

Sick Leave

“Eligibility for sick leave other than "mandatory or precautionary order of quarantine or isolation" shall mean a mandatory or precautionary order of quarantine or isolation issued by the state of New York, the department of health, local board of health, or any government entity duly authorized to issue such order due to COVID-19.” Unlike the Federal law, childcare is not included.

Employers with **10 or fewer** employees and that have a net income of **less than \$1 million**, would receive **5 days unpaid sick leave and immediately become eligible for Paid Family Leave and Temporary Disability Insurance (TDI) benefits.**

Employers with **10 or fewer** employees that have a **net income of greater than \$1 million and employers with between 11 and 99 employees**, would receive at least **five days of paid sick leave, followed by eligibility for Paid Family Leave and TDI benefits.**

Employers with **100 or more employees**, as well as all public employees, **would receive a minimum of 14 days of paid sick leave.**

"Disability" shall mean:

Any inability of an employee to perform the regular duties of his or her employment or the duties of any other employment which his or her employer may offer him or her as a result of a mandatory or precautionary order of quarantine or isolation issued by the state, the department of health, a local board of health, or any entity duly authorized to issue such order due to COVID-19, when the employee has exhausted all paid sick leave provided by the employer under this act.

The law will allow these employees to collect Paid Family Leave benefits, supplemented by increased TDI benefits to make their weekly wages whole, for those who earn up to a maximum of \$150,000 annually. Additionally, it eliminates the waiting period for these benefits, as well as for unemployment insurance for claims related to the coronavirus.

The law also expands Paid Family Leave benefits to cover an employee or their dependent child if they are under a mandatory or precautionary order of quarantine or isolation due to coronavirus.

For purposes of this act, "mandatory or precautionary order of quarantine or isolation" shall mean a mandatory or precautionary order of quarantine or isolation issued by the state of New York, the department of health, local board of health, or any government entity duly authorized to issue such order due to COVID-19.

Upon return to work following leave taken pursuant to this act, an employee shall be restored by his or her employer to the position of employment held by the employee prior to any leave taken pursuant to this act with the same pay and other terms and conditions of employment.

NYS LEAVE LAW – COVID19

No employer or his or her agent, or the officer or agent of any corporation, partnership, or limited liability company, or any other person, shall discharge, threaten, penalize, or in any other manner discriminate or retaliate against any employee because such employee has taken leave pursuant to this act.

An employee shall not receive paid sick leave benefits or any other paid benefits provided by any provisions if the employee is subject to a mandatory or precautionary order of quarantine because the employee has returned to the United States after traveling to a country for which the Centers for Disease Control and Prevention 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 the employee's employer.

However, employee shall be eligible to use accrued leave provided by the employer, or to the extent that such employee does not have accrued leave or sufficient accrued leave, unpaid sick leave shall be provided for the duration of the mandatory or precautionary quarantine or isolation.

PFL- Paid Family Leave

1. Leave taken by an employee from work when an employee is subject to a mandatory or precautionary order of quarantine or isolation issued by the state, the department of health, a local board of health, or any government entity duly authorized to issue such order due to COVID-19; or
2. To provide care for a minor dependent child of the employee who is subject to a mandatory or precautionary order of quarantine or isolation issued by the state, the department of health, a local board of health, or any government entity duly authorized to issue such order due to COVID-19.

An employee may not collect any benefits that would exceed \$840.70 in paid family leave and \$2,043.92 in benefits due pursuant to disability per week. Total benefits may not exceed \$2,043.92 per week, inclusive of any employer benefits.

Nothing in this section shall be deemed to impede, infringe, diminish or impair the rights of a public employee or employer under any law, rule, regulation or collectively negotiated agreement, or the rights and benefits which accrue to employees through collective bargaining agreements, or otherwise diminish the integrity of the existing collective bargaining relationship, or to prohibit any personnel action which otherwise would have been taken regardless of any request to use, or utilization of, any leave provided by this act.