

Employment FAQs (4/20/20)

This FAQ addresses questions that have arisen during the COVID-19 pandemic and is intended to provide guidance to educate clients/screen them for referral for legal services. This resource is based on laws and orders in place in Maryland, and is intended for general informational purposes only and does not constitute legal advice. For specific questions, contact a local legal services provider in your state/county.

Q: Can my employer require me to stay home from work without pay if I am not sick?

A: Probably not. However, an employer can send you home if you have come in contact with someone who has tested positive for COVID-19, even if you are not experiencing symptoms. An employer may also be able to send you home based on concerns that a known medical condition would make you especially vulnerable to COVID complications (i.e. significant risk of substantial harm to your health or safety). However, the employer should first ask what type of accommodations or assistance may help to reduce this risk (e.g. telework) and, if reasonable, should provide these accommodations. If no reasonable accommodations can be made, you may be eligible for paid leave under the Families First Coronavirus Response Act and/or unemployment insurance benefits, discussed below.

Q: Can I request a reasonable accommodation to reduce my exposure to coronavirus?

A: Yes. Under the ADA, employers must make reasonable accommodations available to employees with disabilities unless it poses a substantial hardship. You should talk to your employer about what reasonable accommodations may be available, including telework.

Q: Am I entitled to paid leave from work if I have symptoms of COVID-19 or am told to quarantine?

A: Probably. The Families First Coronavirus Response Act requires certain employers to provide two weeks of paid leave to employees who are experiencing COVID-19 symptoms or who have been told by a health care provider to self-quarantine. If you are required to quarantine, and your employer has not provided the option to telework, you should also file a claim for unemployment insurance.

Q: Am I entitled to paid leave from work if I need to care for a quarantined person or my child?

A: Probably. The Families First Coronavirus Response Act requires certain employers to provide two weeks of paid leave to employees who must care for an immediate family member who is quarantined and to employees who must care for a child whose school or childcare is closed. The act also provides up to an additional 10 weeks of paid expanded family and medical leave at two-thirds the employee's regular rate of pay if the employee has been employed for at least 30 calendar days and is unable to work because they are caring for a child. You should also file a claim for unemployment insurance.

Q: If I was laid off from work, or had to quit my job, due to a reasonable risk of exposure to COVID-19 or to care for a family member due to COVID-19, am I eligible for unemployment insurance benefits?

A: Yes and maybe. State unemployment benefits are available to individuals who are unemployed through no fault of their own. Also, you may be determined to be eligible for benefits if the circumstances of your job separation are allowable under Maryland's provisions for good cause and/or just circumstances for voluntarily leaving work. In Maryland, [apply for unemployment insurance benefits](https://secure-2.dllr.state.md.us/NetClaims/Welcome.aspx) at <https://secure-2.dllr.state.md.us/NetClaims/Welcome.aspx> or by phone at 410-949-0022 (Baltimore) or 800-827-4839.