



Employee Rights During COVID-19 Emergency

There are state and federal protections for employees whose jobs have been impacted by COVID-19. The following benefits apply to *employees only*. If you are an independent contractor, you may be eligible for other benefits, but not these. If you are classified as an independent contractor (or 1099 worker) make sure you are not misclassified by talking to an attorney. If you are improperly classified as an independent contractor, you are eligible for the following employee benefits.

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If you have experienced any of the following, you may be eligible to apply for **Unemployment Insurance (UI)**:

- Your hours have been reduced by more than one-third
- You have been temporarily or permanently laid-off
- You were forced to quit due to lack of childcare

**If any of the above scenarios apply to you, refer to VLP's "Unemployment Insurance Related COVID-19" Sheet*

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If you are an hourly worker and you are required to work, your employer cannot delay payment for any reason. For example, your employer cannot say, "We will pay you when business picks up." If you are still working, you must be paid timely.¹

If you are a salaried employee, you must receive your full salary for any week that in which you performed work—even if you were not required to work for the full week. However, for the period you were not required to work, your employer can unilaterally apply any unused vacation time towards these days.²

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Under state law, most employees have the right to earn and use up to 40 hours of job-protected sick time per year. If your employer employs 11 or more employees, then your **Earned Sick Time (EST)** must be paid.³ The Attorney General of Massachusetts is strongly urging employers to allow employees to use EST if an employee misses work because their child's school is closed due to COVID-19.

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The Families First Coronavirus Response Act (FFCRA) goes into effect on April 2, 2020. The FFCRA requires certain employers to provide employees with paid sick or family leave for specified reasons related to COVID-

¹ <https://www.mass.gov/service-details/frequently-asked-questions-about-covid-19-employee-rights-and-employer-obligations>

² <https://www.dol.gov/agencies/whd/flsa/pandemic>

³ <https://www.mass.gov/info-details/earned-sick-time>

19. In general, to be eligible for the benefit you must be employed by an employer that has fewer than 500 employees, but more than 50 employees. (Small businesses with fewer than 50 employees may qualify for an exemption from the requirement.)

- If you are unable to work because you are quarantined and/or experiencing COVID-19 symptoms and seeking a medical diagnosis, you are entitled two weeks (up to 80 hours) of paid sick time at your regular rate of pay.
- If you are unable to work because you are caring for an individual subject to quarantine or to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19, you are entitled to two weeks (up to 80 hours) of paid sick time at two-thirds of your regular rate of pay.
- If you have been employed by the same employer for at least 30 days, and are unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19, you are entitled to an additional 10 weeks of paid sick leave at two-thirds your regular rate of pay.