

# Quarantine & Sick Time Guidance

as of August 30, 2021

## Step 1: Review the Legal Requirements of Paid COVID Sick Leave

- The NYS COVID Paid Sick Leave law provides up to fourteen (14) calendar days (ten (10) work days) of paid sick leave without charge to leave accruals for an order of quarantine issued by the "State of New York, department of health, local board of health, or any governmental entity duly authorized to issue such order." The law charged the Commissioner of the Department of Labor (DOL) to issue guidance regarding the standards, payment, and eligibility for leave under the law.
- On January 20, 2021, the DOL Commissioner issued such guidance. The DOL guidance states Staff Members are entitled to use NYS COVID Paid Sick Leave without charge to leave accruals up to 14 days and for up to three (3) instances of quarantine, with qualifications. The DOL guidance states:  
 "In no event shall a Staff Member qualify for sick leave under New York's COVID-19 sick leave law for more than three orders of quarantine or isolation. The second and third orders must be based on a positive COVID-19 test."
- NYS COVID Paid Sick Leave applies as follows:
  - For the **FIRST** use of NYS COVID Paid Sick leave: an order of quarantine based upon the Staff Member's positive COVID-19 test **OR** If the quarantine order is a protective order due to COVID-19 exposure.
  - For the **SECOND** and **THIRD** use of NYS COVID Paid Sick Leave: **ONLY** if the Staff Member is COVID-19 positive and provides documentation from a medical provider or testing facility. There currently is no expiration date for the NYS COVID Paid Sick Leave Law. Each Staff Member is eligible for only up to 3 instances of paid leave under the law.
  - NYS COVID Paid Sick Leave is per incident. Paid days are not cumulative and unused days do not carry forward.

## Step 2: Application of NYS COVID Paid Sick Leave

Scenario	Guidance	Types of Days Used
Staff member has one or more COVID symptoms and is presenting as sick	<ul style="list-style-type: none"> <li>• Staff member should not come to school or report to work while they are presenting with symptoms or illness and should consider consulting with their physician</li> <li>• District may request staff member to seek a COVID test to confirm COVID infection status</li> <li>• Consider and review any current CDC guidance for staff member's return to the workplace following any illness.</li> </ul>	<ul style="list-style-type: none"> <li>• Staff member uses contractual sick leave</li> <li>• If no sick leave is available, other paid leave time may apply or unpaid leave may apply</li> <li>• <i>Consult your Collective Bargaining Agreement</i></li> <li>• NYS COVID Paid Sick Leave is NOT available UNLESS the Staff Member provides evidence of a positive COVID test result</li> <li>• <i>SEE BELOW FOR POSITIVE COVID TESTS</i></li> </ul>
Staff member placed under mandatory quarantine due to local order, contact tracing, or school order due to exposure, etc.	<ul style="list-style-type: none"> <li>• Staff member should not come to school or report to work</li> <li>• Quarantine/isolation period based on DOH order or local order</li> </ul>	<ul style="list-style-type: none"> <li>• FIRST instance of quarantine, Staff Member is eligible for NYS COVID Paid Sick Leave (up to 14 days)</li> <li>• AFTER first instance of quarantine leave usage, Staff Member is ineligible for NYS COVID Paid Sick Leave unless Staff Member is positive for COVID</li> <li>• Staff Member might be able to use contractual sick leave depending on contract language and definition of "sick"</li> <li>• If no sick leave is available, other paid leave may apply or unpaid leave may apply</li> <li>• Check your contract for "quarantine" leave language</li> <li>• <i>Consult your Collective Bargaining Agreement</i></li> </ul>

Continued on reverse



Scenario	Guidance	Types of Days Used
<p><b>Staff member tests positive for COVID and is placed in mandatory quarantine / isolation (by DOH, county or other authority)</b></p>	<ul style="list-style-type: none"> <li>• Staff member should not come to school or report to work</li> <li>• Quarantine/isolation period based on DOH order or local order and as long as the employee is positive and symptomatic</li> </ul>	<ul style="list-style-type: none"> <li>• Staff Member eligible for NYS COVID Paid Sick Leave provided the member has not used all 3 instances</li> <li>• It does not matter when the member tests positive, NYS COVID Paid Sick Leave applies</li> <li>• After use of third NYS COVID Paid Sick Leave, Staff Member uses contractual sick leave</li> <li>• If no sick leave is available, other paid leave may apply or unpaid leave may apply</li> <li>• Check your contract for "quarantine" leave language</li> <li>• <i>Consult your Collective Bargaining Agreement</i></li> </ul>
<p><b>Staff member has child or family member subject to quarantine, child is not positive or otherwise sick, but no quarantine order for the staff member</b></p>	<ul style="list-style-type: none"> <li>• No mandatory isolation from work</li> <li>• Staff member can be required to report to work</li> <li>• Staff member may consult collective bargaining agreement for other leave options, such as unpaid leave</li> </ul>	<p><b>NYS COVID Paid Sick Leave does <u>NOT</u> apply</b></p> <ul style="list-style-type: none"> <li>• Sick leave is typically unavailable, BUT depends on contract language and definition of "sick leave"</li> <li>• If no sick leave is available, other paid leave may apply or unpaid leave may apply</li> <li>• Check your contract for "quarantine" leave language</li> <li>• <i>Consult your Collective Bargaining Agreement</i></li> </ul>
<p><b>Staff member has child or family member who is positive for COVID and resides in staff member's household with staff member as a primary caregiver</b></p>	<p><b>Depends on whether the staff member has a mandatory order of quarantine applied to the Staff Member (not child, spouse, or household member) - See above for orders of quarantine</b></p> <ul style="list-style-type: none"> <li>• Otherwise:</li> <li>• No mandatory isolation from work</li> <li>• Staff member can be required to report to work</li> <li>• Staff member may consult collective bargaining agreement for other leave options, such as unpaid leave</li> </ul>	<p><b>NYS COVID Paid Sick Leave does <u>NOT</u> apply</b> <b>See above for an order of quarantine applied to Staff Members if Staff Member becomes subject to quarantine</b></p> <ul style="list-style-type: none"> <li>• Sick leave may be available for an illness in the family depending on contractual definition of "sick leave" and "family"</li> <li>• Personal leave and vacation time may apply depending on circumstances</li> <li>• Unpaid leave may be an option</li> <li>• Check your contract for "quarantine" leave language</li> <li>• <i>Consult your Collective Bargaining Agreement</i></li> </ul>
<p><b>Staff member has a child whose school or daycare is closed due to COVID and the staff member is the primary caregiver</b></p>	<ul style="list-style-type: none"> <li>• No mandatory isolation from work</li> <li>• Staff member can be required to report to work</li> <li>• Staff member may consult collective bargaining agreement for other leave options, such as unpaid leave</li> </ul>	<p><b>NYS COVID Paid Sick Leave does <u>NOT</u> apply</b></p> <ul style="list-style-type: none"> <li>• Typically, there are no contract provisions for paid time off due to lack of childcare</li> <li>• Sick leave likely does not apply, but personal leave and vacation time may apply depending on circumstances</li> <li>• Unpaid leave may be an option</li> <li>• <i>Consult your Collective Bargaining Agreement</i></li> </ul>