

# 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.

Provided to you by [Kinloch Consulting Group, Inc.](#)

### 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.*