
New York State COVID-19 Paid Sick Leave Policy

BACKGROUND

The new law, specific to COVID-19, guarantees job-protected paid leave and paid sick days to NY employees who are subject to 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. The paid sick days must be provided regardless of what other paid time off your employees have available to them.

Large businesses with 100 or more employees as of January 1, 2020, must provide your employees with:

- Job protection for the duration of the order of quarantine or isolation
- At least 14 days of paid sick leave

COVERED EMPLOYEES

- **Full-time employees (regularly work 20 hours or more per week):** you become eligible after 26 consecutive weeks of employment for a covered employer.
- **Part-time employees (regularly work less than 20 hours per week):** you become eligible after working 175 days for a covered employer.

AT WHAT RATE OF PAY DOES LEAVE NEED TO BE PAID?

For the applicable paid leave period (14 days), employers must pay the amount that the worker would have otherwise received had they been continuing to work for that period based upon the amount that the employee was scheduled or would have been scheduled had the employer's operations continued in its normal due course. Employees who work a fixed schedule or are paid a salary should simply continue to receive pay for the applicable period. For hourly, part-time, commissions salespeople, and other employees who are not paid a fixed wage, employers should determine the employee's pay by looking at a representative period of time to set the employee's average daily pay rate.

HOW MANY DAYS OF LEAVE ARE PART-TIME EMPLOYEES REQUIRED TO BE PAID FOR?

Part-time employees should be paid for the number of days/amount of time during 14 day period that they are required to receive pay that they would have otherwise received had the employer's operations continued in its normal due course.

IS THE NUMBER OF PAID DAYS WORK OR CALENDAR DAYS?

The number of paid days is calendar days, and the pay required should represent the amount of money that the employee would have otherwise received for the 14-day period.

REQUESTING LEAVE/DOCUMENTATION

- If you need to take COVID-19 Paid Sick Leave, provide notice as soon as possible.
 - You must submit to HR an order from your local health department indicating you or your minor child is under a precautionary or mandatory order of quarantine or isolation.
 - If the associate has a confirmed case of COVID-19, they must provide a doctor's note clearing them to return to work. Otherwise, the associate may return after the 14-day period and at least 72 hours symptom-free.
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OBTAINING A QUARANTINE ORDER

WHERE DO I GET THE ORDER OF QUARANTINE OR ISOLATION?

You should be able to obtain an order from your local health department. The orders will be available in electronic or paper format. For a list of local health departments, go to:

https://www.health.ny.gov/contact/contact_information/.

WHAT DOES THE DOCUMENTATION FROM MY LICENSED MEDICAL PROVIDER HAVE TO INCLUDE IF I AM SUBJECT TO AN ORDER OF QUARANTINE OR ISOLATION?

Mandatory Isolation: If you are subject to mandatory isolation, the attestation must say:

1. You have tested positive for COVID-19; or
2. Testing is not currently available for you, but you have COVID-19 symptoms and have had contact with a known COVID-19 case.

Mandatory Quarantine: If you are subject to a mandatory quarantine, the attestation must say:

1. You have been in close contact with someone who has tested positive for COVID-19 or who is currently in mandatory isolation; or
2. You have COVID-19 symptoms and have returned within the past 14 days from a country designated with a level 2, 3, or 4 advisory for COVID-19.

Precautionary Quarantine: If you are subject to a precautionary quarantine, the attestation must say:

1. You are asymptomatic and have returned within the past 14 days from a country designated with a level 2, 3, or 4 advisory for COVID-19; or
2. You have been determined to have had proximate exposure with someone who has tested positive for COVID-19 while that person was symptomatic.

WHAT DOES THE DOCUMENTATION FROM A LICENSED MEDICAL PROVIDER HAVE TO INCLUDE IF MY MINOR DEPENDENT CHILD IS SUBJECT TO AN ORDER OF QUARANTINE OR ISOLATION?

Mandatory Isolation: If your child is subject to mandatory isolation, the attestation must say:

1. Your child has tested positive for COVID-19; or
2. Testing is not currently available for your child, but your child has COVID-19 symptoms and has had contact with a known COVID-19 case.

Mandatory Quarantine: If your child is subject to a mandatory quarantine, the attestation must say:

1. Your child has been in close contact with someone who has tested positive for COVID-19 or who is currently in mandatory isolation; or
2. Your child has COVID-19 symptoms and has returned within the past 14 days from a country designated with a level 2, 3, or 4 advisory for COVID-19.

Precautionary Quarantine: If your child is subject to a precautionary quarantine, the attestation must say:

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1. Your child is asymptomatic and has returned within the past 14 days from a country designated with a level 2, 3, or 4 advisory for COVID-19; or
2. Your child has been determined to have had proximate exposure with someone who has tested positive for COVID-19 while that person was symptomatic.

JOB PROTECTION

Guaranteed job protection for the duration of the quarantine order. Employee is entitled to be restored to the position you held prior to taking leave.

EXEMPTIONS

Employer does not have to provide paid sick leave benefits to an employee who is:

- subject to an order of quarantine or isolation after personal travel to a country for which the CDC has a level 2 or 3 travel health notice, or
- asymptomatic or has not yet been diagnosed with any medical condition and is physically able to work through remote access or similar means.

RETALIATION

The Company will not retaliate against employees who request or take leave in accordance with this policy.
