



## FREQUENTLY ASKED QUESTIONS FROM WORKERS REGARDING COVID-19

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On March 12, 2020, Governor Northam declared a State of Emergency in the Commonwealth due to the state-wide spread of COVID-19. Many workers are asking for guidance on how to navigate this public health crisis as they work to keep their families both healthy and financially stable.

Below are answers to some of the most frequently asked questions received from workers. Please check with your human resource officer for employer-specific policies on sick and medical leave. This document is not designed to give legal advice on individual situations.

### **1. Because of COVID-19, my employer has temporarily closed, and I do not have paid leave or will not receive a paycheck. What can I do?**

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You may file a claim for Unemployment Insurance (UI) benefits with the Virginia Employment Commission (VEC). To receive benefits, you must meet certain minimum requirements, including having sufficient past earnings and an immigration status that allows you to work.

If VEC approves your claim, you will receive a weekly benefit payment that is dependent on your past earnings. The maximum benefit amount is \$378 for up to 26 weeks.

For more information about Unemployment Insurance benefits and to file a claim, please visit <http://www.vec.virginia.gov/node/11699>.

### **2. I have been quarantined by a health official and cannot go to work. What can I do?**

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First talk to your supervisor about telework options or if you have paid sick or medical leave. If you have to take unpaid time off, you may qualify for Unemployment Insurance benefits with the Virginia Employment Commission (VEC). For more information about Unemployment Insurance benefits and to file a claim, please visit <http://www.vec.virginia.gov/node/11699>.

### **3. My employer has cut my hours back due to the coronavirus. What can I do?**

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If your weekly earnings fall below what would be your weekly unemployment insurance benefit, you may file a claim for partial Unemployment Insurance (UI) benefits with the Virginia Employment Commission (VEC). For more information about Unemployment Insurance benefits and to file a claim, please visit <http://www.vec.virginia.gov/node/11699>.

### **4. A close family member of mine has coronavirus, and I will stay home from work to take care of them. What can I do to receive income while I'm not working?**

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You may file a claim for Unemployment Insurance (UI) benefits with the Virginia Employment Commission (VEC). To receive benefits you need to meet certain minimum requirements, including having sufficient past earnings and an immigration status that allows you to work.

If VEC approves your claim, you will receive a weekly compensation depending on your past earnings.

For more information about Unemployment Insurance benefits and to file a claim, please visit <http://www.vec.virginia.gov/node/11699>.

### **5. Can I lose my job if I miss work because I'm sick with coronavirus?**

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If your employer is covered under the Family Medical Leave Act (FMLA), they may be required to provide you with up to 12 weeks unpaid leave. Leave from FMLA is awarded to individuals with a "serious" condition that is defined in the law as requiring inpatient care or three days continued treatment from a health care provider. The coronavirus does not necessarily present a "serious" condition, and the US Department of Labor has not issued guidance on this. Please check back here for updated information.

### **6. I caught coronavirus from my work. Can I file a workers' compensation claim?**

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Please contact your human resources director for more information about your employer's policies. Workers' compensation claims are evaluated according to the condition and specific circumstances.

## **7. If I have coronavirus, what can my employer tell others about my condition?**

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All medical information on an employee is confidential and cannot be shared with other employees. For the safety of the workplace, an employer may disclose this information to a health authority.

The Health Insurance Portability and Accountability Act provides protections concerning disclosure of medical information. Information concerning disclosure of medical conditions can be obtained at (800) 368-1019.

## **8. Can my employer ask me if I have a health condition such as a weak immune system or existing condition that would be affected by coronavirus?**

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No. Your employer cannot ask you questions that might disclose a disability.

## **9. Can I lose my job if I have to stay home to care for a family member that is seriously ill with coronavirus?**

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If you meet certain requirements, your employer must provide you with up to 12 weeks of job-protected time off to care for a parent, spouse, domestic partner, minor child, or adult dependent child with a serious health condition.

These requirements include:

- 1) your employer has at least 50 employees within 75 miles of your worksite;
- 2) you have worked with the employer for at least a year; and
- 3) you worked at least 1250 hours in the year before you take time off.

The federal government is working on policies to help support sick and medical leave for all individuals affected by the coronavirus. Please check back here for updated information.

The Federal Family Medical Leave Act enforces requirements for paid sick leave. Information and assistance can be obtained at (866) 487 - 9243.

## **10. Can my employer not pay me if I am sent home early from work or told not to come in for a scheduled shift?**

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Yes. A Virginia employer is only required to pay an employee for the work performed.

**11. My child’s day care or school is closed because of the coronavirus threat. Can I take time off to care for my child?**

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First talk to your employer about telework options, flexible schedules, and specific leave policies. Since your child is “healthy”, you currently do not qualify for FMLA. The federal government is working on paid sick and medical leave policies, so check back here for updated information. Unemployment benefits might be available for this situation.

**12. My employer closed temporarily and I did not receive my last paycheck. How do I get paid?**

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To file a nonpayment of wages claim, please visit the Virginia Department of Labor’s website at <https://www.doli.virginia.gov/labor-law/payment-of-wage-english/>.