

This publication includes information as of November 10, 2020.

Please also monitor nyc.gov/workers.

Returning to Work During COVID-19: Important Information for Domestic Workers and Their Employers

Domestic work is unique: the workplace is a private home. Domestic workers include nannies, house cleaners, housekeepers, home care workers, and in-home child care workers.¹ This publication is intended to provide important health and safety information for domestic workers and their employers during the COVID-19 pandemic. Sections include:

- I. Recommended Best Practices for Domestic Workers
- II. Checklist and Resources for Employers
- III. Other Resources for Domestic Workers

New York State health and safety guidelines, which cover business and domestic employment, are available at forward.ny.gov.

Good communication combined with collaboration will best enable both workers and employers to stay safe and reduce the risks of transmission in a private household setting.

REMEMBER THE 4 KEY ACTIONS TO PREVENT COVID-19 TRANSMISSION:

1. **Stay home if sick:** Stay home if you are sick unless you are leaving for essential medical care (including [testing](#)) or other essential errands.
2. **Physical distancing:** Stay at least 6 feet away from other people.
3. **Wear a face covering:** Protect those around you. You can be contagious without symptoms and spread the disease when you cough, sneeze, or talk. A face covering may help reduce the spread of COVID-19.
4. **Practice healthy hand hygiene:** Wash your hands often with soap and water or use hand sanitizer if soap and water are not available; clean frequently touched surfaces regularly; avoid touching your face with unwashed hands; and cover your cough or sneeze with your sleeve, not your hands.

Read [What New Yorkers Need to Know Now About COVID-19](#), available on the NYC Department of Health and Mental Hygiene website nyc.gov/health. Click COVID.

¹ Domestic work comprises many types of work. The NYC Department of Health and Mental Hygiene previously issued [COVID-19 Guidance for Home Health Care Workers and Community Health Care Workers](#) (including aides to sick and elderly persons) available at nyc.gov/health. Click COVID.

I. Recommended Best Practices for Domestic Workers

1. Discuss and develop a Safety Plan with your employer and stick to the plan.
2. Prepare for possible COVID-19 exposure.
3. Know your rights regarding paid leave and/or protected time off if you are exposed.
4. Speak regularly and openly with your employer about health and safety issues, including the effectiveness of the Safety Plan to address issues.

Best Practice #1: Discuss and develop a Safety Plan with your employer and stick to the plan.

Discuss with your employer what you both will do to protect against COVID-19, then put agreed expectations and practices in writing. The Safety Plan that you develop will help you and your employer since you may have in your homes older adults or people with medical conditions who are at increased risk for severe COVID-19 illness,² people commuting to jobs, and other potential concerns.

The Safety Plan should address at minimum:

Health Screening	<ul style="list-style-type: none">• Identify who will do health screenings, who should be tested for COVID-19³ and when, and how you will track the information.• Screenings should be at the start of each workday. You, your employer, and your employer's household members should conduct health screenings. <i>Remember that not everyone who has COVID-19 will show symptoms, so it's important to ask not only about visible symptoms like a fever or cough but also about the possibility of contact with someone who tests positive for COVID-19 and/or who has recently returned from a state or country on the New York State quarantine list.⁴</i>• A Sample COVID-19 Screening Tool is available at nyc.gov/health. Click COVID.
Protective Equipment	<ul style="list-style-type: none">• Your employer should provide Personal Protective Equipment (PPE)—for example, face masks—at no cost and in enough supply that you are never working in the home without sufficient PPE.• Identify all required PPE, including who must wear PPE and when, and whether anyone entering the home must change clothes or put on a different outer layer.• Make sure that anyone in the home wears face coverings as much as possible, and especially when at least 6 foot distancing from others is not possible.⁵
Hygiene, Cleaning, and Disinfection	<ul style="list-style-type: none">• Establish cleaning protocols, including how frequently to clean high-traffic parts of the home—for example, the kitchen, bathrooms—and frequently touched surfaces like doorknobs, faucet handles, handrails, and countertops.
Physical Distancing	<ul style="list-style-type: none">• Establish who must remain physically distanced in the home, any restrictions on people entering the home who are not members of the household, and ways to keep people spread out and at a safe distance inside the home.• Plan safe activities for children, such as increased outdoor time, and determine when children must wear face coverings, with whom they may have physical interactions, and where interactions may occur.

² For more information about [COVID-19 and immunocompromised people](#), go to nyc.gov/health. Click COVID, then "Prevention and Groups at Higher Risk."

