



Back to Work During COVID-19: Worker Safety Rights, Paid Leave and Unemployment

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Presenters

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FOCUS FOR TODAY: Who

- Rhode Island employees who may be worried about health/safety as they return to work
- Focus largely on low-income employees
- Will cover resources for undocumented individuals



FOCUS FOR TODAY: What

- Requirements for safe workplace / what happens if my place of employment is not safe?
- If my place of employment is safe but I can't go back due to a reason related to COVID-19, can I still get unemployment benefits? (Good cause not to return to work).
- If I'm working but need to take time off, what are my options
- Where can I get help understanding my rights?
- What services are available for people who are 'undocumented'?



Requirements for safe workplace

Emergency regulations of the Department of Health require all re-opening businesses to follow safety guidelines to minimize the risks of COVID-19 contagion.

These guidelines include:

- Free masks for employees.
- Screening for illness.
- Posters with health / safety rules.
- Additional room to allow for social distancing whenever possible.
- Water, soap and sanitizer and clear procedures for cleaning of premises consistent with CDC guidelines.
- A plan for how to accomplish worker and consumer safety, available at the request of the Department of Health.
- Cooperation with the Department of Health in investigations of flare ups of infection.
- A designated individual in charge of monitoring compliance.
- Employee training about health and safety requirements.



Requirements for safe workplace

In addition, specific additional guidelines apply to different work sectors such as child care centers, offices and others. For details see www.reopeningri.com.

You can also call the RI Department of Health COVID-19 Info Line 401-222-8022 for more information.

If you have a disability or health condition that puts you at risk you can also ask for other **reasonable accommodations** that would make your work safe for you, such as the right to work from home if possible or to transfer to an area of the workplace with limited exposure to other people.



If not safe, call...

If you see that the required safety measures are not in place, call in your concerns to the Department of Business Administration at 401-889-5550. Leave your name and number and the nature of your complaint and someone will call you back. All calls are confidential.

For information and legal help with concerns about workplace safety:
Contact RI Legal Services 401-274-2652 x164

For complaints that workplace safety requirements are not being met: R.I.
Center for Justice: 401-491-1101

RI Department of Health (RIDOH) 401-222-8022 (COVID-19 Info Line)



Work Place is safe but you can't go back to work or need to leave work for COVID-19 reason

- Unemployment benefits – ‘good cause’
 - UI – State Unemployment Insurance Benefits (UI) State – out of work due to lay off or no fault termination
 - Pandemic Unemployment Assistance (PUA) Federal
 - For individuals not eligible for state assistance – including
 - Self-employed, gig workers
- Paid Leave
 - State
 - Federal
- Paid Sick
 - State
 - Federal



Unemployment benefits

You can't work due to COVID-19 because you are:

- Sick
- Quarantined
- Have a health condition your doctor tells you puts you at risk even with workplace accommodations
- Taking care of a sick person or a child who is learning from home or whose child care is closed

You may be eligible to continue to collect unemployment under a good cause exception from returning to work; you may be eligible to claim unemployment benefits if you need to leave your job



Unemployment Insurance

- **Apply for UI or PUA** as directed on DLT website: dlt.ri.gov.
 - UI benefit based on earnings (minimum is \$53/week)
 - PUA based on earnings (minimum benefit equal to ½ of state's average weekly UI benefit)
- **Pandemic Unemployment Compensation (PUC)**
 - Additional \$600/week payment. Terminated July 31, 2020. To be continued????
- **Pandemic Emergency Unemployment Compensation (PEUC)**
 - 13 additional weeks of UI, total of 39 (for UI and PUA)



Paid Leave

- **State Paid Leave (COVID-related or not)**
 - Funded by employee contributions to fund
 - **TDI** – Employee can't work due to illness, or injury. If UI denied, TDI available.
 - 30 weeks at partial pay
 - **TCI** – Employee needs time to care for relative or to bond with baby. If UI denied, TCI available for care of relative.
 - 4 weeks at partial pay
 - Apply through DLT
- **Federal Emergency Leave (COVID-19)**
 - Up to 12 weeks. First 10 days may be unpaid, after 10 days employer pays 2/3 of wages
 - For caring for child who is out of school or childcare due to COVID-19
 - Apply through employer



Sick Leave

	RI Sick Leave	Federal Emergency Sick Leave
How much	Up to 40 hours	Up to 80 hours
Use for	Time to care for self or loved one	COVID 19: sick, quarantined, caring for child if school/child care closed
Access	Through employer. Full pay if employer has 18 or more employees. Protection against firing if fewer than 18, but no pay	Through employer. Full pay if employee has COVID-19 or symptoms. 2/3 of regular pay if caring for child Employers with 500 or more workers exempt.



Rights of people who are undocumented

- The R.I. Center for Justice (401) 491-1101 can provide legal advice and assistance to undocumented individuals who need help and advice about their rights in the workplace.
- This includes wage and hour laws (minimum wage and overtime); workplace safety protections during COVID-19; unemployment, and TDI/TCI.
- The Center for Justice partners with Fuerza Laboral (401) 725-2700 to assist workers. If you have questions or concerns about your rights in the workplace contact Fuerza Laboral and they can connect you with Center for Justice lawyers.



3 Case Studies

- Rhoda worked at Ocean State seafood restaurant and was laid off when the restaurant closed due to the pandemic. The restaurant has re-opened and is following the Department of Health guidelines. Her boss has contacted Rhoda about coming back to work.
- Rhoda has cancer and is treated with chemotherapy. She was able to work while she was undergoing treatment prior to the pandemic, but her doctor has told her that contracting COVID-19 would be extremely dangerous and told her not to return to her job – or to work outside her home.
- Rhoda has “good cause” not to return to her job and can continue to receive UI.



