

## CORONAVIRUS “COVID-19” STATE LEAVE LAW UPDATES

District of Columbia		
	DC FMLA	Expanded DC FMLA
<b>What is it?</b>	Employees are entitled to 16 weeks of family care leave <i>and</i> 16 weeks of medical leave in a 24-month period.	Regular DC FMLA but adds a new category of covered employees. Employees who are unable to work during DOE (declaration of emergency) and have been ordered or recommended to self-isolate/quarantine are now covered under DC FMLA.
<b>Employer Eligibility</b>	Employers with 20+ employees.	All employers are eligible.
<b>Duration</b>	N/A	Indefinite during the public health emergency.

Oregon		
	Oregon Family Leave Act	Administrative Order 839-009-0230
<b>What is it?</b>	Like FMLA, employees are entitled to 12 weeks of job-protected leave. OFLA has an expanded list of family members compared to FMLA.	Allows employees to utilize OFLA to care for their child whose school or place of care has been closed due to COVID-19.
<b>Employer Eligibility</b>	Employers with 25+ employees.	Standard OFLA eligibility requirements.
<b>Employee Eligibility</b>	Must be employed at least 180 days and also work at least an average of 25 hours/week during the 180 days before leave begins (this is for all leaves except parental).	Standard OFLA eligibility requirements.
<b>Duration</b>	N/A	This order is in effect through September 13, 2020.

New York		
	Leave Entitlements	Other Benefits Available
<b>What is it?</b>	New York provides employees, who are subject to a COVID-19 mandatory or precautionary isolation/quarantine order, with immediate paid or unpaid time off specific to the current crisis.	Possibly NY PFL and DBL.
<b>Employers with less than 10 employees and a net income of equal to or less than \$1 million</b>	<i>Unpaid</i> protection for duration of mandatory isolation/quarantine order	NY PFL and DBL for the entire period
<b>Employers with less than 10 employees and a net income of more than \$1 million OR employers with 11-99 employees</b>	At least 5 days of paid sick leave (the rest unpaid) and job protection for duration of mandatory isolation/quarantine order	NY PFL and DBL after the 5 days paid sick leave
<b>Employers with 100+ employees</b>	At least 14 days of paid sick leave (the rest unpaid) and job protection for duration of mandatory isolation/quarantine order	Unknown.

New York Statewide Sick Leave Law Leave	
<b>What is it?</b>	Employers are required to provide paid or unpaid sick leave to all employees. In effect September 30, 2020. Employees may not use accrued sick leave until January 1, 2021.
<b>Employers with 4 or fewer employees in any calendar year and a net income of less than \$1 million in the previous tax year</b>	At least 40 hours of unpaid sick leave in each calendar year.
<b>Employers with 4 or fewer employees in any calendar year and a net income of greater than \$1 million in the previous tax year</b>	At least 40 hours of paid sick leave in each calendar year.
<b>Between 5 and 99 employees in any calendar year</b>	At least 40 hours of paid sick leave in each calendar year.
<b>100 or more employees in any calendar year</b>	At least 56 hours of paid sick leave in each calendar year.

## Colorado

<b>What is it?</b>	Health Emergency Leave with Pay (HELP) Rules require certain employers to provide employees up to 4 paid sick leave days for a covered COVID-19 reason.
<b>Certain Employers/Covered Employees</b>	<p>Employees under a Health Care Provider's (HCP) instructions to quarantine/isolate due to a risk of having COVID-19.</p> <p>Employees with flu-like symptoms who are being tested for COVID-19.</p> <p>Employees at retail establishments that sell groceries, food services, hospitality, childcare, education at all levels, home healthcare, nursing homes, or community living facilities.</p>
<b>Duration</b>	Paid Sick Leave ends if an employee tests negative for COVID-19.

