

	NY State Emergency Paid Family Leave (NY PFL)	NY Short-Term Disability Benefits Law (DBL)
Overview	Job protected sick leave and wage replacement.	Wage replacement.
NY State law and Families First Response Act coordination	Employees cannot claim New York Paid Family Leave (FLA) and sick leave benefits under the federal legislation. If the leave or benefits the employee is eligible for under NY law exceed those provided under federal law, the employee is entitled to the difference between the amount of NY benefits and the benefits they are eligible for under the applicable federal law. If the federal benefits are less generous, the employee can supplement the federal benefits, bridging between the two laws.	
Updates	<p><b>New:</b> Emergency legislation now permits employees to take NY PFL if: (a) they are subject to a quarantine order, or, if their minor child is subject to a quarantine order; and (b) the employee is unable to perform core job duties or any alternative responsibilities the employer may offer during quarantine. Previously, employees could not use PFL for their own health conditions</p> <p><b>New:</b> Employers of 99 employees or less: should an employee's period of quarantine or isolation extend beyond available sick time; the employee would be able to apply for PFL and NY DBL concurrently - this is not permitted under current law. Benefit amounts would be a combination of payments from PFL and from DBL up to 100% of an employee's average weekly wage for those employees earning up to \$150,000 per year.</p> <p><b>New:</b> Waiting period for claims related to COVID-19 waived.</p>	<p><b>New:</b> Employees will be able to utilize disability leave if under a quarantine order or if the employee must care for a dependent child under a mandatory quarantine or isolation order. The disability leave will be available where an employee: (a) is not able to perform the regular duties of their employment as a result of a quarantine order; and, (b) the employee has exhausted their paid sick leave.</p> <p><b>New:</b> The 7-day waiting period before an employee may apply for disability benefits related to COVID-19 has been waived.</p>
Affected Employers	Employers with one or more employees.	Employers of one or more employees on each of 30 days in any calendar year.

<p>Eligible Employee</p>	<p>Employees working in NY regardless of where the employee resides.</p> <p>Full-time employees: employees who work a regular schedule of 20 or more hours per week are eligible after 26 consecutive weeks of employment.</p> <p>Part-time employees: Employees who work a regular schedule of less than 20 hours per week are eligible after working 175 days, which do not need to be consecutive.</p> <p>Self-employed individuals whether a sole proprietor or independent contract can take advantage of NY PFL by voluntarily opting-in.</p> <p>Independent contractors are not considered employees for purposes of New York State’s Disability and NY PFL law. However, an independent contractor who is self-employed may voluntarily opt in to become covered under the law by purchasing a disability and NY PFL policy.</p>	<p>Employees who have worked in NY at least four consecutive weeks regardless of where the employee resides.</p> <p>Independent contractors are not considered employees for purposes of New York State’s Disability and NY PFL law. However, an independent contractor who is self-employed may voluntarily opt in to become covered under the law by purchasing a disability and NY PFL policy.</p>
<p>Are benefits maintained during leave?</p>	<p>Yes, employees may keep their health insurance while on leave on the same terms they had while working.</p>	<p>NY DBL does not mandate continuation of health benefits.</p>
<p>Benefits</p>	<p>Benefits vary by the size and net income of the employer.</p> <p><b>Employers with 100+ employees; Public employers.</b></p> <p>Employers are required to provide employees with at least 14 calendar days of paid sick leave if the employee is subject to a mandatory or precautionary quarantine order or isolation.</p> <p><b>Employers with 11 to 99 employees; Employers with 10 or fewer employees with 2019 net income of \$1 million +</b></p> <p>Employers are required to provide five days of paid sick leave if the employee is subject to a mandatory or precautionary quarantine order or isolation. After 5 days have been exhausted, employees are eligible to collect both PFL and DBL benefits.</p> <p><b>Employers with 10 or fewer employees &amp; net income of less than \$1 million</b></p> <p>No requirement for employer-paid sick leave, and the combination PFL/DBL benefit described below will be available for the duration of quarantine from day one.</p>	<p>Benefits do not vary by size or net income of the employer.</p>
<p>Amount of Benefits</p>	<p>PFL and DBL are to be paid concurrently to a maximum combined benefit of \$2884.62/ week (based on maximum \$150,000 allowable income).</p> <p>The first 60% of the weekly salary are paid through the NY PFL benefit, to a maximum of \$840.70/week.</p> <p>The amount of the DBL benefit depends on the employee’s weekly salary – it’s the difference between the salary less the PFL portion of the benefit. The DBL portion is capped at \$2,043.92/week.</p>	

