



- 1. Due to Coronavirus (aka COVID-19), my employer has cut my hours, forced me to take unpaid leave, or terminated my employment. What can I do?**

You may file a claim for Unemployment Insurance benefits with the Arizona Department of Economic Security ("DES"). To get benefits, you only need to meet certain minimum requirements, including having sufficient past earnings and an immigration status that allows you to work.

If DES approves your claim, you can get up to \$240 each week, depending on your past earnings.

- 2. Because of Coronavirus, my employer made assumptions about me or treated me differently than coworkers because I am Asian or from another country. What can I do?**

An employer who treats you worse than other workers because of your race, national origin, or ethnic background is violating the law. This includes employer actions that single you out because of negative stereotypes. You can contact the EEOC at 1-800-669-4000 or the Arizona Attorney General's Office Civil Rights Division at 602-542-5263.

- 3. My employer thinks that I have Coronavirus and treated me differently because of that. What can I do?**

Your employer should not make assumptions about your illness or health condition. You may be able to bring a claim that your employer "regarded" you as having a disability under discrimination laws. You can contact the EEOC at 1-800-669-4000 or the Arizona Attorney General's Office Civil Rights Division at (602) 542-5263.

- 4. Can my employer ask me if I have a health condition (like a compromised immune system) that would be affected by Coronavirus?**

No. Your answer to that question is likely to disclose a disability. Therefore, the employer's question is against the law.



5. If I have Coronavirus, what can my employer tell others about my condition?

Your employer is required to keep all medical information about you private and confidential.

6. I have Coronavirus and am not currently able to work because of my illness. What can I do to receive income while I'm not working?

In Arizona, some workers are entitled to sick time. If you are employed for a relative, small business, or the state or federal government, you might be exempt from mandatory sick time. Generally, you accrue an hour of paid sick time for every hour worked. If you work for an employer with less than 15 employees, your sick time can be capped at 24 hours. If you work for an employer with more than 15 employees, your sick time can be capped at 40 hours. You are entitled to use paid sick days if you are missing work because of illness as long as you are eligible. Generally, sick time is available as soon as you accrue it; however, your employer may require a 90 day waiting period after employment begins to use paid sick time. Your sick time should carry over from year to year, unless the employer buys the sick time from you. Your employer should provide you with pay for the accrued sick days you have.

The federal government has recently enacted legislation to protect those missing work and suffering from the Coronavirus. – The Families First Coronavirus Response Act, effective April 2, 2020 allows a full-time employee paid sick time of 80 hours and a part-time employee paid sick time equal to the number of hours worked and averaged over a 2-week period. The worker must also be unable to telework and cannot work because they are 1) subject to a quarantine, or 2) advised by a medical provider to self-quarantine, or 3) exhibit symptoms and are seeking diagnosis, or 4) are caring for an individual subject to quarantine, 5) or are caring for a child if the school is closed or childcare is unavailable. Please note, your pay is subject to calculations based on the federal regulations and may not be your full pay. If you are caring for a child because school and/or childcare is closed, your pay will be capped at 2/3 the amount you are entitled to in the federal regulations. Employers with more than 500 employees are exempt from this requirement and employers with less than 50 employees may apply for an exemption. An employer may not



require you to take other leave prior to allowing you to take your entitled leave under the Families First Coronavirus Response Act.

Also, see question 8 for additional options for paid leave.

If you are unable to do your usual job because you contracted Coronavirus during the regular course of your work, you may be eligible for workers' compensation benefits, including temporary disability payments and medical treatment. To start the process, you will need to file the claim, for any questions please call the Industrial Commission of Arizona at 602-542-3373.

7. Can I lose my job if I miss work because I'm sick with Coronavirus?

Your employer cannot retaliate against you because you have used paid sick days or filed a workers' compensation claim. In addition, you may be entitled to job-protected time off from work for up to 12 weeks under the Family Medical Leave Act (FMLA). You likely qualify for this leave if all of the following statements apply to you: you work for an employer with at least 50 employees within 75 miles of your worksite, you have worked there for at least a year, and you worked at least 1250 hours in the year before you take time off.

8. 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?

