

LEGAL UPDATE

NY Order and Guidance Affect Employee Leave for COVID-19

New York Governor Andrew Cuomo has issued an [order](#) making workers ineligible for state COVID-19 leave if they travel to states on the New York COVID-19 travel advisory. In addition, recent guidance from New York state agencies clarifies when health care workers under repeated isolation or quarantine orders are eligible for leave under the state law.

Employees Returning From States on Travel Advisory

On March 18, 2020, New York enacted a [law](#) requiring employers to provide leave to employees who are under a COVID-19 quarantine or isolation order. (Whether the leave is paid, and the length of the leave, depend on the employer's size.) A subsequent state [travel advisory](#) orders a 14-day quarantine for anyone arriving in New York from designated states with high rates of COVID-19. However, an order issued by Cuomo on June 26, 2020, prohibits workers from taking COVID-19 leave under the state law if they travel to a state on the advisory for non-work purposes.

Health Care Worker Leave

[Guidance](#) from New York's departments of Health and Labor states that health care employees are eligible for state COVID-19 leave for repeat periods of isolation if:

- They test positive for COVID-19 after returning to work following a mandatory period of isolation or quarantine; or
- They continue to test positive for COVID-19 after a mandatory period of isolation or quarantine ends.

Leave is limited to three periods of isolation or quarantine, and the second two periods must be based on a positive COVID-19 test.

The order and guidance do not affect employee eligibility for leave under the federal Families First Coronavirus Response Act.

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Highlights

Employee Leave After Travel to Designated States

An executive order makes workers ineligible for state COVID-19 leave if they travel to states on New York's travel advisory.

COVID-19 Leave for Health Care Workers

Health care workers subject to repeated periods of isolation or quarantine may be eligible for up to three periods of state COVID-19 leave.

Under Governor Cuomo's order, workers are ineligible for New York COVID-19 leave if they travel to a state on the travel advisory.

