
PLSDAC Meeting Follow-Up: Paid Leave, Paid Family Leave, NY Paid Sick Leave...

From : Ron Kirsop <rkirsop@pls-net.org>

Fri, Jan 07, 2022 02:38 PM

Subject : PLSDAC Meeting Follow-Up: Paid Leave, Paid Family Leave, NY Paid Sick Leave...**To** : Ron Kirsop <rkirsop@pls-net.org>**Reply To** : Ron Kirsop <rkirsop@pls-net.org>

Hi Everyone,

This is a long email, but it covers the follow-up information I promised during today's PLSDAC meeting.

Current Paid Leave for Quarantine**Employees Who Work for Small Employers**

For most employees who work for an employer with 10 or fewer employees as of January 1, 2020, and a business net annual income less than \$1 million. You can use a combination of NYS Paid Family Leave and disability benefits.

- Eligible employees can use NY Paid Family Leave (PFL). This is insurance coverage that provides up to 67% of your pay, up to a maximum weekly benefit of \$840.70.
- After receiving your full PFL benefit, you will receive disability benefits to match your full wages up to a maximum weekly disability benefit of \$2,043.92, for a total of \$2,884.62 per week.
- There is no waiting period for either benefit.

You will have job protection for the duration of the quarantine.

Employees Who Work for Medium Employers

For most employees who work for an employer with between 11-99 employees as of January 1, 2020, and smaller employers (1-10 employees) with a business net annual income greater than \$1 million.

It starts with using paid sick leave. Your employer is required to provide you with at least five days of paid sick leave.

After that, you can use a combination of NYS Paid Family Leave and disability benefits.

- Eligible employees can then use NY Paid Family Leave. This is insurance coverage that provides up to 67% of your pay, up to a maximum weekly benefit of \$840.70.
- After receiving your full PFL benefit, you will receive disability benefits to match your full wages up to a maximum weekly disability benefit of \$2,043.92, for a total of \$2,884.62 per week.

- There is no waiting period for either benefit.

You will have job protection for the duration of the quarantine.

Source: <https://paidfamilyleave.ny.gov/if-you-are-quarantined-yourself>

Paid Family Leave (PFL)

In response to the outbreak of novel coronavirus (COVID-19), New York State implemented programs that guarantee workers job protection and financial compensation in the event they, or their minor dependent child, are subject to a mandatory or precautionary order of quarantine or isolation issued by the state of New York, the Department of Health, local board of health, or any government entity duly authorized to issue such order due to COVID-19.* [See Guidance For Obtaining An Order For Mandatory Or Precautionary Quarantine.](#)

Most employees will get financial compensation by using a combination of benefits, which may include new employer-provided paid sick leave (depending on the size of the employer), Paid Family Leave and disability benefits. These benefits are not available to employees who are able to work through remote access or other means.

Paid Family Leave may also be used to care for a family member who has contracted COVID-19, which may qualify as a serious health condition.

Source: <https://paidfamilyleave.ny.gov/covid19>

This is another situation where private employers (Association Libraries) would be required to obtain Paid Family Leave insurance. Public employers [may voluntarily opt into New York Paid Family Leave at any time.](#)

If you are unsure if you have this benefit, take a look at your disability insurance policy. Also, since there are payroll deductions, you can take a look at a pay stub to see if it includes a NY PFL deduction. As a Public Library, if you do not offer this benefit currently, you may want to consider doing so. The only other option your employees would have are any other policies you have offering paid time off.

NY Paid Sick Leave

New York's paid sick leave law requires employers with five or more employees or net income of more than \$1 million to provide paid sick leave to employees and for employers with fewer than five employees and a net income of \$1 million or less to provide unpaid sick leave to employees. This new law is in addition to the New York State provisions already in effect providing emergency paid sick time due to COVID-19.

5-99 Employees

Employers with 5-99 employees must provide up to 40 hours of paid sick leave per calendar year.

0-4 Employees

If net income is \$1 million or less, employer must provide up to 40 hours of unpaid sick leave. If net income is greater than \$1 million, employer must provide up to 40 hours of paid sick leave.

Eligibility

All private-sector employees in New York State are covered, regardless of industry, occupation, part-time status, and overtime exempt status. Federal, state, and local government employees are NOT covered, but employees of charter schools, private schools, and not-for-profit corporations are covered.

Source: <https://www.ny.gov/new-york-paid-sick-leave/new-york-paid-sick-leave#amount-of-leave>

This plainly covers all Association Libraries, there is a bit more thought that needs to go into it for public libraries. The main question to ask yourself is, Is the library in question considered a "type" of "governmental agency?" and are the employees of that library compensated as if they were employees of a governmental agency? If the answer is "yes" to either, then you would most likely be considered exempt. If the answer is "no" to both, you should probably get the new Sick Leave Policy in place.

Source: <https://www.wnylrc.org/ask-the-lawyer/raqs/180>

Expired COVID Leave

From April 2020 through December 2020, employees could use the Families First Coronavirus Response Act (FFCRA) to receive pay while out on orders of quarantine. Since it expired on December 31, 2020, this leave is no longer applicable. Employers may continue to voluntarily offer this benefit if they so choose.

Source: <https://www.dol.gov/agencies/whd/fmla/pandemic>

System's Current Returning to Work Post COVID

Because things are so complicated right now in terms of knowing what to do when someone has COVID, I'm trying to keep it as simple as possible following the CDC's rules.

If You Test Positive for COVID-19 (Isolate)

Everyone, regardless of vaccination status.

- Stay home for 5 days.

- If you have no symptoms or your symptoms are resolving after 5 days, you can leave your house.
- Continue to wear a mask around others for 5 additional days.

If you have a fever, continue to stay home until your fever resolves.

If You Were Exposed to Someone with COVID-19 (Quarantine)

If you:

Have been boosted

OR

Completed the primary series of Pfizer or Moderna vaccine within the last 6 months

OR

Completed the primary series of J&J vaccine within the last 2 months

- Wear a mask around others for 10 days.
- Test on day 5, if possible.

If you develop symptoms get a test and stay home.

If you:

Completed the primary series of Pfizer or Moderna vaccine over 6 months ago and are not boosted

OR

Completed the primary series of J&J over 2 months ago and are not boosted

OR

Are unvaccinated

- Stay home for 5 days. After that continue to wear a mask around others for 5 additional days.
- If you can't quarantine you must wear a mask for 10 days.
- Test on day 5 if possible.

If you develop symptoms get a test and stay home

Source: <https://www.cdc.gov/media/releases/2021/s1227-isolation-quarantine-guidance.html>
