



NY FORWARD SAFETY PLAN TEMPLATE

Each business or entity, including those that have been designated as essential under Empire State Development's Essential Business Guidance, must develop a written Safety Plan outlining how its workplace will prevent the spread of COVID-19. A business may fill out this template to fulfill the requirement, or may develop its own Safety Plan. **This plan does not need to be submitted to a state agency for approval** but must be retained on the premises of the business and must be made available to the New York State Department of Health (DOH) or local health or safety authorities in the event of an inspection.

Business owners should refer to the State's industry-specific guidance for more information on how to safely operate. For a list of regions and sectors that are authorized to re-open, as well as detailed guidance for each sector, please visit: forward.ny.gov. If your industry is not included in the posted guidance but your business has been operating as essential, please refer to ESD's [Essential Business Guidance](#) and adhere to the guidelines within this Safety Plan. Please continue to regularly check the New York Forward site for guidance that is applicable to your business or certain parts of your business functions, and consult the state and federal resources listed below.

COVID-19 Reopening Safety Plan

Name of Business:

Industry:

Address:

Contact Information:

Owner/Manager of Business:

Human Resources Representative and Contact Information, if applicable:

I. PEOPLE

A. Physical Distancing. To ensure employees comply with physical distancing requirements, you agree that you will do the following:

- ☐ Ensure 6 ft. distance between personnel, unless safety or core function of the work activity requires a shorter distance. Any time personnel are less than 6 ft. apart from one another, personnel must wear acceptable face coverings.
- ☐ Tightly confined spaces will be occupied by only one individual at a time, unless all occupants are wearing face coverings. If occupied by more than one person, will keep occupancy under 50% of maximum capacity.

- ☐ Post social distancing markers using tape or signs that denote 6 ft. of spacing in commonly used and other applicable areas on the site (e.g. clock in/out stations, health screening stations)
- ☐ Limit in-person gatherings as much as possible and use tele- or video-conferencing whenever possible. Essential in-person gatherings (e.g. meetings) should be held in open, well-ventilated spaces with appropriate social distancing among participants.
- ☐ Establish designated areas for pick-ups and deliveries, limiting contact to the extent possible.

List common situations that may not allow for 6 ft. of distance between individuals. What measures will you implement to ensure the safety of your employees in such situations?

How you will manage engagement with customers and visitors on these requirements (as applicable)?

How you will manage industry-specific physical social distancing (e.g., shift changes, lunch breaks) (as applicable)?

II. PLACES

A. Protective Equipment. To ensure employees comply with protective equipment requirements, you agree that you will do the following:

- ☐ Employers must provide employees with an acceptable face covering at no-cost to the employee and have an adequate supply of coverings in case of replacement.

What quantity of face coverings – and any other PPE – will you need to procure to ensure that you always have a sufficient supply on hand for employees and visitors? How will you procure these supplies?

- ☐ Face coverings must be cleaned or replaced after use or when damaged or soiled, may not be shared, and should be properly stored or discarded.

What policy will you implement to ensure that PPE is appropriately cleaned, stored, and/or discarded?

- ☐ Limit the sharing of objects and discourage touching of shared surfaces; or, when in contact with shared objects or frequently touched areas, wear gloves (trade-appropriate or medical); or, sanitize or wash hands before and after contact.

List common objects that are likely to be shared between employees. What measures will you implement to ensure the safety of your employees when using these objects?

B. Hygiene and Cleaning. To ensure employees comply with hygiene and cleaning requirements, you agree that you will do the following:

- ☐ Adhere to hygiene and sanitation requirements from the [Centers for Disease Control and Prevention](#) (CDC) and [Department of Health](#) (DOH) and maintain cleaning logs on site that document date, time, and scope of cleaning.

Who will be responsible for maintaining a cleaning log? Where will the log be kept?

- ☐ Provide and maintain hand hygiene stations for personnel, including handwashing with soap, water, and paper towels, or an alcohol-based hand sanitizer containing 60% or more alcohol for areas where handwashing is not feasible.

Where on the work location will you provide employees with access to the appropriate hand hygiene and/or sanitizing products and how will you promote good hand hygiene?

- ☐ Conduct regular cleaning and disinfection at least after every shift, daily, or more frequently as needed, and frequent cleaning and disinfection of shared objects (e.g. tools, machinery) and surfaces, as well as high transit areas, such as restrooms and common areas, must be completed.

What policies will you implement to ensure regular cleaning and disinfection of your worksite and any shared objects or materials, using [products](#) identified as effective against COVID-19?

