



# Tompkins County Department of Human Resources

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*Inclusion through Diversity*

This memo provides important information about the New York State Quarantine Law and Families First Coronavirus Relief Act (FFCRA). These are New York State and Federal provisions for paid sick leave or expanded family and medical leave for specified reasons related to COVID-19 which are in effect through December 31, 2020.

## 1. The New York State Quarantine Law (or Q-Law)

The New York State Quarantine Law provides employees with job protection and financial compensation in the event they, or their minor dependent child, are subject to 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.

Generally, the NYS Q-Law provides the following:

- *Two weeks (up to 80 hours) of **paid sick leave**\** at the employee's regular rate of pay if the employee is unable to work because the employee is quarantined (pursuant to Federal, State, or local government order).
- If an employee is quarantined but is able to work remotely, they do not qualify for this benefit.

## 2. The Families First Coronavirus Response Act (FFCRA) provides employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19.

Generally, the Act provides that employees of the County are eligible for:

- *Two weeks (up to 80 hours) of **paid sick leave**\** at the employee's regular rate of pay where the employee is unable to work because the employee is quarantined (pursuant to Federal, State, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis (Pay Code: FFRP); or
- *Two weeks (up to 80 hours) of **paid sick leave**\** at two-thirds the employee's regular rate of pay because the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to Federal, State, or local government order or advice of a health care provider), or to care for a child (under 18 years of age or over 18 who is unable to care for themselves due to a mental or physical disability) whose school or child care provider is closed or unavailable for reasons related to COVID-19, and/or the employee is experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor. Under these circumstances, employees will receive two thirds their regular rate of pay up to a maximum of \$200 per day, or \$2,000 over the entire two-week period. *Employees may elect but are not required to use available accrued fringes to supplement their pay for this two-week period.* Available fringes include compensatory, vacation, floating holiday and personal time. If employees elect to use available accrued fringes for this two-week period, they are entitled to the full amount for such accrued leave, even if that is greater than \$200 per day. (Pay Code: FFRA); and
- *Up to an additional 10 weeks of **paid expanded family and medical leave** at two-thirds the employee's regular rate of pay* where an employee, who has been employed for at least 30 calendar days, is

unable to work/telework due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19. Employees will be paid at an amount no less than two-thirds their regular rate of pay for the hours normally scheduled to work. *During this ten-week period, employees are required to use available accrued fringes to supplement their pay, per the FMLA guidelines in the Blue Collar, White Collar contracts.* This applies to Management/Confidential employees who follow the White Collar contract. Available fringes include compensatory, vacation, floating holiday and personal time. If/when available fringes are exhausted but more paid FMLA is available, employees will receive remaining paid FMLA without supplemental fringe time, subject to the daily and aggregate limits. (Pay Code: FFRA)

\*Eligible employees will receive either up to 80 hours of NYS Q Leave or up to 80 hours of Federal Paid sick leave, whichever provides more benefit to the employee. Employees are not entitled to both leaves for the same qualifying condition.

**Eligibility:** Under FFCRA, exclusions apply for the following essential workers:

- Health Department personnel,
- Sheriff's Deputies,
- Corrections Officers,
- Airport Fire Fighters,
- Emergency Management personnel,
- Emergency 911 Dispatchers,
- Facilities personnel, and
- DSS Child Welfare Workers in the following titles:
  - Case Aide,
  - Casework Assistant,
  - Caseworker,
  - Sr. Caseworker,
  - Case Supervisor B.

Employees of these departments may claim up to 2 weeks of paid FFCRA sick leave if they are quarantined or symptomatic and seeking medical diagnosis and up to 2 weeks of Expanded FMLA at 2/3 pay to care for a child if the child is sick or under quarantine. Documentation is required to determine eligibility. Employees are encouraged to speak to your supervisor or the Human Resources Department about your specific circumstances.

Other employees must be employed by the County for at least 30 days to be eligible for the 10 weeks of paid family leave to care for a child under certain circumstances related to COVID-19.

**Notice:** Where leave is foreseeable, an employee should provide notice of leave to the employer as is practicable. After the first workday of paid sick time, an employer may require employees to follow reasonable notice procedures in order to continue receiving paid sick time.

**Qualifying Reasons for Leave:**

Under the FFCRA, an eligible employee qualifies for paid sick time if the employee is unable to work (and unable to telework) because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Under the FFCRA, an employee qualifies for expanded family leave if the employee is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19.

#### **Duration of Leave:**

**For reasons (1)-(4) and (6):** A full-time employee is eligible for 80 hours of leave, and a part-time employee is eligible for the number of hours of leave that the employee works on average over a two-week period.

**For reason (5):** A full-time employee is eligible for up to 12 weeks of leave (two weeks of paid sick leave followed by up to 10 weeks of paid expanded family & medical leave) at 40 hours a week, and a part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

#### **Calculation of Pay:**

**For leave reasons (1), (2), or (3):** employees taking leave are entitled to pay at either their regular rate, up to \$511 per day and \$5,110 in the aggregate (over a 2-week period).

**For leave reasons (4) or (6):** employees taking leave are entitled to pay at 2/3 their regular rate, up to \$200 per day and \$2,000 in the aggregate (over a 2-week period). An employee may elect but is not required to supplement pay using any accrued available Fringe(s) (excluding disability) for the weeks of partial paid leave under this section.

**For leave reason (5):** employees taking leave are entitled to pay at 2/3 their regular rate, up to \$200 per day and \$12,000 in the aggregate (over a 12-week period). An employee is required to supplement pay using any accrued available Fringe(s) (excluding disability) for the weeks of partial paid leave under this section.

Note: Paid sick time provided under this Act does not carry over after December 31, 2020. Employees are not entitled to reimbursement for unused leave upon termination, resignation, retirement, or other separation from employment.

To apply/request leave visit this link: <https://lfweb.tompkins-co.org/Forms/QLAWFFCRA>

Contact Sherry Murray, Employee Leaves Associate for more information at 274-5530 or e-mail [smurray@tompkins-co.org](mailto:smurray@tompkins-co.org)