

New York: Labor & Employment Alert

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New York State Paid Quarantine Leave Law

On March 18, 2020, the New York State Legislature enacted a law to protect workers affected by COVID-19, by guaranteeing sick leave if they are unable to work due to this public health crisis.

The Act, effective immediately, guarantees sick leave to employees who are subject to a mandatory or precautionary order of quarantine or isolation due to COVID-19, depending upon the size and type of employer, as follows:

- **Employers with ten (10) or fewer employees** are required to provide unpaid sick leave until the termination of the order. Moreover, during such period, employees are eligible for paid family leave benefits and disability benefits.
- **Employers with ten (10) or fewer employees**, with a net income of **greater than one million dollars** in the previous tax year, are required to provide each employee with **at least five (5) days of paid sick leave and unpaid leave** until the termination of the order. After such five (5) days of paid sick leave, employees are eligible for paid family leave benefits and disability benefits.
- **Employers with between eleven (11) and ninety-nine (99) employees** are required to provide to each employee with **at least five (5) days of paid sick leave and unpaid leave** until the termination of any mandatory or precautionary order. After such five (5) days of paid sick leave, employees are eligible for paid family leave benefits and disability benefits.
- **Employers with one hundred (100) or more employees** are required to provide to each employee with **at least fourteen (14) days of paid sick leave** during any mandatory or precautionary order of quarantine or isolation.
- **Public employers**, as defined by the Act, are required to provide to each officer or employee with **at least fourteen (14) days of paid sick leave** during any mandatory or precautionary order of quarantine or isolation. Each officer or employee are to be compensated at his or her regular rate of pay.

Any sick leave provided because of a mandatory or precautionary order of quarantine, cannot be deducted from an officer or employee's accrued sick leave.

However, if an employee is subject to a mandatory quarantine order because the employee returned from non-work related travel to a country for which the CDC has issued a level two or three travel health notice, and if the employee was provided notice of the travel health notice and the limitations of this Act prior to such travel, then such employee will not be entitled to any paid sick leave under the Act. Such employee may use any accrued leave provided by the employer or use unpaid leave for the duration of the mandatory or precautionary quarantine or isolation.

Upon return to work, employees who have availed themselves of sick leave under this Act are entitled to retain the same position, pay and other terms and conditions of employment that they had prior to any leave taken under the Act.

Moreover, employers are prohibited from discharging, threatening, penalizing, or in any other manner discriminating or retaliating against any employee who takes leave pursuant to this Act.

Where an employee is deemed 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, the provisions of this Act will not apply.

Please do not hesitate to contact Messner Reeves attorney Asish Nelluvely if you have further questions or would like assistance complying with this law.