

GOVERNOR'S PROGRAM BILL  
2020

MEMORANDUM

An act to provide requirements for sick leave and the provision of certain employee benefits when such employee is subject to a mandatory or precautionary order of quarantine or isolation due to COVID-19; and to amend the labor law, in relation to requirements for sick leave

Purpose:

To provide sick leave benefits to employees and to provide sick leave benefits, paid family leave, and benefits due to disability for employees subject to a mandatory or precautionary order of quarantine or isolation due to COVID-19.

Summary of Provisions:

**Section 1** provides protections for employees of private and public employers who are subject to a mandatory or precautionary order of quarantine related to COVID-19. For employees working for small employers (1-10 employees), employees subject to a mandatory or precautionary order of quarantine or isolation due to COVID-19 will receive unpaid sick days and the ability immediately to qualify for paid family leave and temporary disability benefits, plus full job protection. For employees working for medium sized employers (11-99 employees) and small employers (1-10 employees) with a net income of \$1 million a year, employees subject to a mandatory or precautionary order of quarantine or isolation due to COVID-19 will receive five paid sick days and the ability immediately thereafter to qualify for paid family leave and temporary disability benefits, plus full job protection. For employees working for large employers (100 or more employees) and public employees, employees subject to a mandatory or precautionary order of quarantine or isolation due to COVID-19 will receive paid sick days for the entirety of the quarantine (up to 14 days), plus full job protection. All employees subject to a mandatory or precautionary order of quarantine or isolation due to COVID-19 are given full job protection during time of absence. Employees will qualify for paid family leave to care for a minor dependent child who is subject to a mandatory or precautionary order of quarantine or isolation due to COVID-19. The Department of Financial Services will implement a risk adjustment pool to assist in the stabilization of claims related to paid family leave and temporary disability benefits.

**Section 2** amends the labor law to provide sick leave to all employees of private employers. For employees working for small employers (1-4 employees), employees will receive five unpaid sick days per year, plus full job protection when taking sick days. For employees working for medium sized employers (5-99 employees) and small employers (1-4 employees) with a net

income of \$1 million a year, employees will receive five paid sick days per year, plus full job protection when taking sick days. For employees working for large employers (100 or more employees), employees will receive seven paid sick days per year, plus full job protection when taking sick days.

**Section 3** amends the labor law to require employers to maintain records related to sick leave.

**Section 4** provides for a severability clause in the event that any portion of the law is struck by a court of competent jurisdiction.

**Section 5** puts the law into effect immediately, except that Sections 2 and 3 go into effect in 180 days.

**Existing Law:**

There are currently no provisions for sick leave for private employees in the law. Current law on paid family leave, temporary disability benefits, and unemployment insurance do not cover mandatory or precautionary orders of quarantine or isolation due to COVID-19.

**Justification:**

Currently, state law does not protect private employees to take sick leave or require employers to provide sick leave to employees. Approximately 1.3 million New Yorkers do not have guaranteed paid sick time. These workers are disproportionately women and people of color. Without the ability to earn job-protected sick time, working people and their families can face serious financial consequences. Nearly one in four workers report that they have lost a job or were threatened with losing their job because they needed to miss work to care for themselves or a family member. This bill provides protection for employees to take sick leave for an illness as well as for preventative care, encouraging workers to get regular check-ups and screenings that are critical to long-term wellness. This earned time can also be used to care for a sick family member and to care for themselves or a family member after an incident of domestic violence, sexual assault, stalking, or human trafficking.

Further, paid sick leave is one of the most effective tools at protecting public health and stopping the spread of illnesses. It alleviates the financial pressure for people that feel they must go to work sick to keep their job, curbing the spread of their illness to coworkers and commuters. In light of the unprecedented nature of the COVID-19 outbreak and its impact on New York workers, this bill guarantees that New York employees have job-protected paid sick leave and access other benefits during a mandatory or precautionary order of quarantine or isolation due to COVID-19. This will provide critical relief to workers and curb the spread of COVID-19.

**Legislative History:**

None.

**Budget Implications:**

There are no budget implications.

**Effective Date:**

Sections 1 and 4 take effect immediately, Sections 2 and 3 take effect in 180 days.