A Breakdown of New York's Covid-19 Paid Sick Leave Law

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On March 18, 2020, New York Governor Andrew Cuomo signed into law an emergency bill expanding paid sick leave requirements for employers with workers who are under quarantine due to the novel coronavirus, COVID-19. The bill is meant to help contain the spread of the coronavirus by providing relief for many employees who would otherwise have to choose between exposing others to illness and receiving a paycheck.

Below we answer some frequently asked questions about the new law:You are eligible for paid sick leave under the law if:

- You work for a company with more than 10 employees or over $1 million in net income in 2019;

-OR-

- You work for a pubilc employer;

-AND-

- You or a minor dependent child are under a mandatory or precautionary order of quarantine or isolation due to COVID-19.

No. The law only provides paid sick leave to employees who need to take leave because they or their minor dependent child are under a mandatory or precautionary order of quarantine or isolation due to COVID-19.This depends on your employer's size and annual income:

- Private employers with less than 11 employees and less than $1 million in net income in 2019:
  - Your employer unfortunately is not required to provide the new paid sick days. You can submit for NY Paid Family Leave (PFL) or disability benefits instead.
  - PFL is insurance coverage that provides up to 60% of your pay, up to a maximum weekly benefit of $840.70. After receiving your full PFL benefit, you will receive disability benefits to match your full wages up to a maximum weekly disability benefit of $2,043.92, for a total of $2,884.62 per week.
- Private employers with less than 11 employees and over $1 million in net income in 2019:
  - Your employer must provide at least five (5) paid sick days under the COVID-19 Paid Sick Leave law
- Private employers with 11-99 employees:
  - Your employer must provide at least five (5) paid sick days under this law.
- Private employers with 100 or more employees:
  - Your employer must provide at least fourteen (14) days of paid sick leave under this law.
- Public employers (city, state or federal government or governmental agencies):
  - Public employers must provide at least 14 days of paid sick leave

You will need documentation of a mandatory or precautionary order of quarantine 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.

You will also need to fill out two forms: *Paid Family Leave (Form PFL-1)* and *Request for COVID-19 Quarantine DB/PFL – Self (Form SCOVID19)*. You can get these forms from your employer or your employer's insurance carrier. You can also get them here.

Leave questions 11 and 12 blank on *Form PFL-1*.

Give or mail all forms to your employer *after making copies for yourself*. Your employer then needs to return these forms to you within **three (3) business days.**In most cases, your employer's insurance carrier will pay benefits or deny your claim within 18 days of receiving your completed request. The insurance carrier may provide options for how you will be paid (e.g. direct deposit, debit card or paper check).If your employer fails to return the forms to you, submit the copies of the forms you have filled out, along with the order of quarantine/isolation to your employer's insurance carrier. You must submit your completed documents to your employer's insurance carrier within **30 days** after the *start* of your leave to make sure you don't lose benefits.

The insurance carrier must pay or deny benefits within **18 calendar days** of receiving your completed request.

If your employer is unwilling to tell you who their insurance carrier is, you can look it up here.

If you cannot find your employer's insurance carrier, call the Paid Family Leave Helpline for assistance: (844) 337-6303. The Helpline is available Monday through Friday, 8:30 a.m. to 4:30 p.m.If you believe your employer is uninsured, you can submit your request for Paid Family Leave to the NYS Workers' Compensation Board:

NYS Workers' Compensation Board
Paid Family Leave
PO Box 9030,
Endicott, NY 13761-9030No. Employers required to provide paid sick leave during COVID-19 quarantine leave must provide that leave separate from other sick leave or PTO accruals.No. Your employer cannot fire you or retaliate against you because you took leave.

Any COVID-19 quarantine leave should not be counted as an absence that may lead to or result in discipline, discharge, demotion, suspension, or any other adverse action.

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