

Novel Coronavirus (COVID-19)

Latest Updates
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COVID-19 Paid Sick Leave

Employers with an employee who is subject to a mandatory or precautionary order of quarantine or isolation issued by New York State, the Department of Health, a local board of health, or any governmental entity duly authorized to issue an order due to COVID-19 must provide that employee with certain sick leave benefits. The required sick leave benefits are determined by the number of employees the employer had as of January 1, 2020. Employers with:

- ten or fewer employees must provide unpaid sick leave for such employees for the length of the quarantine or isolation. Employees will also be eligible for paid family leave and disability benefits during the period of mandatory or precautionary quarantine or isolation.
- ten or fewer employees and a net income of greater than \$1 million must provide such employees with at least five days of paid sick leave and unpaid leave until the termination of that quarantine or isolation order. After the five days of paid sick leave, employees will be eligible for paid family leave and disability benefits for the remainder of the quarantine or isolation.
- between eleven and ninety-nine employees must provide such employees at least five days of paid sick leave and unpaid leave for the duration of the quarantine or isolation. After the five days of paid sick leave, employees will be eligible for paid family leave and disability benefits for the remainder of the quarantine or isolation.
- 100 or more employees must provide employees subject to a mandatory or precautionary order of quarantine or isolation with at least fourteen days of paid sick leave during that order.

*Public employers*¹ shall provide at least fourteen days of paid sick leave at the employee or officer's regular rate of pay if the employee is subject to a mandatory or precautionary order of quarantine or isolation.

For the purposes of this section, a subject employee may receive both family leave and disability benefits concurrently if they fall under the definition of disability and family leave, but employees may not collect any benefits exceeding \$840.70 in paid family leave and \$2,043.92 in disability benefits. Further, disability benefits shall be the difference between the maximum weekly family leave benefit and the employee's total average weekly wage. Additionally, employees who qualify for paid family leave will receive 60% of their average weekly wage, but no more than the \$840.70 cap.

Please note, these provisions do not apply to employees deemed asymptomatic or who have not yet been diagnosed with any medical condition and are physically able to work while under a mandatory or precautionary order of quarantine or isolation, whether by remote access or other similar means. Additionally, employees who are subject to a mandatory or precautionary order of quarantine after traveling to a country with a Centers for Disease Control and Prevention (CDC) level two or three health notice, had knowledge of this notice, and did not travel for work shall not receive paid sick leave benefits or any other benefits provided by this section.

How to Apply for Paid Family Leave and Disability Benefits

As outlined above, certain employees may collect paid family leave and disability benefits if they or a dependent child is subject to an order of quarantine or isolation due to COVID-19. Those employees who are eligible for COVID-19 related paid family leave and disability benefits may apply following the steps below.

Collect Forms and Documents

The required forms should be available through the employee's employer, the employer's insurance carrier or may be downloaded at <https://paidfamilyleave.ny.gov/>.

The required forms are:

- Request for Paid Family Leave (Form PFL-1); and
- Request for COVID-19 Quarantine DB/PFL - Self (Form SCOVID19); or
 - Download here:
<http://docs.paidfamilyleave.ny.gov/content/main/forms/PFLDocs/scovid19.pdf>
- Request for COVID-19 Quarantine DB/PFL - Child (Form CCOVID19)
 - Download here:
<http://docs.paidfamilyleave.ny.gov/content/main/forms/PFLDocs/ccovid19.pdf>
- Employees must also provide an order of mandatory or precautionary quarantine or isolation issued by the state of New York, the Department of Health, local board of health, or any other government entity authorized to issue such an order due to COVID-19.

¹ *Public Employer* means the state; a county, city town or village; a school district; any governmental entity operating a college or university; a public improvement or special district including police or fire districts; a public authority, commission or public benefits corporation; or any other public corporation, agency, instrumentality or unit of government which exercises governmental power under the laws of this state.

Applying for Benefits

The required forms have sections that need to be completed by the employee and the employer. Employees should fill out their section of the forms first, then make copies and give the forms to their employer. If the employee cannot attend work due to quarantine or isolation, they may send the forms to their employer by email or regular mail.

Employers are required to return the forms to the employees within three business days. **If the employer fails to return the forms to the employee**, the employee should submit the form with their sections filled out with the order of quarantine or isolation to the employer's insurance carrier.

Submitting Application

Employees must submit completed request packets to their employer's insurance carrier within **30 days** after the start of leave to avoid losing benefits. Employees should contact the insurance carrier to find out if they will accept submissions electronically or through other means.

Unemployment Insurance

Federal Unemployment Benefits

The federal government recently enacted the Families First Coronavirus Response Act, which includes extended unemployment benefits. New York has **not qualified** for these extended benefits at this time, but the New York State Department of Labor (NYSDOL) will continue to monitor the situation and leverage all federal resources when available. **If New York State DOES qualify for the federal extended benefits, New Yorkers do NOT need to do anything new.** NYSDOL will post additional information here (<https://labor.ny.gov/unemploymentassistance.shtm>) as it becomes available. Please do **NOT** call NYSDOL unemployment hotline with questions about federal extended benefits

New York State Unemployment Insurance

NYS is waiving the 7-day waiting period for Unemployment Insurance benefits for people who are out of work due to Coronavirus (COVID-19) closures or quarantines.

If an individual is filing a new unemployment insurance claim, the day they should file is based on the first letter of their last name. If their last name starts with A - F, they should file the claim on Monday. For last names starting with G - N, file the claim on Tuesday. For last names starting with O - Z, file the claim on Wednesday. If someone missed their appropriate filing day, they may file their claim on Thursday, Friday or Saturday. Filing later in the week will not delay payments or affect the date of the claim, since all claims are effective on the Monday of the week in which they are filed.

