

(3.19.20) ASAP continues to closely monitor the COVID-19 outbreak and the State's response to the crisis. See below for today's update, sent on behalf of our public policy consultants at Brown & Weinraub.

### **Paid Leave Bill Signed into Law**

In announcing passage of the bill, Assembly Speaker Heastie described its provisions as follows:

“In order to help protect New York's workers and to curb the spread of COVID-19, this legislation will make all private and public sector employees eligible for sick leave and wage replacement during a mandatory or precautionary order of quarantine or isolation due to COVID-19.

- Employees that work for small sized employers, which includes employers with 10 or fewer employees and that have a net income of less than \$1 million, would receive unpaid sick leave and immediately become eligible for Paid Family Leave and Temporary Disability Insurance (TDI) benefits.
- Those working for medium sized employers, which includes employers with 10 or fewer employees that have a net income of greater than \$1 million and employers with between 11 and 99 employees, would receive at least five days of paid sick leave, followed by eligibility for Paid Family Leave and TDI benefits.
- Those working for employers with 100 or more employees, as well as all public employees, would receive a minimum of 14 days of paid sick leave.

The bill will allow these employees to collect Paid Family Leave benefits, supplemented by increased TDI benefits to make their weekly wages whole, for those who earn up to a maximum of \$150,000 annually. Additionally, it eliminates the waiting period for these benefits, as well as for unemployment insurance for claims related to the coronavirus. It also expands Paid Family Leave benefits to cover an employee or their dependent child if they are under a mandatory or precautionary order of quarantine or isolation due to coronavirus.”

Read the bill text here:

[https://assembly.state.ny.us/leg/?default\\_fld=&leg\\_video=&bn=A10153&term=2019&Summary=Y&Memo=Y&Text=Y](https://assembly.state.ny.us/leg/?default_fld=&leg_video=&bn=A10153&term=2019&Summary=Y&Memo=Y&Text=Y)

### **Executive Order Requiring Non-Essential Businesses to Reduce Staff by 50%**

Late last night, Governor Cuomo issued an executive order including the following:

- Effective on March 20 at 8 p.m.: All businesses and not-for-profit entities in the state shall utilize, to the maximum extent possible, any telecommuting or work from home procedures that they can safely utilize. Each employer shall reduce the in-person workforce at any work locations by 50% no later than March 20 at 8 p.m. Any essential business or entity providing essential services or functions shall not be subject to the in-person restrictions. This includes essential health care operations including research and laboratory services; essential infrastructure including utilities, telecommunication,

airports and transportation infrastructure; essential manufacturing, including food processing and pharmaceuticals; essential retail including grocery stores and pharmacies; essential services including trash collection, mail, and shipping services; news media; banks and related financial institutions; providers of basic necessities to economically disadvantaged populations; construction; vendors of essential services necessary to maintain the safety, sanitation and essential operations of residences or other essential businesses; vendors that provide essential services or products, including logistics and technology support, child care and services needed to ensure the continuing operation of government agencies and provide for the health, safety and welfare of the public;

- Any other business may be deemed essential after requesting an opinion from the Empire State Development Corporation, which shall review and grant such request, should it determine that it is in the best interest of the state to have the workforce continue at full capacity in order to properly respond to this disaster. No later than 5 p.m. on March 19, 2020, Empire State Development Corporation shall issue guidance as to which businesses are determined to be essential.

Read more here: <https://www.governor.ny.gov/news/no-2026-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

### **Changes in Filing for Unemployment**

The NYS Department of Labor is adding staff and waiving the seven-day waiting period for claimants to file if they have lost jobs due to coronavirus. Based on the first letter of an applicant's last name, people can file in the following schedule: A-F on Mondays; G-N on Tuesdays; O-Z on Wednesdays. Visit the DOL website for information and updates: <https://www.labor.ny.gov/home/>

### **Recommended Resource**

The Business Council of the State of New York has compiled resources of value to NYS employers during the pandemic: <https://www.bcnys.org/managing-coronavirus>

As a reminder to all, ASAP will be hosting a conference call tomorrow morning at 10:30AM to discuss updates related to the coronavirus outbreak. We will be joined by OASAS's Rob Kent, who will be available to answer any questions or concerns. Dial in at 855-852-2882, Bridge 1, Code: 1379.

Thank you for the work you do and please reach out with any questions.