






# COVID-19 Payment Status


## Statutory Disability, Sick and Paid Leave & FMLA



Updated March 20, 2020. Please note that given the rapidly changing environment, this information is reflective of a current point in time and may evolve as necessary




State & Territory	Pays for Quarantine	Revision Information
California	 Pays if exposed	<p><b>Sick or Quarantined</b></p> <ul style="list-style-type: none"><li>• Unable to work due to having or being exposed to COVID-19 (certified by a medical professional), they can file a Disability Insurance (DI) claim.</li></ul> <p><b>Caregiving</b></p> <ul style="list-style-type: none"><li>• Unable to work because they are caring for an ill or quarantined family member with COVID-19 (certified by a medical professional), you can file a Paid Family Leave (PFL) claim</li></ul> <p><b>Reduced Work Hours</b></p> <ul style="list-style-type: none"><li>• If employer has reduced hours or shut down operations due to COVID-19, EE can file an Unemployment Insurance (UI) claim not disability</li></ul> <p>Waives the EDD's one-week waiting period for people who are unemployed (CA UI) and/or disabled (CA SDI) as a result of COVID-19 as of January 24, 2020</p> <p><b>Waiting Period</b></p> <ul style="list-style-type: none"><li>• The waiver of the waiting period is effective for the "duration of this emergency"</li><li>• The waiver of the CA SDI waiting period also applies to CA VDI. As stated in 22 CCR § 3254-1(c), "No voluntary plan may impose restrictions on or exclusions from eligibility for benefits in respect to individuals covered by such plans so as to deny benefits which would be payable to the individual from the Disability Fund but for his or her inclusion in the voluntary plan."</li><li>• Paid Family Leave does not have a waiting period and is not addressed</li></ul> <p>Reference: <a href="https://www.gov.ca.gov/wp-content/uploads/2020/03/3.12.20-EO-N-25-20-COVID-19.pdf">https://www.gov.ca.gov/wp-content/uploads/2020/03/3.12.20-EO-N-25-20-COVID-19.pdf</a> <a href="https://edd.ca.gov/about_edd/coronavirus-2019/faqs.htm">https://edd.ca.gov/about_edd/coronavirus-2019/faqs.htm</a> <a href="https://edd.ca.gov/about_edd/coronavirus-2019/faqs.htm">https://edd.ca.gov/about_edd/coronavirus-2019/faqs.htm</a></p>

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Colorado		<p>The Colorado Department of Labor and Employment (CDLE) adopted the Colorado HELP Rules to require up to four days of paid sick leave for employees in select industries to attend to flu-related symptoms and treatment applying to the following industries:</p> <p>Leisure and hospitality; Food services; Child care; Education; Home healthcare; otherwise high-risk individuals; Operating a nursing home; and Operating a community living facility.</p> <p>An employer in any of the above industries must provide up to four days of paid sick leave for an employee (A) with flu-like symptoms, and (B) who is being tested for COVID-19.</p> <p>The paid sick leave ends if an employee receives a negative COVID-19 test result.</p> <p><b>Exceptions to Employer Responsibilities</b></p> <p>The Rules “do not require an employer to offer additional days of paid sick leave if it already offers all employees an amount of paid leave sufficient to comply with” the four-day paid leave requirement.</p> <p>An employee who has already exhausted his or her paid sick leave allotment, but then has flu-like symptoms and is being tested for COVID-19, is entitled to the additional paid sick days</p> <p>Reference: <a href="https://www.colorado.gov/pacific/cdle/information-and-resources-coronavirus">https://www.colorado.gov/pacific/cdle/information-and-resources-coronavirus</a></p>
Federal FMLA		<p>Effective April 2, 2020 through December 31, 2020</p> <p>Employers with less than 500 employees</p> <p>An “eligible employee” is one that has been employed for at least 30 calendar days</p> <p>Covers employees who are unable to work or telework because they are caring for a son or daughter under 18 if their school or place of care or childcare provider has closed or is unavailable due to a public health emergency</p> <p>There is a provision that requires the employer to pay 2/3 of the employees regular rate of pay up to \$200/day or \$10,000 in aggregate for weeks 3 through 12.</p> <p>Reference: <a href="https://www.congress.gov/116/bills/hr6201/BILLS-116hr6201eh.pdf">https://www.congress.gov/116/bills/hr6201/BILLS-116hr6201eh.pdf</a></p>

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<p><b>Emergency Federal Paid Sick Leave Act</b></p>		<p>Effective April 2, 2020 through December 31, 2020  Applies to Employers with less than 500 employees  No specific eligibility requirement  Paid sick time must be provided if the employee is unable to work or telework because:</p> <ul style="list-style-type: none"> <li>• The employee is subject to an order of quarantine or isolation due to Covid-19</li> <li>• The employee has been advised by a health care provider to self-quarantine because of Covid-19 concerns</li> <li>• The employee is experiencing symptoms of Covid-19 and is seeking a diagnosis</li> <li>• The employee is caring for a family member that is subject to an order or quarantine or has been advised by a health care provider to self-quarantine</li> <li>• The employee is caring for a son or daughter because the school or place of care of the son or daughter has been closed or their care provider is unavailable due to Covid-19 precautions</li> <li>• The employee is experiencing any other substantially similar condition</li> </ul> <p>Number of Paid Sick Leave hours</p> <ul style="list-style-type: none"> <li>• Full time employees: 80</li> <li>• Part-time employees: the number of hours that an employee works, on average, over a 2-week period</li> <li>• No carryover</li> <li>• Employer may terminate remaining sick time once the employee no longer needs them for coronavirus reasons</li> <li>• No payout of unused sick time</li> </ul> <p>Reference: <a href="https://www.congress.gov/116/bills/hr6201/BILLS-116hr6201eh.pdf">https://www.congress.gov/116/bills/hr6201/BILLS-116hr6201eh.pdf</a></p>
<p><b>Hawaii</b></p>		<p>Website includes information about COVID-19 but no revisions advise related to paying for quarantine or any other revisions</p>