C. Communication. To ensure the business and its employees comply with communication requirements, you agree that you will do the following:

- ☐ Post signage throughout the site to remind personnel to adhere to proper hygiene, social distancing rules, appropriate use of PPE, and cleaning and disinfecting protocols.
- ☐ Establish a communication plan for employees, visitors, and customers with a consistent means to provide updated information.
- ☐ Maintain a continuous log of every person, including workers and visitors, who may have close contact with other individuals at the work site or area; excluding deliveries that are performed with appropriate PPE or through contactless means; excluding customers, who may be encouraged to provide contact information to be logged but are not mandated to do so.

Which employee(s) will be in charge of maintaining a log of each person that enters the site (excluding customers and deliveries that are performed with appropriate PPE or through contactless means), and where will the log be kept?

- ☐ If a worker tests positive for COVID-19, employer must immediately notify state and local health departments and cooperate with contact tracing efforts, including notification of potential contacts, such as workers or visitors who had close contact with the individual, while maintaining confidentiality required by state and federal law and regulations.

If a worker tests positive for COVID-19, which employee(s) will be responsible for notifying state and local health departments?

III. PROCESS

A. Screening. To ensure the business and its employees comply with protective equipment requirements, you agree that you will do the following:

- ☐ Implement mandatory health screening assessment (e.g. questionnaire, temperature check) before employees begin work each day and for essential visitors, asking about (1) COVID-19 [symptoms](#) in past 14 days, (2) positive COVID-19 test in past 14 days, and/or (3) close contact with confirmed or suspected COVID-19 case in past 14 days. Assessment responses must be reviewed every day and such review must be documented.

What type(s) of daily health and screening practices will you implement? Will the screening be done before employee gets to work or on site? Who will be responsible for performing them, and how will those individuals be trained?

If screening onsite, how much PPE will be required for the responsible parties carrying out the screening practices? How will you supply this PPE?

B. Contact tracing and disinfection of contaminated areas. To ensure the business and its employees comply with contact tracing and disinfection requirements, you agree that you will do the following:

- ☐ Have a plan for cleaning, disinfection, and contact tracing in the event of a positive case.

In the case of an employee testing positive for COVID-19, how will you clean the applicable contaminated areas? What products identified as effective against COVID-19 will you need and how will you acquire them?

In the case of an employee testing positive for COVID-19, how will you trace close contacts in the workplace? How will you inform close contacts that they may have been exposed to COVID-19?

IV. OTHER

Please use this space to provide additional details about your business's Safety Plan, including anything to address specific industry guidance.

Staying up to date on industry-specific guidance:

To ensure that you stay up to date on the guidance that is being issued by the State, you will:

- ☐ Consult the NY Forward website at forward.ny.gov and applicable Executive Orders at governor.ny.gov/executiveorders on a periodic basis or whenever notified of the availability of new guidance.

STAY HOME.

STOP THE SPREAD.

SAVE LIVES.

State and Federal Resources for Businesses and Entities

As these resources are frequently updated, please stay current on state and federal guidance issued in response to COVID-19.

General Information

[New York State Department of Health \(DOH\) Novel Coronavirus \(COVID-19\) Website](#)

[Centers for Disease Control and Prevention \(CDC\) Coronavirus \(COVID-19\) Website](#)

[Occupational Safety and Health Administration \(OSHA\) COVID-19 Website](#)

Workplace Guidance

[CDC Guidance for Businesses and Employers to Plan, Prepare and Respond to Coronavirus Disease 2019](#)

[OSHA Guidance on Preparing Workplaces for COVID-19](#)

Personal Protective Equipment Guidance

[DOH Interim Guidance on Executive Order 202.16 Requiring Face Coverings for Public and Private Employees](#)

[OSHA Personal Protective Equipment](#)

Cleaning and Disinfecting Guidance

[New York State Department of Environmental Conservation \(DEC\) Registered Disinfectants of COVID-19](#)

[DOH Interim Guidance for Cleaning and Disinfection of Public and Private Facilities for COVID-19](#)

[CDC Cleaning and Disinfecting Facilities](#)

Screening and Testing Guidance

[DOH COVID-19 Testing](#)

[CDC COVID-19 Symptoms](#)

STAY HOME.

STOP THE SPREAD.

SAVE LIVES.

FEDERAL EMPLOYEE RIGHTS

PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The **Families First Coronavirus Response Act (FFCRA or Act)** requires the Federal government to provide all of its employees with paid sick leave and, for employees who are covered under Title I of the Family and Medical Leave Act (FMLA), with expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

► PAID LEAVE ENTITLEMENTS

Generally, the Federal government must provide Federal employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total; and
- $\frac{2}{3}$ for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total.

