

KNOW YOUR RIGHTS: COVID-19 Benefits & Leave for New York Domestic Workers

This FAQ covers rights that may apply to domestic workers, people who work in the homes of others (such as nannies or housecleaners), in New York State. If you work in New York State for a domestic staffing agency, or you are not a domestic worker, please consult our FAQ [here](#).

There are at least **THREE** possible sources for sick leave pay to care for yourself and your loved ones if you are a New York domestic worker who is still employed. Domestic workers in New York State may be eligible for either federal *or* state emergency paid sick leave coverage— however, most domestic workers are probably covered by only the federal law. If you work in New York City or Westchester County, you may *also* be eligible for paid sick leave under local law that can be used on top of state or federal emergency leave. Eligible workers are covered under all three laws **regardless of immigration status**.

If you are unemployed, you may be eligible for unemployment insurance benefits, which have been expanded during this crisis.

Question #1 lays out the three laws that cover sick time benefits during the COVID-19 crisis. The subsequent questions are FAQs about individual situations.

1) What are the three laws that might give me sick time during this public health emergency?

Possible sources of sick time coverage:

A. Federal Families First Coronavirus Response Act (FFCRA)

FFCRA provides 80 hours of paid sick leave for a variety of coronavirus related purposes* for full-time workers (and a pro-rated amount of time for part-time workers). If you cannot work due to caring for your son or daughter because their school or place of care has been closed or their child care provider is unavailable due to the coronavirus, the law also provides for up to 12 weeks of emergency family leave, of which 10 weeks must be paid.

As a domestic worker, you are probably covered by the FFCRA. Eligible workers are covered **regardless of immigration status**.

You are not eligible for these leave and benefits if:

- You work for a large agency with 500 or more employees.
- You are a health care provider (e.g., you are a home health aide) and your employer has elected to exclude you from the emergency paid sick leave or family leave requirements.

- You may not be eligible for **emergency paid sick leave for school/childcare closures or family leave for school/childcare closures, or when childcare is unavailable, due to the coronavirus**, if you work for a small agency with less than 50 employees.

However, it's important to note that if you ARE NOT eligible for federal FFCRA sick leave and you have a quarantine or isolation order due to COVID-19 you may be eligible for New York State emergency sick leave, described below.

***Purposes covered by FFCRA:**

- 1) The worker is subject to a federal, state, or local quarantine or isolation order related to coronavirus;
- 2) The worker has been advised by a health care provider to self-quarantine due to concerns related to coronavirus;
- 3) The worker is experiencing coronavirus symptoms and seeking a medical diagnosis;
- 4) The worker is caring for an individual (note: by regulation, "individual" means a member of the worker's immediate family, someone with whom the worker shares a home, or a similar person with whom you have a relationship that creates an expectation that you would care for the person if he or she were quarantined or self-quarantined) who is subject to a federal, state, or local quarantine or isolation order related to coronavirus or who has been advised by a health care provider to self-quarantine due to concerns related to coronavirus;
- 5) The worker is caring for a son or daughter if a school or place of care has been closed due to coronavirus, or the child care provider of the son or daughter is unavailable due to coronavirus (note: "son or daughter" includes a biological, foster, or adopted child, a stepchild, a child of a domestic partner, a legal ward, or the child of a person standing *in loco parentis* under 18 years of age or 18 years of age or older who is incapable of self-care because of a mental or physical disability; *in loco parentis* refers to someone acting and intending to act as a parent, with no requirement of a legal or biological relationship); or
- 6) The worker is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of Labor and Secretary of the Treasury.

B. New York City and Westchester County Earned Safe & Sick Time Laws

You may be eligible for sick time if you work in either New York City (regardless of number of hours worked) or Westchester County (for at least 80 hours in a year). These laws apply if you are a full-time or part-time worker. Both the New York City sick time law and the Westchester County sick time law make it clear that you can use sick leave if, as a result of a public health emergency, your workplace is closed or your child's school or place of care is closed. In New York City and Westchester County, eligible workers are covered **regardless of immigration status**.

Headquarters

40 Worth Street, 10th Floor
New York, NY 10013
tel: 212.430.5982

info@abetterbalance.org
abetterbalance.org

Southern Office

2301 21st Avenue South, Suite 355
Nashville, TN 37212
tel: 615.915.2417

In addition, the Westchester County paid sick time law allows you to use sick time when public health authorities determine that you or your family member's presence in the community may jeopardize the health of others because of exposure to a communicable disease, whether or not you or your family member has actually contracted the communicable disease. You can find more information about New York City's sick time law [here](#). You can find more information about Westchester County's sick time law [here](#).

