

COVID-19: Are you and your coworkers safe at work?

If you have concerns about your health and safety at work, don't wait to act. Taking steps right now to protect yourself, coworkers, or customers in your workplace is an important contribution to protecting public health and the stability of our economy.

- If you are covered by a union contract, consult with your steward or local leaders for advice. Local unions can contact employers regarding COVID-19 issues and invoke the right to bargain over changes that affect workers' safety and health, pay, hours, benefits or working conditions.
- If you are not covered by a union, you are still covered by laws requiring employers to provide safe and healthy workplaces, and you have the legally protected right to talk with your coworkers and collectively approach management to propose improvements.

Workers can review the following COVID-19 guidance from federal agencies and encourage employers to follow it closely:

- CDC Guidance for Employers: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>
- OSHA guidance on safety precautions employers should take in light of COVID-19: <https://www.osha.gov/Publications/OSHA3990.pdf>
- Existing OSHA standards relevant to COVID-19: <https://www.osha.gov/SLTC/covid-19/standards.html#workers>

Depending on your workplace setting, you may need to draw on several of the CDC or OSHA recommendations to advocate for steps that may include changes in work arrangements, physical distancing, sanitation, quality personal protective equipment, or other measures.

Ideally, workers taking health and safety proposals to management should always do so as part of a group rather than individually (this ensures that your advocacy is legally protected as "concerted activity" under labor law).

If after advocating for changes you believe you are still being asked to work in unsafe conditions and are considering whether you must refuse to do so, consult this guidance from OSHA about steps to take: <https://www.osha.gov/right-to-refuse.html>

If you contract COVID-19 at work, make sure to immediately report it to your employer. Contracting the virus at work is a recordable workplace illness under [OSHA standards](#), and workers who contract the virus in the course of their employment and become incapacitated may become eligible for [workers' compensation benefits](#).

This fact sheet is an addendum to the University of Iowa Labor Center's [Iowa Worker Rights Manual](#) addressing new challenges facing Iowa workers during the COVID-19 pandemic. *This information is provided as an educational service and does not constitute legal advice. Note that this page was last updated March 30, 2020, and additional changes to laws or guidelines may have since occurred.*

COVID-19: Have you or your coworkers in Iowa been laid off, had hours cut, or lost income due to coronavirus?

Workers who have lost a job, had work hours reduced, or income cut—including self-employed workers, independent contractors, and those unable to start a job due to COVID-19—may be eligible for unemployment benefits.

Special rules now in place for workers affected by COVID-19 in Iowa include:

- Waiver of usual work search and work availability requirements
- Expanded list of reasons benefits may be claimed including COVID-19 related business closure, shutdown or slowdown, inability to work while caring for children during school closures, or quarantines
- No requirement to exhaust available paid leave prior to filing for unemployment benefits
- Benefits issued within 7-10 days of filing a claim

The [federal CARES Act](#) signed into law 3/29/20 creates three **new** unemployment programs with significantly expanded benefits. Highlights include:

- Through July 31, 2020, all workers drawing unemployment will receive their usual calculated benefit plus an additional \$600 per week
- An additional 13 weeks of benefits to those who exhaust regular state benefit
- Emergency unemployment assistance to workers typically left out, including self-employed workers, independent contractors, “gig” workers, and those with limited work history not eligible under usual rules (under usual rules in Iowa you must show you have worked for an employer for six of the last 18 months and earned at least \$2,500 during that period)

All claims must first be filed with the state of Iowa. Details on expanded benefits and how to file are available from Iowa Workforce Development at these links:

- IWD main unemployment information page (frequently updated): <https://www.iowaworkforcedevelopment.gov/COVID-19>
- [Frequently asked questions about unemployment benefits for workers affected by COVID-19](#)
- [Video instructions for applying online \(English\)](#)
- [Video instructions for applying online \(Spanish\)](#)

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COVID-19: Can you and your coworkers stay home to follow health, quarantine, or childcare guidelines?

If you have concerns about the need for leave from work to protect health and safety, first review existing employer policies to understand what is currently available.

- If you are covered by a union contract, consult with your steward or local leaders for advice. Local unions can contact employers regarding COVID-19 issues and invoke the right to bargain over changes to schedules, attendance, or leave policies.
- If you are not covered by a union, you may still be covered by state or federal laws providing leave from work in some situations, and you have the legally protected right to talk with coworkers and collectively approach management to propose improvements.

