

DOL COVID-19 complaint process

These are unprecedented times, and you may be experiencing many changes in your workplace due to the COVID-19 pandemic. However, you still have a variety of protections related to your employment, and those include some special protections created in response to COVID-19. NYSCOPBA wants to make you aware of a complaint process that is available to you if you believe that your employer—whether DOCCS, OMH, or another agency—is violating a law or policy related to the COVID-19 pandemic.

The New York State Department of Labor has set up an online complaint form that you can fill out if you believe you have been subject to any of the following types of misconduct by your employer:

- You are being forced to work at a non-essential business
- You know about a business that is non-essential and is operating
- You are being forced to work for an essential business, however:
 - You do not perform an essential function
 - Your employer is making you report to a worksite when your job could be performed from home
 - Your employer is not following health and safety mandates
 - You are particularly frightened because you are over 70 and/or you have an underlying illness.
- Your employer has failed to pay you wages owed for hours worked, earned sick pay or paid time off
- Your employer has threatened or fired you for reasons related to COVID-19
- You qualify for COVID-19 paid sick leave and your employer refuses to pay it
- Your employer is forcing you to work when you are sick

If any of the examples above apply to you, you should submit a complaint form on the DOL website. A link to the online form, as well as additional information about your rights and your employer's obligations during the COVID-19 pandemic, is available here:

<https://labor.ny.gov/workerprotection/laborstandards/coronavirus-complaints.shtm>

Please note that the form is designed to be filled out and submitted by the employee experiencing the issue—not by another employee or union representative on their behalf.

If you have any concerns about your workplace rights or safety that are not covered by the topics listed above, please reach out to one of your NYSCOPBA representatives for assistance.