

## New York - COVID-19 Coverage

Under legislation signed by Governor Cuomo, New York workers are guaranteed job protection and financial compensation while they are on a mandatory or precautionary quarantine order due to COVID-19.

This emergency sick leave program provides temporary benefits to employees who are in isolation/quarantine ordered by a governmental entity (State of NY, Department of Health, a local Board of Health, or similar). Under certain circumstances (see below), New York employees receive COVID-19 benefits through their State disability (DBL) and Paid Family Leave (PFL) coverage. If you qualify for benefits through this insurance coverage, you will need to include the “Order for Quarantine” (written documentation) when submitting your claim.

Before submitting a COVID-19 claim, please see below to see if you qualify:

	YES	NO
Size of Employer	1 – 99 employees	100+ employees (must supply 14 days of emergency paid sick leave) DBL/PFL does not apply
Timing of Quarantine	March 18 <sup>th</sup> to March 31 <sup>st</sup> (See below if April 1 <sup>st</sup> )	Before March 18 <sup>th</sup> or starts after April 1 <sup>st</sup> (after this date the NY program will only be available for those who exceed the federal program salary cap)
Order of Quarantine	The employee or dependent child of employee is under an official order of quarantine issued by the State of NY, Dept. of Health, a local board of health or any other government entity.	Employee does not have the official quarantine documentation  Social distancing is not an order of quarantine
Working Status	Employee is not working and is unable to perform job duties	Working from home Business temporary closed Laid off
Benefit Payout	<u>March 18 – March 31</u> 100% of your salary up to a max of \$2,884.62/week  <u>April 1 thru Dec 31</u> Difference between sick pay under federal law (\$2,555/wk max) and employees ave. weekly wage up to max of \$2,884.62/wk	No DBL/PFL payout
Benefit Payout * Under the federal law, small businesses with fewer than 50 employees may qualify for an exemption from providing paid sick leave.	* Exemption approval required  100% of your salary up to a max of \$2,884.62/week	
Other Situations that do not Qualify for DBL/PFL Benefits under COVID-19		<ul style="list-style-type: none"> <li>• Social Distancing</li> <li>• Official Stay-at-Home orders</li> <li>• “New York State on Pause”</li> <li>• Watching children during school closures</li> <li>• Working from home</li> <li>• Voluntarily self-quarantining</li> <li>• Home because business is temporarily closed</li> <li>• Laid off</li> <li>• Furloughed</li> </ul>

## **April 1, 2020 - December 31, 2020**

### **“Families First Coronavirus Response Act” - Federal Emergency Paid Sick Leave**

The President has signed the “Families First Coronavirus Response Act” which provides temporary unpaid or partially paid leave due to COVID-19. The bill which applies to employers with less than 500 employees takes effect April 1. It is intended to help individuals and families cope with disruptions caused by the COVID-19 outbreak. Benefits under this program are not provided by Arch Insurance Company.

\*Under the this act, small businesses with fewer than 50 employees may qualify for an exemption from providing paid sick leave and/or expanded family and medical leave due to the closure of a child’s school or place of care due to a public health emergency if doing so would jeopardize the viability of the business. The Department of Labor will further specify the criteria to meet the small business exemption in forthcoming regulations. However, the guidance states that small employers wishing to elect this exemption should document why their business meets the criteria to be set forth by the Department.

See the [U.S. Department of Labor website](#) for more information.

### **How the Federal and State laws work together:**

The NY program is only available for New Yorkers who exceed the Federal program’s salary cap and can file for supplemental benefits bridging between the Federal and State caps. If a COVID-19 claim goes longer than two weeks (as documented in the order of quarantine) and have used all of the sick days as outlined in the federal law, then Arch is responsible for paying the employee’s weekly wage up to max of \$2,884.62/wk until the order of quarantine is over.

See chart above for benefit payout under the federal and NY programs.

More information on the New York law can be found [here](#). See FAQ’s to help answer questions.

Please Note: The information provided herein is for general informational purposes only and does not purport to be complete or cover every situation. It is not legal advice and should not be relied upon or construed as legal advice. Please consult your own legal advisors to determine how these laws affect you.