The amount of sick time you have depends on where you work. For domestic workers who work directly for a family or household, there are special rules that apply.

- In **New York City**, domestic workers earn **1 hour** of paid sick time for every **30 hours** worked, and can use up to **40 hours** per year. Beginning **September 30, 2020**, you start earning paid sick time immediately when you start working for your employer and you can use it as soon as it's earned. Prior to September 30, 2020, domestic workers were covered by the paid sick time law, but different rules around accrual and use applied.
- In **Westchester County**, domestic workers earn **1 hour** of sick time for every **7 days** worked, up to **40 hours** per year. While you start earning sick time immediately when you start working for your employer, you can't use it until 90 days after your first day of work.

The special rules for domestic workers under the New York City and Westchester County laws apply to workers who work directly for a household or family, performing services such as child care, caring for someone who is elderly, disabled, or sick, or housekeeping.

Domestic workers are *also* covered under the New York State Domestic Workers Bill of Rights, which is a statewide law that gives them up to an additional 3 paid "days of rest" that may be available for use when sick. You can find more information about the Domestic Workers' Bill of Rights [here](#).

Under these local paid sick time laws, domestic workers who work for an agency may be entitled to different amounts of sick time. If you work for an agency:

- In **New York City**, you earn **1 hour** of sick time for every **30 hours** worked, regardless of number of hours worked. You start earning paid sick time immediately when you start working for your employer and beginning **September 30, 2020**, you can use it as soon as it's earned.
 - Until **January 1, 2021**, you can use up to **40 hours** of sick time per year. If your employer has **5 or more workers**, that time must be paid. If your employer has **fewer than 5 workers**, your sick time may be unpaid—but you can't be fired or punished for taking it.
 - Beginning on **January 1, 2021**, the amount of time you will be able to use will depend on the size of your employer. If your employer has **99 or fewer workers**,

Headquarters

40 Worth Street, 10th Floor
New York, NY 10013
tel: 212.430.5982

info@abetterbalance.org
abetterbalance.org

Southern Office

2301 21st Avenue South, Suite 355
Nashville, TN 37212
tel: 615.915.2417

you can use up to **40 hours** per year. If your employer has **100 or more workers**, you can use up to **56 hours** per year. If your employer has **fewer than 5 workers** and a net income of less than \$1 million in the last tax year, your sick time may be unpaid—but you can't be fired or punished for taking it.

- In **Westchester County**, you earn **1 hour** of sick time for every **30 hours** worked, up to a maximum of 40 hours per year. While you start earning sick time immediately when you start working for your employer, you can't use it until 90 days after your first day of work.
 - If your workplace has **5 or more workers**, your employer must pay you for the time off. If your workplace has **fewer than 5 workers**, your sick time may be unpaid—but you can't be fired or punished for taking it.

C. New York State Emergency Sick Leave

Most domestic workers will be covered by the FFCRA (see Section A above), but will not be eligible for leave under the NYS Emergency Sick Leave law. However, if you are not eligible for FFCRA leave—such as if you are a home health worker whose employer claims an exception under the law or you work for an agency with 500 or more employees—you may be eligible for leave and benefits under NYS Emergency Sick Leave if you qualify for a **mandatory or precautionary** order of quarantine or isolation by the state of New York, the department of health, a local board of health, or a government agency authorized to issue such an order because of COVID-19. Typically, these orders are available to people who test positive for or have symptoms of COVID-19.

For more information about the NYS Emergency Sick Leave law, see Section B of our FAQ [here](#). Under the NYS Emergency Sick Leave law, eligible workers receive benefits through special paid family leave/temporary disability insurance or directly from their employer (or a combination of both).

Domestic workers may be eligible for special temporary disability insurance or paid family leave benefits, but are subject to special eligibility rules. If you do not qualify for these benefits, you may be eligible for unpaid time off.

- If you work directly for a family or household:
 - To be eligible, you must work **for at least 40 hours per week for a single employer.**
 - If you **do not** work 40 hours per week for a single employer—for example, if you work 20 hours per week in one home and 20 hours per week in another home—you are **not automatically covered**. However, your employer can always choose to cover you.



