

COVID-19 FAQs for Employment-Related Inquiries

HEALTH AND SAFETY

What are my employer's obligations to keep me safe as businesses reopen?

Under New York's reopening plan, New York Forward, your employer's obligations differ based on your region's phase of reopening and industry. For current information on your region's phase of reopening, [please visit the New York Forward website](#). Each industry has its own set of health and safety requirements. Please visit the industry-specific websites below for the guidelines applicable to your industry.

In [Phase One](#), entities in the construction, agriculture, retail trade, wholesale trade, manufacturing, and higher education research sectors are permitted to reopen.

In [Phase Two](#), entities in the real estate, essential and in-store retail, vehicle sales and rentals, rental repair and cleaning, commercial building management, hair salons and barbershops, outdoor take-out and delivery food services, and businesses located in offices are permitted to reopen.

In [Phase Three](#), entities in the food service and personal care sectors are permitted to reopen.

In [Phase Four](#), entities in higher education, low-risk indoor and outdoor arts and entertainment, and media production sectors are permitted to reopen.

New York has set [statewide guidelines](#) for child care and day camps, lake and ocean beaches, religious and funeral services, racing activities, dentistry, auto racing, professional sports training facilities, public transportation, and sports and recreation.

Every business in New York that plans to reopen must establish a [New York Forward Safety Plan](#) that details how the business will keep employees safe, including measures it will take to maintain social distancing, maintain a clean working environment, provide adequate personal protective equipment, and ensure that employees who come to work are not carrying the virus.

The State Department of Health has also published [guidance](#) on how employers should respond if employees in the workplace become sick with or exposed to the virus.

Your employer also has a general obligation to maintain a safe workplace, under the Occupational Safety and Health Act. OSHA has issued guidance for employers on how to protect employees during the [pandemic](#).

The Center for Disease Control has also published [guidance](#) for employers as to how to respond to the pandemic.

If you are concerned that your employer is not following New York Forward guidelines or health and safety mandates, you may file a complaint with the [New York Department of Labor](#). Please use the [Department of Labor's complaint form](#).

Are essential employers required to maintain social distancing within a workplace?

[Guidance implementing Executive Order 202.6](#) states that, “Essential Businesses must continue to comply with the guidance and directives for maintaining a clean and safe work environment issued by the Department of Health (DOH) and every business, even if essential, is strongly urged to maintain social distancing measures to the extent possible.”

Is my employer required to provide me with a face covering?

[Governor Cuomo’s Executive Order No. 202.16](#) directs essential businesses to provide, at their expense, face coverings for their employees when in direct contact with customers or members of the public.

What steps must my employer take if an employee in my workplace tested positive for COVID-19?

[CDC Guidance](#) requires, “If an employee is confirmed to have COVID-19 infection, employers should inform fellow employees of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA)”, thereby permitting the “fellow employees [to] self-monitor for symptoms (i.e., fever, cough, or shortness of breath).”

The same [CDC Guidance](#) also requires that the employer “Perform routine environmental cleaning and disinfection, . . . [and] enhanced cleaning and disinfection after persons suspected/confirmed to have COVID-19 have been in the facility.” In particular, [CDC Disinfection Recommendations](#) explain that the employer should “Close off areas visited by the ill persons. Open outside doors and windows and use ventilating fans to increase air circulation in the area. Wait 24 hours or as long as practical before beginning cleaning and disinfection. . . . Cleaning staff should clean and disinfect all areas such as offices, bathrooms, common areas, shared electronic equipment like tablets, touch screens, keyboards, remote controls, and ATM machines used by the ill persons, focusing especially on frequently touched surfaces . . . additional cleaning and disinfection is not necessary if it has been more than 7 days since the person with suspected/confirmed COVID-19 visited or used the facility.”

EMERGENCY PAID SICK AND FAMILY LEAVE

New federal and state emergency sick and family leave laws offer specific protections for people diagnosed with, have symptoms of, or quarantined for COVID-19, people caring for those with COVID-19, or people caring for children whose schools or day care have closed due to COVID-19.

The federal Families First Coronavirus Response Act (FFCRA) took effect on April 1, 2020, and the state law took effect March 18, 2020.

Am I entitled to any paid sick leave if I have COVID-19 or have symptoms of COVID-19?

