

# Legislative Update: New York COVID-19 Leave

The information contained in this presentation is not legal or tax advice and should not be relied upon or construed as legal or tax advice.  
This presentation is for general informational purposes only and does not purport to be complete or cover every situation.  
Please consult your own legal and tax advisors to determine how these laws affect you.

# NY Sick Leave & DBL/PFL Expansion

As of February 1, 2021

# Enacted NY Sick Leave and DBL/PFL Expansion Law

## Summary

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- The NY Sick leave & DBL/PFL expansion law provides sick leave or wage replacement benefits to employees who are under a mandatory or precautionary order of quarantine or isolation issued by the State or New York, the department of health, local board of health or any governmental entity duly authorized to issue such an order due to COVID-19

## Status of Legislation / Timing

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- March 18, 2020: Legislation was signed by Governor Cuomo
- Law is effective immediately (March 18, 2020)

# Benefit Eligibility by Size

## Employees

## NY Leave and Benefit Requirements

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100 or more employees

- Employers must provide paid sick leave to their employees for the full duration of the quarantine period
- PFL Insured: benefits available to care for a quarantined child until the end of the quarantine period.

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11-99 employees

- Employers must provide paid sick leave to their employees for the first five days of the quarantine at 100% of their pay
- PFL/DBL Insured: After the fifth day of leave, employees are eligible for DBL and PFL benefits until the end of the quarantine period. During the PFL/DBL benefit period, employers must provide unpaid sick leave to employees.

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10 or fewer employees, with employer net income of more than \$1 million

- Employers must provide paid sick leave to their employees for the first five days of the quarantine at 100% of their pay.
- PFL/DBL Insured: After the fifth day of leave, employees are eligible for DBL and PFL benefits until the end of the quarantine period. During the PFL/DBL benefit period, employers must provide unpaid sick leave to employees.

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10 or fewer employees with employer net income of up to \$1 million

- PFL/DBL Insured: Employees are eligible for DBL and PFL benefits during the entire quarantine period. During this time period, employers must provide unpaid sick leave to employees.

# NY Sick Leave

## Qualifying Event:

The NY COVID-19 law only pertains to a period of mandatory or precautionary quarantine or isolation.

Qualifying Event	ER Size	Duration	Benefit Amount	Benefit Maximum	Benefit Payer
Inability of an employee to perform regular duties of employment, when work from home is not available, due to mandatory or precautionary quarantine or isolation due to COVID-19	<100 <sup>1</sup>	5 days	100% Pay	None	ER
To provide care for minor dependent child of the employee who is subject to the mandatory or precautionary order of quarantine or isolation.	<100 <sup>1</sup>	N/A	N/A	N/A	
Inability of an employee to perform regular duties of employment, when work from home is not available, due to mandatory or precautionary quarantine or isolation due to COVID-19	100+ Lives or Public Employer	14 days <sup>2</sup>	100% Pay	None	ER
To provide care for minor dependent child of the employee who is subject to the mandatory or precautionary order of quarantine or isolation.	100+ Lives or Public Employer	N/A	N/A	N/A	

<sup>1</sup> Employers with 0-10 employees and up to \$1M in net income in 2020 are required to provide unpaid, job protected sick leave and the DBL/PFL benefit will pay during the full quarantine period.

<sup>2</sup> Duration dependent on the quarantine period with an estimated minimum of 14 days.

# NY DBL/PFL Expansion

## Qualifying Event:

The NY COVID-19 law only pertains to a period of mandatory or precautionary quarantine or isolation and does not impact COVID-19 diagnosed DBL claims after the quarantine period where those claims would revert back to the existing DBL/PFL qualification and benefit amounts.

Qualifying Event	ER Size	Duration	Benefit Amount	DBL Max Benefit / Week	PFL Max Benefit / Week	Total Maximum Weekly Insured Benefits	Benefit Payer
Inability of an employee to perform regular duties of employment, when work from home is not available, due to mandatory or precautionary quarantine or isolation due to COVID-19	<100 <sup>1</sup>	5 days <sup>1</sup>	Up to 100% Pay for DBL	\$2,043.92	\$840.70	\$2,884.62	DBL/PFL Provider
To provide care for minor dependent child of the employee who is subject to the mandatory or precautionary order of quarantine or isolation.	<100 <sup>1</sup>	14 days <sup>2</sup>	Up to 60% Pay for PFL	N/A	\$840.70	\$840.70	
Inability of an employee to perform regular duties of employment, when work from home is not available, due to mandatory or precautionary quarantine or isolation due to COVID-19	100+ Lives or Public Employer	N/A	N/A	N/A	N/A	N/A	N/A
To provide care for minor dependent child of the employee who is subject to the mandatory or precautionary order of quarantine or isolation.	100+ Lives or Public Employer	14 days <sup>2</sup>	Up to 60% Pay for PFL	N/A	\$840.70	\$840.70	PFL Provider

<sup>1</sup> Employers with 0-10 employees and up to \$1M in net income in 2020 are required to provide unpaid, job-protected sick leave and the DBL/PFL benefit will pay during the full quarantine period. Duration for all others dependent on the length of the quarantine period. Assuming a 14-day quarantine and that the employee works five days per week, the benefits will be paid during a five-day period. Per NY guidance, the payments to employees should represent the amount of money the employee would have otherwise received for the five or 14-day period, so the duration may be more or less than five days depending on the employee's schedule.

<sup>2</sup> Duration dependent on the quarantine period with an estimated minimum of 14 days.



<https://www.metlife.com/covid-19-update-ceo-faq/>

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