

# **Workplace and Employees Health and Safety during COVID-19: What Employers Need to Know**

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# Presentation Overview

1. Workplace Safety
2. Top health and safety resources for employers
3. COVID-19 benefits & protections for workers
4. Additional resources for employers



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# Workplace Safety



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New Jersey now has requirements for every employer – business, nonprofit, governmental and educational entities – to protect employees, customers and others who come into physical contact with its operations from COVID-19:

### **Overview of Requirements**

- Social Distancing
- Face Masks
- Sanitization
- Hand Hygiene
- Cleaning & Disinfecting
- Daily Health Checks

**Keep your workplace open and safe.  
See [nj.gov/labor/covidsafety](https://nj.gov/labor/covidsafety) for details.**



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# Social Distancing

- **Six feet of distance** between individuals to the maximum extent possible, including, but not limited to:
  - activities that normally require people to be together in a single room or space, in close proximity, such as meetings and orientations
  - common areas such as restrooms and breakrooms, and when people are entering and exiting the worksite
- **If nature of work or work area does not allow for six feet of distance**, each employee **must wear a mask** in accordance with face mask requirements.



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# Face Masks (1/3)

- **Employees, customers, visitors, and other individuals** entering worksite **must wear cloth or disposable face masks** while on the premises, according to CDC recommendations.
- **Some exceptions:**
  - If it would **inhibit the individual's health**, or the individual is **under 2 years of age**
  - When **eating or drinking**
  - When a service being provided **requires access to an individual's face**
  - **School districts** have their own face mask policy laid out in Executive Order 175



# Face Masks Requirements for Employees (2/3)

- When employees are at their workstation and more than six feet from others, or alone in a walled office, they may be permitted to remove their face masks.
- Employers must provide, at their expense, face masks for their employees.
- Employees may wear a surgical-grade mask or other more protective equipment if the employee already has it, or if the business is already required to provide it.
- Employers may deny any employee entry to the worksite who declines to wear a face mask, except when doing so would violate any state or federal law.
- Where an employee cannot wear a mask because of a **disability**, an employer may, consistent with the [Americans with Disabilities Act \(ADA\)](#) and/or [New Jersey Law Against Discrimination \(NJLAD\)](#):
  - be required to provide the employee with a **reasonable accommodation** unless doing so would be an undue burden on the employer's operations.
  - **require an employee to produce medical documentation** supporting the employee's claim that they are unable to wear a face mask because of a disability.



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# Face Masks Requirements for Visitors (3/3)

- Employers may deny any customer or visitor entry to the worksite who declines to wear a face mask, except when doing so would violate state or federal law.
- For a customer or visitor who declines to wear a mask due to a **disability**,
  - the employer may be required to provide service or goods via a **reasonable accommodation**, consistent with the [ADA](#) and the [NJLAD](#), unless such accommodation would pose an undue burden on the employer's operations.
  - the employer and/or employees **may not require the customer or individual to produce medical documentation** verifying the stated condition, unless production is otherwise required by state or federal law.



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# Sanitization

- Provide employees, customers and visitors with **sanitization materials**, such as hand sanitizer and sanitizing wipes, at no cost to those individuals.
- Hand sanitizers and wipes **must be approved** by the federal Food and Drug Administration (FDA) or contain at least 60% alcohol. See FDA guidelines on hand sanitizer [here](#).



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# Hand Hygiene

- Ensure that employees practice **regular hand hygiene**, particularly when employees are interacting with the public, and **provide employees break time** for repeated handwashing during the workday, and access to adequate hand washing facilities.
- If an employer requires employees to wear gloves at the worksite, the employer **must provide the gloves** to the employee.



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# Cleaning and Disinfecting

- **Routinely clean and disinfect all high-touch areas** in accordance with [DOH](#) and [CDC guidelines](#), particularly in spaces that are accessible to employees, customers, or other individuals, including, but not limited to, restrooms, hand rails, door knobs, other common surfaces, safety equipment, and other frequently touched surfaces including employee-used equipment.
- After a **known or potential exposure to COVID-19** at the worksite, **ensure cleaning** in compliance with [CDC recommendations](#).



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# Daily Health Checks

- Prior to each shift, conduct **daily health checks**, such as temperature screenings, visual symptom checks, self-assessment checklists, and/or health questionnaires, consistent with [CDC guidance](#).
- Also, using [CDC guidance](#), stay apprised of the evolving list of COVID-19 related symptoms.
- Daily health checks of employees must be consistent with the **confidentiality requirements** of the [ADA](#), [LAD](#), and other applicable laws, and consistent with any guidance from the [Equal Employment Opportunity Commission \(EEOC\)](#) and the [New Jersey Division on Civil Rights](#).



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# In Case of Symptoms or Exposure

- Immediately **physically separate and send home employees who appear to have symptoms**
  - Employers who are subject to state and/or federal paid and/or job-protected leave laws must follow the requirements of the law when requiring employees to leave the workplace.
- **Promptly notify employees of any known exposure to COVID-19** at the worksite, consistent with the confidentiality requirements of the [ADA](#) and any other applicable laws, and consistent with guidance from the [EEOC](#).
- When an employee at the worksite has been diagnosed with COVID-19, **clean and disinfect the worksite** in accordance with [CDC guidelines](#).



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# Exceptions for certain employers

- If protocols interfere with the provision of services in support of any emergency response, then they would not apply to first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement and corrections personnel, hazardous materials responders, child protection and child welfare personnel, housing and shelter personnel, military, and other governmental employees working for or to support the emergency response.
- The measures above do not apply to employees of the United States government.
- Religious institutions are exempt when the measures above would prohibit the free exercise of religion.