Employees who are diagnosed with COVID-19 or experiencing symptoms of COVID-19 and seeking a medical diagnosis are entitled to 80 hours of paid sick leave at their usual rate of pay, capped at \$5,110, if they are working for employers of 499 employees or less, with limited exceptions, under federal law.

Under the federal FFCRA, however, an employer may (but is not required to) exclude health care providers and emergency responders from taking emergency paid sick and family leave. Under relevant law, “health care provider” is defined as: “(A) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or (B) any other person determined by the Secretary to be capable of providing health care services.” On August 3, 2020, a U.S. District Court enjoined provisions of the U.S. Department of Labor’s rules implementing the FFCRA that unlawfully narrowed the coverage of the paid leave provisions, including the U.S. DOL’s overly broad definition of “health care provider.” The U.S. Department of Labor has defined an emergency responder as anyone necessary for the provision of transport, care, healthcare, comfort and nutrition of such patients, or others needed for the response to COVID-19. Examples include military or national guard, law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, child welfare workers and service providers, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency, as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility. (The definition of “emergency responder” was not challenged in the U.S. District Court litigation and remains in effect.)

The U.S. Department of Labor has provided this [guidance on coverage under the FFCRA](#) (but please note that the discussion of the work-availability requirement (which had prevented employees from taking paid sick leave and emergency family leave for certain qualifying conditions where the employer “d[id] not have work” for the employee; the definition of “health care provider; the requirement that an employee secure employer consent for intermittent leave, and the requirement that documentation be provided before taking leave will need to be updated to comply with the August 3, 2020 decision by the U.S. District Court). The U.S. Department of Labor has also encouraged employers to use the exemption carefully.

Am I entitled to any paid sick leave if I am under a mandatory or precautionary quarantine order?

Individuals who have, have symptoms of, or have been exposed to COVID-19 may be eligible for a mandatory or precautionary quarantine order from the local Health Department. To get information and guidance on obtaining a quarantine order, please refer to [Guidance on Obtaining an Order of Quarantine](#) and this [list of county health department contacts](#).

Both federal and state law provide protections for those under quarantine or isolation orders. Under the state law, the employee must be under an order issued by the local Health Department. Further information is available on the factsheet, [Guidance on Obtaining an Order of Quarantine](#).

If the local Health Department is not able to immediately provide an order of quarantine, the employee can submit documentation from a licensed medical provider that meets certain requirements. Guidance on documentation from a licensed medical provider can also be found on the [Obtaining an Order For Mandatory or Precautionary Quarantine factsheet](#).

The state paid leave provisions only apply if they are *more* protective than the federal leave provisions (either because the federal leave provisions do not apply to an employee, or because the state law provides more coverage). The state law protections do not apply to those who are under quarantine or self-isolation at home but are not symptomatic and are able to work remotely. The state law also protects health care providers and health responders who may not be covered by the federal law. More information on these new leave benefits is available on the [New York Paid Leave for COVID-19 website](#).

Whether state or federal protections govern depends on employer size. This means that in general:

For employers with 100 or more employees

Employees are entitled to 14 days of paid sick leave at full pay under state law.

For employers with between 50 and 99 employees

Employees are entitled to 80 hours of paid sick leave at full pay, with a maximum of \$5,110 total, under federal law.

For employers with fewer than 50 employees

Under federal law, employers with fewer than 50 employees are obligated to provide up to 80 hours of paid sick leave at full pay, with a maximum of \$ 5,110 total, with limited exceptions. For employers falling into one of the exceptions in the federal law, state law requires that an employer with between 11 and 49 employees, or with 10 or fewer employees and with net income over \$1 million, must provide at least five days of paid sick leave. Under state law, employees of employers with 10 or fewer, disability benefits and New York State Paid Family Leave Benefits are available for the period of quarantine/isolation.

Employees may also apply for state paid family leave and temporary disability benefits to cover the rest of a quarantine period, or while they or a family member continue to be sick. For state family leave benefits, the maximum weekly allowance is \$840.70. For emergency temporary disability benefits, the maximum weekly allowance is \$2,043.92. For more information on state paid family leave, please call the PFL Helpline at (844) 337-6303 or visit [the Paid Family Leave for Family Care website](#).

Am I entitled to any paid leave if someone in my family has COVID-19 or has been quarantined?

