

## Frequently Asked Questions Regarding Right to Leave Under COVID

### What are my rights to COVID leave under Federal law?

You have the right to take up to 12 weeks of FMLA for a serious health condition including COVID or to care for a family member with a serious case of COVID. If you have worked for your employer one year, with at least 1250 hours of work over that year, you are eligible for FMLA. This leave is unpaid but your health insurance continues during the leave.

You may also have the right to leave under Federal Emergency FMLA or the Federal Emergency Paid Sick Leave only if your employer employs less than 500 total employees or is a public entity.

### What are my rights to leave under State law?

If you are under a government order of quarantine or isolation due to COVID, and your employer has more than 100 employees (or is a public employer) you are eligible for up to 14 days of fully- paid sick leave during the period of quarantine or isolation. This sick leave is in addition to your banked leave time. The DOH has stated that employers that “send employees home on a precautionary quarantine” must provide this paid leave. If your employer refuses to provide this additional sick leave you may file a complaint at:

<https://www.labor.ny.gov/workerprotection/laborstandards/coronavirus-complaints.shtm>

Additionally, you have the right to take paid family leave under State law if your family member contracts COVID and requires either inpatient care or continuing treatment by a provider. You may be eligible for up to 10 weeks of NYS paid family leave.

### What is a government order of quarantine or isolation?

This is a written order issued by the NYS Department of Health, NYC Department of Health or any local county health department in NYS stating that you must either quarantine or isolate in your home to prevent the spread of COVID. Due to the COVID crisis, these government entities are overwhelmed and are either delaying or refusing to issue these orders.

### My employer is asking for a written order in order to pay me the extra sick days. What should I do?

Because there have been delays in issuing orders of quarantine or isolation, DOH is directing employees to provide their employer with documentation from a medical provider indicating that the employee should be either isolated or quarantined due to COVID-19. The documentation should state that either you have tested positive for COVID or that testing is currently unavailable, but you are symptomatic and have had contact with a known COVID case. Please see the attached flier from DOH.

### Do I still have to follow up with my local health department to get the order?

Yes- make sure to follow up with your local health department after obtaining documentation from your medical provider because your employer has a legal right to request a government order. RNs in New York City may call 311. The New York State hotline is 1-888-364-3065.