

# A Robinson+Cole Legal Update

## Coronavirus (COVID-19)

March 20, 2020

### New York Adopts Sweeping Paid Sick Leave Law

Moving quickly to respond to the coronavirus outbreak, New York adopted sweeping legislation providing for paid and unpaid sick leave to all New York employees.

While the information contained in this material provides a general overview of the law, each employer will likely face unique business and employment related challenges and issues as they relate to these changes. Therefore, employers are encouraged to seek competent legal counsel when responding to employee inquiries or considering changes to business operations as a result of the coronavirus to ensure compliance with the law.

The new Sick Leave Law became effective immediately and provides for paid and unpaid sick leave for employees ordered to quarantine or isolate because of COVID-19. The sick leave would be in addition to any paid leave provisions offered by the covered employer. The amount of leave, whether paid or unpaid, and additional benefits are dependent on the size and financial status of the employer.

Employer Type; Number of Employees	Paid Sick Leave	Unpaid Sick Leave	Additional Benefits
Fewer than 11 Employees, less than \$1 million net income in 2019	0 Days	For duration of isolation or quarantine	Paid Family Leave and/or Disability Leave
Fewer than 11, more than \$1 million net income in 2019	5 Days	For duration of isolation or quarantine	Paid Family Leave and/or Disability Leave
Between 11 and 99 Employees	5 Days	For duration of isolation or quarantine	Paid Family Leave and/or Disability Leave
100 or more Employees	14 Days	No additional leave provided	Eligibility for Paid Family and/or Disability Leave not Addressed
Public Employers	14 Days	No additional leave provided	Eligibility for Paid Family and/or Disability Leave not Addressed

Employees are eligible for the leave if employee has been subject to an order of quarantine or isolation issued by the State of New York, Department of Health, local board of health, or any government entity having authority to issue an order due to COVID-19. Employees are not eligible for paid leave or benefits, however, if the employee's isolation or quarantine was because of non-business travel to a Level 2 or Level 3 country (as designated by the Center for Disease Control and Prevention) and the employee had notice of the travel restriction before going. Seemingly, these employees are still eligible for unpaid leave as the law states that such an employee may use accrued leave or, if the employee does not have accrued leave, unpaid leave. Employees are also not eligible for leave if the employee is asymptomatic or has not been

diagnosed with any medical condition and is physically able to work either remotely or otherwise. Employees eligible for paid or unpaid leave are entitled to reinstatement once the isolation or quarantine is over. Interestingly, the law does not expressly exempt the reinstatement obligation in the event of job reductions due to economic circumstances.

The new law provides that in the event the federal government adopts a sick leave law which provides for the same or greater benefits, then the federal benefits will prevail, and the state benefits will be supplemental benefits only. On March 18, 2020, President Trump signed into law the Families First Coronavirus Response Act which will become effective on April 2, 2020.

In addition to providing paid and unpaid leave for persons subject to quarantine or isolation, effective 180 days after passage, employees shall be entitled to earn paid sick leave at the rate of one hour of leave for every 30 hours of work (like New York City's Safe and Sick Time Law). Once again, the amount of leave and whether paid or unpaid depends on the size and financial status of the employer.

Employer Type; Number of Employees	Sick Leave
Four or fewer Employees, less than \$1 million net income in prior calendar year	Up to 40 hours of <b>unpaid</b> sick leave
Four or fewer Employees, more than \$1 million net income in prior calendar year	Up to 40 hours of paid sick leave
Between 5 and 99 Employees	Up to 40 hours of paid sick leave
100 or more Employees	Up to 56 hours of paid sick leave

As of January 1, 2021, employees may use sick leave for the following:

- For mental and physical illness, injury, or health condition of the employee or the employee's family member regardless of whether the illness, injury or health condition has been diagnosed or requires medical care;
- For the diagnosis, care or treatment of a mental or physical health condition of the employee or the employee's family member;
- For an absence from work due to domestic violence for such employee or employee's family member to obtain services.

The term "family member" is defined broadly to include the employee's child, spouse, domestic partner, parent, sibling, grandchild or grandparent; and the child or parent of the employee's spouse or domestic partner. An employer may set a reasonable minimum amount of leave to be taken not to exceed 4 hours.

An employer which adopts a paid sick leave provision equal to or greater than the leave provided under the Act need not provide any additional leave.

#### Upcoming Events:

**3/26/20 — Webinar**

***Business Interruption Coverage and the COVID-19 Crisis: An Examination of Critical Issues***

[CLICK HERE](#) to register.

Read more legal updates, blog posts, and speaking engagements related to this area on [Robinson+Cole's Coronavirus Response Team](#) page and feel free to contact any member of our team with questions.

[Bruce B. Barth \(Chair\)](#) | [Kenneth C. Baldwin](#) | [Garry C. Berman](#) | [Michael H. Bernstein](#)

[J. Tyler Butts](#) | [Britt-Marie K. Cole-Johnson](#) | [Andrew A. DePeau](#) | [Kathleen E. Dion](#) | [Conor O. Duffy](#)

[William J. Egan](#) | [Gilbert L. Lee](#) | [Virginia E. McGarrity](#) | [Matthew T. Miklave](#)

[Kathleen M. Porter](#) | [Lauren M. Sigg](#) | [Alisha N. Sullivan](#) | [Anna Jinhua Wang](#)

[Abby M. Warren](#) | [Jeffrey J. White](#)

For insights on legal issues affecting various industries,  
please visit our [Thought Leadership](#) page and subscribe to any of our newsletters or blogs.

Boston | Hartford | New York | Providence | Miami | Stamford | Los Angeles | Wilmington | Philadelphia | Albany | New London



© 2020 Robinson & Cole LLP. All rights reserved. No part of this document may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without prior written permission. This document should not be considered legal advice and does not create an attorney-client relationship between Robinson+Cole and you. Consult your attorney before acting on anything contained herein. The views expressed herein are those of the authors and not necessarily those of Robinson+Cole or any other individual attorney of Robinson+Cole. The contents of this communication may contain ATTORNEY ADVERTISING under the laws of various states. Prior results do not guarantee a similar outcome.

Robinson & Cole LLP | 280 Trumbull Street, Hartford, CT 06103