3 Case Studies

- Juan works at Ocean State Job Lot and has been working during the pandemic. His partner recently tested positive for COVID-19 and Juan needs to care for her.
- Juan is eligible for at least 40 hours of paid sick time from Ocean State Job Lot (as an employer with more than 18 employees, this is the minimum that OSJL must provide). He would receive his full pay.
- If his partner is out for several weeks, he may be eligible for TCI, to care for a sick family member. He would receive 4 weeks of partial pay.



3 Case Studies

- Frank worked for Easton Manufacturing Company, which has remained open and operating in accordance with social districting guidelines.
- Frank lives at home with his mother, who has early onset Alzheimer's but receives care during the day at a local senior center. However, that center is closed. Frank tried to find a few other options but was turned down, and so had to stay home with his mother, at least until the senior center re-opens.
- Frank has been receiving unemployment benefits. He is eligible to continue to receive benefits under the 'good cause' exception.



Who can help me?

Each person's circumstance is unique. RI Legal Services can help you figure out which program is the right one to apply for and give you information about other benefits, including health insurance coverage and SNAP, that can help you meet basic needs. They can also help you troubleshoot problems with getting your stimulus payments.

RI Legal Services: 401-274-2652



A note on Health Insurance

- **If lost employer sponsored health insurance...**
- **Medicaid**
 - No cost insurance. Income within limits (varies by child, parent, single adult)
 - Eligibility:
 - Adults (19+): Refugee, asylee, Domestic Violence Victim, LPR – in status for 5 years
 - Children under 19: Refugee, asylees, DV, LPR – no 5 year bar, TPS, DED, other lawfully present, but not DACA
 - Pregnant women: Eligible regardless of status, including undocumented
- Buy a **Qualified Health Plan through HealthSourceRI**
 - Tax credits to pay for premiums (income less than 400% FPL)
 - Eligibility: Lawfully present - LPR, TPS, DED, other lawfully present, but not DACA



Enrolling in Insurance

- **WHEN TO APPLY:**

- Medicaid - anytime
- Qualified Health Plan through HealthSource RI
 - Become uninsured due to job loss or other life-change: within 60 days of event

- **HOW TO APPLY for either Medicaid or QHP:**

- On-line at: healthsourceri.com or by phone: 1-855-840-4774



Stimulus Payment

Payment from the Federal Government:

Income under \$75,000 single/\$150,000 married couple filing jointly, receive the maximum amount:

- \$1,200 for an adult; \$500 for a child under 17
- Higher income (up to \$99,000/\$198,000) receive a reduced payment
- Must have social security number for adult(s) and children
- Married couples who file jointly – if one has ITIN, no one in family is eligible.



Stimulus Payment

- **You should have received the payment automatically if you:**
 - filed taxes in 2018-2019 (benefit paid for adults and dependents),
 - receive Social Security Disability or Retirement benefits; Railroad retirement benefits; SSI or Veterans benefits (benefits just for recipient)
 - If you have dependents under age 17, need to use the non-filer portal to file for the \$500 benefit for them.
 - ** IRS just extended time to file for benefits for dependents through September 30, 2020
- **Didn't file taxes:** Use the non-filer portal on IRS website at **IRS.gov**
- Call RI Legal Services at 401-274-2652 for help problem solving

Fact Sheets

- Back to Work During COVID-19, English:
<https://tinyurl.com/BackToWorkRI-ENG>
- Back to Work During COVID-19, Spanish:
<https://tinyurl.com/BackToWorkRI-SPN>
- Back to Work During COVID-19: Worker Safety Rights, Sick Leave, and Unemployment, English:
<https://tinyurl.com/RIWorkersRights-ENG>
- Back to Work During COVID-19: Worker Safety Rights, Sick Leave, and Unemployment, Spanish:
<https://tinyurl.com/RIWorkersRights-SPN>

BACK TO WORK DURING COVID-19

What rights do I have as my place of work re-opens?

All employees have the right to a safe workplace.

Your place of work must follow the Department of Health's (DOH) safety guidelines to minimize the risks of COVID-19. For example, your place of work must:

- Give free masks to employees
- Screen for illnesses
- Provide water, soap, sanitizer, and clear rules for cleaning
- Click here to see a full list of these guidelines and call COVID info line (401-222-8022) for more information

If you see that a required guideline is not in place, you can call the Department of Business Administration at 889-5550 to file your complaint. All calls are confidential.

What if I have disability/health condition that puts me in a high-risk group for COVID-19?

If you have a disability/health condition, you have the right to ask your employer for a workplace accommodation.

- An accommodation is an adjustment in your workplace that will allow you to more safely perform your job duties.
- This can include working from home or moving to an area of the workplace with limited exposure to others.

What are my options if I cannot return to work?

If your place of work re-opens, but you are unable to go to work because you are:

- Sick
- Quarantined
- Have a health condition that puts you at high risk for COVID-19
- Taking care of an ill loved one
- Taking care of child whose childcare/school is closed

You may be able to receive Unemployment Insurance or Paid Leave benefits instead of returning to work. Both Unemployment Insurance and Paid Leave will provide you with some pay. In addition, employers cannot fire you for taking either Unemployment Insurance or Paid Leave benefits.

Where can I find help with safety rights, workplace accommodations, Unemployment Insurance, and Paid Leave Benefits?

RI Legal Services and the Center for Justice can help you.

- Contact RI Legal Services at: 401-274-2652; Contact the Center for Justice at: 401-491-1101

   

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Lots of information... COVID-19 and otherwise

- Economic Progress Institute: Economicprogressri.org
- Immigrant Coalition of RI: Immigrantcoalitionri.org
- The Latino Policy Institute: Lpirwu.org
- The Center for Justice: Centerforjustice.org