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<p>Reasons for leave</p>	<p><b>New:</b> Emergency COVID-19 Legislation signed by Gov. Cuomo enables family leave to be used by an eligible employee if they, or their minor dependent child, are subject to a mandatory or precautionary order of quarantine or isolation issued by the state of New York, the Department of Health, local board of health, or any government entity duly authorized to issue such order due to COVID-19.</p> <p><b>Existing Law also provides benefits for:</b></p> <p>Family care: To care for a close family member with a serious health condition. (<b>Note:</b> An employee’s family member who contracts COVID-19 may be able to take Family Care to care for them, if it’s considered a serious health condition.)</p> <p>Bonding with a child: Leave for bonding with a new baby, bond with newly adopted child or leave to help foster child bond.</p> <p>Assisting military families: Leave to handle family situations arising from a spouse, domestic partner, child or parent who is on active service in a foreign country to has been notified of an impending call or order of active service to a foreign country. Employees cannot use this leave for own qualifying military event. Employees may take PFL for the same reasons one can take military-related leave under FMLA.</p>	<p><b>New:</b> Disability benefits will be available where an employee cannot perform the regular duties of their employment as a result of a quarantine order.</p> <p><b>Existing Law also provides benefits for:</b></p> <p>Disability benefits are also available as temporary cash benefits paid to an eligible wage earner, when he/she is disabled by an off the job injury or illness.</p>
<p>Job Protection</p>	<p>Yes</p>	<p>No</p>
<p>Employer Notice Requirements</p>	<p>Employers must post and maintain the notice in plain view. Include PFL information in written materials distributed to the employees such as employee handbooks.</p>	<p>Employers must post and maintain the notice in plain view.</p>

<p>Miscellaneous</p>	<p>Employers can require the employee have FMLA and PFL run concurrently, assuming FMLA applies. The employer must notify the employee that the leave qualified for both.</p> <p><b>NY PFL is inapplicable in the following scenarios:</b></p> <p>The employee doesn't show any symptoms (or has not been diagnosed yet) and can work while under quarantine whether through remote access of similar means.</p> <p>The employer temporarily closes or goes out of business because of COVID-19. Although, the employee may be eligible for unemployment insurance. Employees who have returned to the United States after non-business-related travel to a country which the Centers for Disease Control (CDC) had issued a level two or three travel health notice are not eligible for the law's benefits, if the employee was provided notice of the travel advisory and chose to travel nonetheless.</p> <p><b>In addition, note should be made of the following:</b></p> <p>The new law does not expressly permit employees of employers (those employing 100 or more employees) to use existing NY PFL or disability benefits.</p> <p>The Governor's order for all workers in non-essential services to stay at home is not a quarantine order as defined. Workers may be eligible for unemployment or other federal or state benefits.</p> <p>The quarantine/isolation under this act does NOT apply to New York State on Pause or general stay-at-home orders.</p>	<p>Employers can require the employee have FMLA and PFL run concurrently, assuming FMLA applies. The employer must notify the employee that the leave qualified for both.</p>
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**New York State Paid Family Leave – New Paid Leave for COVID-19**

<https://paidfamilyleave.ny.gov/COVID19>

**New York State Paid Family Leave – New Paid leave for COVID-19 Governor Andrew M. Cuomo signed a three-way agreement regarding expanded paid sick leave for COVID-19 related reasons.**

[https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/GPB\\_9\\_PAID\\_SICK\\_LEAVE\\_BILL.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/GPB_9_PAID_SICK_LEAVE_BILL.pdf)