## New Jersey

<b>What is it?</b>	New Jersey's Earned Sick and Safe Leave Law, Family Leave Act, and Temporary Disability Benefits have been expanded to protect employees who cannot work due to circumstances caused by COVID-19.
<b>NJ Earned Sick and Safe Leave Law:</b> covered employees can accrue up to 40 hours	<p>Employers must now allow employees to use their earned leave when they cannot work due to:</p> <ul style="list-style-type: none"> <li>• School, childcare, or workplace closure</li> <li>• Declaration of State of Emergency by the governor or issuance by a HCP or public health authority that the employee's presence in the community (or a family member needing care) would jeopardize the health of others</li> <li>• Recommendation or direction/order of a HCP or authorized public official that the employee undergoes isolation/quarantine or cares for a family member in quarantine, as a result of suspected exposure to a communicable disease</li> </ul> <p>Individuals who are subject to quarantine, even if they do not have COVID-19, are entitled to use earned sick and safe time.</p>
<b>NJ Family Leave Act (NJFLA):</b> allows qualifying employees of covered employers to take 12 weeks of unpaid family leave in a 24-month period for the birth or adoption of a child or to care for a family member with a Serious Health Condition (SHC)	<p>The definition of a SHC is now expanded during a governor-declared state of emergency or similar health crisis. A SHC includes an illness caused by an epidemic of a communicable disease, a known or suspected exposure to a communicable disease, or efforts to prevent spread of a communicable disease, which requires in-home care or treatment of a family member of the employee due to:</p> <ul style="list-style-type: none"> <li>• Issuance by a HCP or the commissioner or other public health authority of a determination that the presence of the family member may jeopardize the health of others</li> <li>• Recommendation, direction, or order that the family member be isolated/quarantined because of suspected exposure to a communicable disease</li> </ul>
<b>NJ Temporary Disability Benefits Law (NJTDBL):</b> provides wage replacement for qualifying employees	<p>Amendments made:</p> <ul style="list-style-type: none"> <li>• Expands definition of SHC as referenced in NJFLA</li> <li>• Amends definition of "compensable disability" to now include leave to care for a family member suffering from an accident or sickness</li> <li>• Eliminates 7-day waiting period when benefits are sought related to an employee's own SHC <i>only</i> if it falls within the newly expanded definition</li> </ul> <p><b>These are <i>permanent</i> amendments to this law. Employers should update their policies and notices to ensure compliance</b></p>

## Coronavirus “COVID-19” Local & City Updates

<b>CALIFORNIA</b>	
<b>Los Angeles</b>	<b>COVID-19 Supplemental Paid Sick Leave (awaiting signature)</b>
<b>What is it?</b>	<p>Leave must be granted upon request (oral or written) and no documentation is required. Employees may take time off for the following:</p> <ul style="list-style-type: none"> <li>- A healthcare provider requires or recommends the employee to isolate or self-quarantine</li> <li>- The employee is age 65 or older or has a health condition such as heart disease, asthma, lung disease, diabetes, kidney disease, or a weakened immune system</li> <li>- To care for a family member who is not sick but public health officials or healthcare providers have required or recommended isolation or self-quarantine</li> <li>- To provide care for a family member whose senior care provider or school or childcare provider (for children under 18) closes in response to a public health or other public official's recommendation</li> </ul>
<b>Employer Eligibility</b>	Employers with more than 500 employees nationally.
<b>Employee Eligibility</b>	Employees who were employed from February 3, 2020 to March 4, 2020.
<b>What do employees receive?</b>	Full-time employees receive 80 hours of Supplemental Paid Sick Leave. Employees who work fewer than 40 hours/week (and are not classified as full-time) will receive Supplemental Paid Sick Leave in the amount no greater than the employee's average two-week pay over the period of February 3, 2020 through March 4, 2020. Max \$511/day. Supplemental Paid Sick Leave is reduced for any hour an employer has already provided an employee paid sick leave for any of the reasons above.
<b>San Diego County</b>	
<b>What is it?</b>	Effective March 29, 2020, all small businesses shall suspend any policy or procedure <i>requiring</i> doctor verification for sick or other leave approval. The standard process of requesting certification should continue, but per the Health Officer's order will not require certification.