

75% Workforce Reduction & NYS COVID Sick Leave

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Executive Orders

We have been able to confirm that our Chapters are exempt from the requirement to reduce workforce by 75%, including administrative staff. However, if employees can work remotely, it makes sense to do so and continue to encourage as much social distancing as possible.

Please check the Empire State Development website, which is to post guidance very shortly about which businesses are considered “essential”. Link here: <https://esd.ny.gov/>. Further, applications for an exemption to this EO can be made through a link on that same site.

NYS COVID Sick Leave

Very briefly, here is a high level summary of this new law (signed yesterday) that is effective immediately. We will send out guidance regarding the federal law as soon as possible (including how the federal and state law interplays).

- ONLY applies to employees subject to mandatory or precautionary orders of quarantine or isolation issued by DOH, NYS, local board of health, or other gov't entity
 - We know not all Chapters are getting “orders”. There may be regulations forthcoming that provide further guidance about what kind of documentation is acceptable. Stay tuned.
- Employers with 11-99 employees – entitled to 5 days paid sick leave, and then for duration of any order employee can get unpaid leave, PFL, and DBL
- **Employers with 100+ employees** – entitled to 14 paid sick days (no language requiring unpaid leave or PFL/DBL benefits as above)
- No discrimination or retaliation because employee took leave (discharge, threats, penalty), but employers can take any personnel action they otherwise would have regardless of requests for leave
- **This leave is to be provided without deducting from their accrued sick leave**
- PFL Benefit Changes – “family leave” now includes needing to take leave due to an order for quarantine for the employee themselves or minor dependent children
- DBL Benefit Changes – Disability definition expanded (out due to order and has exhausted all paid sick leave by employer under the law); benefits payable on Day 1; max benefit is different
- PFL/DBL Interplay – can now be taken concurrently (but appears only available for employers with less than 100 employees)
- Paid leave and other benefits not provided to employees who traveled to a CDC level 2 or 3 country for personal reasons
- **Asymptomatic Telecommuter** – either “deemed asymptomatic” or hasn’t been diagnosed with any medical condition AND is physically able to work remotely while under an order (not eligible for these benefits)
- NY/Federal law interplay – Can’t get “both” – only can get difference between federal and state if state offers more
- **Applies to FT and PT employees**

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