WORKERS IN PENNSYLVANIA
KNOW YOUR RIGHTS DURING THE CORONAVIRUS PANDEMIC!

The following information is for all workers* who work in Pennsylvania, whether you have a legal immigration status or not.

This document covers a range of employment laws, both old and new. It is important to note that while a new law provides paid sick leave and childcare leave to many workers, *health care workers may not be able to use these benefits.

This document answers questions on the following topics:
- Coronavirus treatment and medical costs
- Lost or missed work due to coronavirus
- Workplace changes due to coronavirus
- Exposure to coronavirus at work

**Coronavirus treatment and medical costs**

1. I’m sick, and I think I may have coronavirus, but I don’t have health insurance. Do I have to pay to get tested or to get medical treatment?

   - No, the test and treatment for coronavirus are free. Also, if you don’t have coronavirus, but you do have a different medical emergency, statewide programs and/or hospitals cover emergency medical costs of uninsured people.

2. But if I get free medical care for coronavirus, will that count against me for the “Public Charge” rule?

   - No. In light of the pandemic, the federal government has stated that getting medical care for coronavirus won’t count against you for the “Public Charge” rule.
That includes getting tested for coronavirus or getting preventive medical care (like if a vaccine becomes available).

Lost or missed work due to coronavirus

3. My employer has reduced my work hours or laid me off because of coronavirus. What can I do?

- People who are legally authorized to work in the U.S. may be eligible for Unemployment Compensation Benefits in Pennsylvania. For more information, check out our flyers about Unemployment Compensation Benefits:
  - Five Tips about Unemployment Compensation
  - Frequently Asked Questions: Immigration Status and Unemployment Compensation in Pennsylvania
  - How to Apply for Unemployment Compensation
  - How to pick your “reason for separation”

4. Can my employer fire me if I miss work because...

- I’m sick with coronavirus? or
- a doctor recommended that I self-quarantine?

Paid Sick Leave

- If your employer has less than 500 employees, you can take up to two weeks of paid sick leave if...
  - you are taking steps to get tested for coronavirus because you have any of the following symptoms—fever, cough, shortness of breath, or any other symptoms identified by the CDC—, or
  - a doctor has told you to self-quarantine.
- Before you go on paid sick leave, you should tell your employer why you need to take leave and how long you’ll be out.
  - If a doctor told you to self-quarantine, you should give your employer a doctor’s note, or at minimum the name of the doctor.
Unpaid Sick Leave

- Your employer must offer up to 12 weeks of unpaid medical leave per year *if* you have a serious health condition, *and*...
  - your employer has 50 or more employees (including coworkers who work at other work sites within 75 miles of your workplace), *and*
  - you have worked at least 1,250 hours for your employer, *and*
  - you have worked at this company for at least one year.
- If possible, you need to ask permission to take leave before missing work.
  - When you ask permission, it’s important to explain that you need to take leave because of a serious health condition.
  - Your employer can ask you to get a medical certification from your doctor to prove you have a serious health condition.

*It’s illegal for your employer to discriminate against you, punish you, or fire you for taking paid or unpaid sick leave!*  

5. I told my employer I have coronavirus. Can he tell other people that I have coronavirus?

- Your employer has to keep your medical information private from everyone, with the following exceptions:
  - supervisors, if they need to implement workplace safety measures;
  - employees in charge of first aid and safety, so they can respond appropriately if you have a medical emergency; and
  - government officials, if they are investigating discrimination.

6. Can my employer stop me from using my paid sick leave if there is no one to cover my shift or take over my job?

- No. If your employer has less than 500 employees, you can take paid sick leave immediately without finding anyone to cover your work.
- It’s illegal for your employer to deny your paid sick leave because no one can cover for you at work.
- It’s also illegal for your employer to ask you to find someone to cover your shift.
7. Can my employer fire me if I miss work to take care of someone who has coronavirus?

**Paid Sick Leave**
- If your employer has less than 500 employees, you can take up to two weeks of paid sick leave if you need to care for someone...
  - who is taking steps to get tested for coronavirus because they have any of the following symptoms—fever, cough, shortness of breath, or any other symptoms identified by the CDC—, or
  - who has been told by a doctor to self-quarantine.
- Before you go on paid sick leave, you should tell your employer why you need to take leave and how long you'll be out.
  - If you are caring for someone who was told by a doctor to self-quarantine, you should give your employer a doctor’s note, or at minimum, the name of the doctor.

**Unpaid Sick Leave**
- Your employer must offer up to 12 weeks of unpaid medical leave to take care of a parent, spouse, minor child, or older dependent child who has a serious health condition if...
  - your employer has 50 or more employees (including coworkers who work at other work sites within 75 miles of your workplace), and
  - you have worked at least 1,250 hours for your employer, and
  - you have worked at this company for at least one year.
- If possible, you need to ask permission to take leave before missing work.
  - When you ask permission, it's important to explain that you need to take leave to care for a family member who has a serious health condition.
  - Your employer can ask you to get a medical certification from your doctor to prove your family member has a serious health condition.

*It’s illegal for your employer to discriminate against you, punish you, or fire you for taking paid or unpaid sick leave!*
8. Can my employer fire me if I miss work to take care of my kids who are home because of the pandemic?

*Paid Childcare Leave (under Paid Sick Leave Law)*

- If your employer has less than 500 employees, you can take up to two weeks of paid sick leave if you have to miss work to take care of your kids who are home due to the pandemic…
  - their school was closed, or
  - their caretaker is not available
- Before you go on paid sick leave, you should tell to your employer why you need to take leave and how long you’ll be out.
- However, if your employer has less than 50 employees, they may be able to get an exemption from this law.