Federal employees not covered under Title I of the FMLA can receive either $\frac{2}{3}$ of the higher of their regular rate of pay, or the applicable state or Federal minimum wage for the two-week period for qualifying reason #5 below. However, for leave under qualifying reason #5, Federal employees covered under Title I of the FMLA can receive 10 additional weeks of expanded family and medical leave for reason #5 below, up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

► ELIGIBLE EMPLOYEES

All Federal employees are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Federal employees who are covered under Title I of the FMLA and have been employed for at least 30 days prior to their leave request are eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.*

Most federal employees are not covered under Title I of the FMLA and so would not be eligible for partially paid expanded family and medical leave. Please consult with your agency to determine whether you are covered under Title I of the FMLA. The Office of Personnel and Management will issue guidance on this question.

► QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

A Federal employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to **telework**, because the employee:

- | | |
|---|---|
| <ol style="list-style-type: none">1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;2. has been advised by a health care provider to self-quarantine related to COVID-19;3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2); | <ol style="list-style-type: none">5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services. |
|---|---|

► ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA for Federal employers covered under Title I of the FMLA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Federal employers covered under Title I of the FMLA in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

For additional information
or to file a complaint:

1-866-487-9243

TTY: 1-877-889-5627

dol.gov/agencies/whd



WH1423 REV 03/20

FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA)⁽¹⁾

Effective Wednesday, April 1, 2020 - December 31, 2020 ⁽²⁾

Remember that the Federal Government is fully funding these leaves. The leaves are for eligible employees who continue to work and get paid by companies that are still **open/operating**; otherwise, employees may be eligible for Unemployment Benefits.

I. Emergency Paid Sick Leave (EPSL) is to care for their own or someone else's coronavirus-related issues.

II. Emergency Family Medical Leave (EFMLA) leave is paid leave that will be provided when parents can't work because their children's schools or child care services are closed due to the pandemic. The child must be younger than 18.



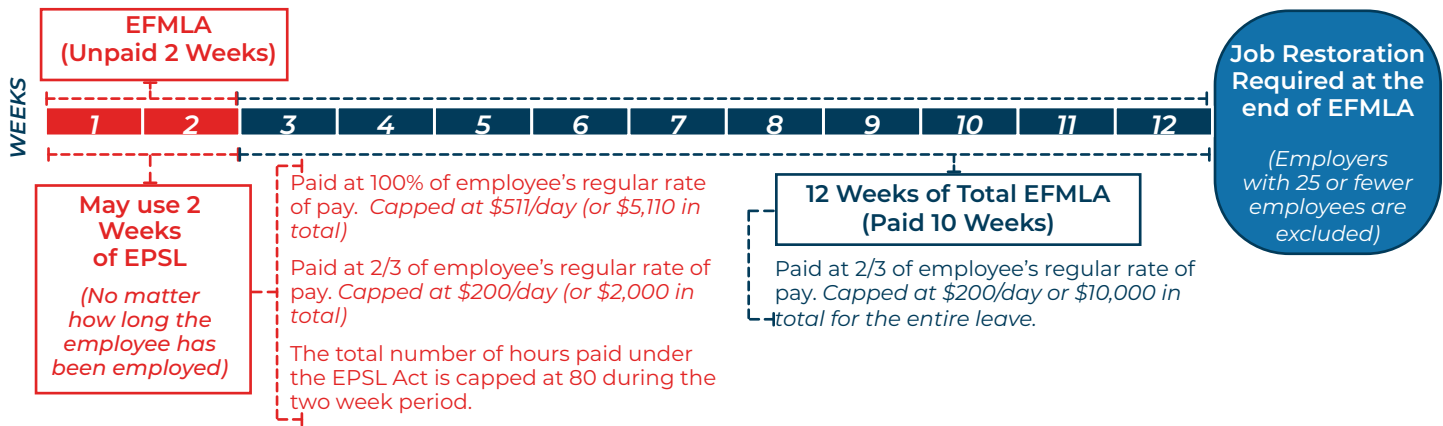
Please refer to references for additional details.

This informational purposes only and does not constitute a legal opinion or medical advice. Contact your legal representative or medical professional for information specific to your needs.

Insurance • Risk Advisory • Employee Benefits

HORTON

Families First Coronavirus Response Act (FFCRA) Timeline



Please refer to references for additional details.

FFCRA Decision Chart Reference Notes

- What? FFCRA guarantees free coronavirus testing, establishes paid family and medical leave and corresponding tax credits, enhances unemployment insurance, expands food security initiatives, and increases federal Medicaid funding.

