

Interim COVID-19 Emergency Leave Policy

Purpose

To comply with the recently passed New York Emergency Leave Law, that sets forth how employers in the state of New York will provide paid leave to employees who are affected by the COVID-19 pandemic. This interim Policy will be in effect until the New York Emergency Leave Law expires. Any leave that does not fit within this interim Policy, i.e. mandatory or precautionary quarantine or isolation, will be governed by our existing leave policy including New York Paid Family Leave, paid or unpaid sick leave, or FMLA leave.

Employee Eligibility

All full-time and part-time employees who are subject to a mandatory or precautionary order of quarantine or self-isolation due to COVID-19 as defined below are eligible for paid leave under this Policy provided they meet all applicable requirements. Such employees must be unable to work (or telework) due to being placed under a qualifying quarantine or precautionary self-isolation order issued by the State of New York, New York State Department of Health, local Board of Health (such as New York City's Department of Health and Mental Hygiene), or any government agency authorized to issue such order.

Part-time employees are entitled to pay for the number of days/amount of time during the 14-day period that they would have otherwise worked but for the quarantine or self-isolation.

Retroactive Application of Leave:

An employee who was on qualified quarantine or in precautionary isolation order on March 18, 2020, pursuant to an order issued prior to the March 18, 2020, would be eligible for the emergency leave described above.

Exceptions to Quarantine Leave and Statutory Benefits: There are two (2) important exceptions to the emergency paid leave:

- Asymptomatic employees under the quarantine who have the ability to continue working by remote access or otherwise are not eligible for benefits, and
- Employees who are quarantined due to voluntarily travel to a high-risk countries, as defined in the statute. Such employees are, however, entitled to unpaid sick leave and the use of accrued benefits during the period of quarantine or precautionary isolation.

Duration of Leave Covered Under the Law

Employees will be entitled to 14 days of paid leave. An employee will not be required to use any type of accrued paid time off or any other accrued benefit to cover any part of this 14-day period. The number of paid days is calendar days, not work days.

How to Obtain a Quarantine or Isolation Order

To get an order of quarantine or isolation due to COVID-19, employees should first contact their local health department. Information for county health department phone numbers and websites can be found at https://www.health.ny.gov/contact/contact_information/. If the local health department is unable to immediately provide the employee an order, the employee may instead:

- Submit documentation from a licensed medical provider that has treated them, attesting that they qualify for the order; and
- Follow up with their local health department (which must provide request orders within 30 days) to obtain the order as soon as it is available.
- When the employee's local health department cannot immediately issue the order, the licensed medical provider must document the specific reason for the order in one or more of the following qualifying ways:
 - ✓ For the *Mandatory Isolation Order*: Attest that the employee (or employee's minor dependent child in certain circumstances) has tested positive for COVID-19; or that testing is not currently available for the employee, but the employee has COVID-19 symptoms and has had contact with a known COVID-19 case.
 - ✓ For the *Mandatory Quarantine Order*: Attest that the employee (or the employee's minor dependent child in certain circumstance) has been in close contact with someone who tested positive for COVID-19 or who is currently in mandatory isolation; or has COVID-19 symptoms and has returned within the past 14 days from a country designated with a level 2,3, or 4 CDC-advisory for COVID-19.
 - ✓ For the *Precautionary Quarantine Order*: Attest that the employee (or employee's minor dependent child in certain circumstances) is asymptomatic and has returned within the past 14 days from a country designation with a CDC level 2,3, or 4 advisory for COVID-19; or has been determined to have had proximate exposure with someone who has tested positive for COVID-19 while that was symptomatic.

Employee Status and Benefits During Leave

While an employee is on quarantine leave, Skidmore College will continue the employee's health benefits at the same level and under the same conditions as if the employee had continued to work. Such employees will continue to be subject to payroll deductions to collect the employee's share of the premium.

Note: During any unpaid leave period, the employee must continue to make the payment of applicable health care premiums per instructions from the HR department.

Procedure for Requesting Leave

All employees who are eligible must provide Human Resources with written documentation as soon as possible. Verbal notice to HR will otherwise be accepted until written notice can be provided within a reasonable time (a few days).

Employee Status After Leave

Quarantine leave is protected under the law. Therefore, employees returning from such leave will return to the same position, pay, and terms and conditions of employment as was in effect prior to the leave.

Please contact the HR department with any questions.