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NEW YORK STATE PASSES SWEEPING NEW CORONAVIRUS LEAVE LAW BILL
AND 50% OF WORKFORCE MUST STAY HOME

With the number of CORONAVIRUS cases rising on a daily basis, and the number of people subject to either mandatory or precautionary orders of quarantine rising, questions arise as to how employers must handle the onslaught of employees who are unable to come to work. In response, New York State has passed sweeping legislations, mandating sick leave for employees quarantined as a result. Employers in New York State must be aware of these sweeping changes and be ready to update their existing policies.

A. CORONAVIRUS Sick Leave

Effective immediately, New York State is mandating that employers provide sick leave to their employees who are subject to either a mandatory or precautionary order of quarantine or isolation issued by the state or local health authority. The exact amount of the leave, and whether the leave is paid or unpaid depends on the number of employees and net income of the business. To assist employer with navigating this new regulation, we have prepared the following chart:

Number of Employees	COVID-19 Sick Leave
10 or less	Unpaid leave provided for the duration of the mandatory or precautionary period of isolation or quarantine.
10 or less, with annual net income in excess of \$1 million	5 days of paid leave, and unpaid leave for the remaining period of the mandatory or precautionary period of isolation or quarantine.

11 to 99	5 days of paid leave, and unpaid leave for the remaining period of the mandatory or precautionary period of isolation or quarantine.
100 or more	14 days of paid leave
Public Employers	14 days of paid leave

Any employees who work for an employer with 100 or fewer employees, earning up to \$150,000 may apply for wage replacement benefits under the New York Paid Family Leave and New York State Disability law.

This leave will be provided in addition to any existing paid leave an employer may provide, and the employee may not lose their accrued sick leave while on CORONAVIRUS quarantine.

Employees eligibility to use this leave is limited. Any employee who is asymptomatic and who has not yet been diagnosed with any medical condition and who is able to work while under the mandatory or precautionary order of quarantine or isolation, whether through remote access or other similar means, may not use this benefit. Further, any employee who knowingly and voluntarily, not at the direction of the employer, traveled to a country with a level two or level three health threat issued by the Centers for Disease Control may not use this leave benefit. However, these employees may use their accrued leave time while subject to a mandatory or precautionary period of quarantine or isolation.

Employees using this leave are guaranteed job protection, and must be restored to their position, or a similar position, with the same pay and benefits once the leave ends. Employers may not discriminate or retaliate against any employee who uses this benefit.

B. 50 Percent of Your Workforce May Not Report to Work

a. UPDATE: Gov. Cuomo has now announced a 75% reduction in workforce.

<http://longisland.news12.com/story/41914745/gov-andrew-cuomo-holds-daily-coronavirus-briefing-live-video>

New York Gov. Andrew Cuomo announced Wednesday a statewide mandate that no business can have more than 50 percent of their workforce report to work outside of their home. During a news conference in Albany, Gov. Cuomo said some of the exemptions to this mandate will be food services and food delivery services, pharmacies, health care organizations, and shipping companies. A full list of essential services will be released soon.

<https://cnycentral.com/news/local/gov-cuomo-orders-ny-businesses-keep-at-least-50-of-employees-working-from-home>

I will try to keep you updated on any changes to your requirements as an employer as updates become available. Should you have any questions, do not hesitate to contact us. Battling the novel coronavirus is difficult for everyone. We are here if you need us.

With best wishes for your, and your family's health and safety.

Regards,

Gregory S. Lisi, Esq.