

Leave Comparison

	NYS DBL	NYS PFL (Paid Family Leave)	NYS Paid Sick Leave	NYS COVID Sick Leave	Federal FMLA (Family Medical Leave Act)
Covered Employer	Private sector; public employer who has opted in	Private sector; public employer who has opted in	Private sector, schools, non-profits	Public or private sector	Public or private sector including schools
Employer Size	1+ employees	1+ employees	1+ employees	1+ employees	50+ employees for 20 weeks in the current or previous year
Eligibility	FT and PT employees Excluded classes include: PT high school students, casual employees hired for a day, government workers, clergy, business owners/shareholders, teachers, and others	FT employees (20+ hrs/wk) who have worked at least 26 consecutive weeks PT (<20 hrs/wk) who have worked 175 days	All employees	All employees	Paid employees working in the US including PT, temporary, seasonal, and those on leave
		Must have worked a total of 12 months in the last 7 years with a minimum of 1,250 hours in the last 12 months			
Benefit	After a 7 day waiting period: Up to 26 weeks of leave in a 12 month period Paid at 50% of wages to a maximum of \$170/week	Job Protection	Job protection	Job Protection	Job Protection
		Up to 12 weeks of leave in a 12 month period Paid at 67% of wages to max of \$1,131.08/week	< 5 Employees and \$1 million or less net income: up to 40 hrs of UNPAID leave per calendar year < 5 Employees and over \$1 million net income: up to 40 hrs of paid leave	10 or fewer employees and < \$1 million net income: PFL/DBL benefits to max \$2,884.62/wk for duration of quarantine 10 or fewer employees and > \$1 million net income: 5 days paid leave then PFL/DBL benefits to max \$2,884.62/wk	Up to 12 workweeks of UNPAID leave in a 12 month period (26 weeks for military caregiver leave) Can be intermittent or reduced schedule
		Maintain same health insurance coverage with employee continuing to pay their share of the premium	5-99 employees: up to 40 hrs of paid leave 100+ employees: up to 56 hrs of paid leave	11-99 employees: 5 days paid leave then PFL/DBL benefits to max \$2,884.62/wk 100+ employees & public employers of any size: 14 days paid leave	Maintain same health insurance coverage with employee continuing to pay their share of the premium

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Premium	Employee pays max of \$.60/week unless employer offers Enhanced DBL. Employer pays the balance.	Employee paid	NA	See DBL and PFL	NA
Reason	Unable to work because of serious health condition	<u>NOT</u> for own health condition	Mental or physical illness, injury, or health condition or preventive care	Mandatory COVID-19 quarantine for employee or child in his/her care and CANNOT work remotely Can be used up to 3 times but the 2nd and 3rd occurrences must have positive COVID test	Unable to work because of serious health condition
		Care for spouse/domestic partner, (step)child, parent(in-law), sibling or grandparent with serious health condition	Safe leave for employee or family member who is a victim of domestic violence, sexual offense, stalking, or human trafficking (including any actions necessary to ensure safety or health or to protect those who associate or work with the employee)		Care for spouse, child or parent with serious health condition
		Military active duty or emergency due to military service of spouse, child, or parent			Military active duty or emergency due to military service of spouse, child, or parent
		Bond with child within 1 year of birth, adoption, or foster placement			Bond with child within 1 year of birth, adoption, or foster placement
Leave Increments	CANNOT be intermittent	Leave can be in a single block or intermittent	Leave can be in a single block or intermittent	CANNOT be intermittent	Leave can be in a single block, intermittent, or a reduced schedule
	Full day increments only	Full day increments only	Employer can determine the smallest increment of leave as long as it is not more than 4 hours.	Full day increments only	Employer can determine the smallest increment of leave as long as it is not more than 1 hour.
Employer Options	Can choose to cover excluded classes	Employer CANNOT require employees to use accumulated PTO first	Employer can accrue 1 hour for every 30 hours worked or frontload anticipated accrual at the beginning of the calendar year.	If your business is closed because of COVID-19, employees can file for unemployment.	Employer may request medical certification from provider
	CANNOT be taken at the same time as PFL			Employers who ask employees not to come to work because of potential exposure to COVID-19 must pay employees at normal rate of pay.	Employer can require employee to use accrued sick or vacation time during leave