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What to know about paid sick leave during an outbreak

BY JONATHAN LAMANTIA

Gov. Andrew Cuomo said last week that he is expanding his paid sick leave budget proposal to protect people who are not sick but are quarantined at home because of contact with the new coronavirus.

The policy comes as the state sprung into action to respond to the first spate of cases of the virus, which causes the respiratory illness Covid-19, in Manhattan and Westchester County.

The governor's initial budget proposal requires businesses with five to 99 employees to offer at least five days of job-protected paid sick leave annually. Employers with 100 or more workers must provide seven days of paid leave. Businesses with four or fewer employees must offer five days of unpaid leave. The amendment requires them to cover the duration of a quarantine, not just the five or seven days.

"Their employer should pay them for the period, and their job should be protected," Cuomo said.

Employers should be making sure policies specify the way workers can use their paid time off. Other-

wise, a worker might have several weeks off for a quarantine without using any of their vacation or sick time, said Rachel Demarest Gold, a partner at law firm Abrams Fenshterman.

"That needs to be clear before everyone disappears for a month without their control," she said.

The city has had paid sick leave rules for employers since 2014. It hasn't issued its own guidance on the subject, but local employers would be required to follow the state policy if it passes in the budget, which is due by April 1.

Insurance rules

The state also prohibited insurers from imposing cost-sharing requirements on patients who seek testing for the coronavirus in the emergency room, an in-network medical office or an urgent-care center. Medicaid beneficiaries won't be required to pay co-pays for testing related to the virus.

The prohibition covers only state-regulated insurance plans—which means workers at companies that are self-insured are not covered by the measure.

"Containing this virus depends

on us having the facts about who has it," Cuomo said, "and these measures will break down any barriers that could prevent New Yorkers from getting tested."

The guidance means insurers will be picking up a greater share of their members' medical costs for Covid-19-related treatment.

Karen Ignagni, president and CEO of nonprofit insurer EmblemHealth, said the insurer is willing to step up but will ask the hospitals, doctors and lab companies in its network to accept payments equal to the amount Medicare and Medicaid pay. Those government insurers typically pay less than private insurers like Emblem.

"No entity should be permitted to profit from a public health emergency, and we call upon our provider and vendor partners to work with us and government officials to ensure that people can enter the system and be treated affordably," Ignagni said.

The state's first known patient with Covid-19 was identified March 1: a 39-year-old female health care worker who had recently returned from Iran. She has been recovering at home. ■