

**Federal and New York Sick Leave Laws
Comparison Chart**

	Families First Coronavirus Response Act (FFCRA)		New York State Paid Family Leave Act (PFLA)	New York State COVID-19 Sick Leave Act (A10153)	New York City Earned Safe and Sick Time Act
	Emergency Paid Sick Leave Act (EPSLA)	Emergency Family and Medical Leave Expansion Act (FMLEA)			
Covered Employers	Employers with fewer than 500 employees. ¹	Employers with fewer than 500 employees.	Employers in New York State.	Employers in New York State.	Employers in New York City.
Covered Employees	Employees (1) who are quarantined/isolated due to a government order; (2) who have been advised by a health care provider to self-quarantine; (3) who have symptoms and are seeking a medical diagnosis; (4) who are caring for individuals who have been quarantined/isolated due to a government order or advised to self-quarantine; (5) who are caring for a child whose school closed or whose care	Employee who are unable to work or telework because they are caring for a child affected by the school closure.	Employees who have worked 20 hours or more per week for 26 consecutive weeks or who have worked 175 days, if working less than 20 hours per week. Employees may use leave (1) to bond with a child (birth, adoption, and foster); (2) to care for a family member with a serious health condition; or (3) when a family member is deployed abroad.	Employees who are subject to a mandatory or precautionary quarantine or isolation order.	Employees who work more than 80 hours per calendar year in New York City. Employees may use their sick time to (1) recover from their own mental or physical illness, injury, or health condition or to procure preventative care; (2) care for a sick family member; (3) seek legal and social services assistance or take other safety measures if the they or a family member may be the victim of any act or threat of domestic violence or unwanted sexual contact, stalking,

¹ The provision applies to “any person acting directly or indirectly in the interest of an employer in relation to an employee” and “any successor in interest of an employer.” Families First Coronavirus Response Act, H.R. 6201 § 5110(2)(B), 116th Cong. (2020).

	provider is unavailable due to COVID-19; and (6) who are experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of Treasury or Secretary of Labor.				or human trafficking; and (4) care for a child if their employer's business or child's school or day care is closed due to a public health emergency.
Required Duration of Employment	None.	30 calendar days.	26 weeks (if working 20 hours or more weekly) or 175 days (if working less than 20 hours weekly).	None.	None.
Requirements	<ul style="list-style-type: none"> Employers should provide two weeks of paid sick leave. Full time workers are entitled to 80 hours of paid sick time. Part-time workers are entitled to paid sick leave for the number of hours that the employee works, 	<ul style="list-style-type: none"> Employers should provide 12 weeks of leave. The first ten days of such leave may be unpaid, but thereafter, paid leave must be available at two-thirds the employee's regular rates. 	<ul style="list-style-type: none"> Employer should provide up to 10 weeks of paid leave. The rate of pay should be 60% of employees' average weekly wage, up to 50% of the New York State Average Weekly Wage (SAWW). 	<ul style="list-style-type: none"> Employees who work for employers with 10 or fewer employees and have a net income of less than \$1 million are entitled to unpaid sick leave until the termination of such order. Employees who work for (1) employers with 10 or fewer employees and that has a net income of more than \$ 1 million or (2) employers with between 11 and 99 employees, are entitled to at least five days of 	<ul style="list-style-type: none"> Employers with five or more employees are required to provide 40 hours of paid sick leave per calendar year. Employers with four or fewer employees must provide up to 40 hours of unpaid leave. The rate of pay should be regular hourly rate but no

	<p>on average, over a two week period.</p> <ul style="list-style-type: none"> • For employees who are quarantined or experiencing symptoms and seeking a diagnosis themselves, paid sick leave must be provided at the regular rate of pay. • For employees taking leave to care for an individual subject to quarantine, a minor child whose school or childcare center has been closed because of COVID-19, or who are experiencing any other specified, substantially similar condition, paid sick leave must be at two-thirds the regular rate of pay. 			<p>paid sick leave. After five days, they are entitled to Paid Family Leave and Temporary Disability Insurance (TDI) benefits.</p> <ul style="list-style-type: none"> • Employees who work for employers with 100 or more employees are entitled to at least 14 days of paid sick leave. 	<p>less than the current minimum wage.</p>
--	--	--	--	---	--

<p>Notes</p>	<ul style="list-style-type: none"> • Paid sick leave under the FFCRA must be provided in addition to whatever paid leave is already provided under the employer’s policies. • The paid leave benefit is capped at \$5,110 for full-rate sick time and \$2,000 for two-thirds rate sick time. • EPSLA does not alter an employer’s obligation to comply with applicable state or local leave laws. • EPSLA remains effective until December 31, 2020. 	<ul style="list-style-type: none"> • The paid leave benefit is capped at \$200 per day and \$10,000 in the aggregate. • Employees may use EPSLA to provide for full or partial wage payment during the unpaid leave period under FMLEA. • FMLEA does not alter an employer’s obligation to comply with applicable state or local leave laws. • FMLEA remains effective until December 31, 2020. 	<ul style="list-style-type: none"> • The PFLA does not cover school closures. • The PFLA also does not cover an employee’s own serious health condition. 		
--------------	--	---	--	--	--