



PH COVID-19 Client Alert Series: New York State's Legislative Response

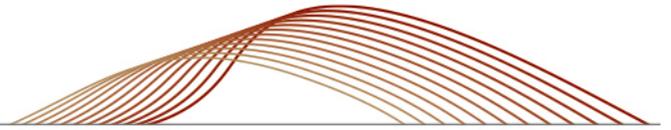
By [Marc Bernstein](#), [Pat Shea](#), [Kenneth Gage](#), [Emily Pidot](#), & [Brian Hayes](#)

On March 17th, New York State Governor Andrew M. Cuomo announced an agreement with the legislature on a bill with pay and job protection guarantees for employees who are subject to a mandatory or precautionary order of quarantine or isolation because of COVID-19 issued by New York State, the department of health, local board of health, or any governmental entity duly authorized to issue such an order (“Quarantined Employees”).

The legislation has two parts: (1) Quarantine Leave that will take effect immediately, and (2) comprehensive paid sick leave that takes effect 180 days after enactment.

Quarantine Leave—Effective Immediately Upon Passage:

- **Employers with 100 or more employees as of January 1, 2020 (and all public employers):**
 - Provide Quarantined Employees at least 14 days of paid sick leave; and
 - Provide Quarantined Employees job protection for the duration of the quarantine or isolation order
- **Employers with 11–99 employees as of January 1, 2020:**
 - Provide Quarantined Employees at least 5 days of paid sick leave; and
 - Provide Quarantined Employees job protection for the duration of the quarantine or isolation order; and
 - Guarantee access to NYPFL and STD benefits for the period of quarantine or isolation order
 - Quarantined Employees will be eligible for these benefits after the 5 days of paid sick leave. An employee may collect up to \$840.70 in NYPFL and \$2,043.92 in STD benefits per week during the period of unpaid leave



- **Employers with 10 or fewer employees as of January 1, 2020 (> \$1,000,000 net income¹):**
 - Provide Quarantined Employees at least 5 days of paid sick leave; and
 - Provide Quarantined Employees job protection for the duration of the quarantine or isolation order; and
 - Guarantee access to NYPFL and STD benefits for the period of quarantine or isolation order
 - Quarantined Employees will be eligible for these benefits after the 5 days of paid sick leave. An employee may collect up to \$840.70 in NYPFL and \$2,043.92 in STD benefits per week during the period of unpaid leave

- **Employers with 10 or fewer employees as of January 1, 2020 (< \$1,000,000 net income):**
 - Provide Quarantined Employees job protection (i.e., unpaid sick leave) for the duration of the quarantine or isolation order
 - Guarantee access to New York Paid Family Leave (NYPFL) and short-term disability (“STD”) benefits for the period of the quarantine or isolation order
 - Quarantined Employees will be eligible for these benefits beginning as of the first full day of the unpaid period of a quarantine or isolation order. An employee may collect up to \$840.70 in NYPFL and \$2,043.92 in STD benefits per week during the period of unpaid leave

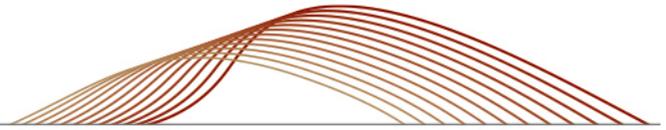
Quarantined Employees are entitled to leave under this legislation without loss of any accrued sick leave provided by their employer.

Right to Reinstatement: Upon return to work, employers must restore Quarantined Employees to the position they held prior to any leave taken under this legislation. Employers may not discharge, threaten, penalize, or in any other manner discriminate or retaliate against an employee for taking Quarantine Leave.

Exceptions:

- An employee will not be permitted to receive paid sick leave or other benefits provided by this legislation if the employee is subject to an order of quarantine because he/she has returned to the U.S. after personal, non-business travel to a country for which (1) the Centers for Disease and Control Prevention (“CDC”) has a level two or three travel health notice, and (2) the employee was provided notice of the CDC’s health notice and the fact that taking such travel would exempt them from the provisions of this statute. However, these employees will be eligible to use any accrued leave provided by the employer and/or unpaid sick leave for the duration of their quarantine.

- These provisions of the legislation also do not apply to employees who are asymptomatic or have not been diagnosed with any medical condition and are physically able to work while under quarantine or isolation, whether through remote access or other similar means.



Expansion of New York Sick Leave—Effective 180 Days After Bill’s Enactment: The legislation additionally includes annual sick leave requirements, independent of COVID-19.

- **Employers with 100 or more employees:** At least 7 days of paid sick leave each year.
- **Employers with 5–99 employees:** At least 5 days of paid sick leave each year.
- **Employers with 4 or fewer employees (> \$1,000,000 net income):** At least 5 days of paid sick leave each year.
- **Employers with 4 or fewer employees (< \$1,000,000 net income):** At least 5 days of unpaid sick leave each year.

◇ ◇ ◇

If you have any questions concerning these developing issues, please do not hesitate to contact any of the following Paul Hastings New York lawyers:

Marc E. Bernstein
1.212.318.6907
marcbernstein@paulhastings.com

Emily R. Pidot
1.212.318.6279
emilypidot@paulhastings.com

Brian M. Hayes
1.212.318.6822
brianhayes@paulhastings.com

Kenneth W. Gage
1.212.318.6046
kennethgage@paulhastings.com

Patrick W. Shea
1.212.318.6405
patrickshea@paulhastings.com

¹ Net income is measured based on the previous tax year.

Paul Hastings LLP

Stay Current is published solely for the interests of friends and clients of Paul Hastings LLP and should in no way be relied upon or construed as legal advice. The views expressed in this publication reflect those of the authors and not necessarily the views of Paul Hastings. For specific information on recent developments or particular factual situations, the opinion of legal counsel should be sought. These materials may be considered ATTORNEY ADVERTISING in some jurisdictions. Paul Hastings is a limited liability partnership. Copyright © 2020 Paul Hastings LLP.