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U.A. Plumbers & Steamfitters
Local 22
120 Grandville Pkwy W.
Buffalo, NY 14224

Re: Paid COVID Sick Leave

Dear Members:

Workers in New York are guaranteed job protected leave in the event they, or their minor dependent child, are subject to a mandatory or precautionary order of quarantine or isolation due to COVID-19. The job protected leave must cover the full period of mandatory or precautionary quarantine. The quarantine order must come from the state of New York, the Department of Health, local board of health, or other governmental entity authorized to issue a COVID-19 quarantine order. Under no circumstances should an employee who has tested positive for COVID report to work.

COVID quarantine job protection and pay

An employer must provide job protected leave to an employee who has tested positive for COVID-19 or is personally in a mandatory or precautionary quarantine. An employee who receives a positive COVID-19 test after a previous period of quarantine or isolation shall be entitled to sick leave as required by New York's COVID-19 sick leave law. The employee must submit documentation from a licensed medical provider or testing facility attesting that the employee has tested positive for COVID-19. The employee does not need to submit documentation of a positive result if the employee's employer gave the employee the test for COVID-19 that showed the positive result. Currently, an employee is not eligible for COVID sick leave for more than three orders of quarantine or isolation.

If an employer mandates that an employee who is not otherwise subject to a mandatory or precautionary order of quarantine or isolation to remain out of work due to exposure or potential exposure to COVID-19, regardless of whether such exposure or potential exposure was in the workplace, the employer shall continue to pay the employee at the employee's regular rate of pay. The employer shall continue to pay the employee at his regular rate of pay until such time as the employer permits the employee to return to work or the employee becomes subject to a mandatory

or precautionary order of quarantine or isolation. If the employee becomes subject to a mandatory or precautionary order of quarantine or isolation, the employee shall receive sick leave as required by New York's COVID-19 sick leave law.

COVID-19 Sick Leave Pay

Whether personal COVID sick leave is paid or unpaid depends on the size of the employer:

- Employer with 1-10 employees
 - o Employee has job protection for duration of the quarantine
 - o Eligible employees can use NY Paid Family Leave (PFL)
 - PFL is insurance coverage that provides up to 67% of the employee's pay, up to a maximum weekly benefit of \$840.70
 - o After exhausting full PFL employee will receive disability benefits to match employee's full wages up to a maximum weekly disability benefit of \$2,043.92, for a total of \$2,884.62 per week

- Employer with 11-99 employees
 - o Employee has job protection for duration of the quarantine
 - o **First:** Employer will provide employee with 5 days paid COVID sick leave
 - The employer must pay the employee the amount the employee would have received had the employee not been in quarantine
 - This includes all benefit payments
 - o Eligible employees can use NY Paid Family Leave (PFL) after the 5 days paid COVID sick leave
 - PFL is insurance coverage that provides up to 67% of the employee's pay, up to a maximum weekly benefit of \$840.70
 - o After exhausting full PFL employee will receive disability benefits to match employee's full wages up to a maximum weekly disability benefit of \$2,043.92, for a total of \$2,884.62 per week

- Employer with 100+ employees
 - o Employee has job protection for duration of the quarantine
 - o Employer must provide employee with at least 14 days paid COVID sick leave for a COVID related quarantine
 - The employer must pay the employee the amount the employee would have received had the employee not been in quarantine
 - This includes all benefit payments

- An employee must apply for COVID-19 quarantine benefits. The required forms can be found at <https://paidfamilyleave.ny.gov/if-you-are-quarantined-yourself>

An employee with a minor dependent child under a mandatory or precautionary quarantine may qualify for job protected Paid Family Leave (PFL) to care for the child. PFL is an insurance program that covers 67% of an employee's average weekly wage up to a maximum benefit of \$840.70/week. The employee must apply for the benefits. The required forms can be found at <https://paidfamilyleave.ny.gov/if-you-are-quarantined-yourself>. An employee may be able to take PFL to care for other close family members that are sick with COVID-19.

Obtaining documentation for COVID leave

An employee must provide documentation of a mandatory or precautionary order of quarantine. To get an order of precautionary or mandatory quarantine, the employee should contact their Local Health Department. If the LHD cannot immediately produce a quarantine order, the employee should:

- Submit documentation from a licensed medical provide that has treated you attesting that you qualify for the order **and**
- Follow up with the LHD to obtain the order and submit it to the employee's Paid Family Leave insurance carrier as soon as it is available
- LHD must provide documentation within 30 days of a request

If the employee cannot immediately obtain a quarantine order from the LHD, the employee should ask their medical provide for the following documentation:

- If subject to Mandatory Isolation, an attestation that the employee meets one or more of the following criteria:
 - Tested positive for COVID-19; OR
 - Testing is currently unavailable, but employee is symptomatic and has had contact with a known COVID-19 case.
- If subject to Mandatory Quarantine, an attestation that employee meets one or more of the following criteria:
 - Has been in close contact with someone who has tested positive for COVID-19 or is currently in mandatory isolation; OR
 - Is symptomatic and has returned within the past 14 days from a country designated with a level 2, 3, or 4 advisory for COVID-19.
- If subject to a Precautionary Quarantine, an attestation that employee meets one or more of the following criteria:
 - 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
 - You have been determined to have had proximate exposure with someone who has tested positive for COVID-19.

If your employer denies you COVID sick leave you may file a complaint with the New York State Department of Labor. You may contact the Union for assistance with a COVID related complaint.

Very truly yours,

CREIGHTON, JOHNSEN & GIROUX

/s/

By: Candace Morrison, Esq.