

## **Right to COVID Paid Sick Leave FAQ - Updated 4/13/20**

### **What are my rights to paid sick leave for COVID under State law?**

Under NY state law, you are eligible for up to 14 days of fully- paid sick leave during the period of quarantine or isolation, as ordered by your local health department or other governmental entity.<sup>1</sup> This sick leave is in addition to your banked leave time. NYS has stated that health care facilities that “send employees home on a precautionary quarantine” or have employees who do not meet NYS Department of Health (“DOH”) guidelines for returning to work, must provide this paid leave. NYSNA is currently taking steps to ensure that nurses receive the full fourteen days of paid sick leave.

### **But my employer is telling me that I am only entitled to be out for 7 days after testing positive for COVID?**

DOH has issued a guidance stating that for health facilities with staffing shortages, RNs are entitled to be out for a minimum of 7 days. In addition to this 7-day minimum, RNs may only return 72 hours after their fever is gone (without drugs) AND their symptoms are improving. During this minimum 7-day period (and up to 7 additional days), you are NOT required to use your own sick time; you must be paid sick leave by the employer. NYSNA believes that nurses are entitled to the full 14 days of paid sick leave and we are currently taking steps to try to enforce this requirement.

### **How do I make sure that I get the extra sick time?**

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. 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 an isolation order?**

Yes, you still should follow up with your local health department to request the order. While health care employers should pay the extra sick leave without an order from the local health department, some will likely ask for this order.<sup>2</sup> Some counties, such as Westchester, Rockland, Putnam, Orange and Dutchess, have standing orders of isolation and quarantine. New York City does not currently have a standing order but we are strongly advocating for the New York City Health Department to provide appropriate paperwork to RNs. To find out the number for your local health department in NYS, please check this website: <https://www.nysacho.org/directory/>.

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<sup>1</sup> You must work for an employer with more than 100 employees.

<sup>2</sup> The DOH has directed local health departments to issue orders within 30 days of a request. Although you are entitled to the sick leave before you obtain the order, the DOH guideline provide that you must still follow up with your local health department.