Why? All the public health guidance is that employers should encourage employees who are sick to stay home. And, to the extent possible, the health authorities want to remove incentives to go to work while employees are sick. Employers should make sure they remind employees about the existing paid and unpaid leave programs available to them.
- The new paid leave requirements go into effect on April 1, 2020 and will be in effect through December 31, 2020. There is no retroactive effect. Employees who are provided paid leave prior to April 1 will still be eligible for the full paid leave beginning April 1 if they are out on leave for a qualifying reason. In addition, employers may not qualify for the refundable tax credit for paid leave provided prior to April 1.
- Generally, if they are currently on your payroll, then you would count them. To determine the employee count, count all employees (full-time and part-time) in the U.S. at the time leave is requested. This means that an employer may need to repeat the count multiple times.**

In making this determination, you should include employees on leave; temporary employees who are jointly employed by you and another employer (regardless of whether the jointly-employed employees are maintained on only your or another employer's payroll); and day laborers supplied by a temporary agency (regardless of whether you are the temporary agency or the client firm if there is a continuing employment relationship). Workers who are independent contractors under the Fair Labor Standards Act (FLSA), rather than employees, are not considered employees for purposes of the 500-employee threshold.
- Furlough v. Layoff: Distinction Without A Difference?** Questions have also been raised over the difference between "furloughs" and "layoffs." For purposes of ESL or EFMLA, DOL's updated comments appear to suggest that the agency equates "furlough" to any layoff where employees are no longer working. Furloughed employees are not entitled to Emergency Paid Sick Leave or Emergency FMLA regardless of whether their employment has officially ended.
- Employees must be given the option to use this new pool before any other type employer-provided leave.
- Regular FMLA time is not usually available for a normal bout of the flu. However, eligible employees who contract the coronavirus or who have an immediate family member who contracts the virus and needs the employee's care may meet the FMLA definition of a serious health condition.
- If I am home with my child because his or her school or place of care is closed, or child care provider is unavailable, do I get paid sick leave, expanded family and medical leave, or both—how do they interact?** You may be eligible for both types of leave, but only for a total of twelve weeks of paid leave. You may take both ESL and EFMLA to care for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons. The Emergency Paid Sick Leave Act provides for an initial two weeks of paid leave. This period thus covers the first ten workdays of expanded family and medical leave, which are otherwise unpaid under the Emergency and Family Medical Leave Expansion Act unless the you elect to use existing vacation, personal, or medical or sick leave under your employer's policy. After the first ten workdays have elapsed, you will receive 2/3 of your regular rate of pay for the hours you would have been scheduled to work in the subsequent ten weeks under the Emergency and Family Medical Leave Expansion Act.
- Special Rules**
 - For both EPSL and EFMLA, employers may exempt health care providers and emergency responders.
 - Secretary of Labor may exempt small businesses with fewer than 50 employees if the paid leave requirements would jeopardize the viability of the business as a going concern. See more detail in FAQ #56 – 57 found here – <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions> #52.
- Calculating Rate of Pay for EFMLA and ESL for Full time employees:
 - Regular rate of pay, hours normally scheduled to work.
 - Part time employees, variable hour employees: Average number of hours employees worked for six months prior to taking leave.
 - Employees with less than six months of service: Average number of hours the employee would normally be scheduled to work over two-week period.
- These leaves are not available to employees with reduced hours, furloughed employees, or employees' whose workplaces are closed.
 - These leaves are not available to employees whose workplaces are closed due to a federal, state, or local shelter-in-place or stay-at-home orders, or due to business slowdowns.
 - Both emergency paid sick leave (EPSL) and emergency Family and Medical Leave (EFMLA) can be taken on an intermittent basis in certain situations.
 - Employees may not be required to use other forms of paid leave prior to or concurrently with EPSL or EFMLA.

SOURCES

- <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>
- <https://www.thehortongroup.com/covid-19-employer-resource-center>
- <https://benefitcomply.com/coronavirus/>
- https://www.dol.gov/sites/dolgov/files/WHd/posters/FFCRA_Poster_WH1422_Non-Federal.pdf
- <https://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/dol-guidance-ffcra-paid-parental-leave.aspx>

This informational purposes only and does not constitute a legal opinion or medical advice. Contact your legal representative or medical professional for information specific to your needs. 4.5.20v2



COUNTY OF ERIE
MARK POLONCARZ

COUNTY EXECUTIVE

GALE R. BURSTEIN, MD, MPH, FAAP
COMMISSIONER OF HEALTH

DEPARTMENT OF HEALTH

RETURN TO WORK AUTHORIZATION FOR PERSONS
OTHER THAN NURSING HOME EMPLOYEES

***COMPLETE IF YOU HAVE BEEN A CONFIRMED OR SUSPECTED CASE
OF COVID-19.***

I, (print name) _____, do hereby affirm that:

- I have maintained isolation for at least 10 days after first experiencing COVID-19 symptoms (e.g., fever, cough, or shortness of breath) or 10 days after my first positive test if asymptomatic and
- I have been fever free for at least 72 hours (3 days), without the use of fever-reducing medications, and
- My COVID-19 symptoms are improving.