Employees are entitled to up to 80 hours of emergency paid sick leave at two-thirds pay, with a maximum of \$200 per day and \$2,000 in total, with limited exceptions, under federal law, if they are caring for someone who has COVID-19 or has been quarantined. U.S. Department of Labor regulations say the person the employee is caring for must be an “the Employee’s immediate family member, a person who regularly resides in the Employee’s home, or a similar person with whom the Employee has a relationship that creates an expectation that the Employee would care for” them.

Employees are also entitled to use state paid family leave to care for sick family members or for children under mandatory quarantine. For state family leave benefits, employees will be compensated at 60% of their average weekly earnings for 10 weeks with a maximum weekly allowance of \$840.70 per week. For more information on state paid family leave, please call the PFL Helpline at (844) 337-6303 or visit [the Paid Family Leave for Family Care website](#).

Am I entitled to any paid leave if my children’s school or day care is closed due to COVID-19?

Employees are entitled to use federal emergency sick leave and emergency family leave to care for children whose schools or day care or preschool facilities have closed due to COVID-19 if they are working for employers of 499 employees or less, with limited exceptions, under federal law. The law also applies if a regular child care provider has become unavailable due to COVID-19. Employers with fewer than 50 employees may be exempt from providing family leave if it jeopardizes their business viability. For federal paid sick leave benefits, the employee will receive two-thirds pay with a maximum of \$200 per day and \$2,000 in the aggregate. For federal family leave benefits, employees can use the emergency paid sick leave for two weeks (to be compensated at a maximum of \$2,000 total for those two weeks), and will be compensated at 67% of their regular rate for the following ten weeks, with a maximum of \$10,000 total.

Am I entitled to any emergency paid leave for COVID-19 if I am an independent contractor?

Under the new federal law, self-employed individuals who would have been entitled to paid sick or family leave if they were employees will receive a tax credit if they lose work because: (a) they are ordered by a health department or advised by a health care provider to quarantine or self-quarantine, (b) have symptoms of COVID-19 and are seeking a medical diagnosis, (c) are caring for someone in one of the first two categories, or (d) are caring for a child whose school or day care closes. For days when employees would have been entitled to full pay up to \$511 per day, the amount of the tax credit will be the lesser of the individual’s daily self-employment income, or \$511 per day. For days when employees would have been entitled to two-thirds of their regular pay up to \$200 per day, the amount of the tax credit will be the lesser of 67% of average daily self-employment income, or \$200 per day.

Can my employer fire me or discipline me for taking leave or reporting violations of the sick or family leave laws?

Both federal and state law prohibit retaliation, including discipline, firing, or otherwise discriminating against an individual, for taking sick or family leave.

If you have been retaliated against for taking or requesting emergency leave, you should contact the Attorney General's Office using the Labor Bureau's [complaint form](#). You may also email labor.bureau@ag.ny.gov or call (212) 416-8700.

SICK LEAVE AND FAMILY LEAVE GENERALLY

In addition to the protections for COVID-19 recovery, New York State and City have generally-available paid sick leave and family leave protections for those with, or caring for family members with, other illnesses or medical conditions

What are my rights to paid sick leave if I live in New York City or Westchester?

Most employees in New York City and Westchester have up to five days of paid sick leave per year if they work for an employer that has more than five employees or if the employee is a domestic worker.

Employees accrue one hour of paid sick time for every 30 hours worked and most employees can take sick time after they have worked for the employer for 120 days (employees in Westchester can begin taking sick time after 90 days of employment). Employees must be able to carry over at least 40 hours of accrued sick time year to year.

This means that full-time employees will have at least five paid sick days if they have worked for an employer for more than eight months.

Employees should request leave from their employers. An employee may be required to provide reasonable notice (but no more than seven days) only if the use of sick time is foreseeable. Otherwise, for unexpected medical issues, no advance notice is required, but an employer may require that notice be given as soon as practicable.

An employer may not require employees to provide documentation from medical professionals about the necessity of sick leave unless the employee is out for more than three consecutive days.

If you have been unlawfully denied sick leave or for more information, please visit:

NYC residents can contact the Department of Consumer Affairs by calling 311, or visit: <https://www1.nyc.gov/site/dca/workers/workersrights/paid-sick-leave-law-for-workers.page>. To file a complaint, please visit: <https://www1.nyc.gov/assets/dca/downloads/pdf/workers/OLPS-IntakeForm-English.pdf>

Westchester residents can contact the Department of Consumer Protection at (914) 995-2155 or visit: <https://humanrights.westchestergov.com/resources/earned-sick-leave-law>.

