

New York Paid Family Leave COVID-19: Frequently Asked Questions

<https://paidfamilyleave.ny.gov/new-york-paid-family-leave-covid-19-faqs>

Benefits

What benefits can I use for COVID-19 quarantine leave?

If you are under a mandatory or precautionary order of quarantine or isolation issued by the State, New York State Department of Health, local Board of Health, or other authorized government entity you may be eligible for job-protected sick leave and compensation through a combination of disability and Paid Family Leave benefits.

- **If you work for an employer with 10 or fewer employees as of January 1, 2020 and your employer made more than \$1 million in 2019:** Your employer is required to provide you with five days of paid sick leave. After those days are used, you may be eligible for compensation for the remainder of your quarantine by applying for Paid Family Leave and disability benefits.
- **If you work for an employer with between 11-99 employees as of January 1, 2020:** Your employer is required to provide you with five days of paid sick leave. After those days are used, you may be eligible for a combination of Paid Family Leave and disability benefits.
- **If you work for an employer with 100 or more employees as of January 1, 2020:** Your employer is required to provide you with 14 days of paid sick leave for a COVID-19-related quarantine, which should cover the period of mandatory or precautionary quarantine or order of isolation.
- **If you work for a public employer:** All public employers (for example, town, public school, public college or university, district, county, city, village, fire district and state),

must provide at least 14 days of paid sick leave, regardless of how many employees they have.

What is the maximum pay I will receive for COVID-19 quarantine leave?

- If you work for a public employer or an employer with more than 100 employees as of January 1, 2020, you are entitled to at least 14 days of paid sick leave at your regular rate of pay.
- If you work for an employer with 11 or more employees or for an employer with fewer than 10 employees as of January 1, 2020, whose income was greater than \$1 million dollars in 2019 you are entitled to at least 5 sick days at your regular rate of pay. After those days are used, you may be eligible to receive your weekly wages through a combination of Paid Family Leave and disability benefits up to a maximum of \$2,884.62 per week.
- If you work for an employer with fewer than 10 employees as of January 1, 2020, whose income was \$1 million dollars or less in 2019, then you may be eligible to receive your weekly wages through a combination of Paid Family Leave and disability benefits up to a maximum of \$2,884.62 per week.

At what rate of pay does leave need to be paid?

For the applicable paid leave period (5 or 14 days), employers must pay the amount that the worker would have otherwise received had they been continuing to work for that period based upon the amount that the employee was scheduled or would have been scheduled had the employer's operations continued in its normal due course. Employees who work a fixed schedule or are paid a salary should simply continue to receive pay for the applicable period. For hourly, part-time, commissions salespeople, and other employees who are not paid a fixed wage, employers should determine the employee's pay by looking at a representative period of time to set the employee's average daily pay rate.

How many days of leave are part-time employees required to be paid for?

Part-time employees should be paid for the number of days/amount of time during 5 or 14 day period that they are required to receive pay that they would have otherwise received had the employer's operations continued in its normal due course.

Is the number of paid days work or calendar days?

The number of paid days is calendar days, and the pay required should represent the amount of money that the employee would have otherwise received for the 5 or 14 day period.

When is payment required to be made to employees eligible to receive paid sick leave?

The paid sick leave payments are subject to the frequency of pay requirements of Section 191 of the Labor Law, and leave payments should be made in the paycheck for the applicable pay period for the leave.

Will I have to repay the benefits I receive during COVID-19 quarantine leave?

No, you are not required to repay any benefits.

Is there a waiting period before I will receive my Paid Family Leave/disability benefits quarantine leave benefits?

No, there is no waiting period for benefits claimed as a result of a mandatory or precautionary quarantine or order of isolation.

Is quarantine leave available retroactively?

Yes. You may take quarantine leave if you are still currently under a mandatory or precautionary order of quarantine or isolation issued by the State, department of health, local board of health, or government entity even if that order was issued prior to the enactment of the COVID-19 quarantine leave.

Can my employer require me to use my existing sick leave accruals or other accruals (paid time off) for a COVID-19 quarantine order?

No. Employers required to provide paid sick leave must provide that leave separate from any accruals.

Is my job protected during COVID-19 quarantine leave?

Yes, you cannot be fired because you took leave. Your employer cannot fire you or take action against you because you took leave and you are entitled to be restored to the position you held prior to taking leave. Any COVID-19 quarantine leave should not be counted as an absence that may lead to or result in discipline, discharge, demotion, suspension, or any other adverse action.

You may file a complaint with the Department of Labor at:

www.labor.ny.gov/COVIDcomplaint

Eligibility

What if I independently decide to quarantine - can I take COVID-19 quarantine leave?

This new law provides benefits in cases where an individual is under an order of quarantine – either mandatory or precautionary. Entities that may issue an “order” include the State of New York, New York State Department of Health, local Board of Health or any government entity authorized to issue such order.

My child’s school is closed due to Coronavirus/COVID-19. Can I take Paid Family Leave/disability benefits quarantine leave to stay home with them?