Headquarters

40 Worth Street, 10th Floor
New York, NY 10013
tel: 212.430.5982

info@abetterbalance.org
abetterbalance.org

Southern Office

2301 21st Avenue South, Suite 355
Nashville, TN 37212
tel: 615.915.2417

- If you work through an agency, such as a cleaning service agency or home care agency, you're probably covered under the law, regardless of how many hours you work per week.
- Eligible workers may receive special temporary disability insurance or paid family leave benefits **regardless of immigration status**.

For more information on eligibility for special temporary disability insurance or paid family leave benefits, please call us at 1-833-NEED-ABB.

FREQUENTLY ASKED QUESTIONS ABOUT THESE RIGHTS

1) I am not currently able to work because I have coronavirus symptoms and am seeking a diagnosis or have been ordered by the government or advised by a health care provider to quarantine. What can I do to receive income while I'm not working?

FFCRA: If you work in someone's home but don't work for an agency or if you work for an agency with fewer than 500 employees (and health care provider exemptions do not apply to you), you can receive 80 hours (10 eight-hour work days) of emergency paid sick leave off from your employer if you work full-time, regardless of when you started working. If you work part-time for a qualifying employer, you can receive a proportional amount of time based on the average number of hours you work within a two-week period, regardless of when you started working there. You must be paid 100% of your regular rate of pay.

NYC and Westchester County Paid Safe & Sick Time: Both of these sick time laws give workers sick time to recover from physical/mental illness or injury, seek medical treatment, or care for a sick family member. Therefore, if you are experiencing symptoms or seeking a medical diagnosis you are entitled to use your sick time. However, if you are eligible for paid sick leave under the FFCRA, you can take that sick leave first because that leave does not replace the sick time you are otherwise entitled to, and you may need your regular sick time later or for other purposes.

- **If you work directly for a family or household:**
 - In **New York City**, you earn **1 hour** of sick time for every **30 hours** worked, and can use up to **40 hours** per year.
 - In **Westchester County**, you earn **1 hour** of sick time for every **7 days** worked, up to **40 hours** per year.
- **If you work for an agency:**
 - In **New York City**, you earn until **1 hour** of sick time for every **30 hours** worked. Until **January 1, 2021**, you can use up to **40 hours** of sick time per year. Beginning on **January 1, 2021**, the amount of time you will be able to use will depend on the size of your employer, as explained in Section B above.
 - In **Westchester County**, you earn up to **40 hours** of sick time in a year (earned at a rate of **1 hour** for every **30 hours** worked).

New York State Emergency Sick Leave: If you are not eligible for FFCRA leave—such as if you are a home health worker whose employer claims an exception under the law or you work for an agency with 500 or more employees—you may be eligible for benefits under NYS Emergency Sick Leave. For more information on the NYS Emergency Sick Leave law, see [here](#).

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40 Worth Street, 10th Floor
New York, NY 10013
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abetterbalance.org

Southern Office

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Nashville, TN 37212
tel: 615.915.2417

2) I am not currently able to work because I am caring for my child whose school or daycare is closed due to a public health crisis related to coronavirus, or whose childcare provider is unavailable due to the coronavirus. What can I do to receive income while I'm not working?

FFCRA: If you qualify for FFCRA (as noted above, generally **if you work in someone's home** but don't work for an agency or **if you work for an agency with fewer than 500 employees**, and health care provider exemptions do not apply to you), you may use emergency paid sick leave (80 hours if you are a full-time worker, or the amount of time and earnings you normally work in a two week period if you are a part-time worker). For these purposes, you must be paid 2/3 of your regular rate of pay.

- **If you work for an agency with fewer than 50 employees**, for these purposes, your employer *may* exempt you from receiving sick leave if they meet specific criteria under the law.

If you have been employed by your employer for at least 30 days, then you may also be entitled to up to 12 weeks of **emergency paid family leave** for these purposes. However, the first ten days of emergency paid family leave doesn't have to be paid. During these ten days, you may choose to use your emergency paid sick time described above, or any accrued vacation, personal, emergency sick, or medical leave as income. Afterwards, you must be paid at an amount no less than 2/3 of your regular rate of pay and based on the number of hours you would otherwise normally be scheduled.