What are my rights to paid sick leave if I live outside of New York City and Westchester?

There is currently no general state paid sick leave law, although the Governor has proposed a bill that provides some paid sick leave that may be passed by the legislature this year.

What are my rights to temporary disability benefits?

Employees who become ill or injured off-the-job may be eligible for temporary disability benefits. Disability benefits are paid at 50% of an employee's average weekly wage with a maximum of \$170 per week.

For more information on temporary disability benefits, contact the New York State Workers' Compensation Board by phone at (877) 632-4996 or via e-mail at Claims@wcb.ny.gov, or visit: <http://www.wcb.ny.gov/content/main/DisabilityBenefits/Employer/introToLaw.jsp>. For information on how to file a claim, please visit: <http://www.wcb.ny.gov/content/main/offthejob/db-overview.jsp#howToFileClaim>.

What are my rights to paid leave if a family member is sick?

Most employees in New York can take 10 weeks of partially paid leave to take care of a family member with a serious health condition. Employees will be compensated at 60% of their average weekly earnings with a maximum weekly allowance of \$840.70 per week.

Full-time employees may start taking leave after 26 weeks of starting work and part-time employees may start taking leave after 175 days of work.

Employees should request leave from their employers. An employee may be required to notify the employer 30 days in advance if the leave is foreseeable. If the leave is unexpected, then employees must give their employers notice as soon as practicable.

Please note that employees generally may not use leave for their own medical conditions.

If you have been unlawfully denied family leave, or for more information, please call the PFL Helpline at (844) 337-6303 or visit: <https://paidfamilyleave.ny.gov/>.

What are my rights to unpaid leave if I or a family member becomes sick?

Employees are guaranteed 12 weeks of job-protected leave within a 12-month period if they are sick or need to take care of a sick family member if they work for an employer of 50 or more for at least a year, under federal law. Family members include spouses, children, and parents. Employees may take this leave on a part-time or intermittent basis. Your employer must continue your health insurance during the leave of absence, although employees may be asked to make employee contributions.

Employees should request leave from their employers. Employees must give employers 30 days' notice if leave is foreseeable.

If you have been unlawfully denied FMLA leave, or for more information, please call the U.S. Department of Labor, Wage and Hour Division, at 1-866-487-9243, or visit: <https://www.dol.gov/agencies/whd/fmla>.

UNEMPLOYMENT INSURANCE

What if I am laid off or furloughed from my job as a result of my employer's reduction in business or closure?

Employees may be entitled to unemployment insurance payments for 26 weeks if they are laid off on a temporary or permanent basis through no fault of their own. The amount of benefits employees receive depends on their average weekly rate, with a minimum of \$104 per week and a maximum of \$504 per week. In order to qualify for weekly benefits, employees must continue to look for work.

Employees should apply for unemployment insurance with the New York Department of Labor immediately after they are laid off. To file unemployment insurance claims please visit the [NYS Department of Labor](#). You may file a claim online, or you can call the Telephone Claim Center at (888) 209-8124. Once you file a claim for benefits, you must also claim weekly benefits (also known as "certifying for benefits") for each week you are unemployed and meet the eligibility requirements. You can claim your weekly benefits each week online, or by calling (888) 581-5812.

For more information about the unemployment insurance claim process and eligibility, please visit the [NYS Department of Labor claimant handbook](#).

**During the COVID-19 outbreak, the Department of Labor is not requiring applicants to wait one week before receiving unemployment insurance benefits.

How does the new federal law effect unemployment benefits?

The federal CARES Act will provide enhanced Unemployment Insurance (UI) benefits and Pandemic Unemployment Assistance (PUA) for New Yorkers. Beginning April 5, 2020 you may qualify to receive an additional \$600 per week. You may also receive an additional 13 weeks of UI benefits if you are still unemployed after 26 weeks. You do not need to do anything for these extra benefits, they will be updated automatically. For more information visit the Department of Labor's [website](#).

What if I do not qualify for regular state UI benefits, but was still impacted by COVID-19. Would I still be eligible for Pandemic Unemployment Assistance?