I further affirm that, when I return to work, I will wear a facemask for at least 14 days from the date I began experiencing COVID-19 symptoms or 14 days after my first positive test if asymptomatic.

Sworn and subscribed by me on (today's date) _____, 2020

(SIGNATURE)

NOTE: YOUR SIGNATURE DOES NOT HAVE TO BE ACKNOWLEDGED BY A NOTARY PUBLIC; YOU ARE SWEARING TO THE VERACITY OF THE INFORMATION YOU HAVE PROVIDED ON THE FORM.

Should this affirmation be sworn to as indicated, then based solely on such affirmation above, and accepting such information as fact, I, Gale R. Burstein, Commissioner, Erie County Department of Health, do hereby find the that the affirming individual herein is able to return to work subject to current and future orders, protocols, guidance, or any other official direction promulgated by any agency of the United States Government, New York State Government, or Erie County Government having subject matter authority.



GALE R. BURSTEIN MD, MPH, FAAP, COMMISSIONER,
ERIE COUNTY DEPARTMENT OF HEALTH

	FEDERAL: Emergency Paid Sick Leave	FEDERAL: Emergency Paid Family Leave	NY STATE: Paid Sick Leave
Quick Summary	<p>Offers all-new paid time off benefits to employees for:</p> <ol style="list-style-type: none"> To self-quarantine, seek a diagnosis or preventive care, or receive treatment for COVID-19. To care for a child whose school has closed, or if their child care provider is unavailable, due to COVID19. <p>Effective April 2nd 2020- December 31st 2020 (may be eliminated sooner if no longer needed).</p>	<p>This is in addition to the Federal Emergency Paid Sick Leave.</p> <p>This is an expansion to the pre-existing FMLA leave benefit, but expands eligibility and terms to:</p> <ul style="list-style-type: none"> Allow for leave to care for kids off from school or daycare (under 18 years old) due to the Coronavirus. Adds on a paid component, when otherwise FMLA is unpaid. Expands required employer eligibility (from usual 50+ employee businesses). <p>Effective April 2nd 2020- December 31st 2020 (may be eliminated sooner if no longer needed)</p> <p>Note: standard FMLA eligibility and terms remain in place for all other leave needs as usual for employers with 50 or more employees.</p>	<p>Supplements existing NYS Paid Family Leave as well as New York State Disability Benefits to provide extended coverage for employees who have been quarantined or are isolated as a result of COVID-19 (Diagnosis, mandatory quarantine, or waiting a diagnosis).</p> <p>This bill also now requires specific Paid Sick Time to be offered to employees currently for COVID reasons, but will extend and be required for all sick absences in 2021 depending on employer size. (will require review of time off policies for compliance).</p> <p>Effective March 20th, 2020 at 8pm. Removes any existing waiting periods for DBL or PFL benefits.</p> <p>Where applicable, employees would be able to apply for PFL and DBL to run and receive the benefits concurrently – this has not been possible under previous leave rules. Benefit amounts would be a combination of payments from PFL and from DBL, which appears to be up to 100% of an employee’s average weekly wage.</p> <p>Where any of the new Federal leaves apply (Emergency Paid Sick Leave and/or Emergency Paid Family Leave) these state benefits would only apply if they would provide employee benefits in excess of what is available under federal law.</p>
Businesses that must Comply	<ul style="list-style-type: none"> Employers with fewer than 500 employees. Local, state, and federal government employers. <p>*Employers with fewer than 50 employees may qualify for an exemption.</p>	<ul style="list-style-type: none"> Employers with fewer than 500 employees. Local, state, and federal government employers. <p>*Employers with fewer than 50 employees may qualify for an exemption.</p>	<ul style="list-style-type: none"> Employers with 10 or fewer employees and a net income of less than one million in the previous tax year: Must provide quarantined or isolated employees with unpaid sick leave until the termination of any mandatory or precautionary quarantine or isolation order due to COVID-19. During this period, such employees are eligible for New York State Paid Family Leave and disability benefits. Employers with (i) between 11 and 99 employees, or (ii) 10 or fewer employees and a net income of greater than one million dollars in the previous tax year: Must provide quarantined or isolated employees at least five days of paid sick leave, followed by unpaid leave until the termination of any mandatory or precautionary quarantine or isolation order due to COVID-19. After five days of paid sick leave, such employees may be eligible for New York State Paid Family Leave and disability benefits. Employers with 100 or more employees, regardless of any other status: Must provide quarantined or isolated employees with at least 14 days of paid sick leave during any mandatory or precautionary order of quarantine or isolation due to COVID-19. Although not specified, the job protection provisions of the bill support that, after 14 days of paid sick leave, employers must provide such employees with unpaid sick leave until the termination of any mandatory or precautionary quarantine order due to COVID-19. <p>The size of the employer is based on the employer’s workforce as of January 1, 2020.</p>
Employee Eligibility Requirement	<ul style="list-style-type: none"> Employees at companies with fewer than 500 employees Local, state, and federal government employees Employees who work under a multiemployer collective agreement and whose employers pay into a multiemployer plan. It is available immediately to all employees, regardless of length of employment. 	<ul style="list-style-type: none"> Employees at companies with fewer than 500 employees Local, state, and federal government employees Employees who work under a multiemployer collective agreement and whose employers pay into a multiemployer plan. Employees must have worked 30 days for the employer. Does not apply where telework is available or occurring. 	<p>It seems that standard employee eligibility requirements for DBL and PFL apply (anyone employed is eligible for DBL, and an employee must have been employed for 26 weeks to be eligible for PFL).</p>

