIENE

- Ensure that employees practice **regular hand hygiene**, particularly when employees are interacting with the public, and **provide employees break time** for repeated handwashing during the workday, and access to adequate hand washing facilities.
- If an employer requires employees to wear gloves at the worksite, the employer **must provide the gloves** to the employee.



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# CLEANING AND DISINFECTING

- **Routinely clean and disinfect all high-touch areas** in accordance with DOH and CDC guidelines, particularly in spaces that are accessible to employees, customers, or other individuals, including, but not limited to, restrooms, hand rails, door knobs, other common surfaces, safety equipment, and other frequently touched surfaces including employee-used equipment.
- After a **known or potential exposure to COVID-19** at the worksite, **ensure cleaning** in compliance with CDC recommendations.



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# DAILY HEALTH CHECKS

- 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.
- Also, using CDC guidance, stay apprised 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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# IN CASE OF SYMPTOMS OR EXPOSURE

- 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 when requiring employees to leave the workplace.
- **Promptly notify employees of any known exposure to COVID-19** at the worksite, consistent with the confidentiality requirements of the ADA and any other applicable laws, and consistent with guidance from the EEOC.
- When an employee at the worksite has been diagnosed with COVID-19, **clean and disinfect the worksite** in accordance with CDC guidelines.



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# EXCEPTIONS FOR CERTAIN EMPLOYEES

- If protocols interfere with the provision of services in support of any emergency response, then they would not apply to first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement and corrections personnel, hazardous materials responders, child protection and child welfare personnel, housing and shelter personnel, military, and other governmental employees working for or to support the emergency response.
- The measures above do not apply to employees of the United States government.
- Religious institutions are exempt when the measures above would prohibit the free exercise of religion.



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# TOP HEALTH AND SAFETY RESOURCES FOR EMPLOYERS



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## Reach out to NJDOL Safety & Health with questions:

- Email [covid.safety@dol.nj.gov](mailto:covid.safety@dol.nj.gov)
- Call (609) 292-0767

## Make use of our FREE Health and Safety Trainings and Consultations:

- For consultations: [www.nj.gov/labor/consultation](http://www.nj.gov/labor/consultation)
- For trainings: [www.nj.gov/labor/training](http://www.nj.gov/labor/training)
- Ask your questions at 609-633-2587 or [SafetyTraining@dol.nj.gov](mailto:SafetyTraining@dol.nj.gov)

## Federal business tax credits available for employee paid leaves:

<https://www.irs.gov/coronavirus/new-employer-tax-credits>



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# 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. You **can't fire your employee** 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 they're high risk, they could be eligible for **employer-paid and/or state cash benefits**.
3. You **can't discriminate** against an employee 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. You can't fire your 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/covidretaliation](https://nj.gov/labor/covidretaliation).**
- An employee may also be eligible for job-protected leave under the **FMLA** ([USDOL](https://www.dhs.gov/USDOL) 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 / [NJDOLE](#) enforces: [mysickdays.nj.gov](https://mysickdays.nj.gov)
- **Federal Emergency Paid Sick Leave**
  - Voluntary as of 1/1/21; tax credits still apply:  
<https://www.irs.gov/coronavirus/new-employer-tax-credits>
- **Temporary Disability Insurance benefits** (up to 26 weeks)
  - NJDOLE: [myleavebenefits.nj.gov](https://myleavebenefits.nj.gov)
- **Pandemic Unemployment Assistance benefits**
  - Extended by stimulus bill: [myunemployment.nj.gov/pua](https://myunemployment.nj.gov/pua)

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. You 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](http://njcivilrights.gov)
- **NJ Family Leave Insurance benefits** (up to 12 weeks)
  - NJDOL: [myleavebenefits.nj.gov](http://myleavebenefits.nj.gov)
- **Pandemic Unemployment Assistance benefits**
  - Extended by stimulus bill: [myunemployment.nj.gov/pua](http://myunemployment.nj.gov/pua)



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# OTHER BENEFITS AND PROTECTIONS TO KNOW

**Employees can use NJ Earned Sick Leave to get their COVID-19 vaccine.** For full details see [mysickdays.nj.gov](https://mysickdays.nj.gov).