If you are able to do some work during this time and your employer agrees, you can take the *emergency paid family leave on an intermittent basis*, meaning you can get full pay from your employer for the time you are able to work, but receive 2/3 pay for the time you need to care for your child. For example, if you work as a full-time nanny and your child's school or daycare isn't available, but you're able to have someone care for your child for 3 days a week, you may be able work with your employer to arrange an intermittent leave schedule wherein you work 3 days a week (and receive your full pay), and take leave on the other 2 days a week (and receive 2/3 of your pay).

However, if your child's school is on a hybrid-attendance schedule where your child can only go to school physically at certain times and must attend remotely for others (*e.g.* your child attends school virtually on Monday, Wednesday, and Friday, but can only go to school physically on Tuesday and Thursday), taking leave just for times your child must attend remotely is not considered intermittent leave. Under those circumstances, you can take FFCRA leave for times that your child is required to attend school remotely, while continuing to work regularly while your child is attending school in person, without needing your employer's permission.

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NYC and Westchester County Paid Safe & Sick Time: Both the New York City Earned Safe and Sick Time Act and the Westchester County paid sick time law give workers the right to earn and use sick time for a variety of purposes whether related to coronavirus or not, including when a worker's child's school/place of care is closed due to a public health emergency. **See Question #1 for an explanation of sick time that's available to domestic workers in New York City and Westchester County.** If you qualify for leave under both the FFCRA and the NYC or Westchester County paid sick time law, you will need to decide whether you want to first use the FFCRA (which will give you 2/3 of your pay but will not require exhausting your other sick leave benefits), or to first use NYC or Westchester County paid sick time which give you full pay but for a shorter time. Depending on your circumstances, you may be able to take leave under both laws sequentially. There is no requirement that you use sick time to which you are entitled under local law before accessing the new FFCRA coronavirus leave. You can find more information on these permanent paid sick time laws [here](#).

New York State Emergency Sick Leave: In most cases of school closure, New York State Emergency Sick Leave will not be available because it is necessary that there be a **specific, personal mandatory or precautionary order of quarantine or isolation** for the child you are caring for. However, if there is such an order directed at your child and you are not eligible for FFCRA benefits, you *may* be eligible for [paid family leave](#) benefits (not special TDI benefits).

- **If you work directly for a family or household,** you're eligible for paid family leave if you work for at least **40 hours per week for a single employer** (or if your employer chooses to cover you) and you have been employed by your employer for at least 26 consecutive weeks.
- **If you work for an agency,** you're eligible for paid family leave if you've been employed by your employer for at least 26 consecutive weeks *or*, if you work less than 20 hours per week, if you have worked for your employer for at least 175 days.

3) I am not currently able to work because I need to care for someone else who has been ordered by the government or advised by a health care provider to quarantine due to coronavirus. What can I do to receive income while I'm not working?

FFCRA: You may use your emergency paid sick leave (80 hours for full-time workers; the average hours worked over a two-week period for part-time workers) for this reason at a rate of 2/3 of your regular rate of pay.

You can take sick time under this reason to care for a member of your immediate family, someone with whom you share a home, or a similar person where your relationship creates the expectation that you would care for that person if that person were quarantined or self-quarantined.

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NYC Paid Safe & Sick Time: You can use regular paid sick time to care for a **family member (child, spouse, domestic partner, parent, parent or child of a spouse or domestic partner, grandchild, grandparent, or sibling or someone related to you by blood or whose relationship to you is like a family relationship)** who needs medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or who needs preventive medical care. You can also use this time to care for a family member who is under a quarantine order. See Question #1 for an explanation of sick time that’s available to domestic workers in New York City.

Westchester County Paid Sick and Safe time: You can use paid sick leave to care for a family member (**child, spouse, domestic partner, parent, parent or child of a spouse or domestic partner, grandchild, grandparent, sibling, certain relatives by blood or marriage, a former spouse or domestic partner, co-parent, and certain current or former significant others**) whose presence in the community presents a public health risk because of exposure to a communicable disease (regardless of whether the individual has contracted the disease). See Question #1 for an explanation of sick time that’s available to domestic workers in Westchester County.

New York State Emergency Sick Leave/Special Paid Family Leave: If you are not eligible for FFCRA leave—such as if you are a home health worker whose employer claims an exception under the law or you work for an agency with 500 or more employees—you may be eligible for benefits under NYS Emergency Sick Leave **but only if** you need to care for a minor dependent child who is personally subject to an order or quarantine or isolation due to COVID-19. For more information on the NYS Emergency Sick Leave law, see [here](#).