Situation Eligibility Requirement	<p>1. To self-quarantine, seek a diagnosis or preventive care, or receive treatment for COVID-19.</p> <p>2. To care for a child whose school has closed, or if their child care provider is unavailable, due to COVID19.</p>	<p>This bill expands the eligibility for FMLA use, to care for kids off from school or daycare (under 18 years old) related to Covid circumstances.</p>	<p>For DBL: Includes employees who are themselves diagnosed and sick with Covid, being unable to work as a result.</p> <p>For PFL: Employees who are caring for someone who is diagnosed, sick or quarantined, or themselves are under a “mandatory or precautionary order of quarantine or isolation”. This would be employees who have been quarantined or isolated as a result of an order issued by the state of New York, the department of health, or any other government entity authorized to issue such an order due to COVID-19. Employees under self-quarantine or practicing voluntary “social distancing” are not covered.</p>
Benefit Eligibility	<p>For employees to self-quarantine, seek a diagnosis or preventive care, or receive treatment for COVID-19:</p> <ul style="list-style-type: none">Eligible full-time employees are entitled to two weeks (80 hours) of fully paid time off (up to \$511 per day). Up to \$5,110 max (10 days).Eligible part-time employees are entitled to fully paid time off (up to \$511 per day) for the typical number of hours that they work in a typical two-week period. Up to \$5,110 max (10 days). <p>For employees to care for a family member or to care for a child whose school has closed, or if their child care provider is unavailable due to COVID-19:</p> <ul style="list-style-type: none">Eligible full-time employees are entitled to two weeks (80 hours) paid time off at two-thirds of their regular pay (up to \$200 per day) Up to \$2,000 (this means two weeks equals 10 days)Eligible part-time employees are also entitled to the typical number of hours that they work in a typical two-week period at two-thirds of their typical pay (up to \$200 per day). Up to \$2,000 (this means two weeks equals 10 days) <p>Benefits to be paid at their usual rate of pay.</p> <p>Where State benefits also apply, they can be used to subsidized these Fed benefits to get the benefit up to 100% of the employee's usual income.</p>	<p>Eligible full-time employees and part-time employees are entitled to 12 weeks of job-protected leave to take care for their children in the event of a school closure or their child care provider is unavailable due to COVID-19.</p> <ul style="list-style-type: none">The 12 weeks of job-protected leave include two weeks of unpaid leave (10 days), followed by 10 weeks of paid leave.Eligible employees may elect or be required to overlap the initial two weeks of unpaid leave with two weeks of other paid leave they have available. *The first 2 weeks of this leave should be required to be overlapped with the Federal Emergency Paid Sick Leave. This Emergency Paid Family Leave then provides an additional 10 weeks of paid leave in addition to that Emergency Paid Sick Leave benefit. <p>Eligible employees will receive a benefit from their employers that will be no less than two-thirds of the employee’s usual pay during the paid portion of this leave, capped at \$200 per day, \$10,000 total (50 day max).</p>	<p>Employees MUST exhaust all of the required paid sick leave (listed above) BEFORE they can be eligible, apply for, and receive the expanded DBL/PFL benefits.</p> <p>Employees may be eligible to take BOTH disability benefits and Paid Family Leave benefits up to a maximum disability benefit of \$2,043.92 and up to a maximum Paid Family Leave benefit of \$840.70, for a TOTAL of \$2,884.62 per week.</p> <p>Where applicable, employees would be able to apply for PFL and DBL to run and receive the benefits concurrently – this has not been possible under current law. Benefit amounts would be a combination of payments from PFL and from DBL up to 100% of an employee’s average weekly wage.</p> <p>Where any of the newly passed Federal leaves apply (Emergency Paid Sick Leave and/or Emergency Paid Family Leave) these state benefits would only apply if they would provide employee benefits in excess of what is available under federal law.</p>
Who is Responsible for Paying	<p>Employers initially front the cost of emergency paid sick leave but will be fully reimbursed by the federal government within three months.</p> <p>The reimbursement will cover both the wages paid and the employer’s contribution to employee health insurance premiums during the period of leave.</p>	<p>Employers initially front the cost similar to the Emergency Paid Sick Leave.</p>	<p>DBL and PFL benefits are still paid through the usual insurance carriers and NYS.</p> <p>The required Paid sick leave mentioned here (and to be enacted across all employers for all situations in 2021) is paid by the employer, the same way any vacation, sick, personal, or PTO would be paid. NOTE: in certain situations, you may be able to count this time as overlap with the Federal Paid benefits outlined in this document for COVID absences, and therefore apply for reimbursement through those channels for this paid sick time.</p>