Here is a link to a [step-by-step process to file a claim online](#).

DOL is extending telephone filing hours as follows:
Monday through Thursday, 8:00 am to 7:30 pm.
Friday, 8:00 am to 6:00 pm.
Saturday, 7:30 am to 8:00 pm.

How to Apply for NYS Unemployment Insurance

When to File

Individuals should promptly file their claim in the first week they lose their job. They can estimate their weekly benefit amount by using the benefit rate calculator on the DOL website. Please note that the tool gives an estimate only. It does not guarantee that individuals will be eligible for benefits or a specific amount of benefits. Individuals must file an Unemployment Insurance claim to determine if they are eligible and learn their actual benefit amount.

How to File

Web Service

It is best to apply for UI online. Individuals must sign in with their [NY.GOV ID](#) and follow the instructions to file a claim. Times to file a claim are as follows: Monday - Thursday from 7:30 am to 7:30 pm (Eastern Time). Friday from 7:30 am to 5:00 pm. Saturday - all day. Sunday until 7:00 pm.

Phone Service

Call the DOL Telephone Claim Center, toll-free during business hours to file a claim. **1-888-209-8124**
8:00 am to 5:00 pm, Monday - Friday.

Items required to file a claim

- Social Security number
- A driver's license or Motor Vehicle ID card number (either one)
- A complete mailing address and zip code
- A phone number where DOL can reach you from 8:00 am - 5:00 pm, Monday -Friday
- An Alien Registration card number (if an individual is not a U.S. citizen and has a card)
- Names and addresses of all employers for the last 18 months, including those in other states
- Employer Registration number or Federal Employer Identification Number (FEIN) of an individual's most recent employer (FEIN is on the W-2 form)
- Copies of forms SF8 and SF50, if the individual was a federal employee
- An individual's most recent separation form (DD 214), for military service
- If an individual chooses direct deposit for their weekly benefits, they will need a check that has their bank routing and checking account numbers.

Individuals can file a claim without all of these documents. However, missing information can delay their first payment.

Frequently Asked Questions (FAQs)

For common questions about UI, go to the [FAQs page](#). If an individual still has questions about UI or their claim, they should sign in with their [NY.GOV ID](#) and click on "Messages". See [NY.GOV ID: Helpful Short Guides and Frequently Asked Questions](#) to help get started with NY.GOV ID.

For a recording of general information about UI, call the Tel-Service line at (888) 581-5812 and choose option 1 on the main menu.

Unemployment Guidance for Government Employees

Most state and local government employees who involuntarily lose their jobs are potentially eligible to collect Unemployment Insurance (UI) benefits. However, per NYS Labor Law Section 565, government employees who held “a major nontenured policymaking or advisory position” are not eligible to collect UI benefits. The key word here is “major” and there is more information regarding this distinction below.

Since job titles and related duties and responsibilities may differ greatly between governmental entities, the Department of Labor (DOL) advises anyone with doubts about eligibility to collect UI benefits to file a claim for benefits. DOL will review the job title and duties of the government employee to determine eligibility.

To apply for UI Benefits:

- See [How to File a Claim](#).
- If someone has a general Unemployment Insurance question, or a claim-specific question not addressed in DOL’s [Frequently Asked Questions](#) section, they should sign in with their [NY.GOV ID](#) and click on "Messages." See [Frequently Asked Questions \(FAQs\) and Customer Tutorials](#) to help get started with NY.GOV ID.

General guidance for “major nontenured policy making and advisory positions”:

Government employees who held “a major nontenured policymaking or advisory position” are not eligible to collect UI benefits. While the Department of Labor handles every claim on a case-by-case basis to determine if the government employee is entitled to UI benefits, here is some general guidance on this issue:

- The term 'major' refers to high-level governmental positions with responsibilities affecting the entire governmental entity. These positions are generally in the highest levels of government. Major policymakers have the authority and autonomy to create policy as contrasted with creating administrative policies or procedures that carry out the policies developed by others. A person in a “major” advisory position advises “major” policymakers on formulating policy and has direct access to the policymaker.

- Generally, these policymaking and advisory positions are appointed and report to the top executive of the governmental entity. Division or department heads normally report directly to “major” policymakers, and policymakers have the authority to contractually obligate the governmental entity. “Major” policymaking and advisory positions generally participate in executive staff meetings, develop legislative agenda, prepare budgets and play a significant role in formulating policy.
- 'Nontenured' means that the position has no statutory protection against dismissal without just cause. The individual serves at the discretion of the appointing authority.

The DOL will review the job title and duties of the government employee to determine whether the government employee is excluded from receiving UI. Again, since job titles and related duties and responsibilities may differ greatly between governmental entities, DOL advises anyone with doubts about eligibility to collect benefits to file a claim for benefits with the Department of Labor.

General UI information

- Find out [How to file a claim for Unemployment Insurance benefits](#).
- To learn about eligibility, including reasons why an individual may not qualify, visit [Before You Apply For Unemployment: Frequently Asked Questions](#).
- For more details regarding school employment and how it relates to Unemployment Insurance, visit DOL's [Q&A section](#).
- If an individual **works outside of their school job, DOL will also consider any non-school job and pay** to see if they qualify for benefits. For more details about non-school work, visit our [Q&A section](#).
- If an individual has a question that the DOL's [Frequently Asked Questions section](#) does not answer, they should sign in with their [NY.GOV ID](#) and click on "Messages". See [Frequently Asked Questions \(FAQs\) and Customer Tutorials](#) to help get started with NY.GOV ID.