³ Information about free COVID-19 testing is available at nyc.gov/covidtest

⁴ The New York State COVID-19 Travel Advisory, including a list of restricted states, is available at <https://coronavirus.health.ny.gov/covid-19-travel-advisory>

⁵ Read [COVID-19 Face Coverings: Frequently Asked Questions](#) at nyc.gov/health. Click COVID.

Tips and Resources

Tips:

- PPE can include more than a face covering. *For example, if your employer asks you to change into a clean smock and put on latex gloves when you enter the house each day, your employer must provide you with face coverings free of charge and should provide additional PPE items free of charge.*
- You and your employer might want to discuss your commute to minimize your exposure to public transportation or high-traffic areas. *For example, your employer may want you to use private cars / ride-sharing services for your commute, in which case you should discuss travel arrangements and/or reimbursement if you pay for the rides.⁶*
- *If cleaning is part of your job:*
 - If possible, clean the home when your employer is not there to minimize everyone's exposure.
 - Follow safety guidelines from the federal Occupational Safety and Health Administration.⁷

Resources:

The following organizations offer Safety Plan templates:

National Domestic Workers Alliance (NDWA):

<https://membership.domesticworkers.org/coronavirus/work-safely/return-to-work-safely/>

Hand in Hand:

<https://domesticemployers.org/support-during-the-coronavirus-pandemic/>

New York State Department of Health:

https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/NYS_BusinessReopeningSafetyPlanTemplate.pdf

(English)

<https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/NYSBusinessReopeningSafetyPlanTemplateSpanish.pdf>

(Spanish)

Best Practice #2: Prepare for possible COVID-19 exposure.

Talk regularly with your employer about how to handle isolation or quarantine if:

- You or someone in your employer's household have tested positive for COVID-19 or have symptoms of COVID-19.
- You or someone in your employer's household have come into contact with someone who tested positive for COVID-19 or recently returned from a state or country with increased rates of COVID-19.

Be sure to have an action plan ahead of an actual exposure and to discuss with your employer your leave options (paid and unpaid).

Important: Discrimination and Retaliation Are Illegal.

Your employer cannot fire you, send you home, or tell you not to come to work on account of your race, national origin, or disability. It is an unlawful discriminatory practice to terminate an employee or prevent an employee from working based on speculation that the employee's race, national origin, or disability indicate possible exposure to the coronavirus. See III. Other Resources for Domestic Workers for links to New York State and New York City human rights agencies.

If someone in your employer's household is exposed, your employer should:

- inform you using reliable contact information;
- advise how long the affected person needs to isolate or quarantine;
- advise how long you can expect not to report for work; and
- advise how you will be paid—for example, with a partial salary—during the period of time you will not report for work.

⁶ Read [Commuting Safely During the COVID-19 Public Health Emergency](#) available at nyc.gov/health. Click COVID.

⁷ [Worker Rights under OSHA](#) (English) and [Worker Rights under OSHA](#) (Spanish) are available at [osha.gov](https://www.osha.gov)

If *you* are exposed:

- inform your employer;
- use your sick leave to get tested or to receive care.

COVID-19 HOTEL PROGRAM

If you are a live-in nanny, you may qualify to isolate in a hotel for free if you or someone in your employer's household have or have been exposed to COVID-19.

For more information:

- Visit nyc.gov/covid19hotel
- Call 844-NYC-4NYC (844-692-4692) between 9 a.m. and 9 p.m. To talk to someone about the hotel program, press 0, then press 1.

COVID-19 TESTING AND HEALTH CARE

NYC Health + Hospitals provides testing and health care regardless of immigration status or ability to pay.

If you test positive for COVID-19, you will receive instructions on next steps, including isolation, from the **NYC Test + Trace Corps**. For more information:

- Visit <https://www.nychealthandhospitals.org/test-and-trace/resources/> or
- Call (844) 692-4692.

Best Practice #3: Know your rights regarding paid leave and/or protected time off if you are exposed.

As a domestic worker, you may be eligible to use paid sick leave under City, state, or federal laws:

- New York City Paid Safe and Sick Leave Law
- New York State Emergency COVID-19 Paid Sick Leave
- Federal Families First Coronavirus Response Act (FFCRA) COVID-19 Paid Sick Leave

See the next page for an overview of City, state, and federal paid sick leave laws relating to COVID-19.