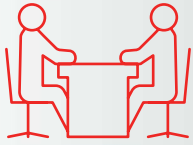
Method of Repayment	<p>Employers will be reimbursed through a refundable tax credit. The credit is applied to the tax the company or nonprofit normally pays for each employee’s Social Security. (This is the 6.2 percent tax employers pay on each employee’s salary.) If sick leave or family and medical leave ends up costing more than the Social Security bill, the U.S. government will send the employer a check to cover the remaining costs. How this will be determined is up to the Treasury and the Internal Revenue Service and will be determined further at a later date. The aggregate amount of days, per employee, eligible for this tax credit is 10 days in total.</p> <p>Employers will submit emergency paid sick leave expenses as part of their estimated quarterly tax payments.</p> <p>The tax credit will be available for employers on wages paid through December 31, 2020, and state and local government employers are not eligible for the tax credits mentioned.</p>	<p>Employers would also be eligible for a refundable tax credit to be applied against the employer’s payroll tax liability equal to wages, per employee, of up to \$200 per day (or a total of \$10,000) paid to an employee making use of the family leave program, again subject to certain limitations.</p> <p>With respect to these family leave payroll tax credits, an employer who is otherwise allowed a credit for family and medical leave under Internal Revenue Code 45S cannot get a double benefit. Note that an employer may elect out, on a quarter by quarter basis. Presumably, this election would be made to take other tax benefits.</p> <p>The tax credit will be available for employers on wages paid through December 31, 2020, and state and local government employers are not eligible for the tax credits mentioned.</p>	<p>See above.</p>
Paperwork Requirements	<p>TBD. Currently we are advising normal FMLA procedures, along with any state benefit paperwork when overlap applies.</p>	<p>TBD. Currently we are advising normal FMLA procedures, along with any state benefit paperwork when overlap applies.</p>	<p>Special forms apply and can be found here with instructions.</p>
Other Notes	<p>The bill does not exempt small businesses with fewer than 50 employees. Employees at these companies are eligible for emergency paid sick leave under this bill. Businesses with fewer than 50 employees can only qualify for a narrow exemption if the Department of Labor determines that providing these benefits would jeopardize the viability of the business.</p> <p>Health care workers and emergency responders are eligible for paid sick leave and paid family leave under this bill. Given the capacity challenges facing the health care system, employers have the discretion to exempt health care workers and emergency responders from the paid sick and paid family leave provisions. The Department of Labor also has the authority issue regulations exempting health care workers and emergency responders from the paid sick and paid family leave provisions.</p> <p>Employers need to pay benefits premiums for employees while on this leave, and unlike normal leave circumstances, employees will not be responsible for paying the employer back, but this will also be covered as part of the Federal benefit reimbursement.</p> <p>Employees cannot be required to use other forms of paid leave first. No carryover and no payout upon separation.</p>	<p>Cannot require an employee to use any accrued paid sick leave during the paid or unpaid portion of this leave.</p>	<p>The leave provided under this bill shall not be in addition to those benefits, but rather will offset the difference of any benefits offered by the federal government.</p> <p>Additionally, employees are not eligible to take sick leave if they are deemed asymptomatic or have not yet been diagnosed with a medical condition and are physically able to work remotely or through other means while under a mandatory quarantine or isolation.</p> <p>Note that the paid sick leave requirements above do not currently apply to private employers that voluntarily closed business operations for COVID-19 related safety and health concerns. However, this may change if New York implements a Shelter-In-Place Order. Also, if federal COVID-19 benefits are approved, these state benefits would only apply if they would provide employee benefits in excess of what is available under federal law.</p>

SOCIAL DISTANCING GUIDELINES AT WORK



1

Avoid in-person meetings. Use online conferencing, email or the phone when possible, even when people are in the same building.