It depends. If the school is closed due to a mandatory or precautionary order of quarantine or isolation issued by the State, department of health, local board of health, or government entity, you may be eligible to take paid family leave. If your child’s school closes for preventative social distancing, you may want to check with your employer to see if there are any benefits that may be available to you.

I have been quarantined due to Coronavirus/COVID-19. Can I take Paid Family Leave/disability benefits quarantine leave for myself?

Yes, if you are under a mandatory or precautionary order of quarantine or isolation issued by the State, department of health, local board of health, or government entity, you may be eligible to take disability and Paid Family Leave benefits for yourself unless you are not showing symptoms and are physically able to work through remote access or similar means. You must use your available quarantine paid sick leave before taking

Paid Family Leave and disability benefits, and then you can apply for these benefits for the remainder of your quarantine.

I'm able to work from home but I'm under a mandatory or precautionary quarantine. Am I eligible for quarantine leave?

No, if you are not showing symptoms and are physically able to work through remote access or similar means you are not eligible for quarantine leave.

What if I am quarantined because I have recently returned from traveling to another country?

You are not eligible for quarantine leave if you are subject to a quarantine because you voluntarily traveled to a country with level two or three health notice from the CDC if 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.

What if my employer temporarily closes or goes out of business because of COVID-19?

You may be eligible for Unemployment Insurance. For more information or to apply online, visit the [NYS Department of Labor website](#).

How to Apply

Do I have to apply for COVID-19 quarantine leave?

You do not have to apply for paid sick days if your employer is required to offer them. If you run out of sick days from your employer, then you would need to apply for Paid Family Leave and disability benefits for compensation during the rest of your quarantine.

How do I apply for the Paid Family Leave/disability benefits component of COVID-19 quarantine leave for myself?

To apply for Paid Family Leave/disability benefit compensation during a quarantine, notify your employer and submit your completed request for paid family leave forms to

your employer's insurance carrier no later than 30 days from your first day of leave to avoid losing any benefits.

You will need to complete the [Request for COVID-19 Quarantine Leave for Yourself](#) form package, which includes two forms:

- *Request for COVID-19 Quarantine DB/PFL - Self (Form SCOVID19)*
- *Request for Paid Family Leave (Form PFL-1)*

You will need to complete the employee sections on both forms in the package.

Then send these completed forms to your employer to complete the employer sections on both forms. Your employer has three business days to complete these sections and return the forms to you. If you do not receive the forms within three business days, you can proceed to the next step and submit your application.

Next, you will submit your completed forms together with your mandatory or precautionary order of quarantine or isolation issued by the State, department of health, local board of health, or government entity to your employer's disability and Paid Family Leave insurance carrier.

The insurance carrier must pay or deny your claim within 18 calendar days of receiving your completed request.

How do I apply for the Paid Family Leave benefits of COVID-19 quarantine leave if I am unable to work because my minor dependent child is subject to a quarantine order?

You need to complete the [Request for COVID-19 Quarantine Leave for Minor Dependent Child](#) form package, which includes two forms:

- *Request for COVID-19 Quarantine PFL - Child (Form CCOVID19)*
- *Request for Paid Family Leave (Form PFL-1)*

You will need to complete the employee sections on both forms in the package.

Then send these completed forms to your employer to complete the employer sections on both forms. Your employer has three business days to complete these sections and return the forms to you. If you do not receive the forms within three business days, you can proceed to the next step and submit your application.

Next, you will submit your completed forms together with your mandatory or precautionary order of quarantine or isolation issued by the State, department of

health, local board of health, or government entity to your employer's disability and paid family leave insurance carrier.

The insurance carrier must pay or deny your claim within 18 calendar days of receiving your completed request.

Where do I get an application for the Paid Family Leave/disability benefits component of COVID-19 quarantine Leave?

All forms are located at PaidFamilyLeave.ny.gov/COVID19. You may also be able to obtain them from your employer's insurance carrier.

Where do I send my completed application for Paid Family Leave/disability benefits quarantine leave?

Submit your completed request package to your employer's disability and Paid Family Leave insurance carrier within 30 days after the start of your leave. For information on who your employer's carrier is, you should ask your employer or check part B of the PFL-1 form after your employer completes their section.

How long do I have to submit my disability benefit and Paid Family Leave application for quarantine leave?

You must submit your Paid Family Leave application within 30 days from the first day you are taking leave to avoid losing any benefits.

When will I get paid for the disability benefit and Paid Family Leave portion of my quarantine leave?

Your employer's insurance carrier must pay or deny benefits within 18 calendar days of receiving your completed request for benefits. To ensure timely payment, make sure you completely fill out the required forms and attach the order of mandatory or precautionary quarantine.

My employer is refusing to complete their section on the Request for COVID-19 Quarantine form. What do I do?

If it has been more than three business days since you provided your employer with the completed Request for COVID-19 Quarantine Leave package, you may submit the forms you filled out, along with the mandatory or precautionary order of quarantine or isolation to your employer's Paid Family Leave insurance carrier. The carrier may not deny your request solely because the employer's sections are not completed.

As an employer, what part of the Paid Family Leave/disability benefits quarantine leave application do I need to fill out?

