WHAT IS THE REASON FOR THE COVID-19-RELATED LEAVE REQUEST?

**Employee subject to government quarantine order (includes shelter-in-place and stay-at-home orders applicable to general public)**

- 2 weeks of FFCRA emergency paid sick leave at regular rate (or minimum wage, if higher) up to a maximum of $511 per day ($5,110 in total) if employer has work and employee is unable to work or telework
- Any greater benefits provided by NYS COVID Leave (e.g., 5 or 14 days of paid sick leave with no cap) if employee also is symptomatic and quarantine order is specific to employee (e.g., not the general public)

**Employee experiencing symptoms and seeking medical diagnosis or advised by health care provider to self-quarantine**

- 2 weeks of FFCRA emergency paid sick leave at regular rate (or minimum wage, if higher) up to a maximum of $511 per day ($5,110 in total) if unable to work or telework
- In addition, employee may elect to use accrued NYC ESSTA leave after FFCRA emergency paid sick leave or if ineligible for FFCRA emergency paid sick leave
- In addition, if employer has 50 or more employees and employee worked 1,250+ hours over past 12 months, traditional unpaid FMLA leave may be available
- After exhausting all leaves above, consider unpaid leave of absence as a reasonable accommodation if employee still unable to return to work

**Employee caring for individual subject to government quarantine order or advised by health care provider to self-quarantine**

- 2 weeks of FFCRA emergency paid sick leave at 2/3 regular rate (or minimum wage, if higher) up to a maximum of $200 per day ($2,000 in total) if unable to work or telework
- In addition, if caring for dependent minor child, NYS PFL available during quarantine (up to 60% of average weekly wage with cap of $840.70 per week)
- In addition, if caring for a family member with a “serious health condition,” up to 10 weeks of NYS PFL may be available

**Employee caring for child whose school or child care provider is closed or unavailable**

- 2 weeks of FFCRA emergency paid sick leave at 2/3 regular rate (or minimum wage, if higher) up to a maximum of $200 per day ($2,000 in total)
- 10 weeks of FFCRA emergency paid FMLA leave up to a maximum of $200 per day ($10,000 in total)
- In addition, employee may elect to use accrued NYC ESSTA leave after FFCRA emergency paid sick leave or if ineligible for FFCRA emergency paid sick leave or emergency paid FMLA leave

**Employee generally uncomfortable about returning to work**

- Engage in cooperative dialogue with employee, determine whether concerns are the result of a protected disability, and consider if unpaid leave of absence or another accommodation may be required
- If unpaid leave of absence or another accommodation (such as working from home) is not required or reasonable under applicable laws or employer policies, consider terminating employee’s employment in consultation with counsel

**Employee’s business closed due to public health emergency**

- Employee may elect to use accrued NYC ESSTA leave

**Defined Terms**

- FFCRA = Families First Coronavirus Response Act
- NYS COVID Leave = New York State COVID-19 Quarantine Leave
- NYS PFL = New York State Paid Family Leave
- NYC ESSTA = New York City Earned Safe and Sick Time Act
- FMLA = Family and Medical Leave Act

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