

# **New York Paid Time off for COVID-19-Related Quarantines**

**All public and private sector employees in New York State that are subject to a precautionary or mandatory order of quarantine or isolation due to COVID-19 are guaranteed paid leave and job protection. This law is currently in effect.**

Employers are required to allow employees to use this time if they are subject to a precautionary or mandatory order of quarantine or isolation.

When they return to work, an employee is required to be restored to the same position of employment held by the employee prior to any leave taken. An employer can not discharge, threaten, penalize, or in any other manner discriminate or retaliate against any employee because such employee has taken leave pursuant to this leave provision.

If an employee is subject to a mandatory or precautionary order of quarantine because they returned to the country after traveling to a country which the CDC has a level two or three travel health notice and the travel to that country was not taken as part of the employee's employment or at the direction of their employer and the employee was provided notice of the travel health notice and limitations of this subdivision prior to such travel, they are not eligible to take leave pursuant to this law.

To get an order of precautionary or mandatory order of quarantine or isolation, you should contact your Local Health Department. If you are unable to get an order from LHD, you should submit documentation from a licensed medical provider that has treated you, attesting that you qualify for the order and follow up with your Local Health Department to obtain the order and submit it as soon as it is available.

## **Public Employees**

A public employee that is subject to a precautionary or mandatory order of quarantine or isolation will be paid their regular rate of pay by their employer for 14 days. An employee will not have to use accrued sick leave. If you are a public employee that is still being paid by your employer you will not receive any extra pay while you are on a precautionary or mandatory order of quarantine or isolation.

## **Private Employers**

This benefit is structured in a way that any person who makes up to \$150,000 per year will be kept financially whole. Unlike public employees, who pays a private sector employee will be dependent on the size of their employer (see chart). For smaller employers, paid family leave (PFL) will pay out 60%

of a person's wage, up to \$840.70 per week; Temporary Disability Insurance (TDI) will pay out 40% of a person's wage, up to \$2,043.92 per week. All waiting periods for PFL and TDI are waived for this specific paid time.

<b>COVID-19 Paid Sick Time (Quarantine, Private Sector)</b>				
<b><u>Employer Size</u></b>	<b><u>Net Income</u></b>	<b><u>Employer Paid Time Off</u></b>	<b><u>Benefit</u></b>	<b><u>Other Notes</u></b>
1-10	N/A	No employer paid time off, rather, will be compensated by PFL and TDI	<b>PFL</b> Up to \$840.70 / week <b>TDI</b> Up to \$2,043.92 / week	
1-10	\$1 million or more in net income.	5 Employer Paid Days and then compensated by PFL and TDI until quarantine order is lifted.	<b>Days 1-5</b> Full pay from employer  <b>Days 6-14</b> <b>PFL</b> Up to \$840.70 / week <b>TDI</b> Up to \$2,043.92 / week	
11-99	N/A	5 Employer Paid Days and then compensated by PFL and TDI until quarantine order is lifted.	<b>Days 1-5</b> Full pay from employer  <b>Days 6-14</b> <b>PFL</b> Up to \$840.70 / week <b>TDI</b> Up to \$2,043.92 / week	
100-More	N/A	14 Employer Paid Days	Fully paid by employer	

# **FEDERAL PAID LEAVE FOR COVID-19 RELATED LEAVE**

## **Emergency Paid Sick Leave**

### ***What Can It Be Used For***

This leave is available only when an employee is unable to work (or to telework) due to any of the following reasons:

1. The employee is under an official quarantine or isolation order.
2. The employee has been advised by a health care provider to self-quarantine.
3. The employee is experiencing COVID-19 symptoms and seeking a medical diagnosis.
4. The employee is caring for an individual who is under an official quarantine or isolation order or who has been advised by a health care provider to self-quarantine.
5. The employee is caring for a son or daughter under 18 years old if the child's school or place of care has been closed, or childcare provider is unavailable, due to COVID-19 precautions.
6. The employee is experiencing substantially similar conditions to those listed above, as specified in the future by the U.S. Secretary of Health and Human Services.

