

FEDERAL PAID LEAVE FOR COVID-19 RELATED LEAVE

Emergency Paid Sick Leave

What Can It Be Used For

This leave is available only when an employee is unable to work (or to telework) due to any of the following reasons:

1. The employee is under an official quarantine or isolation order.
2. The employee has been advised by a health care provider to self-quarantine.
3. The employee is experiencing COVID-19 symptoms and seeking a medical diagnosis.
4. The employee is caring for an individual who is under an official quarantine or isolation order or who has been advised by a health care provider to self-quarantine.
5. The employee is caring for a son or daughter under 18 years old if the child's school or place of care has been closed, or childcare provider is unavailable, due to COVID-19 precautions.
6. The employee is experiencing substantially similar conditions to those listed above, as specified in the future by the U.S. Secretary of Health and Human Services.

Who Can Use These Benefits

All public-sector employees and any private sector employee, regardless of hours of work or length of service at an employer, with fewer than 500 employees. (see *Exclusion of Certain Health Care Providers and Emergency Responders* below for certain limitations)

How Much Time Do You Receive

For a full-time employee, this means 80 hours. For a part-time employee, it is the average of hours worked over a 2-week period.

How Much Do You Receive

When using this leave for yourself, an employee is paid 100% of the employee's regular rate of pay multiplied by the number of hours the employee would normally be scheduled to work. Pay is capped at \$511 per day and \$5,110 total.

When using this leave to care for others or for other reasons, an employee is paid two-thirds of the employee's regular rate of pay multiplied by the number of hours. Pay is capped at \$200 per day and \$2,000 total.

Effective Date:

April 2, 2020 and will expire on December 31, 2020.

Emergency Family Leave

What Can It Be Used For

This leave can be used only when an employee is unable to work (or to telework) due to a need to care for the employee's child if the child's school or place of care has been closed, or childcare provider is unavailable.

An employee is entitled to this leave only when the closure or unavailability is due to an officially declared COVID-19 public health emergency. By comparison, emergency paid sick leave is available when the closure or childcare provider's unavailability is due to COVID-19 precautions.

Who Can Use These Benefits

All public-sector employees and any private sector employees who have been employed for at least 30 days; all public sector employees, regardless of size, are eligible; for private sector employers, they must have fewer than 500 employees. (see *Exclusion of Certain Health Care Providers and Emergency Responders* below for certain limitations)

How Much Time Do You Receive

Emergency family leave can be taken for up to 12 weeks.

How Much Do You Receive

The first two weeks (i.e., 10 days) are unpaid. After the first 10 days of emergency family leave, an employee is paid two-thirds of the employee's regular rate of pay multiplied by the number of hours the employee would normally be scheduled to work. Pay is capped at \$200 per day and \$10,000 total.

Other Notes

An employee can choose to take any accrued vacation leave, personal leave or medical or sick leave for the unpaid first two weeks of emergency family leave. Generally, an employee would be likely to take emergency paid sick leave during that period. An employer cannot require an employee to take other kinds of accrued leave instead of the emergency family leave.

Effective Date

April 2, 2020 and will expire on December 31, 2020

Exclusion of Certain Health Care Providers and Emergency Responders For Both Types of Leave

An employer can deny either kind of leave to employees who are health care providers or first responders. Also, the U.S. Secretary of Labor can issue regulations excluding these workers from eligibility

It is not clear which workers will be considered to be health care providers or emergency responders. Existing Labor Department rules define health care provider relatively narrowly to include jobs like medical doctors, dentists, nurse practitioners, physician assistants, nurse midwives and clinical social workers. The Labor Department might try to broaden the definition to include other kinds of workers, such as those in the nursing profession.

Scenarios

A public employee who is placed in quarantine could take 14 days of fully paid leave under the New York State paid leave program. At the end of that time, if they are required to care for a child who is no longer in school, they could utilize 10 weeks of Emergency Family Leave to care for their child. The 10 weeks would be paid at $\frac{2}{3}$ of their salary.

A private sector employee who is placed in quarantine for a case of COVID-19 would utilize 14 days of paid leave under either the federal emergency paid leave law or the New York State paid leave program and then, if they need to care for a child who is out of school, 10 weeks of Emergency Family Leave (federal) and receive $\frac{2}{3}$ of their salary.

A public or private sector employee who must care for a child who is in quarantine would utilize 14 days of paid leave (at $\frac{2}{3}$ of salary) under the federal emergency paid leave law and could then utilize 10 weeks (at $\frac{2}{3}$ of salary) under the Emergency Family Leave law.