

Coronavirus Town Hall: Latest Updates

PRESENTED BY:

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Monday, March 23, 2020

Agenda

- New York Executive Order 202 – Density Reduction Mandate
- New York State Paid Leave Law
- Families First Coronavirus Response Act
 - Emergency Paid Sick leave
 - Emergency Family and Medical Leave Expansion Act
- Operational Issues
 - Shared Work *vis-à-vis* NYS Unemployment Insurance
 - Warn Act Concerns

New York's Executive Order 202.8

"Essential Businesses or Entities"

- Including "essential health care operations including research and laboratory services; essential infrastructure including utilities, telecommunication, airports and transportation infrastructure; essential manufacturing, including food processing and pharmaceuticals; essential retail including grocery stores and pharmacies; essential services including trash collection, mail, and shipping services; news media; banks and related financial institutions; providers of basic necessities to economically disadvantaged populations; construction; vendors of essential services necessary to maintain the safety, sanitation and essential operations of residences or other essential businesses; vendors that provide essential services or products, including logistics and technology support, child care and services needed to ensure the continuing operation of government agencies and provide for the health, safety and welfare of the public"
- <https://esd.ny.gov/guidance-executive-order-2026>

New York State Paid Leave Law Effective Immediately

< 10 Employees and less than
\$1 million income

- Provide unpaid sick leave until the termination of quarantine or isolation

< 10 Employees and at least
\$1 million income; 11-99
Employees

- Provide 5 days paid sick leave during quarantine or isolation; then disability, NYPFL

100+ Employees; Public
Employers (*e.g.*, state, county,
city, village, school districts)

- Provide **14 days paid sick** leave during quarantine or isolation; then disability, NYPFL

New York State Paid Leave Law

- No paid leave if quarantine is result of travel subject to CDC Level 2 or 3 Alert.
- Sick leave without loss of other accrued sick leave.
- Post Sick Leave: Employee must be restored to prior position with same terms and conditions.
- Prohibits discrimination or retaliation for use of leave.

Families First Coronavirus Response Act Effective April 2, 2020

- Emergency Paid Sick Leave
 - Employers with <500 employees
 - Eligible employees: All
 - Full-time employees: 80 hours of paid sick leave
 - Part-time employees: Pro-rated sick leave
 - Compensation:
 - Regular Rate if employee is subject to quarantine/isolation - Cap: \$511 per day / \$5,110 aggregate
 - 2/3 Regular Rate if employee is caring for someone subject to quarantine/isolation or unable to work and caring for child if school or child care closed – Cap: \$200 per day / \$2,000 aggregate

Families First Coronavirus Response Act Effective April 2, 2020

- Emergency Family and Medical Leave Expansion Act
 - Employers with <500 employees
 - Eligible employees: Employed at least 30 days
 - 12 weeks “COVID-19 Qualifying Leave” – employee is unable to work (or telework) due to a need for leave to care for child if school or childcare is unavailable due to COVID-19.
 - First 10 days are “unpaid” – employees can use other paid leave
 - Next 10 weeks: 2/3 Regular Rate subject to cap - \$200 per day / \$10,000 aggregate

Operational Issues

- COVID-19 Positive Tests
 - Inform co-workers of possible exposure to COVID-19 infection, include last date employee testing positive was in the office, and advise to self-monitor for symptoms (fever, cough, or shortness of breath) and contact health provider with questions.
- “Uncomfortable In the Workplace”
 - Allow employees to work from home;
 - Allow employees to use PTO
 - Allow employees to take unpaid leave

New York: Unemployment Insurance Shared Work Program

- Employees can receive partial Unemployment Insurance benefits while working reduced hours.
 - Full-time, part-time and seasonal employees are eligible.
 - <https://www.labor.ny.gov/ui/employerinfo/shared-work-program.shtm>
 - Email: sharedworkinfo@labor.ny.gov
 - Contact: 518-549-0496 or 518-457-2635

Worker Adjustment and Retraining Notification (WARN) Act

- Impacted Employers
 - Federal WARN: Employers with 100+ full-time employees or 100+ collectively working at least 4,000 hours/week.
 - New York WARN: Employers with 50+ full time employees or 50+ employees, collectively working 2,000 hours/week.
- Triggering Event
 - A reduction in hours by more than 50% during any 30-day period for a period of **6 months**.
- Required Notice

Additional Questions

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