### ***Who Can Use These Benefits***

All public-sector employees and any private sector employee, regardless of hours of work or length of service at an employer, with fewer than 500 employees. (see *Exclusion of Certain Health Care Providers and Emergency Responders* below for certain limitations)

### ***How Much Time Do You Receive***

For a full-time employee, this means 80 hours. For a part-time employee, it is the average of hours worked over a 2-week period.

### ***How Much Do You Receive***

When using this leave for yourself, an employee is paid 100% of the employee's regular rate of pay multiplied by the number of hours the employee would normally be scheduled to work. Pay is capped at \$511 per day and \$5,110 total.

When using this leave to care for others or for other reasons, an employee is paid two-thirds of the employee's regular rate of pay multiplied by the number of hours. Pay is capped at \$200 per day and \$2,000 total.

### ***Effective Date:***

April 2, 2020 and will expire on December 31, 2020.

## **Emergency Family Leave**

### ***What Can It Be Used For***

This leave can be used only when an employee is unable to work (or to telework) due to a need to care for the employee's child if the child's school or place of care has been closed, or childcare provider is unavailable.

An employee is entitled to this leave only when the closure or unavailability is due to an officially declared COVID-19 public health emergency. By comparison, emergency paid sick leave is available when the closure or childcare provider's unavailability is due to COVID-19 precautions.

### ***Who Can Use These Benefits***

All public-sector employees and any private sector employees who have been employed for at least 30 days; all public sector employees, regardless of size, are eligible; for private sector employers, they must have fewer than 500 employees. (see *Exclusion of Certain Health Care Providers and Emergency Responders* below for certain limitations)

### ***How Much Time Do You Receive***

Emergency family leave can be taken for up to 12 weeks.

### ***How Much Do You Receive***

The first two weeks (i.e., 10 days) are unpaid. After the first 10 days of emergency family leave, an employee is paid two-thirds of the employee's regular rate of pay multiplied by the number of hours the employee would normally be scheduled to work. Pay is capped at \$200 per day and \$10,000 total.

### ***Other Notes***

An employee can choose to take any accrued vacation leave, personal leave or medical or sick leave for the unpaid first two weeks of emergency family leave. Generally, an employee would be likely to take emergency paid sick leave during that period. An employer cannot require an employee to take other kinds of accrued leave instead of the emergency family leave.

### ***Effective Date***

April 2, 2020 and will expire on December 31, 2020

### ***Exclusion of Certain Health Care Providers and Emergency Responders For Both Types of Leave***

An employer can deny either kind of leave to employees who are health care providers or first responders. Also, the U.S. Secretary of Labor can issue regulations excluding these workers from eligibility

It is not clear which workers will be considered to be health care providers or emergency responders. Existing Labor Department rules define health care provider relatively narrowly to include jobs like medical doctors, dentists, nurse practitioners, physician assistants, nurse midwives and clinical social workers. The Labor Department might try to broaden the definition to include other kinds of workers, such as those in the nursing profession.

### **Scenarios**

A public employee who is placed in quarantine could take 14 days of fully paid leave under the New York State paid leave program. At the end of that time, if they are required to care for a child who is no longer in school, they could utilize 10 weeks of Emergency Family Leave to care for their child. The 10 weeks would be paid at 2/3 of their salary.

A private sector employee who is placed in quarantine for a case of COVID-19 would utilize 14 days of paid leave under either the federal emergency paid leave law or the New York State paid leave program and then, if they need to care for a child who is out of school, 10 weeks of Emergency Family Leave (federal) and receive 2/3 of their salary.

A public or private sector employee who must care for a child who is in quarantine would utilize 14 days of paid leave (at 2/3 of salary) under the federal emergency paid leave law and could then utilize 10 weeks (at 2/3 of salary) under the Emergency Family Leave law.