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New Jersey		<p><b>A person has COVID 19</b></p> <ul style="list-style-type: none"> <li>• Can use accrued sick leave</li> <li>• Can apply for Temporary Disability Insurance (TDI); the health care provider would give the diagnosis and the duration the individual is expected to be out of work</li> <li>• May be eligible for Workers' Compensation: If a person contracts the virus because he/she waited on or worked with someone who had the virus, or contracted the virus for any other work related reason, that person could be eligible for workers' compensation.</li> </ul> <p><b>A person is told to self-quarantine due to exposure</b></p> <ul style="list-style-type: none"> <li>• May be able use accrued Earned Sick Leave under The Earned Sick Leave law</li> <li>• Can apply for Temporary Disability Insurance (TDI)</li> </ul> <p>The New Jersey Assembly is considering benefits and job protection for employee absences related to the COVID-19 pandemic to provide greater benefits to affected employees under the state Earned Sick Leave, Family Leave, and Temporary Disability laws.</p> <p>Considering establishing an Epidemic Emergency Relief Employment Fund to provide benefits to independent contractors who may lose income due to COVID-19 or other infectious diseases</p> <p>Refer to specifics for each COVID-19 scenario as outlined in reference link  Reference: <a href="https://www.nj.gov/labor/assets/PDFs/COVID-19%20SCENARIOS.pdf">https://www.nj.gov/labor/assets/PDFs/COVID-19%20SCENARIOS.pdf</a></p>

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New York		<p>Quarantine” is an employee who is subject to a mandatory or precautionary order of quarantine or isolation issued by the state of New York, the department of health, local board of health, or any governmental entity duly authorized to issue such order due to COVID-19</p> <p>Disability” means 1) inability to perform regular duties of employment or duties of other employment the employer may offer employee 2) as a result of Quarantine, and 3) when the employee has exhausted all paid sick leave under this Law.</p> <p>“Family leave” expanded to mean 1) Quarantine or 2) to provide care for a minor dependent child of the employee who is Quarantined</p> <p>No waiting period, in most instances employer pays 5 to 14 days of sick pay</p> <p>Payment can be a combination of NY PFL and NY DBL</p> <p>Able to work from Home during Quarantine (asymptomatic or symptomatic) means no benefits are payable</p> <p>It increases the amount in total an employee can receive in aggregate to \$2,884.62/week.</p> <p>Reference: <a href="https://www.governor.ny.gov/programs/paid-sick-leave-covid-19-impacted-new-yorkers">https://www.governor.ny.gov/programs/paid-sick-leave-covid-19-impacted-new-yorkers</a></p>
Oregon		<p>Oregon law requires employers to give sick time which pays:</p> <ul style="list-style-type: none"> <li>• Being ill with Coronavirus</li> <li>• Quarantined</li> <li>• Worker is caring for sick family member</li> <li>• Employer shuts down due to quarantine</li> <li>• Schools are closed for COVID-19 and worker has no childcare</li> <li>• Employer stays open when urged to close for public health</li> <li>• First responder is under quarantine</li> </ul> <p>Refer to specifics for each COVID-19 scenario as outlined in reference link</p> <p>In addition, the Oregon Family Leave Act is expanding protection for the covered reason of not being at work due to school and daycare closures.</p> <p>Reference: <a href="https://www.oregon.gov/employ/Documents/EDPUB190_0320.pdf">https://www.oregon.gov/employ/Documents/EDPUB190_0320.pdf</a></p>

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Puerto Rico		<p>The Puerto Rico Senate has revised House Bill 2428 to replace the provision of 20 days of unpaid emergency leave due to diagnosis of a pandemic illness with five days of paid emergency leave. We are monitoring its progress.</p>
Rhode Island		<p>Waived three rules:</p> <ul style="list-style-type: none"> <li>• The seven-day waiting period to claim regular unemployment insurance or WorkShare short-term compensation</li> <li>• The seven-day minimum time to be out of work before qualifying for Temporary Disability Insurance (TDI) or Temporary Caregiver Insurance (TCI) benefits</li> <li>• The requirement for medical certification that someone is on a COVID-19 quarantine</li> </ul> <p>Refer to specifics for each COVID-19 scenario as outlined in reference link</p> <p>Reference:  <a href="http://www.dlt.ri.gov/pdfs/COVID-19%20Workplace%20Fact%20Sheet.pdf">http://www.dlt.ri.gov/pdfs/COVID-19%20Workplace%20Fact%20Sheet.pdf</a> </p>
Washington		<p>Refer to specifics for each COVID-19 scenario as outlined in reference link</p> <p>Reference:  <a href="https://esdorhardstorage.blob.core.windows.net/esdwa/Default/ESDWAGOV/newsroom/COVID-19/covid-19-scenarios-and-benefits.pdf">https://esdorhardstorage.blob.core.windows.net/esdwa/Default/ESDWAGOV/newsroom/COVID-19/covid-19-scenarios-and-benefits.pdf</a> </p>