

A woman with dark hair, wearing a light blue surgical face mask and a colorful geometric-patterned scarf, is looking down at her smartphone. She is wearing a grey jacket. The background is a blurred city street with other people and buildings.

Coronavirus (COVID-19): State and Local Leave Considerations

April 16 | 2020



Agenda

1

Overview of Laws that Provide Protections

2

Emergency Measures

3

State and Local Guidance and FAQs

4

Other Leave Laws to Consider

5

Key Action Steps

6

How XpertHR Can Help



Overview of the Leave Protections

A number of states and localities included have leave laws that provide employee protections for leave related to:

- Family Leave (Rhode Island)
- Kin Care Leave (Illinois)
- Public Health Emergencies (Maine)
- Quarantine Leave (South Carolina, Minnesota)
- Paid Sick Leave (Pittsburgh)
- Other Leave Considerations



New York



- Emergency legislation, effective March 18, 2020.
- Applies to all employers with any employees in New York.
- Provides pay and job protection to employees if they or their minor dependent children are subject to a mandatory or precautionary quarantine or isolation order issued by the state, the Department of Health, a local board of health or any other authorized government entity due to COVID-19.
- Whether an employer must provide paid or unpaid sick leave depends on the employer's size and net income.
- Employees taking unpaid sick leave may be eligible for wage replacement benefits under the state's established paid family leave and temporary disability benefits laws, neither of which previously covered quarantine-related leave.
- Available until termination of the order.



New Jersey



- The Governor signed a bill on March 25, 2020, expanding New Jersey's paid sick leave and family leave laws during epidemic-related emergencies.
- Also amendments to Temporary Disability Benefits laws.
- Effective March 20, 2020, prohibits retaliation against an employee who requests or takes time off from work based on a medical recommendation that the employee take that time off.
- Signed another bill on April 14, 2020-expands protections of the family leave law to allow employees forced to take time off to care for a family member during the COVID-19 outbreak with up to 12 weeks of unpaid family leave in a 24-month period without losing their jobs.
- Retroactive to March 25, 2020.



District of Columbia



- 1. On March 17, 2020 passed the COVID-19 Response Emergency Act of 2020.
- Expands coverage under the District of Columbia Family and Medical Leave Act (DCFMLA).
- Covers leave when an employee is unable to work during a period of time in which the mayor has declared a public health emergency and the mayor, other federal or state official, or a medical professional, has ordered or recommended that the employee self-isolate or quarantine.
- The one-year employment and 1,000-hour work eligibility requirements under the DCFMLA do not apply.
- The law will remain in effect no longer than 90 days.
- 2. COVID-19 Response Supplemental Emergency Amendment Act of 2020 signed on April 10, 2020.
- Requires employers with between 50 and 499 employees that is not a health care provider provide paid leave to an employee for an absence from work due to any of the reasons for which paid leave may be used under the Families First Coronavirus Response Act.
- Effective until July 9.



Philadelphia, Pennsylvania



- Passed Supplemental Emergency Regulations, which expands its paid sick leave law, the Promoting Healthy Families and Workplaces Act.
- Allows covered workers to use their paid sick leave for COVID-19-related business closures, quarantines and to stay home with their children during school closures without fear of retaliation.
- The regulation is only in effect for the duration of the local disaster emergency declared by the Mayor of Philadelphia in response to COVID-19.
- Expands definition of preventative medical care.
- Clarifies what can and cannot be required as reasonable documentation.



Oregon



- Enacted a temporary administrative order that expands the Oregon Family Leave Act (OFLA).
- Effective March 18, 2020.
- Allows employees to take up to 12 weeks of sick child leave to care for their child whose school or place of care has been closed due to a statewide public health emergency, including the coronavirus (COVID-19) outbreak.
- All of the OFLA's requirements/obligations apply to this type of leave.
- The temporary rule remains in effect until September 13, 2020.



Seattle, Washington



1. Effective March 18, 2020, amendments to the Seattle's Paid Sick and Safe Time (PSST).
 - Allows employees to use their PSST when their family member's school or place of care has been closed.
 - Require an employer with 250 or more full-time equivalent employees to allow their employees to take PSST when their place of business has been closed for any health or safety reason.
2. Effective April 8, 2020, Seattle's Office of Labor Standards (OLS) issued a temporary, emergency rule (Rule).
 - Clarifies that employers may not require a doctor's note or healthcare provider verification because it is an unreasonable burden during the COVID-19 pandemic outbreak.
 - In effect for a period of 60 days after filing with the City Clerk, until June 7, 2020.
3. Seattle's OLS also has a COVID-19 Question and Answer resource.



