

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 certain employers to provide their employees with paid sick leave and 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, employers covered under the Act must provide 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;
- $\frac{2}{3}$ for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at $\frac{2}{3}$ for qualifying reason #5 below for 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

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Employees who have been employed for at least 30 days* prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

▶ QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

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

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| <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. |
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▶ ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. 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. Employers 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



Date April 1, 2020

To All MTA Employees

From Paul Fama, Chief People Officer

Re **NEW FEDERAL AND STATE COVID-19 RELATED LEAVE LAWS**

In response to the growing public health concern caused by COVID-19, three new laws now provide leave available to eligible MTA employees. Please see the two attached posters which detail the potential benefits now available.

1. **Federal Emergency Paid Sick Leave Act (“EPSLA”)**: The EPSLA enables employees to take up to two weeks of partial paid leave, subject to daily limits, for several COVID-19 related reasons. This leave does not require an employee to use their accrued sick leave balances, although they may choose to do so in order to receive full pay.
 - To apply for EPSLA leave, you should follow your normal process for sick leave application or contact your Human Resources representative. You will be required to fill out a request form and may be required to submit documentation.

2. **Federal Emergency Family Medical Leave Expansion Act (“EMFLA”)**: The EFMLEA expands the Family and Medical Leave Act (FMLA) to provide employees up to 12 weeks of job-protected leave to care for children in the event of a school closure or when a child care provider is unavailable due to COVID-19. Partial pay is provided for such leave, subject to daily limits.
 - The normal FMLA Self-Service Application, available on the BSC Portal will be amended to include an option for **COVID-19 Childcare**. We expect that the amended application will be available by Friday, April 3, 2020. You will be required to provide documentation for approval and processing.

3. **New York COVID-19 Paid Sick Leave**: The NY COVID-19 paid sick leave law provides MTA employees with 14 days of fully paid leave to employees who are 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. Please note that school closures and being directed to self-isolate by the MTA are not covered by this law. This leave does not require an employee to use their accrued sick leave balances.
 - To apply for NY COVID-19 paid sick leave, please contact your Human Resources representative. You will be required to fill out a request form and may be required to submit documentation.

For any questions on applying for leave under these laws, please contact your Human Resources representative. We expect that additional information will be forthcoming as we work to implement these recently enacted benefits.

For your convenience, each Agency's Human Resources Department can be reached at:

<u>Agency</u>	<u>Name</u>	<u>Contact Information</u>
NYC Transit	Arthur Mahler	Arthur.mahler@nyct.com (347) 643-8333
	Ronald Liburd	Ronald.liburd@nyct.com (347) 643-8154
	Lillian Kristiansen	Lillian.kristiansen@nyct.com (347) 643-7252
MTA Bus	Jennifer Wiehler	jennifer.wiehler@mtabusco.com (718) 696-3642
	Marlene Masiello	marlene.masiello@mtabusco.com (718) 696-3643
Bridges & Tunnels	Kim Leake-Sowell	KSowell@mtabt.org (212) 360-2950
	Deborah Wells	DWells@mtabt.org (212) 360-2946
LIRR	Kim Hanley	kmhanle@lirr.org (516) 523-6637
Metro-North	MNR FMLA Hotline	212 340 2112
HQ	Michael A. Kalish	MKalish@MTAHQ.org (917) 575-3693
	Judy Giberstone	jgiberst@mtahq.org (917) 597-1371
Construction & Development	Luz Pacheco	Luz.Pacheco@mtacd.org 646 252 3245
	Coleen Cohen	Coleen.Cohen@mtacd.org 646 252 3183

COVID-19 PAID SICK LEAVE



EMPLOYEES

Under legislation signed by Governor Cuomo, New York workers are guaranteed job protection and financial compensation while they are on a **mandatory or precautionary quarantine order** due to COVID-19.

YOU ARE ENTITLED TO THE FOLLOWING PROTECTIONS AND BENEFITS IF YOU ARE SUBJECT TO A MANDATORY OR PRECAUTIONARY QUARANTINE ORDER:

If you work for a business with **10 or fewer** employees and it had a **net income less than \$1 million** last year you are entitled to:

- Guaranteed job protection for the duration of the quarantine order.
- Paid Family Leave (PFL) and Disability Benefits (DB) through your employer's existing policy. You will receive your salary up to a maximum of \$2,884.62 per week for the duration of your mandatory or precautionary quarantine.

If you work for a business with **10 or fewer** employees and it had a **net income greater than \$1 million** last year you are entitled to:

- **At least 5 days of paid sick leave** and guaranteed job protection for the duration of the quarantine order.
- After these paid sick days, you are eligible for PFL and DB through your employer's existing policy. You will receive your salary up to a maximum of \$2,884.62 per week for the duration of your mandatory or precautionary quarantine.

If you work for a business with **11-99** employees you are entitled to:

- **At least 5 days of paid sick leave** and guaranteed job protection for the duration of the quarantine order.
- After these paid sick days, you are eligible for PFL and DB through your employer's existing policy. You will receive your salary up to a maximum of \$2,884.62 per week for the duration of your mandatory or precautionary quarantine.

If you work for a business with **100 or more** employees you are entitled to:

- Guaranteed job protection for the duration of the quarantine order.
- **At least 14 days of paid sick leave.**

If you work for a public employer (no matter the number employees) you are entitled to:

- **At least 14 days of paid sick leave.**

IMPORTANT NOTES:

- **If you are quarantined but are able to work from home you do not qualify for these benefits.**
- If your business is closed due to COVID-19, your employees may immediately apply for Unemployment Insurance.
- You may be eligible for additional leave under PFL and DB. Please call the hotline for more information.

QUESTIONS:

For more information go to ny.gov/COVIDpaysickleave