

# LABOR AND EMPLOYMENT LAW

## INFORMATION MEMO

JUNE 21, 2023

### Is The End Near? COVID Paid Leave Developments

Since the [announcement](#) of the end of the federal Public Health Emergency, many clients have inquired as to the status of New York's COVID-19 Paid Leave Law.

As a quick recap, on March 18, 2020, in the infancy of the COVID-19 pandemic, then-Governor Cuomo signed a [bill](#) that guaranteed certain paid and unpaid leave benefits for New Yorkers subject to a mandatory or precautionary order of quarantine or isolation as a result of COVID-19 (COVID Paid Leave). While the law has remained the same since its enactment, its application has changed as the State and Federal rules regarding quarantine and isolation have changed. For example, at the beginning of the pandemic, the State issued its own rules regarding quarantine and isolation, but now relies exclusively on guidance from the Centers for Disease Control and Prevention to determine appropriate quarantine and isolation protocols.

With much of COVID-19 in the rearview mirror, many New York employers have wondered when, or even if, New York would take action to end COVID-19 Paid Leave requirements. Notably, New York's COVID-19 Paid Leave law does not include a sunset provision and New York remains one of only a handful of jurisdictions that continue to maintain an active COVID-19 Paid Leave requirement.

At long last, it seems that we may have some movement from the State towards ending COVID-19 Paid Leave. On May 25, 2023 the New York State legislature referred a [bill](#) to the Standing Committee on Labor proposing the following changes:

- removing the requirement of a 14-day period of sick leave for private employers with 100 or more employees and replacing it with 5-days of sick leave and PFL/TBI if necessary; and
- lessening the required 14-days to 5-days of leave for public employers.

Perhaps more significant for employers, the bill also proposes that by April 1, 2024, the New York State Department of Labor and New York State Department of Health must prepare a report regarding the number of employees who were provided unpaid or paid sick leave and disability benefits under the law. If, after that point, the Legislature does not adopt a resolution declaring the continued need for the sick leave within 60 days of receipt of the report, the law will expire and be deemed repealed.

This bill is in the early stages of the law-making process, but Bond will closely monitor any developments. If you have any questions, please contact [Erin Torcello](#), [Stephanie Fedorka](#), any attorney in Bond's [labor and employment practice](#) or the attorney at the firm with whom you are regularly in contact.

*Special thanks to Bond Summer Law Clerk Haley Case for assisting with researching and drafting this memo.*