Los Angeles, California



- The Los Angeles City Mayor signed an Emergency Order (Order) on April 7, 2020. The Order supersedes the COVID-19 Supplemental Paid Sick Leave Ordinance.
- Remains in effect until two calendar weeks after the expiration of the COVID-19 local emergency period.
- This Order requires covered employers to provide eligible employees with supplemental paid sick leave for COVID-19-related reasons. This Order will remain in effect until two calendar weeks after the expiration of the COVID-19 local emergency period.
- The Office of Wage Standards will publish rules and regulations consistent with the Order, which employers and employees will be able to rely on to determine their rights and responsibilities under this Order.
- Applies to an employer that has either:
 - 500 or more employees within the City of Los Angeles; or
 - 2,000 or more employees within the United States.
- Includes provisions relating to: notice and documentation, qualifying reasons for leave, exclusions, compensation.



Colorado



- Colorado's Health Emergency Leave with Pay Rules
- Effective March 11, 2020 (amended March 26)
- Temporarily provides paid sick days to employees working in certain industries: leisure and hospitality; food services; child care; education at all levels; home health care; nursing homes; and community living facilities-amended March 26 to include grocery employees, and April 3 to include food and beverage manufacturing.
- The rules remain in effect for the longer of:
 - 30 days after adoption; or
 - The duration of the State of Disaster Emergency declared by the governor, up to a maximum of 120 days after adoption of the temporary rules.



Michigan



- An executive order prohibits Michigan employers from discharging, disciplining or otherwise retaliating against employees who stay home because they are at particular risk of infecting others with the COVID-19 coronavirus.
- Issued April 3 and took effect immediately.
- Will remain in effect until the end of the declared states of emergency and disaster.



State Guidance and FAQs

- **Arizona**-The Industrial Commission of Arizona released Frequently Asked Questions about COVID-19 and Earned Sick Time.
- **California**-Department of Industrial Relations published Coronavirus Disease (COVID-19) - FAQs.
- **Massachusetts**-Attorney General's Fair Labor Division published FAQs on employee rights and employer obligations related to COVID-19. The FAQs cover the use of paid sick leave under the state's Earned Sick Time Law (ESTL) due to COVID-19 and how the ESTL interacts with the Families First Coronavirus Response Act.
- **Nevada**-The Office of the Nevada Labor Commissioner has issued guidance addressing use of accrued paid leave.
- **Rhode Island**-Department of Labor and Training published a COVID-19 Workplace Fact Sheet, which covers Temporary Disability Insurance and Temporary Caregiver Insurance for employees affected by COVID-19.
- **Vermont**- Department of Labor published COVID-19 FAQs. The FAQs remind employers that an employee may be entitled to use paid sick leave under the state's Earned Sick Time Law for COVID-19-related reasons.
- **Washington**-Department of Labor and Industries published Paid Sick Leave and Coronavirus (COVID-19) Common Questions.



Local Guidance and FAQs

- **San Francisco**- issued guidance regarding the use of San Francisco paid sick leave during the current local health emergency.
- **Duluth**- released Earned Sick and Safe Time and COVID-19 Frequently Asked Questions (FAQs).
- **Minneapolis**-The City of Minneapolis Labor Standards Enforcement Division (Division) has posted guidance and FAQs on its Sick and Safe Time website to explain how its Sick and Safe Time Ordinance is interpreted by the Division during the current pandemic.



Other Considerations

- Leave for Blood Donations
- Bereavement Leave
- Community Service Leave
- Emergency Responder Leave
- Domestic Violence Leave
- Military Leave
- Disability
- Workers Compensation





Action Steps

- Take an accurate count of your employees.
- Make employees aware of additional types of leaves of absence.
- Advise employees of the procedure for requesting a personal leave of absence.
- Review and revise or create new policies and procedures.
- Prepare employee handbook policies or other written guidance.
- Ensure timekeeping, payroll and benefits systems properly calculate and track leave accrued and used.
- Train supervisory and managerial employees, as well as HR and payroll personnel, on the law(s) requirements.
- Monitor legal developments.
- Prepare for fluctuations in staffing due to increase of leave requests.



How XpertHR Can Help

Resources

- [Coronavirus \(COVID-19\): Workplace Resource Center](#)
- [Coronavirus \(COVID-19\): Wage and Hour](#)
- [Coronavirus \(COVID-19\): Temporary Disability Insurance and Unemployment Insurance](#)
- [Coronavirus \(COVID-19\): Remote Work](#)
- [Coronavirus \(COVID-19\): Jobs That Require On-Site Attendance](#)
- [Coronavirus \(COVID-19\): Employee Leave Laws](#)
- [Coronavirus \(COVID-19\): Federal, State and Local Resources for Employers](#)
- [Coronavirus \(COVID-19\): Benefits](#)
- [Coronavirus \(COVID-19\): FAQs](#)
- [Families First Coronavirus Response Act: COVID-19 Paid Sick Leave and Expanded Family and Medical Leave Requirements](#)

The logo for XpertHR, with 'Xpert' in a white sans-serif font and 'HR' in a white sans-serif font inside a white square. The background of the top half of the slide is a blurred image of a woman's face in profile, looking out over a city at night with bokeh lights.

XpertHR

Thank You!

[Request a Demo](#)

[Visit www.xperthr.com](http://www.xperthr.com)

www.xperthr.com/blog