

STATE OF NEW YORK

7549

2023-2024 Regular Sessions

IN ASSEMBLY

May 25, 2023

Introduced by M. of A. McDONALD -- read once and referred to the Committee on Labor

AN ACT to amend chapter 25 of the laws of 2020, relating to providing requirements for sick leave and the provision of certain employee benefits when such employee is subject to a mandatory or precautionary order of quarantine or isolation due to COVID-19, in relation to certain employers and requiring certain reports

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 1 of chapter 25 of the laws of
2 2020, relating to providing requirements for sick leave and the
3 provision of certain employee benefits when such employee is subject to
4 a mandatory or precautionary order of quarantine or isolation due to
5 COVID-19, is amended and a new subdivision 17-a is added to read as
6 follows:
7 1. (a) For employers with ten or fewer employees as of January 1,
8 2020, each employee who is subject to a mandatory or precautionary order
9 of quarantine or isolation issued by the state of New York, the depart-
10 ment of health, local board of health, or any governmental entity duly
11 authorized to issue such order due to COVID-19, shall be provided with
12 unpaid sick leave until the termination of any mandatory or precaution-
13 ary order of quarantine or isolation due to COVID-19 and any other bene-
14 fit as provided by any other provision of law. During the period of
15 mandatory or precautionary quarantine or isolation, an employee shall be
16 eligible for paid family leave benefits and benefits due pursuant to
17 disability pursuant to this act. An employer with ten or fewer employ-
18 ees as of January 1, 2020, and that has a net income of greater than one
19 million dollars in the previous tax year, shall provide each employee
20 who is subject to a precautionary or mandatory order of quarantine or
21 isolation issued by the state of New York, the department of health,
22 local board of health, or any governmental entity duly authorized to

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 issue such order due to COVID-19, at least five days of paid sick leave
2 and unpaid leave until the termination of any mandatory or precautionary
3 order of quarantine or isolation. After such five days of paid sick
4 leave, an employee shall be eligible for paid family leave benefits and
5 benefits due pursuant to disability pursuant to this act.

6 (b) For employers with [~~between~~] eleven [~~and ninety-nine~~] or more
7 employees as of January 1, 2020, each employee who is subject to a
8 mandatory or precautionary order of quarantine or isolation issued by
9 the state of New York, the department of health, local board of health,
10 or any governmental entity duly authorized to issue such order due to
11 COVID-19, shall be provided with at least five days of paid sick leave
12 and unpaid leave until the termination of any mandatory or precautionary
13 order of quarantine or isolation. After such five days of paid sick
14 leave, an employee shall be eligible for paid family leave benefits and
15 benefits due pursuant to disability pursuant to this act.

16 [~~(c) For employers with one hundred or more employees as of January 1,~~
17 ~~2020, each employee who is subject to a mandatory or precautionary order~~
18 ~~of quarantine or isolation issued by the state of New York, the depart-~~
19 ~~ment of health, local board of health, or any governmental entity duly~~
20 ~~authorized to issue such order due to COVID-19, shall be provided with~~
21 ~~at least fourteen days of paid sick leave during any mandatory or~~
22 ~~precautionary order of quarantine or isolation.~~

23 (d) (c) For public employers, each officer or employee who is subject
24 to a mandatory or precautionary order of quarantine or isolation issued
25 by the state of New York, the department of health, local board of
26 health, or any governmental entity duly authorized to issue such order
27 due to COVID-19 shall be provided with at least [~~fourteen~~] five days of
28 paid sick leave during any mandatory or precautionary order of quaran-
29 tine or isolation. Each officer or employee shall be compensated at his
30 or her regular rate of pay for those regular work hours during which the
31 officer or employee is absent from work due to a mandatory or precau-
32 tionary order of quarantine or isolation due to COVID-19. For purposes
33 of this act, "public employer" shall mean the following: (i) the state;
34 (ii) a county, city, town or village; (iii) a school district, board
35 of cooperative educational services, vocational education and extension
36 board or a school district as enumerated in section 1 of chapter 566
37 of the laws of 1967, as amended; (iv) any governmental entity operating
38 a college or university; (v) a public improvement or special district
39 including police or fire districts; (vi) a public authority, commis-
40 sion or public benefit corporation; or (vii) any other public corpo-
41 ration, agency, instrumentality or unit of government which exercises
42 governmental power under the laws of this state.

43 [~~(e)~~] (d) Such leave shall be provided without loss of an officer or
44 employee's accrued sick leave.

45 17-a. (a) On or before April 1, 2024, the commissioner of labor, in
46 consultation with the commissioner of health, shall submit a report to
47 the governor, the temporary president of the senate, and the speaker of
48 the assembly on the number of employees who were provided unpaid or paid
49 sick leave or disability benefits pursuant to this act.

50 (b) If within sixty days of receipt of such report, the legislature
51 does not adopt a resolution declaring the continued need for the bene-
52 fits provided in this section, this act shall expire and be deemed
53 repealed.

54 § 2. This act shall take effect immediately.