

NEW YORK STATE'S MANDATORY PAID SICK LEAVE ACT

Over the last week, Governor Andrew Cuomo issued a number of Executive Orders relating to the Covid-19 public health emergency aimed at stopping the spread of the virus by limiting the in-person workforce at various businesses and lessening the impact of court and business closures by extending various deadlines and freezing mortgage foreclosure enforcement. The specifics of the orders and their statuses may change rapidly; updated Executive Orders can be found at:

www.governor.ny.gov/executiveorders.

This bulletin focuses on the New York Legislature's March 18, 2020 bill mandating paid sick leave for employees that would also include employee protections and additional paid sick leave and other benefits resulting from the spread of Covid-19. The law provides benefits to an employee when "such employee" is subject to a quarantine or isolation order. The act does not apply where an employee is deemed asymptomatic or has not yet been diagnosed and does not appear to apply to situations where an employer is generally required to shut down due to government direction.

The new law further states that, "each employee who is subject to a mandatory or precautionary order of quarantine or isolation issued by the State of New York, the NY Department of Health, a local board of health, or any government entity duly authorized to issue such order due to COVID-19," is entitled to certain benefits from her or his employer, depending on the size of the employer and its net income, determined by the previous tax year.

REQUIRED BENEFITS

<u>Employees</u>	<u>Income</u>	<u>Leave & Benefits</u> *
10 or less	Less than \$1,000,000	<ul style="list-style-type: none"> Unpaid leave Immediate access to PFL[†] & DB[‡]
10 or less	\$1,000,000 or more	<ul style="list-style-type: none"> Five (5) days of paid sick leave Unpaid leave after the five-day period Immediate access to PFL & DB
11 – 99	N/A	<ul style="list-style-type: none"> Five (5) days of paid sick leave Unpaid leave after the five-day period Immediate access to PFL & DB
100 or more	N/A	<ul style="list-style-type: none"> Fourteen (14) days of paid leave Unpaid leave after the fourteen-day period
Public Employers		<ul style="list-style-type: none"> Fourteen (14) days of paid leave Unpaid leave after the fourteen-day period

Note that under the act:

- paid leave is at the employee's regular rate of pay;
- leave is without loss of accrued sick time;
- employees cannot be terminated for such leave;
- leave and benefits are not available to employees:
 - in voluntary quarantine or isolation;
 - placed on leave, layoff, or furlough by an employer;
 - who are asymptomatic or undiagnosed and able to work remotely; or
 - who voluntarily traveled despite warnings by the CDC§; and
- benefits apply only if they are in excess of what is available under Federal Law.

* For duration of the quarantine or isolation order

† Paid Family Leave

‡ Disability Benefits

§ Centers for Disease Control and Prevention