*Paid Childcare Leave (under FMLA)*

- For the same reasons, you may take up to 12 weeks of childcare leave if
  - you've worked for your employer for at least 30 days, and
  - your employer has less than 500 employees, and
  - you haven't already taken 12 weeks of unpaid sick leave under the FMLA this year.
- If possible, you need to ask permission to take leave before missing work.
- This childcare leave is partially paid.
  - The employer does not have to pay you for the first 2 weeks of childcare leave under this law, *but* you can use your 2 weeks of paid sick leave during that time.
  - After the first two weeks, you may take up to 10 weeks of paid childcare leave.
- Small business exceptions:
  - If your employer has less than 25 employees, after taking childcare leave your employer may not have to hire you back because…
    - the business suffered financially or had to change its operations, as long as
    - your employer made reasonable efforts to give you a similar job with the same pay and benefits as your old job.
○ If your employer can’t hire you back for those reasons, they have to notify you if a similar job becomes available any time during the year after your childcare leave ends.

○ Also, if your employer has less than 50 employees, they may be able to get an exemption from this law.

*It’s illegal for your employer to discriminate against you, punish you, or fire you for taking childcare leave!*

**Workplace changes due to coronavirus**

9. I think my worksite is supposed to be closed, but my employer is still telling us to come in to the worksite. Do I have to go in to work?

**Paid Sick Leave**

● If your employer has less than 500 employees, and the federal, state, or local government has ordered your employer to close, you can take up to two weeks of paid sick leave if you can’t work remotely.

   ○ The Pennsylvania government ordered all non-essential businesses to close their worksites until May 8th, 2020.

● Before you go on paid sick leave, you should tell to your employer why you need to take leave and how long you’ll be out.

   ○ You should also tell your employer which government issued the order.

● It’s illegal for your employer to discriminate against you, punish you, or fire you for taking paid sick leave.

● If you have questions about paid sick leave or are wondering whether your employer is an essential business, call us!

10. Due to coronavirus, my employer is treating me differently from my coworkers because I’m from another country. What can I do?

● It’s illegal for your employer to treat you worse than other employees or to harass you because of your race or national origin.

● Note: agricultural companies that have less than 15 employees may be exempt from this law.
● If you suspect that your employer is discriminating against you for those reasons, call us!

**Exposure to coronavirus at work**

11. What can I do if my coworker has coronavirus and I’m at risk of getting sick, too? Can my employer require me to keep working?

**Workplace Health & Safety**
- Tell your employer that your coworker is sick ASAP.
  - It’s best to tell them in writing (for example, in a text message or letter).
- You and your coworkers can ask your employer to impose health and safety measures, such as Pennsylvania’s [guidance for agricultural businesses](#) during the pandemic.
- All employers have a duty to keep their employees safe from dangers that are likely to cause serious physical damage or death.
  - If you have asked your employer to impose health and safety measures, and you still feel unsafe at work, call us for more information about your options.
  - And if you don’t have time to call us because you are in imminent danger at work, you should stop working and call us when you can!

**Paid Sick Leave**
- If there is no serious danger, your employer could require you to keep working unless you have documentation that you need to stay home for medical reasons.
- If your employer has less than 500 employees, you can take up to two weeks of paid sick leave if...
  - you are taking steps to get tested for coronavirus because you have any of the following symptoms—fever, cough, shortness of breath, or any other symptoms identified by the CDC—, or
  - a doctor has told you to self-quarantine.
- Before you go on paid sick leave, you should tell to your employer why you need to take leave and how long you’ll be out.
● If a doctor told you to self-quarantine, you should give your employer a doctor’s note, or at minimum, the name of the doctor.

*It’s illegal for your employer to discriminate against you, punish you, or fire you for exercising your workplace rights or for taking paid sick leave.*

12. If I suspect that I contracted coronavirus at work, can I get paid while I can’t work because I’m sick?

*Paid Sick Leave*

● If your employer has less than 500 employees, you can take up to two weeks of paid sick leave if...
  ○ you are taking steps to get tested for coronavirus because you have any of the following symptoms—fever, cough, shortness of breath, or any other symptoms identified by the CDC—, or
  ○ a doctor has told you to self-quarantine.

● Before you go on paid sick leave, you should tell to your employer why you need to take leave and how long you’ll be out.

● If a doctor told you to self-quarantine, you should give your employer a doctor’s note, or at minimum, the name of the doctor.

*Workers’ Compensation*

● If none of your family members have coronavirus, you can also apply for Workers’ Compensation Benefits.

● Since you have to prove you got your illness through work, it’s best to find a lawyer who specializes in Workers’ Compensation to help you with this process.
  ○ We can help you find a Workers’ Compensation lawyer if you call us!

*Unpaid Sick Leave*

● Your employer must offer up to 12 weeks of unpaid medical leave per year if you have a serious health condition, and...
  ○ your employer has 50 or more employees (including coworkers who work at other work sites within 75 miles of your workplace), and
  ○ you have worked at least 1,250 hours for your employer, and
  ○ you have worked at this company for at least one year.
● If possible, you need to ask permission to take leave before missing work.
  ○ When you ask permission, it's important to explain that you need to take leave because of a serious health condition.
  ○ Your employer can ask you to get a medical certification from your doctor to prove you have a serious health condition.

  It’s illegal for your employer to discriminate against you, punish you, or fire you for taking paid or unpaid sick leave.

The Pennsylvania Farmworker Project provides free and confidential legal services to farmworkers who have employment law questions or cases. Call or text us for more information!