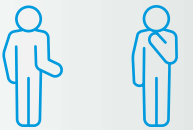
2

Unavoidable in-person meetings should be short, in a large meeting room where people can sit at least three feet from each other; avoid shaking hands.



3

Eliminate unnecessary travel and cancel or postpone nonessential meetings, gatherings, workshops and training sessions.



4

Do not congregate in work rooms, pantries, copier rooms or other areas where people socialize. Keep six feet apart when possible.



5

Bring lunch and eat at your desk or away from others (avoid lunchrooms and crowded restaurants).



6

Avoid public transportation (walk, cycle, drive a car) or go early or late to avoid rush-hour crowding on public transportation.



7

Limit recreational or other leisure classes, meetings, activities, etc., where close contact with others is likely.

STOP THE SPREAD OF GERMS AT WORK



- **COVER YOUR MOUTH AND NOSE WHEN YOU SNEEZE OR COUGH.**

Cough or sneeze into a tissue and then throw it away; use your arm or sleeve to cover if you do not have a tissue.

- **CLEAN YOUR HANDS OFTEN.**

Wash your hands with soap and water, vigorously rubbing together front and back for 20 seconds. Or use alcohol-based hand sanitizers, rubbing hands until they are dry.



- **CLEAN SHARED SURFACES AND EQUIPMENT OFTEN.**

Use disinfectants to clean commonly touched items such as doorknobs, faucet handles, copy machines, coffee pot handles, desktops, handrails, microwave buttons, keyboards, and elevator buttons. Germs travel fast with multiple hands touching shared surfaces.

- **AVOID TOUCHING YOUR EYES, NOSE OR MOUTH.**

Germs need an entry point, and the average adult touches his or her face once every three or four minutes. Keep hand sanitizer at your desk to use after meetings or before grabbing one of those doughnuts from the breakroom.



- **STAY HOME WHEN YOU ARE SICK AND CHECK WITH A HEALTH CARE PROVIDER WHEN NEEDED.**

When you are sick or have flu symptoms, stay home, get plenty of rest and check with a health care provider as needed.

COVID-19 RETURN TO WORK ATTESTATION FORM

Employee Name	Employee ID Number	Date
Title	Supervisor	Department
Return Date	Is this Intermittent Return? Yes / No	
If Yes, Total Hours Requested	Requested Schedule – Days, Hours	

IN ORDER TO RETURN TO WORK FROM A COVID RELATED LEAVE, I CERTIFY THE FOLLOWING TO BE TRUE (COMPLETE FOR THE SITUATION THAT APPLIES TO YOUR LEAVE):

Persons with COVID-19 who have symptoms and were directed to care for themselves at home.

Employee may discontinue isolation and return to work under the following conditions: All Must Apply

- ☐ At least 24 hours have passed since last fever without the use of fever-reducing medications; **and**
- ☐ Improvement in symptoms (e.g., cough, shortness of breath); **and**
- ☐ At least 10 days have passed *since symptoms first appeared*.

For Persons diagnosed with COVID-19 AND who have exhibited symptoms and were directed to care for themselves at home may discontinue isolation under the following conditions: All Must Apply

- ☐ Resolution of fever without the use of fever-reducing medications for at least 24 hours; **and**
- ☐ Improvement in symptoms (e.g., cough, shortness of breath); **and**
- ☐ Negative results of an FDA Emergency Use Authorized molecular assay for COVID-19 from at least two consecutive nasopharyngeal swab specimens collected ≥ 24 hours apart for specimen collection guidance.

For Persons with laboratory-confirmed COVID-19 who have not had any symptoms; may discontinue isolation under the following conditions: All Must Apply

- ☐ At least 10 days have passed since the date of their first positive COVID-19 diagnostic test and have had no subsequent illness provided they remain asymptomatic.

For 3 days following discontinuation of isolation, these persons should continue to limit contact (stay 6 feet away from others) and limit potential of dispersal of respiratory secretions by wearing a covering for their nose and mouth for 14 days following onset of illness, whenever they are in settings where other persons are present. In community settings, this covering may be a barrier mask, such as a bandana, scarf, or cloth mask. The covering does not refer to a medical mask or respirator.

I certify that the above information is truthful and understand that misrepresenting any COVID-19 related symptoms in conjunction with my return to work is grounds for discipline, up to and including termination.

Employee Signature: _____

If signing electronically, please type your full name, followed by "e-signed."