

COVID -19 NY and Federal Paid Sick Leave and Emergency FMLA

Federal Emergency Paid Sick Leave—Effective April 2, 2020

- Two weeks of paid sick leave for employees that cannot work or telework because they are quarantined or caring for a quarantined person, symptomatic of COVID-19, or caring for a child whose school or daycare closed
- Health care employers and emergency workers are exempt
- Employer tax credit available

Federal Emergency FMLA – Effective April 2, 2020

- Up to 12 weeks of job-protected unpaid leave for employees that cannot work because they must care for a child whose school or childcare closed
- 10 weeks must be paid at 2/3 employee's regular rate of pay
- Employers with fewer than 50 employees may be exempt if livelihood of business jeopardized
- Health care employers and emergency workers are exempt
- Employer tax credit available

NY Paid Sick Leave, Family Leave and Disability Benefits Due to Quarantine Order– Effective March 18, 2020

- Employers with 10 or fewer employees, if net income thresholds are met, and all employers with 11-99 employees must provide 5 days of paid sick leave; employers with more than 100 employees must provide 14 days of paid sick leave
- Excludes employees who can telework and are asymptomatic or not diagnosed with COVID-19
- NYD DBL and NYS PFL available
- Quarantine order can be from health department or any physician

Shared Work Program

- Employers can apply to the Shared Work Program to avoid layoffs
- Employees can receive partial Unemployment Insurance benefits while working reduced hours
- More information is available at: <https://www.labor.ny.gov/ui/dande/sharedwork1.shtm>

The Attorneys at Levene Gouldin & Thompson, LLP are available to provide advice and counsel concerning these new statutory obligations and other employment matters related to COVID-19.