

NY COVID-19 Leave Available to all Employees Now

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Source: Saiber Employment Law Alert

Last week, New York passed legislation to provide certain employees with additional time off relating to COVID-19.

In particular, if an employee is issued a mandatory or precautionary order to quarantine by the State of NY, the State or local health department or any other authorized governmental entity, he or she is eligible for job-protected time off. Following the leave, employees must be reinstated to their existing position with the same pay, terms and conditions of employment. Any form of retaliation against such employees is expressly prohibited.

Employees are entitled to sick leave for the duration of the order to quarantine or self-isolate. During any unpaid portion of leave, employees may be eligible for NY State paid family leave or disability benefits.

The amount of paid time off depends on the size and/or income of the employer:

- Fewer than 10 employees – unpaid sick time off
- 10 or more employees and a net income greater than \$1 million - 5 days of paid sick time off, followed by unpaid time off
- 11-99 employees - 5 days of paid sick time, followed by unpaid time off
- 100 or more employees - 14 days of paid sick time off

Employees are NOT eligible for paid time off if they are required to quarantine because they chose to travel to a country designated by the CDC as having a level 2 or level 3 travel health notice and were aware of such health notice. These employees can utilize their regular employer-provided paid time off, followed by unpaid time off, for any such required leave.