Yes. Pandemic Unemployment Assistance (PUA) has extended eligibility for individuals who have traditionally been ineligible for UI benefits (e.g., self-employed workers, independent contractors). These individuals are eligible if they cannot work because of COVID-19. Some of the reasons include: a positive COVID-19 diagnosis of the individual or a family member, having symptoms of COVID-19 and seeking diagnosis, they are the primary caregiver of a child whose school closed due to the virus, their place of employment closed as a direct result of COVID-19, etc. DOL has a streamlined application that allows you to apply for either regular UI or PUA, depending on your eligibility. You do not have to complete a separate application for PUA. The application will determine which program you should be applying for and then prompt

you to answer program-specific questions. For more information on the PUA and eligibility, please visit the [NYS Department of Labor's Unemployment Insurance guidance](#).

What if my hours were heavily reduced? Or, what if I worked multiple jobs, and was laid off of one of the jobs?

Employees may be entitled to partial unemployment insurance benefits if they work fewer than four days a week and do not earn over the maximum rate of \$504 per week. Depending on how many days per week you continue to work, you may receive up to three-quarters of your average weekly rate in partial benefits. Employees who receive partial benefits are entitled to receive benefits for a longer period of time than employees who receive full unemployment insurance benefits.

Am I entitled to unemployment insurance even if I am classified as an independent contractor?

You may be entitled to unemployment insurance even if you are classified as an independent contractor. If an employer has sufficient control over your schedule, pay, and day-to-day work conditions, you may be misclassified as an independent contractor.

Any worker that experiences loss in work may apply for unemployment insurance with the New York Department of Labor. Unemployment insurance claims may be filed here: <https://labor.ny.gov/unemploymentassistance.shtm>.

How do I report identity theft related to unemployment insurance?

If you believe you are the victim of identity theft related to unemployment insurance, including someone filing a false claim using your personal information, you can report the fraud to the New York State Department of Labor by submitting an online form, calling a toll-free hotline, or by mail. The best way to contact the New York State Department of Labor is to fill out the online form. Information on reporting unemployment insurance benefit fraud and a link to the online form are available here: <https://labor.ny.gov/agencyinfo/uifraud.shtm>. In addition, you can take steps to protect your credit by filing an identity theft report with the Federal Trade Commission. Information on filing an FTC identity theft report and a link to the report form are available here: <https://www.ftc.gov/faq/consumer-protection/report-identity-theft>.

WORKERS' COMPENSATION FOR ESSENTIAL EMPLOYEES CONTINUING TO WORK

Am I entitled to workers' compensation if I contract COVID-19 on the job?

Employees that contract COVID-19 at their place of work may be entitled to workers' compensation insurance during any treatment or recovery. Employees receive weekly benefits of two-thirds of their average weekly pay rate multiplied by their percentage of disability with a maximum payment of \$966.78 per week.

Employees should apply for benefits with the Workers' Compensation Board. Workers' Compensation claims may be filed here: <http://www.wcb.ny.gov/content/main/onthejob/howto.jsp>. You may call (877) 632-4996 for questions or assistance

PROTECTIONS AGAINST DISCRIMINATION AND HARASSMENT BASED ON NATIONAL ORIGIN

What are my rights if my employer is treating me unfairly because of my race or national origin?

Employers are prohibited by federal, state, and city law from treating employees differently based on race or national origin. If you have been fired, demoted, or harassed because your employer believes that you are from a country where there is a high incidence of COVID-19 cases (such as China, Japan, Iran, or Italy), you may file a complaint with the Attorney General's Office: <https://ag.ny.gov/sites/default/files/cr-discrimination-complaint-form-english.pdf>. Completed forms can be mailed to the Civil Rights Bureau, emailed to civil.rights@ag.ny.gov or faxed to (212) 416-6030. You may also call (212) 416-8250.

Employees may also file a complaint with the federal Equal Employment Opportunity Commission if you work at a workplace with more than 15 people: <https://www.eeoc.gov/employees/charge.cfm>. Complaints with the EEOC must be filed within 300 days of the discriminatory incident. You may also call (800) 669-4000.

Any employee may file with the State Division of Human Rights: <https://dhr.ny.gov/complaint>. Complaints with the SDHR must be filed within 1 year. You may also call (888) 392-3644.

New York City employees may file a complaint with the City Commission on Human Rights if your employer has employed more than three people in the past year: <https://www1.nyc.gov/site/cchr/enforcement/complaint-process.page>. For more information you may call (718) 722-3131.

