

## COVID-19 FAQ

### Paid Sick Leave/Disability Benefits/Paid Family Leave

#### **ELIGIBILITY**

- 1. If I am out of work because I have been furloughed or laid off as a result of the COVID-19 pandemic, do I qualify for benefits?**

If you are out of work because you have been furloughed or laid off as a result of the COVID-19 pandemic, you may be eligible for unemployment insurance benefits and should contact the NYS Department of Labor at [labor.ny.gov](http://labor.ny.gov) to see if you are eligible.

- 2. If I am out of work because I am under an order of mandatory or precautionary quarantine or isolation issued by the state or local Department of Health, or other authorized government entity ("quarantine order") related to COVID-19, am I eligible for benefits?**

If you are under a quarantine order, you may be eligible for job-protected sick leave and compensation through a combination of Disability Benefits (DB) and Paid Family Leave (PFL) insurance benefits.

- 3. Do I have to use my sick leave accruals for leave because I am under a mandatory or precautionary order of quarantine or isolation?**

No, your employer must provide you with the required number of paid sick leave days without charge to any of your existing paid sick leave accruals.

- 4. NYSIF is my employer's DB and PFL insurance carrier. In what situations could I be eligible for benefits because of the COVID-19 pandemic?**

If you are unable to work because:

- **you are subject to a quarantine order:** you may be eligible for paid sick leave ('PSL' or 'quarantine leave') by your employer and a combination of DB and PFL benefits from NYSIF
- **your minor child is under a quarantine order:** you may be eligible for PFL benefits from NYSIF
- **you are caring for a family member who has been diagnosed with COVID-19:** you may be eligible for PFL benefits from NYSIF
- **you have been diagnosed with COVID-19:** you may be eligible for DB from NYSIF

**5. If I independently decide to self-quarantine, am I eligible for COVID-19 quarantine leave and benefits?**

No. You must be subject to a quarantine order. Benefits are available when an individual is under an order of mandatory or precautionary quarantine. Entities that may issue a qualifying order include the State of New York, the NYS Department of Health, local Department of Health or any government entity authorized to issue such order.

**6. Am I eligible for benefits if I stay home with my child because the school is closed due to COVID-19?**

If the school is closed due to a quarantine order, you may be eligible for PFL. If a school closes for preventative social distancing, you do not qualify for PFL or DB benefits, but you should check with your employer to see if there are any other benefits that may be available. You may also be eligible for paid sick leave after April 1, 2020, under the Federal Emergency Paid Sick Leave Act. For more information, visit [dol.gov](https://dol.gov).

**7. If I am able to work from home while under a quarantine order, am I eligible for benefits?**

No. If you are not showing symptoms or have not been diagnosed with a medical condition, and you are physically able to work through remote access or similar means, you are not eligible for benefits.

**8. Am I eligible for benefits if I am quarantined because I recently returned from traveling to another country?**

No. You are not eligible for benefits when subject to a quarantine order because:

- you traveled to a country with a level two or three health notice from the CDC, and
- your travel was not at the direction of your employer, and
- you were provided notice of the travel health notice, and
- knew about this restriction in the new law.

**APPLYING FOR BENEFITS**

**9. What type of documentation is needed to file a claim because I am under a quarantine order as a result of COVID-19?**

In order to apply for benefits from NYSIF, you must provide a copy of the quarantine order issued by a governmental entity authorized to issue such an order.

**Please note:** A note from your health care provider, a letter from your employer directing that you stay home, or the Governor's direction that non-essential employees are to stay home, is not sufficient documentation for benefits.

**10. How long do I have to apply for COVID-19 Quarantine DB/PFL benefits?**

You must apply for benefits within 30 days from the first day of leave.

## **BENEFITS**

### **11. What benefits am I entitled to if I am subject to a quarantine order for COVID-19?**

<b>Employer Size</b>	<b>Employer Sick Leave</b>	<b>NYSIF PFL/DB Benefit</b>
1-10 employees (2019 net income less than \$1 million)	Unpaid sick leave until termination of the quarantine order	Payable on 1 <sup>st</sup> day of quarantine for the duration of the quarantine order
1-10 employees (2019 net income greater than \$1 million)	5 days paid sick leave + unpaid sick leave until termination of quarantine order	Payable on the 6 <sup>th</sup> day of quarantine for the duration of the quarantine order
11-99 employees	5 days paid sick leave + unpaid sick leave until termination of quarantine order	Payable on the 6 <sup>th</sup> day of quarantine for the duration of the quarantine order
100+ employees	14 days paid sick leave	No NYSIF PFL/DB benefit
Public Employers	14 days paid sick leave	No NYSIF PFL/DB benefit

### **12. How much money could I receive?**

If you are subject to a quarantine order, you may receive regular wages from your employer in paid sick leave as outlined above. For any time you are out of work because you are subject to a quarantine order and on unpaid sick leave, you may be eligible to receive PFL (60% of your average weekly wage up to the maximum of \$840.70) and DB insurance benefits in an amount equal to the difference between your PFL benefit and your full wages, up to a maximum of \$2,043.92.

If your child is subject to a quarantine order, you will receive 60% of your average weekly wage, up to a maximum of \$840.70, in PFL benefits.

### **13. When do I start receiving benefits? Is there a waiting period before the benefit is payable?**

There is no waiting period before benefits are payable. The combined PFL and DB benefit would begin on the first day of unpaid leave and would continue until the termination of the order of quarantine or isolation.

### **14. Am I entitled to any other benefits under New York's Paid Sick Leave Law for COVID-19?**

You have job protection. Your employer must restore you to the same position you held before taking leave with the same pay and other terms and conditions of your employment. Your employer is prohibited from discriminating or retaliating against you for taking leave.

## **SPECIAL CIRCUMSTANCES**

### **15. What if I have used all of my PFL for the year but am subject to a quarantine order for COVID-19?**

If you have used all 10 weeks of available PFL for the year but have not used all 26 weeks of available DB for the year, you may be eligible for the DB benefit (up to the maximum of \$2,043.92/week).

### **16. What if I have used all 10 weeks of PFL and all remaining available DB for the year?**

If you have used all 26 weeks of available DB leave, including the 10 weeks of PFL, you cannot collect DB or PFL. Depending on the size of your employer, you will be eligible for paid sick leave from your employer for at least a portion of the duration of your quarantine or isolation period.

### **17. Does the period of quarantine leave under PFL and DB insurance count against the total 26 weeks of PFL and DB insurance benefits?**

Yes.

### **18. What if I have not worked for my employer for 26 consecutive weeks prior to the first day of leave?**

If you are a full-time employee and have not worked for your employer for 26 consecutive weeks or a part time employee and have not worked for your employer for 175 days, you are not eligible for the PFL portion of the benefit.

### **19. What effect does the Federal Emergency Paid Sick Leave Act have on my benefits?**

Starting April 1, 2020, if you are subject to a quarantine order, you may be entitled to regular wages from your employer for up to 14 days. The Federal Emergency Paid Sick Leave Act is much more expansive and covers other reasons you may be out of work related to COVID-19. Visit [dol.gov](https://www.dol.gov) for more information.

### **20. Are quarantine leave, PFL and DB insurance benefits available retroactively?**

Yes. The employee may take quarantine leave and receive PFL and DB insurance benefits if still currently under a quarantine order even if that order was issued prior to the enactment of the COVID-19 quarantine leave legislation.