For more information or to file a complaint about paid sick leave, call DCWP's Office of Labor Policy & Standards (OLPS) at (212) 436-0380.

Note: You can also negotiate with your employer for more time off, whether paid or unpaid.

Best Practice #4: Speak regularly and openly with your employer about health and safety issues, including the effectiveness of the Safety Plan to address issues.

The COVID-19 pandemic has changed how people do their work. Your working conditions, including new conditions contained in the Safety Plan, are going to require adjustment. This makes frequent and honest communication with your employer crucial. Make a commitment to work together to ensure everyone's safety and ease of mind, and have regular check-ins so you can discuss any needed changes or emerging problems. A work agreement should include rights outlined in the [Domestic Workers' Bill of Rights](#).

If you don't have a work agreement already, a good way to start a conversation with your employer is by collaborating on a written agreement that contains your work responsibilities and your rights.

You can find a [template](#) on the Hand in Hand website domesticemployers.org.

Law	Acceptable Reasons to Use Paid Sick Leave	Amount of Paid Sick Leave and Rate of Pay
<p>New York City Paid Safe and Sick Leave Law⁸</p>	<ul style="list-style-type: none"> • Diagnosis, care, or treatment of illness, injury, or health condition or for preventive medical care for you or for a family member • When a public official closes your child’s school or child care provider due to a public health emergency <p><i>City law is the broadest of the three paid sick leave laws.</i></p>	<p>As of September 30, 2020:</p> <ul style="list-style-type: none"> • You accrue paid sick leave at a minimum rate of 1 hour for every 30 hours worked. • You can use paid sick leave as you accrue it, up to a maximum of 40 hours each calendar year.* You are paid your regular hourly rate but no less than the current minimum wage. <p><i>*As of January 1, 2021, if your employer has 100 or more employees, you earn up to 56 hours of paid sick leave each calendar year.</i></p>
<p>New York State Emergency COVID-19 Paid Sick Leave⁹</p>	<ul style="list-style-type: none"> • Government-ordered quarantine or isolation (mandatory or precautionary isolation order)¹⁰ <p><i>State law does not cover leave to care for family members who are subject to government-ordered quarantine or isolation.</i></p>	<ul style="list-style-type: none"> • You can use unpaid sick leave for the duration of quarantine or isolation; you may be eligible for Paid Family Leave or disability benefits through your employer’s policy. • You have job protection for the duration of quarantine. <p><i>Amount and Rate depend on the size and/or income of the employer. The information above assumes that number of employees is 10 or fewer.</i></p>
<p>Federal Families First Coronavirus Response Act (FFCRA) COVID-19 Paid Sick Leave¹¹</p> <p><i>Note: Certain small employers may be exempt from coverage.</i></p> <p><i>(effective April 2, 2020 – December 31, 2020)</i></p>	<ul style="list-style-type: none"> • Mandatory quarantine or isolation • Doctor-recommended self-quarantine • Medical diagnosis due to symptoms of COVID-19 <ul style="list-style-type: none"> • Care for a family member under mandatory or doctor-recommended quarantine • Care for child due to school or child care facility closing, including on days when a child’s school is closed for remote learning, or because child care provider unavailable due to COVID-19 • Any other substantially similar condition as specified by relevant federal agencies 	<ul style="list-style-type: none"> • You can use up to two weeks (80 hours) of leave. You are paid your regular rate of pay up to \$511 per day and \$5,110 total. • You can use up to two weeks (80 hours) of leave. You are paid 2/3 of your regular rate of pay up to \$200 per day and \$2,000 total. In the situation of caring for a child (see bullet 2, immediate left), you are eligible for up to an additional 10 weeks of leave at 2/3 pay rate. <p><i>Amount of leave depends on full-time or part-time status. The information above assumes full-time status.</i></p>

⁸ Amendments to NYC’s Paid Safe and Sick Leave Law that allow domestic workers to accrue and use up to 40 hours of paid sick leave (or up to 56 hours in some cases) went into effect on September 30, 2020. For more information, visit nyc.gov/workers

⁹ For more information about New York State Emergency COVID-19 Paid Sick Leave, visit ny.gov/COVIDpaysickleave. You can get fact sheets for employees in multiple languages, including [English](#) and [Spanish](#).

¹⁰ For COVID-19 paid sick leave documentation for your employer (mandatory isolation quarantine order), call (855) 491-2667.

