



New York Paid Family Leave COVID-19: Frequently Asked Questions

Benefits

What benefits can I use for COVID-19 quarantine leave?

If you are under a mandatory or precautionary order of quarantine or isolation issued by the State, New York State Department of Health, local Board of Health, or other authorized government entity you may be eligible for job-protected sick leave and compensation.

- **If you work for an employer with 10 or fewer employees as of January 1, 2020 and your employer made more than \$1 million in 2019:** Your employer is required to provide you with five days of paid sick leave.
- **If you work for an employer with between 11-99 employees as of January 1, 2020:** Your employer is required to provide you with five days of paid sick leave.
- **If you work for an employer with 100 or more employees as of January 1, 2020:** Your employer is required to provide you with 14 days of paid sick leave for a COVID-19-related quarantine, which should cover the period of mandatory or precautionary quarantine or order of isolation.
- **If you work for a public employer:** All public employers (for example, town, public school, public college or university, district, county, city, village, fire

district and state), must provide at least 14 days of paid sick leave, regardless of how many employees they have.

What is the maximum pay I will receive for COVID-19 quarantine leave?

- If you work for a public employer or an employer with more than 100 employees as of January 1, 2020, you are entitled to at least 14 days of paid sick leave at your regular rate of pay.
- If you work for an employer with 11 or more employees or for an employer with fewer than 10 employees as of January 1, 2020, whose income was greater than \$1 million dollars in 2019 you are entitled to at least 5 sick days at your regular rate of pay.

At what rate of pay does leave need to be paid?

For the applicable paid leave period (5 or 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 5 or 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 5 or 14 day period.

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* Note that the City has not opted into existing NYS Paid Family Leave and Disability Benefits and related information has been removed to avoid confusion for City employees.

When is payment required to be made to employees eligible to receive paid sick leave?

The paid sick leave payments are subject to the frequency of pay requirements of Section 191 of the Labor Law, and leave payments should be made in the paycheck for the applicable pay period for the leave.

Will I have to repay the benefits I receive during COVID-19 quarantine leave?

No, you are not required to repay any benefits.

Is quarantine leave available retroactively?

Yes. You may take quarantine leave if you are still currently under a mandatory or precautionary order of quarantine or isolation issued by the State, department of health, local board of health, or government entity even if that order was issued prior to the enactment of the COVID-19 quarantine leave.

Can my employer require me to use my existing sick leave accruals or other accruals (paid time off) for a COVID-19 quarantine order?

No. Employers required to provide paid sick leave must provide that leave separate from any accruals.

Is my job protected during COVID-19 quarantine leave?

Yes, you cannot be fired because you took leave. Your employer cannot fire you or take action against you because you took leave and you are entitled to be restored to the position you held prior to taking 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.

You may file a complaint with the Department of Labor at: www.labor.ny.gov/COVIDcomplaint

Eligibility

What if I independently decide to quarantine - can I take COVID-19 quarantine leave?

This new law provides benefits in cases where an individual is under an order of quarantine – either mandatory or precautionary. Entities that may

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issue an “order” include the State of New York, New York State Department of Health, local Board of Health or any government entity authorized to issue such order.

My child’s school is closed due to Coronavirus/COVID-19. Can I take quarantine leave to stay home with them?

It depends. If the school is closed due to a mandatory or precautionary order of quarantine or isolation issued by the State, department of health, local board of health, or government entity, you may be eligible to take paid leave. If your child’s school closes for preventative social distancing, you may want to check with your employer to see if there are any benefits that may be available to you.

I have been quarantined due to Coronavirus/COVID-19. Can I take quarantine leave for myself?

Yes, if you are under a mandatory or precautionary order of quarantine or isolation issued by the State, department of health, local board of health, or government entity, you may be eligible to take leave for yourself unless you are not showing symptoms and are physically able to work through remote access or similar means.

I’m able to work from home but I’m under a mandatory or precautionary quarantine. Am I eligible for quarantine leave?

No, if you are not showing symptoms and are physically able to work through remote access or similar means you are not eligible for quarantine leave.

What if I am quarantined because I have recently returned from traveling to another country?

You are not eligible for quarantine leave if you are subject to a quarantine because you voluntarily traveled to a country with level two or three health notice from the CDC if your travel was not at the direction of your employer and you were provided notice of the travel health notice and knew about this restriction in the new law.

Does my citizenship or immigration status affect my eligibility for COVID-19 Paid Leave?

No, citizenship or immigration status is not a factor in eligibility.

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What if my employer temporarily closes or goes out of business because of COVID-19?

You may be eligible for Unemployment Insurance. For more information or to apply online, visit the [NYS Department of Labor website](#).

Complaints

My employer isn't giving me the required number of sick days for COVID-19 quarantine leave. What do I do?

If your employer is not providing you with the required number of sick days for COVID-19 quarantine leave, you may file a complaint with the Department of Labor at: www.labor.ny.gov/COVIDcomplaint

My employer isn't paying me my full wages for the sick days I'm taking during my COVID-19 quarantine leave. What do I do?

If your employer is not properly paying you for your sick days for COVID-19 quarantine leave, you may file a complaint with the Department of Labor at: www.labor.ny.gov/COVIDcomplaint

My employer is directing me to report to work but I work for a non-essential business. What do I do?

If you work for a non-essential business, you may not be forced to go to the worksite or otherwise threatened if you do not work at a place other than your home. If your employer is not following these rules, you may file a complaint with the Department of Labor at: www.labor.ny.gov/COVIDcomplaint

I know of a non-essential business that is open. How do I report this?

If you know of a non-essential business that is operating and shouldn't be you may file a complaint with the Department of Labor at: www.labor.ny.gov/COVIDcomplaint

Obtaining a Quarantine Order

What proof do I need to submit with my quarantine leave claim?

You must submit an order from your local health department indicating you or your minor child is under a precautionary or mandatory order of quarantine or isolation.

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 if my local health department is unable to immediately provide me with an order?

If your local health department is unable to immediately provide you with the order of quarantine or isolation, you should submit documentation from a licensed medical provider that has treated you (or your minor dependent child), attesting that you (or your child) qualify for the order. You should follow up with your local health department and submit the order from your local health department. Local health departments must provide the requested orders within 30 days.

Where can I obtain more information about orders of quarantine or isolation?

For additional information, please visit the New York State Department of Health website at <https://coronavirus.health.ny.gov/home>.

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:

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.