

## Leave Rights for COVID-19 Medical Removal (Isolation or Quarantine)

Nurses working in the state of New York have several options for fully-paid or partially-paid leave to cover work time missed due to COVID-19 infection or COVID-19 quarantine.

### **NYS COVID-19 Sick Leave**

NYS "COVID time" allows for paid time off for medical removal from work due to COVID isolation or quarantine. It also provides job protection so that an employee can return to their job when they are no longer subject to medical removal. Time provided is in addition to any accrued sick time. Public sector employers must provide up to 14 paid sick days. Private sector employers must provide the following number of paid days off based on size:

- **100+ employees** – up to 14 days
- **11-99 employees** – up to 5 days
- **10 or fewer employees and net income over \$1 million** – up to 5 days
- **10 or fewer employees and net income less than \$1 million** – paid time is not required but employee may be eligible to use NYS Paid Family Leave

Workers medically removed due to

COVID-19 are eligible for this NYS COVID paid time off up to 3 times. However, the 2nd and 3rd time require a positive COVID test. NYS also requires employers to provide up to 4 hours paid time each time an employee takes time off from work to get vaccinated.

**More information on NYS COVID-19 Sick Leave can be found at**

<https://paidfamilyleave.ny.gov/covid19>

### **OSHA COVID-19 Healthcare Emergency Temporary Standard (ETS)**

The COVID-19 Healthcare ETS, which currently only covers workers in private sector healthcare facilities, includes provisions for employees who are medically removed from the workplace due to COVID-19 isolation or quarantine. The ETS also provides job protection so that an employee can return to their job when they are no longer subject to medical removal.

If the employer allows the employee to work remotely or in isolation, the employer must continue to provide regular pay and benefits

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**If you have any questions regarding COVID-19 isolation or quarantine, including paid time for medical removal, please contact your NYSNA representative.**

## LEAVE RIGHTS FOR COVID-19 MEDICAL REMOVAL

to the employee. However, in the case that the employee cannot perform their job remotely or in isolation, the ETS requires the following:

- The employer must continue to provide the benefits to which the employee is normally entitled and must also pay the employee the same regular pay the employee would have received had the employee not been absent from work, up to \$1400 per week, until the employee meets return to work criteria.
- *If the employer has fewer than 500 employees*, the employer must pay the employee up to the \$1400 per week cap for up to two weeks. Beginning the third week of an employee's removal, the amount is reduced to two-thirds of the regular pay the employee would have received had the employee not been absent from work, up to \$200 per day (\$1000 per week in most cases).
- *If the employer has fewer than 10 employees*, the ETS does not require the employer to provide pay for the medical removal period.
- The paid time off the employer may be required to provide under the ETS can come from the employee's accumulated leave time (e.g., sick, vacation or other administrative paid leave time).
- The employer must provide "reasonable time" and paid leave (e.g.,

accumulated paid sick leave, administrative leave) for vaccination and any side effects experienced following vaccination.

**More information on the OSHA COVID-19 Healthcare ETS can be found at [www.osha.gov/coronavirus/ets](http://www.osha.gov/coronavirus/ets)**

## **NYS Workers' Compensation**

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If a worker becomes infected with COVID-19 and believes the infection was caused by an exposure in the workplace, they may be eligible for workers' compensation benefits. Workers' compensation provides coverage for medical expenses related to the covered illness as well as partial wage replacement for lost work time.

Workers' compensation does not provide wage replacement for the first week of lost work time. Time out of work beyond one week is currently compensated up to a possible maximum rate of \$1063/week (two-thirds of the NYS average weekly wage). If the worker is out for more than 14 days, the first week is then covered.

**More information regarding NYS Workers' Compensation can be found at [www.wcb.ny.gov](http://www.wcb.ny.gov)**

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