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Current Covid-19 Guidelines

The information below has been compiled from the CDC, the NY Department of Labor, and NY Paid Family Leave websites as of 1/5/2022. All information is subject to change.

Covid Sick Leave Key Points

- NYS Covid Sick Leave is to be paid **SEPARATE** from NYS Sick Leave
- Depending on employer classification and size, the leave is either **UP TO 5 days** or **UP TO 14 days** **
- NYS Covid Sick Leave is available up to 3 times **BUT** second and third must be due to positive test
- NYS Covid Sick Leave required to be paid is for **EACH** occurrence
- NYS guidance has clarified that employees may use available NY Sick Leave for side effects (*not new entitlement*)
- **IF** employer mandates an employee who is not otherwise subject to a mandatory or precautionary order of quarantine to remain out of work due to exposure or potential exposure, employer **MUST** pay regular rate of pay **UNTIL** the employer permits the employee to return to work or employee becomes subject to a quarantine order (employer then must pay for the full amount required by the order)
- **IF** an employee who has quarantine order but is **NOT** showing symptoms and can work remotely, the entitlement does not apply
- Employees are **NOT** eligible for PFL to care for a family member IF they can work remotely

***Please note that if the order is less than the full number of days, employers are only required to pay for the duration of the order or the illness.*

Covid Vaccination Leave Key Points

- Every employee shall be provided a paid leave of absence from his or her employer for a sufficient period of time, not to exceed four hours per vaccine injection
- The paid leave includes boosters
- The paid leave granted by this law is only available to the employee for their own receipt of COVID-19 vaccine

Frequently Asked Questions

What should I do if I test positive for Covid-19?

People who test positive for Covid-19 should isolate for 5 days, regardless of vaccination status. The CDC recommends if they are asymptomatic or their symptoms are resolving (without fever for 24 hours), to take a follow up test. If the test is positive, isolate for an additional 5 days. If negative, quarantine ends, and is followed by 5 days of wearing a mask when around others to minimize the risk of infecting others. Usually, transmission occurs 1-2 days prior to the onset of

symptoms, and 2-3 days after. **(Note: as of 1/3/2022 Monroe County and Erie County is still following the rule of 10 days of isolation for a positive Covid test unless you work in healthcare or are an essential worker).**

What if I was exposed to someone with Covid-19 (Quarantine)?

If you:

Have been boosted

OR

Completed the primary series of Pfizer or Moderna vaccine within the last 6 months

OR

Completed the primary series of J&J vaccine within the last 2 months

- Wear a mask around others for 10 days.

- Test on day 5, if possible.

If you develop symptoms get a test and stay home.

If you:

Completed the primary series of Pfizer or Moderna vaccine over 6 months ago and are not boosted

OR

Completed the primary series of J&J over 2 months ago and are not boosted

OR

Are unvaccinated

- Stay home for 5 days. After that continue to wear a mask around others for 5 additional days.

- If you can't quarantine you must wear a mask for 10 days.

- Test on day 5 if possible.

If you develop symptoms get a test and stay home

Does my employer pay me if I test positive for Covid-19 and must isolate?

It depends. How much paid sick time you get depends on your employer's size and annual income. If you work for a small private employer (employing 1-10 employees with a net income of \$1 million or less) your employer is not required to pay new paid sick days. Instead, use Paid Family Leave and disability benefits.

If you work for a small private employer (employing -10 employees with a net income of \$1 million or more) your employer must provide at least five paid sick days.

If you work for a medium private employer (11-99 employees) your employer must provide at least five paid sick days

If you work for a large private employer (100 or more employees) your employer must provide at least 14 paid sick days.

Public employers of any size must provide at least 14 paid sick days. For most employers, you will need to show proof of a positive result or isolation notice from your local health department to receive paid sick time.

Does my employer pay me if I must care for a dependent who tests positive or is ordered to quarantine for Covid-19?

If your minor dependent child(ren) is under a mandatory or precautionary order of quarantine or isolation issued by NY State, the Department of Health, local board of health, or any government entity duly authorized to issue such order due to Covid-19, you may be eligible for Paid Family Leave. However, this benefit is not available to you if you are able to work through remote access or other means. If you are covered under Paid Family Leave, you must meet the following eligibility requirements:

Full-time employees: If you work a regular schedule of 20 or more hours per week, you are eligible after 26 consecutive weeks of employment with your employer

Part-time employees: If you work a regular schedule of less than 20 hours per week, you are eligible after working for your employer for 175 days, which do not need to be consecutive.

Eligible employees who take Paid Family Leave will receive 67% of their average weekly wage (AWW). Your AWW is the average of your last 8 weeks of pay prior to starting Paid Family Leave, including bonuses and commissions. The maximum weekly benefit for 2022 is \$1,068.36.

If you are eligible and wish to take Paid Family Leave, you will need to fill out the proper form, which can be found [here](#) or can be obtained through your employer's insurance carrier. Once the Employee section (Part A) is filled out, your employer must fill out the Employer section (Part B). Required documentation that needs to accompany the request form must include a mandatory or precautionary order of quarantine or isolation issued by the state of New York, the Department of Health, local board of health, or any government entity duly authorized to issue such order due to Covid-19. In most cases, the insurance carrier must pay or deny benefits within 18 calendar days of receiving the completed request form.

Note: If you take PFL and you elect benefits from your employer, your health insurance continues while on leave on the same terms as if you had continued working. If you contribute to the cost of your health insurance, you must continue to pay your portion of the cost while on leave.

Does my employer pay me for time away to get vaccinated?

Yes, every employee is provided a paid leave of absence of up to four hours per vaccine injection and is dependent on which vaccine you get. Employees receiving vaccinations requiring one dose will be entitled to up to four hours of paid leave. Employees receiving vaccinations requiring two doses will be entitled to up to 8 hours of paid leave. The law requires employees to be paid at their regular rate of pay. This also applies to employees getting a booster shot. Currently, this law remains in effect until December 31, 2022.

Can my employer ask me if I am vaccinated?

Yes, the EEOC has confirmed that you can lawfully ask employees their vaccination status without violating federal anti-discrimination laws, provided the question is limited to a yes-or-no-response. Also, HIPAA (Health Insurance Portability and Accountability Act of 1996) does not prevent employers and businesses from asking their employees and visitors whether they have been vaccinated against Covid-19 and for proof of such vaccination. Once you have the information, it must be treated as confidential, meaning it is not shared with others except under limited circumstances, and must be kept separately from the employee's personnel file.

Who is covered under the 5-day Quarantine that was announced on 12/23/21?

In limited circumstances where there is a critical staffing shortage, employers may allow a person to return to work after 5 days of their isolation period if they meet the following criteria:

- The individual is a healthcare worker or other critical workforce member. Critical Workforce members are defined under the [NYSDOH Return To Work Isolation Guidance](#), specifically on page 3.
- The individual is fully vaccinated (e.g., 1 dose of J&J, or 2 doses of Pfizer or Moderna)
- If the individual is asymptomatic, or, if they had mild symptoms, when they return to work, they must
 - Not have a fever for at least 72 hours without fever reducing medication
 - Have resolution of symptoms or, if still with residual symptoms, then all are improving
 - Not have a runny nose
 - Have no more than minimal non-productive cough
- The individual can wear a well-fitting face mask consistently and correctly, such as a KN95, or a fit-tested N95 respirator while at work. The mask should fit with no air gaps around the edges.