You can use paid sick days to care for a sick family member. Also, the Family First Coronavirus Response Act, which is effective April 2, 2020, amends the Family Medical Leave Act (FMLA) to provide 12 weeks of protected leave to any employee who has been employed for at least 30 days and is unable to work (or telework) due to the need to care for their **son** or **daughter** under 18 years of age if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency. After the first ten days of this leave, the employee is entitled to pay at two thirds (2/3) the rate of their regular rate. This leave provision is effective starting April 2, 2020 and ends on December 31, 2020. Note that paid FMLA leave is not available for an employee who is needed to care for a family member other than a child. Rather, under such circumstances, and assuming the illness qualifies as a serious health condition, the FMLA will only provide leave protection,



but no pay. Employers with more than 500 employees are exempt and employers with 50 or less employees can apply for an exemption. If your employer is exempt, you will not be entitled to protection under this law.

9. Can I lose my job if I'm staying home to care for a seriously ill family member with coronavirus?

If you work for an employer with at least 50 employees within 75 miles of your worksite, you have worked there for at least a year and you worked at least 1250 hours in the year before you take time off, then 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 under FMLA. Although your job may be protected for 12 weeks under the FMLA if you are eligible for FMLA leave, you might not be paid during the time period. See answer to question #8 if you are caring for a child.

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?

Both state and federal law require you to be paid for the time that you work. If you are sent home or not able to work, there is no requirement that your employer pay you.

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?

If you have leave available, your employer may allow you to take time off. Please see answer #8 which address the need for childcare.

12. May an employer encourage or require employees to telework (i.e., work from an alternative location such as home) as an infection control strategy?

Yes. An employer may encourage or require employees to telework as an infection-control or prevention strategy, including based on timely information from public health authorities about pandemics, public health emergencies, or other similar conditions. Telework also may be a reasonable accommodation. Of course, employers must not single out



employees either to telework or to continue reporting to the workplace on a basis prohibited by any of the EEOC laws. (See the U.S. Equal Employment Opportunity Commission's publication, [Work at Home/Telework as a Reasonable Accommodation](#), for additional information.)

13. Do employers have to pay employees their same hourly rate or salary if they work at home?

If telework is being provided as a reasonable accommodation for a qualified individual with a disability, or if required by a union or employment contract, then you must pay the same hourly rate or salary.

If this is not the case and you do not have a union contract or other employment contracts, under the FLSA, employers generally have to pay employees only for the hours they actually work, whether at home or at the employer's office. However, the FLSA requires employers to pay non-exempt workers at least the minimum wage for all hours worked, and at least time and one half the regular rate of pay for hours worked in excess of 40 in a work week. Salaried exempt employees generally must receive their full salary in any week in which they perform any work, subject to certain very limited exceptions.

14. Are businesses and other employers required to cover any additional costs that employees may incur if they work from home (internet access, computer, additional phone line, increased use of electricity, etc.)?

Employers may not require employees who are covered by the FLSA to pay or reimburse the employer for such items that are business expenses of the employer if doing so reduces the employee's earnings below the required minimum wage or overtime compensation. (See the U.S. Department of Labor [Wage and Hour Division](#) for additional information or call 1-866-487-9243 if you have questions.)

Employers may not require employees to pay or reimburse the employer for such items if telework is being provided to a qualified individual with a disability as a reasonable accommodation under the [Americans with Disabilities Act](#). (See the U.S. Equal Employment Opportunity Commission's



publication, [Work at Home/Telework as a Reasonable Accommodation](#), for additional information.)

15. I have more questions. Where can I get free, high-quality legal information about my rights?

Community Legal Services can provide you with a free confidential consultation regarding your legal rights related to work if you qualify for services at Community Legal Services. There are strict timelines to file a complaint against your employer if you think they violated the law. Please note that CLS attorneys only provide advice in most discrimination cases. In limited instances, CLS attorneys will represent in Mediations before the EEOC or Arizona Attorney General's Office. Therefore, you are encouraged to apply with the EEOC or the Arizona Attorney General's Office, Civil Rights Division, if you think have been discriminated against due to Coronavirus.