**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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# 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 (i.e. Chrome, Firefox, etc.)*



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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, but I've been recalled to my work or received an offer of work.
- 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

See our COVID-19 Scenarios & Benefits chart:

[nj.gov/labor/covidbenefits](https://nj.gov/labor/covidbenefits)

Available in English & Spanish

COVID-19 SCENARIOS & BENEFITS AVAILABLE						
Worker needs time to care for others	OPTIONAL FOR EMPLOYERS		NJ LAW: Earned Sick Leave* mysickdays.nj.gov	Unemployment Insurance myunemployment.nj.gov	After or instead of	NJ LAW: Family Leave Insurance myleavebenefits.nj.gov
	Federal Childcare Leave** dol.gov	Federal Paid Sick Leave** dol.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	Federal Paid Sick Leave** dol.gov	NJ LAW: Earned Sick Leave* mysickdays.nj.gov	Unemployment Insurance myunemployment.nj.gov	After or instead of	NJ LAW: Temporary Disability Insurance myleavebenefits.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	✗	✗	✓		✗	

✓ YES | ✗ NO | ? MAYBE (PLEASE APPLY; EVALUATED CASE BY CASE)

\* Employers pay State earned sick leave. Employers pay federal sick/childcare leave, but after 12/31/20, there is no requirement that employers provide it. Other benefits require application to the State. You cannot receive pay or benefits under more than one program/law at the same time.  
 • Learn about federal sick/childcare leave and employer tax credits: [dol.gov](https://dol.gov) and [irs.gov/coronavirus/new-employer-tax-credits](https://irs.gov/coronavirus/new-employer-tax-credits)  
 • Employers must follow COVID-19 health and safety requirements: [nj.gov/labor/covidsafety](https://nj.gov/labor/covidsafety)  
 • Employees may also be eligible for job-protected leave under the NJ Family Leave Act or the FMLA: [njcivilrights.gov](https://njcivilrights.gov) and [dol.gov](https://dol.gov)  
 • Employees can't be fired for taking time off to test, quarantine or isolate, with a medical note recommending that the employee take that time off because the employee has, or is likely to have, an infectious disease that may infect others at the employee's worksite: [nj.gov/labor/covidretaliation](https://nj.gov/labor/covidretaliation)  
 • 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: [nj.gov/labor](https://nj.gov/labor)  
 • The information on this flyer is meant to give a general picture of benefits and rights available in certain COVID-19 work-related situations. Documentation may be required.


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# ADDITIONAL EMPLOYER RESOURCES

**Shared-Work Program: an alternative to layoffs**

[nj.gov/labor/employer-services/business/sharedwork.shtml](https://nj.gov/labor/employer-services/business/sharedwork.shtml)

**NJ Temporary Disability & Family Leave Insurance Employer Toolkit**

[myleavebenefits.nj.gov/employerkit](https://myleavebenefits.nj.gov/employerkit)

**Additional NJDOL COVID-19 Information for Employers**

Guidance, resources, and FAQs:

[nj.gov/labor/covidinfo](https://nj.gov/labor/covidinfo)



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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.**

Learn more about contact tracing here:

<https://covid19.nj.gov/pages/testandtrace>



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# DON'T FORGET: COVID-19 VACCINATIONS

## Provide information about the vaccine to your workforce:

See [covid19.nj.gov/vaccine](https://covid19.nj.gov/vaccine) for detailed information, including New Jersey's vaccination timeline and answers to frequently asked questions.

## Options to schedule an appointment to be vaccinated

The New Jersey Vaccination Scheduling System (NJVSS) allows you to register for the vaccine and schedule a vaccination appointment at a convenient location (also called point of dispensing site – POD). NJVSS is available here: <https://covidvaccine.nj.gov>.

There are also some PODs not participating in NJVSS. To schedule an appointment at one of those sites, please contact a POD directly using information available on the NJ COVID-19 Information Hub: <https://covid19.nj.gov/pages/healthcare-worker-covid-19-vaccine-locations>.

**No professional nor medical documentation is required to receive vaccination.**



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