Just a few examples of proactive emergency leave policies some unions and employers have pursued to respond to COVID-19 include:

- Eliminating requirements to use vacation or paid personal time for COVID-19 absences.
- Making emergency paid leave, remote work, or flexible hours immediately available for workers affected by COVID-19, including exposure, high risk due to pre-existing health conditions identified by the CDC, self-quarantine, or the need to care for children due to school or daycare closures.
- Waiving requirements for doctors' notes and suspending disciplinary action or attendance "occurrences" or "points" for absences related to COVID-19.
- Opening up access to all existing types of paid leave, including drawing leave in advance of accrual, drawing on donated leave, etc.
- Extra pay for affected workers, including for childcare expenses.

If you do not yet have paid leave or emergency leave available at your workplace:

- Some workers may be eligible to use existing access to unpaid Family and Medical Leave (FMLA) for COVID-19 but only *after* virus exposure or symptoms create a "serious health condition" for them or their child, spouse, or parent.
- Workers at greater risk due to a pre-existing health condition(s) may be entitled under the [Americans with Disabilities Act](#) to request a reasonable accommodation up to and potentially including leave from work or arrangements for telework/remote work.
- ***NEW FEDERAL PAID LEAVE*** Starting April 1, 2020 the Families First Coronavirus Act will provide some workers up to 80 hours of paid leave for COVID-19 related health or caregiving reasons, and up to 10 additional weeks of job-protected paid leave to care for children during school/daycare closures. See summary on next page for details.

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THE FAMILIES FIRST CORONAVIRUS ACT: Paid sick and family leave

→NOTE: This law takes effect April 1, 2020 and is scheduled to expire December 31, 2020

WHAT DOES THIS LAW REQUIRE EMPLOYERS TO DO?

PART I: Two weeks paid sick leave: Covered employers must provide workers with **two weeks (up to 80 hours) of emergency paid sick leave.**

- Sick leave is paid at full wage replacement to workers who are ill with coronavirus, in quarantine, or seeking diagnosis or preventive care related to coronavirus.
- Leave is paid at 2/3 wage replacement to workers who are caring for a family member for the same purposes as above, or caring for a child during school or daycare closures.
- Part-time workers are entitled to paid sick leave for the number of hours that they typically work over a two-week period.
- Workers cannot be required to use other available paid leave prior to accessing emergency paid leave under this law; other available leave must be made available *in addition* to the emergency paid leave.
- Leave is available starting April 1, 2020, to all workers at a covered employer.

PART II: Twelve weeks family leave: Covered employers must provide up to 12 weeks of job-protected **emergency paid leave to workers who are caring for a child during school or daycare closures.**

- The first two weeks of this type of leave are unpaid (so as not to overlap with emergency paid sick leave above). After the first two weeks, the up to remaining ten weeks are paid at 2/3 wage replacement.
- This leave is available to those having worked at least 30 calendar days for the employer.

WHICH EMPLOYERS ARE COVERED BY THIS LAW?

- Private employers with fewer than 500 employees
- Public agencies (federal agencies covered for paid sick leave only)
- Some employers with fewer than 50 employees may request exemptions if extending paid leave is deemed to threaten the viability of the business

WHAT TYPES OF WORKERS ARE NOT COVERED BY THIS LAW?

- Employers of health care workers or first responders may be able to exclude workers in those occupations from coverage
Federal employees are covered by the two weeks of paid sick leave but NOT the additional paid family leave in this act

WHAT ABOUT SELF-EMPLOYED OR INDEPENDENT CONTRACTORS?

- Some self-employed or “gig” workers can apply for a tax credit equal to the “sick leave equivalent amount” or “family leave equivalent amount” to replace wages lost on days they were unable to work due to reasons covered under this law.

ADDITIONAL INFORMATION

- This law provides private employers a tax credit equal to 100% of the wages paid to workers taking leave under this act; [click here for initial IRS guidance for employers.](#)
- This law prohibits employers from retaliating or discriminating against workers who use their legally guaranteed paid sick or family care leave.
- The US Department of Labor is responsible for implementing and enforcing this law and is regularly adding answers to [Frequently Asked Questions on this page.](#)

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