PROTECTIONS AGAINST DISCRIMINATION FOR THOSE WITH OR RECOVERING FROM COVID-19

What are my rights if I need an accommodation due to my treatment for or recovery from COVID-19?

Under federal, state, and local law, employers must provide a reasonable accommodation for employees if, as a result of a long- or short-term disability, they need an accommodation to perform their jobs. Reasonable accommodations can include telecommuting, staggering your schedule, or taking leave. Short-term disabilities protected under the anti-discrimination laws includes severe but temporary illnesses.

Employees should request an accommodation from their employers.

If you have been unlawfully denied an accommodation, you may file a complaint with the Attorney General's Office: <https://ag.ny.gov/sites/default/files/cr-discrimination-complaint-form-english.pdf>.

Employees may also file a complaint with the federal Equal Employment Opportunity Commission if you work at a workplace with more than 15 people: <https://www.eeoc.gov/employees/charge.cfm>. Complaints with the EEOC must be filed within 300 days of the discriminatory incident. You may also call (800) 669-4000.

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What are my rights if I am being treated unfairly due to my COVID-19 diagnosis?

Federal, state, and local law prohibits employers from discriminating against employees for a disability or a perceived disability. If you have been fired, demoted, or harassed because you are being treated for or recovering from COVID-19, you may file a complaint with the Attorney General's Office: <https://ag.ny.gov/sites/default/files/cr-discrimination-complaint-form-english.pdf>. Completed forms can be mailed to the Civil Rights Bureau, emailed to civil.rights@ag.ny.gov or faxed to (212) 416-6030. You may also call (212) 416-8250.

Employees may also file a complaint with the federal Equal Employment Opportunity Commission if you work at a workplace with more than 15 people: <https://www.eeoc.gov/employees/charge.cfm>. Complaints with the EEOC must be filed within 300 days of the discriminatory incident. You may also call (800) 669-4000.

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New York City employees may file a complaint with the City Commission on Human Rights if your employer has employed more than three people in the past year: <https://www1.nyc.gov/site/cchr/enforcement/complaint-process.page>. For more information you may call (718) 722-3131.

Can my employer take my temperature or require me to take a medical test for COVID-19?

Yes. The [Equal Employment Opportunity Commission has determined](#) that temperature checks and mandatory medical tests for COVID-19 are job-related and consistent with business necessity. An employer may not, however, require than an employee be tested for anti-bodies.

RETALIATION

What happens if my employer retaliates against me for exercising any of my rights above?

Retaliation is prohibited for exercising your right to paid or unpaid sick or family leave, unemployment insurance, workers' compensation, complaining about health and safety conditions, national origin or race discrimination, or requesting an accommodation for a disability.

There is also a narrow protection from retaliation under New York's whistleblower protection law, Labor Law Section 740, by which an employer is prohibited from taking retaliatory action against an employee who "discloses or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer that is in violation of law, rule or regulation which violation creates and presents a substantial and specific danger to the public health or safety" or who "objects to, or refuses to participate in any such activity, policy or practice in violation of a law, rule or regulation." NY Lab. L. § 740(2)(c).

In order to prove a claim under this law, a worker must prove that:

(1) she disclosed or threatened to disclose an activity, policy, or practice of her employer to a supervisor or public body, or objected to or refused to participate in an activity, policy, or practice of the employer;

(2) the underlying activity, policy, or practice constituted an *actual violation* of a law, rule, or regulation,

(3) the violation presented a substantial and specific danger to the public; and

(4) the employer fired or disciplined the worker *because* of her activity in item (1).

If you believe you have been retaliated against for exercising any of your rights above, you should [file a complaint with the Labor Bureau](#) of the Attorney General's Office, email labor.bureau@ag.ny.gov, or call (212) 416-8700.

ADDITIONAL PROTECTION FROM RETALIATION FOR HEALTHCARE WORKERS

Am I protected if I make a complaint about how my employer is handling the COVID-19 outbreak?

Healthcare services professionals who disclose or threaten to disclose information to their supervisors or to the public about the quality of care patients receive are protected from retaliation.

Healthcare professionals with concerns about patient care during the COVID-19 outbreak should contact the Department of Health: <https://apps.health.ny.gov/surveyd8/facility-complaint-form>.

Healthcare employees with concerns about retaliation for reporting patient care issues should contact the Attorney General's Office:

https://ag.ny.gov/sites/default/files/labor_bureau_complaint.pdf.