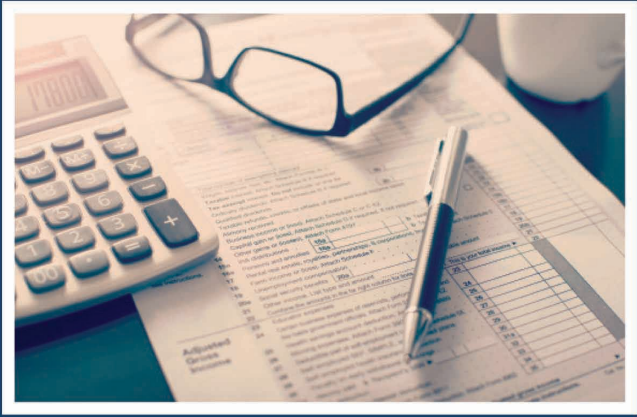


NY PAID SICK LEAVE FAQ

OCTOBER 2020



NY Issues FAQs for Paid Sick Leave

New York state has published [answers](#) to frequently asked questions (FAQs) about its new paid sick leave (PSL) [law](#). Under the law, employees will be able to take 40 - 56 hours of leave, depending on employer size, beginning Jan. 1, 2021. Employees began accruing leave on Sept. 30, 2020.

The FAQs were published on the state's new PSL [website](#) and cover 11 topic areas over seven pages. Answers about PSL use when an employer is closed due to a public health emergency (varies by circumstance) and telecommuting (can be offered as an alternative to using PSL) may be of special interest to employers during the COVID-19 pandemic. Workers are covered by the PSL law when physically working in New York, according to the FAQs, even if the employer is located somewhere else.

Covered Employers and Employees

The FAQs say any person, corporation, limited liability company or association employing any individual in any occupation, industry, trade, business or service is a covered employer under the PSL law, including both employers in a joint employment situation and nonprofit employers. The FAQs clarify that PSL applies regardless of an employee's immigration status, as well as to seasonal part-time workers and domestic workers. Employers must count employees across all their locations to determine their size.

Use of Leave

Some of the FAQs' clarifications concern the use of leave, including that:

- There is no advance notice period for employees using leave, although employers may require notice before leave is used;
- Use of safe leave does not require a police report or conviction; and
- Employees may only use PSL while on paid family leave at the employer's discretion. This may allow an employee on paid family leave to earn their total wages.

Important Dates

Sept. 30, 2020

Employees began accruing leave under New York state's paid sick leave law.

Jan. 1, 2021

Employees may begin using paid sick leave.

Guidance about telecommuting and paid sick leave use during a public health emergency may be especially relevant during the COVID-19 pandemic.

Lawley