

New York Leave Legislation (Expanding on NYS Paid Family Leave (PFL), Disability Benefit Law (DBL) and Paid Sick Leave (PSL) in response to COVID-19:

On March 18, 2020, New York Governor Andrew Cuomo signed a bill which impacted the New York DBL & PFL programs. Additionally, as a follow-up to this bill, on March 25, 2020, New York State published [Frequently Asked Questions](#) and [other guidance](#) regarding the state's recently enacted Covid-19 Paid Sick Leave Law and the expansions to New York's Paid Family Leave Law and Disability Benefit Law. Effective immediately, NY employees working for business with <100 employees are eligible for up to 14 calendar days of benefits while out of work due to a mandatory or precautionary order of quarantine or isolation due to COVID-19, or to provide care for a minor child who is subject to such an order. One or two weeks of that time may come from the DBL/PFL program based on the size of the employer, its net income and the reason for leave.

- Businesses with more than 100 employees & State/Public employees: Employers are required to provide employees with at least 14 calendar days of paid sick leave if the employee is subject to a mandatory or precautionary quarantine order.
- Businesses with 11 – 99 employees & businesses of 1-10 employees with net income of \$1M or more: Employers are required to provide five days of paid sick leave if the employee is subject to a mandatory or precautionary quarantine order. After 5 days have exhausted, employees are eligible to collect both PFL and DBL benefits to supplement the remainder of missing income. PFL and DBL are to be paid concurrently to a maximum PFL benefit of \$840.70, and a maximum DBL benefit of \$2,043.92.
- Businesses of 1 – 10 employees and net income of less than \$1 million: No requirement for employer-paid sick leave, and the combination PFL/DBL benefit described above will be available for the duration of quarantine from day one.

If the employee's dependent minor child is subject to a mandatory or precautionary order of quarantine, the employee may file for NY PFL benefits immediately.

Eligibility for the NY DBL/PFL COVID-19 quarantine benefit is limited to those under direct quarantine order issued by the state New York, the Department of Health, local board of health, or other authorized governmental entity. **The Governor's order for all workers in non-essential services to stay at home is not a quarantine order as defined so does not qualify for benefits under the NY PFL program, but workers may be eligible for unemployment or other federal or state benefits.**

The law does not apply to an employee who is asymptomatic or has not yet been diagnosed with any medical condition and is physically able to work while under a mandatory or precautionary order of quarantine or isolation, whether through remote access or other similar means. All employees are given full job protection during this time of absence. **The New York**

bill does not include coverage for employees who are home because their employer has temporarily closed, or due to a minor child's school closing.

Employees shall not be able to claim the benefits provided by this act if they can claim sick leave benefits under the federal legislation. If, however, the benefits provided by state law are greater than those provided by the federal government, employees shall be able to claim the difference. **Your carrier will reduce the NY DBL/PFL benefit by the amount the employee receives or is entitled to receive under the federal law starting 4/1/20.**

Please visit New York State's website at www.ny.gov for updates. Information regarding Covid 19 is front and center.