



# COVID-19 Town Hall: Wind Down 2020

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**PRESENTED BY:**

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# Agenda

- ❖ **NYS Paid Sick Leave Law**
- ❖ **School Reopening and  
Child Care Leave Under the FFCRA**
- ❖ **Best Practices as  
COVID-19 and Flu Season Collide**
- ❖ **NYS Cluster Action Initiative**



# NYS Paid Sick Leave

< 5 Employees and less than \$1 million income

- Provide 40 hours of unpaid sick leave

< 5 Employees and at least \$1 million income;  
5-99 Employees

- Provide 40 hours of paid sick leave

100+ Employees

- Provide 56 hours of paid sick leave

## 2021: NYS Paid Sick Leave Accrual vs. Grant

- ❖ **Accrual Rate**: 1 hour sick leave for every 30 hours worked
- ❖ **Grant**: Provide minimum total annual paid sick leave for use on January 1, 2021
- ❖ If sick leave is granted on January 1<sup>st</sup>, no reduction based on hours actually worked by employee

# 2021: NYS Paid Sick Leave Permitted Use

- ❖ Mental or physical illness or injury (of employee or employee's family member)
- ❖ Diagnosis, care or treatment of mental or physical illness or injury (of employee or employee's family member)
- ❖ Most absences due to domestic violence, stalking or human trafficking

# 2021: NYS Paid Sick Leave The Details...

- ❖ “Family Member” includes the employee’s child, spouse, domestic partner, parent, **sibling, grandchild or grandparent**
- ❖ Employers must permit sick leave to be used in 4 hour increments
- ❖ Unused sick leave carries over **but**, use can be limited
- ❖ No requirement to pay for unused sick leave upon termination

# 2021: NYS Paid Sick Leave Is a Policy Change Required?

- ❖ Change is not required if Employer's existing sick/vacation/paid time off policy equals or exceeds mandate
- ❖ Paid Sick Leave must be offered to **part-time or temporary employees** and **interns**



# Remember: NYS Paid COVID Leave

< 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

# FFCRA Paid Leave (expires 12.31.2020)

## Emergency Paid Sick Leave

- ✓ 80 hours of paid sick leave
- ✓ 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

## Expanded FMLA

- ✓ Available after 30 days of employment
- ✓ 12 weeks “COVID-19 Qualifying Leave”
- ✓ First 2 weeks Paid Emergency Sick leave
- ✓ Next 10 weeks: 2/3 Regular Rate subject to cap: \$200 per day / \$2,000 aggregate

# FFCRA Paid Leave / School Reopening

- ✓ Only available if employee is unable to work due to qualifying reason
- ✓ Leave is not available to those employees “electing” virtual instruction
- ✓ Leave must be provided on an intermittent basis when schools operate on hybrid schedule
- ✓ Definition of “Health Care Provider”: “employees who are employed to provide diagnostic services, preventive services, treatment services, or other services that are integrated with and necessary to the provision of patient care”

## Protocols for a Healthy Workplace as COVID-19 and Flu Season Collide

- COVID-19 Screening: “close or proximate contact” with or “experienced” symptoms of COVID-19
- COVID-19 Testing Mandate Permitted
- Fitness for Duty Permitted
- Sick Employees can be sent home

# Protocols for a Healthy Workplace as COVID-19 and Flu Season Collide

- ❑ NYS Permits Mandatory Flu Vaccines  
but....
  - Religious Objections
  - Medical Objections
  - Potential Litigation if adverse  
reactions

# NYS Cluster Action Initiative

← → ↻ covidhotspotlookup.health.ny.gov/#/home


Apps JetBlue Card Bank of America WLU Payments WW Tracker Create a New Study... Other bookmarks

October 13, 2020 | 4:00 pm

**Information on Novel Coronavirus**

Coronavirus is still active in New York. We have to be smart. Wear a mask, maintain six feet distance in public and download the official New York State exposure notification app, COVID Alert NY.

GET THE FACTS >

 Services News Government Local

Q Search

**New York Forward** Reopening Guidelines ▾ Advisory Boards ▾ Testing Protect Yourself Know Your Rights

## CLUSTER ACTION INITIATIVE

### Find COVID-19 Hot Spot Zones by Address

# NYS Cluster Action Initiative

Type of Activity	Red	Orange	Yellow
Non-Essential Gatherings	Prohibited	10 people maximum, indoors and outdoors	25 people maximum, indoors and outdoors
House of Worship	Lesser of: 25% of maximum capacity 10 people	Lesser of: 33% of maximum capacity 25 people	50% of maximum capacity
Businesses	Non-essential businesses are closed	Certain high-risk non-essential businesses (eg., gyms, fitness centers and classes, barber shops, hair salons, personal care services) are closed.	Open
Dining	Takeout or delivery only	Outdoor dining, takeout or delivery only, 4 person maximum per table	Indoor and outdoor dining permitted, 4 person maximum per table
Schools	Closed Remote-only	Closed Remote-only	Open Mandatory weekly testing of students and school personnel, in accordance with DOH guidance to be issued by October 9, 2020.

<https://forward.ny.gov/cluster-action-initiative>



# Additional Questions

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