As the employer your responsibility is to complete and return to the employee Part B of the Request for Paid Family Leave (Form PFL-1) and either section 3 of the Request for COVID-19 Quarantine DB/PFL section 4 of the Request for COVID-19 Quarantine PFL - Child, depending on the leave the employee is requesting. These sections must be completed and returned to the employee within three business days.

Disputes

It has been more than 18 days since my insurance carrier received my completed request for DB/PFL quarantine leave and they still have not paid or denied it. What should I do?

If it has been more than 18 days since the insurance carrier received your completed request, you may file a request for arbitration based on the carrier's untimely decision. Arbitration is handled by NAM (National Arbitration and Mediation). More information can be found on [NAM's website](#).

What if I received a denial?

If you received a denial of Paid Family Leave benefits, you may file a request for arbitration to have your claim reviewed by a neutral arbitrator. Arbitration is handled by NAM (National Arbitration and Mediation). More information can be found on [NAM's website](#).

Complaints

My employer isn't giving me the required number of sick days for COVID-19 quarantine leave. What do I do?

If your employer is not providing you with the required number of sick days for COVID-19 quarantine leave, you may file a complaint with the Department of Labor at: www.labor.ny.gov/COVIDcomplaint

My employer isn't paying me my full wages for the sick days I'm taking during my COVID-19 quarantine leave. What do I do?

If your employer is not properly paying you for your sick days for COVID-19 quarantine leave, you may file a complaint with the Department of Labor at: www.labor.ny.gov/COVIDcomplaint

My employer is directing me to report to work but I work for a non-essential business. What do I do?

If you work for a non-essential business, you may not be forced to go to the worksite or otherwise threatened if you do not work at a place other than your home. If your employer is not following these rules, you may file a complaint with the Department of Labor at: www.labor.ny.gov/COVIDcomplaint

I know of a non-essential business that is open. How do I report this?

If you know of a non-essential business that is operating and shouldn't be you may file a complaint with the Department of Labor at: www.labor.ny.gov/COVIDcomplaint

Obtaining a Quarantine Order

What proof do I need to submit with my DB/PFL quarantine leave claim?

You must submit an order from your local health department indicating you or your minor child is under a precautionary or mandatory order of quarantine or isolation.

Where do I get the order of quarantine or isolation?

You should be able to obtain an order from your local health department. The orders will be available in electronic or paper format. For a list of local health departments, go to: https://www.health.ny.gov/contact/contact_information/.

What if my local health department is unable to immediately provide me with an order?

If your local health department is unable to immediately provide you with the order of quarantine or isolation, you should submit documentation from a licensed medical provider that has treated you (or your minor dependent child), attesting that you (or your child) qualify for the order to your employer's PFL insurance carrier with your quarantine leave request package. You should follow up with your local health department and submit the order from your local health department to your employer's PFL insurance carrier as soon as it is available. Local health departments must provide the requested orders within 30 days.

How are quarantine leave claims verified?

PFL insurance carriers may reach out to employees to verify any information they have submitted as part of their quarantine leave claim.

Where can I obtain more information about orders of quarantine or isolation?

For additional information, please visit the New York State Department of Health website at <https://coronavirus.health.ny.gov/home>.

What does the documentation from my licensed medical provider have to include if I am subject to an order of quarantine or isolation?

Mandatory Isolation: If you are subject to mandatory isolation, the attestation must say:

1. You have tested positive for COVID-19; or
2. Testing is not currently available for you, but you have COVID-19 symptoms and have had contact with a known COVID-19 case.

Mandatory Quarantine: If you are subject to a mandatory quarantine, the attestation must say:

1. You have been in close contact with someone who has tested positive for COVID-19 or who is currently in mandatory isolation; or
2. You have COVID-19 symptoms and have returned within the past 14 days from a country designated with a level 2, 3, or 4 advisory for COVID-19.

Precautionary Quarantine: If you are subject to a precautionary quarantine, the attestation must say:

1. You are asymptomatic and have returned within the past 14 days from a country designated with a level 2, 3, or 4 advisory for COVID-19; or
2. You have been determined to have had proximate exposure with someone who has tested positive for COVID-19 while that person was symptomatic.

What does the documentation from a licensed medical provider have to include if my minor dependent child is subject to an order of quarantine or isolation?

Mandatory Isolation: If your child is subject to mandatory isolation, the attestation must say:

1. Your child has tested positive for COVID-19; or
2. Testing is not currently available for your child, but your child has COVID-19 symptoms and has had contact with a known COVID-19 case.

Mandatory Quarantine: If your child is subject to a mandatory quarantine, the attestation must say:

1. Your child has been in close contact with someone who has tested positive for COVID-19 or who is currently in mandatory isolation; or
2. Your child has COVID-19 symptoms and has returned within the past 14 days from a country designated with a level 2, 3, or 4 advisory for COVID-19.

Precautionary Quarantine: If your child is subject to a precautionary quarantine, the attestation must say:

1. Your child is asymptomatic and has returned within the past 14 days from a country designated with a level 2, 3, or 4 advisory for COVID-19; or

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2. Your child has been determined to have had proximate exposure with someone who has tested positive for COVID-19 while that person was symptomatic.