

CLIENT ALERT: COVID Leave

With absences at staggering highs and new guidance from the CDC, employers are understandably confused about paid leave rules. This is a summary of the basics as of today.

First, to be eligible for leave, an employee must obtain an Order of Isolation or Quarantine from their local Health Department. Failure to get an Order means that the Paid Family Leave and/or Disability claim could be denied.

Second, an employee who can work from home while quarantining is not entitled to paid leave, but will be entitled to pay for the work performed.

Third, all employees' jobs must remain protected for the duration of the Order. What differs from one employer to the next is the amount of time during that ordered leave for which the employer must pay the employee (the rest of the time is paid by either the Paid Family Leave or Disability policy).

The amount of time an employer must pay for depends on the size of their workforce.

If you have 10 or fewer employees (and an income of less than \$1 million last year), your Paid Family Leave and Disability policies should cover the whole leave. Employers of this size do not have any additional pay obligation.

Employers with 11-99 employees (and smaller employers that had an income greater than \$1 million last year) must provide their employees with 5 days of paid sick leave.

Employers with 100 or more employees must provide their employees with 14 days of paid sick leave.

It is important to note that this leave must be given on top of all other time the employee already has due them. That includes the New York State Paid Sick Leave which took effect last year. However, if an employee takes time off for testing and is negative, that time can be charged to the employee's New York State Paid Sick Leave or other leave banks.

If we can help you with any of your compliance needs, please let us know. Be sure to obtain the latest updates, since these rules are changing frequently.

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