



New York State COVID-19 Paid Sick Leave & Vaccination Leave Comparison Chart

	NYS COVID-19 Paid Sick Leave	NYS COVID-19 Vaccination Leave
Effective Date	Effective Immediately (*As of March 18, 2020)	Effective Immediately (*As of March 12, 2021). Note: The law will expire and be deemed repealed on December 31st, 2022.
Covered Employers	All employers, but paid leave requirements are based on number of employees and business revenue.	All public and private employers.
Eligible Employee	Employees affected by COVID-19, who are subject to mandatory or precautionary orders of quarantine or isolation by the State, New York State Department of Health, local Board of Health, or other authorized government entity.	All NY employees.
Reasons for Leave	<p>Leave may be taken by employees who are under a mandatory or precautionary quarantine or order of isolation by the State, New York State Department of Health, local Board of Health, or other authorized government entity.</p> <p>Notes: The NY Department of Health (DOH) and the NY Department of Labor (DOL) issued joint guidance pertaining to an employer’s obligation under the COVID-19 Sick Leave Law to provide paid sick leave to “health care” employees. Updated guidance issued for non-health care employees provides for up to three instances of leave, depending upon specific facts.</p> <p>COVID-19 paid sick leave is not required for time off to care for a minor child or covered family member, but employees may be eligible for PFL to care for a minor child or covered family member under a mandatory or precautionary quarantine or order of isolation.</p>	Leave may be taken by employees to receive the COVID-19 vaccination.

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	NYS COVID-19 Paid Sick Leave	NYS COVID-19 Vaccination Paid Leave
Amount of Leave	<p>Employers with 10 or fewer employees and a net income less than \$1 million will provide their workers with:</p> <p>Unpaid job protected leave for the duration of their own quarantine order and <i>guaranteed</i> access to Paid Family Leave and disability benefits (short-term disability) for the period of quarantine.</p> <p>Employers with 11-99 employees (regardless of net income) and employers with 10 or fewer employees and a net income greater than \$1 million will provide their workers:</p> <ul style="list-style-type: none"> o At least 5 days of paid sick leave o and <i>guaranteed</i> access to Paid Family Leave and disability benefits (short-term disability) for the period of quarantine. <p>Employers with 100 or more employees, as well as all public employers (regardless of number of employees), will provide their workers:</p> <ul style="list-style-type: none"> o At least 14 days of paid sick leave <p>Note: The number of paid days is based on how many days an employee would have worked during the 5- or 14-day period.</p>	Up to four hours, per injection.
Paid or Unpaid	Yes, based on employer size and revenue. Unpaid for employers with 10 or fewer employees and a net income less than \$1 million.	Paid.
Amount of Pay	<p>Regular rate of pay. Additional benefits may also be available under Paid Family Leave and expanded disability benefits (short-term disability).</p> <p>Note: The number of paid days is based on how many days an employee would have worked during the 5- or 14-day period.</p> <p>After paid sick days are used, employees may be eligible to receive their weekly wages for the remainder of their quarantine period through a combination of Paid Family Leave (\$840.70) and disability benefits (\$2,043.92) up to a maximum of \$2,884.62 per week; however; employees who work for employers with 100 or more employees are not eligible to collect enhanced DBL/FPL benefits.</p>	Regular rate of pay.

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Integration with other leave and/or benefits	<p>Employers cannot require employees to use existing sick leave accruals or other accruals (paid time off) for a COVID-19 quarantine. Employers required to provide paid sick leave must provide leave separate from any accruals.</p> <p>Employees working for employers with less than 100 employees will have guaranteed access to Paid Family Leave and disability benefits (short-term disability) for the period of quarantine including wage replacement for their salaries up to \$150,000.</p>	Employers cannot charge this leave against any other leave the employee has earned or accrued (i.e., PTO/vacation, personal time, NY Paid Sick Leave).
Carryover Requirements	No.	No.
Employer Notice Requirements	Yes. Employers are required to let their employees know they are entitled to paid/unpaid time off. The state’s fact sheet may be used to meet this requirement.	N/A
Employee Documentation/Notice Requirements	<p>Employees do not have to apply for paid sick days. However, if applying for expanded disability insurance or Paid Family Leave benefits applicable paperwork must be submitted to the insurance carrier. Employees may apply for disability insurance or Paid Family Leave benefits by completing a Request for COVID-19 Quarantine Leave for Yourself Package or a PFL Request for COVID-19 Quarantine Leave for Minor Child package.</p> <p>Forms can also be found at PaidFamilyLeave.ny.gov/COVID19. Alternatively, employees may reach out to their employer’s insurance carrier form specific forms.</p>	N/A
Job Restoration	Yes. Employee is entitled to be restored to the position they held prior to taking leave.	Yes. Employers cannot discharge, threaten, penalize, or in any other manner discriminate or retaliate against any employee they have exercised their rights to leave.
Other Exceptions	<p>Employees who are quarantined but are working from home do not qualify for these benefits.</p> <p>If your employer temporarily goes out of business because of COVID-19, you are likely not eligible for Emergency Paid Sick Leave or PFL, however you may be eligible for Unemployment Insurance. For more information or to apply online, visit the NYS Department of Labor website.</p>	N/A
Employer Tax Credit	No.	No.

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