¹¹ For more information about FFCRA, visit dol.gov/agencies/whd/pandemic. You can get fact sheets for employees in [English](#) and [Spanish](#).

II. Checklist and Resources for Employers

Checklist for a Healthy and Safe Workplace in the Home		
As an employer of a domestic worker, have you:		
Communication		
1	Created an atmosphere of open and respectful communication?	<input type="checkbox"/> Yes
2	Collaborated with the worker on a Safety Plan?	<input type="checkbox"/> Yes
3	Scheduled regular check-ins to talk about working conditions?	<input type="checkbox"/> Yes
4	Updated any written agreement with the worker to reflect changes due to COVID-19?	<input type="checkbox"/> Yes
5	Discussed the precautions that both you and the worker will take to reduce the likelihood of transmission both during and outside of working hours?	<input type="checkbox"/> Yes
6	Developed with the worker an action plan if you, someone in your household, or the worker is exposed to COVID-19?	<input type="checkbox"/> Yes
7	Committed to providing reasonable accommodations if the worker requests to adjust working conditions due to COVID-19; for example, taking breaks from wearing a face covering or staggering schedules to be in the home at different times than other household workers?	<input type="checkbox"/> Yes
Paid Sick Leave Laws		
8	Educated yourself about the types of sick leave you may be required to provide the worker? ¹²	<input type="checkbox"/> Yes
Protective Equipment		
9	Purchased extra PPE for the worker, including face coverings and any other needed or requested PPE?	<input type="checkbox"/> Yes
10	Provided clear guidance and training to the worker on any required safety measures?	<input type="checkbox"/> Yes
Physical Distancing		
11	Instructed household members to physically distance, wherever possible, when the worker is in the home?	<input type="checkbox"/> Yes
12	Made plans to limit visitors coming into the home?	<input type="checkbox"/> Yes
Hygiene, Cleaning, and Disinfection		
13	Implemented plans to make the household as healthy, safe, and clean as possible?	<input type="checkbox"/> Yes
14	Made extra cleaning supplies available to frequently disinfect high-touch surfaces?	<input type="checkbox"/> Yes

Resources:

- **National Domestic Workers Alliance:** Visit domesticworkers.org for information about domestic worker rights and resources.
- **Hand in Hand: The Domestic Employers Network.** Visit domesticemployers.org for information about employment practices and tips to create an effective and healthy work environment in the home.
- **NYC Department of Consumer and Worker Protection (DCWP):** Visit nyc.gov/workers for *Update about Workplace Laws During COVID-19*.
- **NYC Small Business Services (SBS):** Visit nyc.gov/sbs for *NYC Means Business* (reopening Information).
- **Occupational Safety and Health Administration (OSHA):** Visit osha.gov for *Guidance on Preparing Workplaces for COVID-19*.
- **New York State Department of Labor (NYSDOL):** Visit labor.ny.gov for [Facts for Employers](#) of Domestic Workers and [Domestic Workers' Bill of Rights](#).

¹² Read *Update about Workplace Laws During COVID-19* available at nyc.gov/workers. It includes information about paid sick leave available under local, state, and federal law.

III. Other Resources for Domestic Workers

- **New York State Department of Labor (NYSDOL):** Visit labor.ny.gov for information or to file a complaint about wages, pay, or improper health and safety precautions.
- **NYC Department of Consumer and Worker Protection (DCWP):**
 - Call DCWP Office of Labor Policy & Standards (OLPS) at (212) 436-0380 or visit nyc.gov/workers for information or to file a complaint about paid safe and sick leave in NYC.
 - Call the OLPS Paid Care Advocate at (646) 330-8886 for your rights as a domestic worker and for referrals to free legal services organizations.
- **NYC Commission on Human Rights:** Call (212) 306-7450 or visit nyc.gov/humanrights for your rights regarding discrimination and reasonable accommodations under City law.
- **New York State Division of Human Rights:** Call (888) 392-3644 or visit dhr.ny.gov for your rights regarding discrimination and reasonable accommodations under State law.

About Department of Consumer and Worker Protection

The Department of Consumer and Worker Protection Office of Labor Policy & Standards (OLPS) is NYC's central resource for workers. OLPS protects and promotes labor standards and policies that create fair workplaces to ensure all workers can realize their rights, regardless of immigration status. OLPS's Paid Care Division is dedicated to defending the rights of paid care workers, improving the quality of paid care jobs, and strengthening the paid care system, including through public outreach and education.