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# Top Health and Safety Resources for Employers



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Reach out to NJDOL Safety & Health with questions:

- Email [covid.safety@dol.nj.gov](mailto:covid.safety@dol.nj.gov)
- Call (609) 292-0767

Make use of our **free** Health and Safety Trainings and Consultations:

- For consultations: [www.nj.gov/labor/consultation](http://www.nj.gov/labor/consultation)
- For trainings: [www.nj.gov/labor/training](http://www.nj.gov/labor/training)
- Ask your questions on consultation and training assistance by contacting Justin Baker, Chief Occupation Health at 609-633-2587 or [Justin.Baker@dol.nj.gov](mailto:Justin.Baker@dol.nj.gov)

Federal business tax credits available for employee paid leaves:

<https://www.irs.gov/newsroom/covid-19-related-tax-credits-general-information-faqs>



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# COVID-19 Benefits and Protections for Workers



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# When employees understand their rights and protections, it helps keep workplaces healthy and safe.

- Familiarize yourself with the COVID-19 federal and state benefits and protections, including paid leave and job protection, and **proactively share this information with workers.**
- If a worker is diagnosed with or exposed to COVID-19, and understands their rights and protections, they'll be **more likely to stay home – keeping the rest of the workforce safe.**



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# Top COVID-19 Benefits and Protections

- 1) You **can't fire your employee** for taking time off to get tested or quarantine if they have a note from a medical professional recommending this time off.
- 2) If an employee **needs time off** from work to test or quarantine, or because they're high risk, they could be eligible for **employer-paid and/or state cash benefits**.
- 3) You **can't discriminate** against an employee for having COVID-19.
- 4) If an employee **needs to take time off to care for a loved one** with COVID-19, their job may be protected and they may be eligible for **state cash benefits**.



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1) You **can't fire your employee** for taking time off to get tested or quarantine if they have a note from a medical professional recommending this time off.

- New Jersey has a new law that prohibits an employer from firing or otherwise punishing an employee who requests time off or takes time off from work based on a medical professional's determination that the employee has, or is likely to have, COVID-19.
- The law only applies during the COVID-19 Pandemic and related Public Health Emergency and State Emergency.
- Enforced by NJDOL. **Learn more at [nj.gov/labor](https://nj.gov/labor).**
- An employee may also be eligible for job-protected leave under the **FMLA** ([USDOL](https://www.dhs.gov/eisaposters/2017/01/17/2017-01-17-usdol) enforces this law).



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2) If an employee **needs time off** from work to test or quarantine, or because they're high risk, they could be eligible for **employer-paid and/or state cash benefits**.

- **NJ Earned Sick Leave**
  - employer pays / [NJDOL](#) enforces
- **Federal Emergency Paid Sick Leave**
  - employer pays / [USDOL](#) enforces
- **Temporary Disability Insurance benefits** (up to 26 weeks)
  - NJDOL: [myleavebenefits.nj.gov](https://myleavebenefits.nj.gov)
- **Pandemic Unemployment Assistance benefits**
  - NJDOL: [myunemployment.nj.gov](https://myunemployment.nj.gov)

Try our eligibility tool at [getstarted.nj.gov](https://getstarted.nj.gov) and learn more at [nj.gov/labor](https://nj.gov/labor)



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### 3) You **can't discriminate** against an employee for having COVID-19.

- Learn more about rights and protections against discrimination and bias-based harassment related to the COVID-19 pandemic and the [NJ Law Against Discrimination](#)
- Enforced by the NJ Division on Civil Rights: [njcivilrights.gov](http://njcivilrights.gov)



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4) If an employee **needs to take time off to care for a loved one** with COVID-19, their job may be protected and they may be eligible for **state cash benefits**.

- **NJ Family Leave Act:** up to 12 weeks of unpaid, job-protected leave
  - NJ Division on Civil Rights: [njcivilrights.gov](http://njcivilrights.gov)
- **NJ Family Leave Insurance benefits** (up to 12 weeks)
  - NJDOL: [myleavebenefits.nj.gov](http://myleavebenefits.nj.gov)
- **Pandemic Unemployment Assistance benefits**
  - NJDOL: [myunemployment.nj.gov](http://myunemployment.nj.gov)



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## Other benefits and protections to know about

**Workers' Compensation** (if worker contracts COVID-19 on the job) New law in NJ (SB 2380): creates a rebuttable presumption of workers' compensation coverage for COVID-19 cases contracted by "essential employees" during a public health emergency; seek counsel from WC attorney; learn more at [nj.gov/labor](https://nj.gov/labor)

**Mandatory remote learning:** benefits and protections for employees who can't work because their children are in mandatory remote learning. See [nj.gov/labor](https://nj.gov/labor) for more information.

**Return to work:** when employees are recalled to work or receive an offer of work they have questions about benefits and protections. See [nj.gov/labor](https://nj.gov/labor) for more info.



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# Don't forget: Contact Tracing

An employee who has been diagnosed with or exposed to COVID-19 may receive communications from health authorities for contact tracing purposes.

**Encourage employees to help stop the spread, and answer** contact tracing phone calls and messages.

Learn more about contact tracing here: <https://covid19.nj.gov/pages/testandtrace>



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# Additional Employer Resources

## NJ Temporary Disability & Family Leave Insurance Employer Toolkit

Most NJ workers are covered under the State programs.

[myleavebenefits.nj.gov/employerkit](https://myleavebenefits.nj.gov/employerkit)

## Additional NJDOL COVID-19 Information for Employers

Guidance, resources, and FAQs:

<https://www.nj.gov/labor/employer-services/business/covid.shtml>



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# Questions?



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# Thank You!



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