Non-Emergency NYS Paid Family Leave might be available if the individual you are caring for is a covered **family member (child, parent, parent-in-law, spouse, domestic partner, grandchild, or grandparent)**. New York’s Paid Family Leave law guarantees covered workers time off to, among other things, care for a seriously ill family member. [A COVID-19 diagnosis is a serious health condition](#) under the Paid Family Leave law. Accordingly, if a family member is diagnosed with COVID-19, covered workers can take New York Paid Family Leave to care for them.

- **If you work directly for a family or household**, you are only covered if you work for at least **40 hours per week for a single employer** (or if your employer chooses to cover you).
- **If you work for an agency**, you are covered whether you work full- or part-time.

For more information about New York Paid Family Leave, see [here](#).

Headquarters

40 Worth Street, 10th Floor
New York, NY 10013
tel: 212.430.5982

info@abetterbalance.org
abetterbalance.org

Southern Office

2301 21st Avenue South, Suite 355
Nashville, TN 37212
tel: 615.915.2417

4) I am immunocompromised, but I am not sick. I received an order from my doctor to quarantine. Am I eligible for any leave or benefits?

FFCRA: You can use emergency paid sick leave under the FFCRA if a health care provider has advised you to self-quarantine because you are particularly vulnerable to coronavirus and you cannot work. In addition, if you are afraid to go to work because you have a disability and may be more at risk than others, please see this page about the [Americans with Disabilities Act](#).

NYC Safe & Sick Time: Yes, you are able to use your sick time when you are under quarantine or self-isolating for preventative purposes.

Westchester County Sick Time: Yes, you are able to use your sick time when a public health authority determines that your presence in the community presents a public health risk because of exposure to a communicable disease (regardless of whether you have contracted the disease).

New York State Emergency Sick Leave: Not available for this purpose.

5) If I am not a U.S. citizen, are my rights under any of these laws affected?

No. Your rights to leave and benefits are not affected by your immigration status under the FFCRA, New York City and Westchester County Earned Sick and Safe Time laws, or New York State Emergency Sick Leave law.

6) My employer pays me off the books. Can I take leave under any of these laws?

Yes, you are eligible for paid leave under the FFCRA and the NYC and Westchester County Paid Safe & Sick Time laws, even if you are paid off the books—assuming you are otherwise eligible as explained in Sections A and B above. While you're on leave, your employer will pay you directly.

If you are not eligible for FFCRA leave—such as if you are a home health care worker—you may be eligible for benefits under NYS Emergency Sick Leave, even if you are paid off the books. If this is your situation, please call us for more information at 1-833-NEED-ABB.

7) I am not eligible for the FFCRA, but I do qualify for benefits under the NYS Emergency Sick Leave Law. How much emergency sick leave can I use?

You are entitled to leave under the NYS Emergency Sick Leave Law for the duration of your quarantine/isolation order but the way in which you can access the emergency sick leave and how much money you are eligible for depends on the size or nature of your employer:

Headquarters

40 Worth Street, 10th Floor
New York, NY 10013
tel: 212.430.5982

info@abetterbalance.org
abetterbalance.org

Southern Office

2301 21st Avenue South, Suite 355
Nashville, TN 37212
tel: 615.915.2417

- If you **work in someone’s home and are not employed by an agency** or if you **work for an agency with 10 or fewer employees**, you can apply to receive temporary disability and paid family leave benefits that become payable on your first full day of unpaid quarantine or isolation. Although your employer is not obligated to pay you, you can take unpaid sick leave for the duration of your quarantine or isolation order, regardless of the number of hours you work per week.
 - However, as mentioned in Section C above, non-agency domestic workers may only receive temporary disability and paid family leave benefits if you work **at least 40 hours per week for a single employer**.
- If you **work for an agency with between 11 and 99 employees**, you can take paid sick leave for a period of 5 calendar days, followed by unpaid sick leave for the remainder of the quarantine/isolation order. If your quarantine or isolation lasts longer than 5 days, you can apply to receive disability and paid family leave benefits that become payable on your first full day of unpaid quarantine or isolation.
- If you **work for an agency with 100 or more employees**, you can take sick leave paid by your employer for a period of 14 calendar days during the quarantine/isolation order.

If your minor child is eligible for a mandatory or precautionary order of quarantine or isolation and you can’t work because you need to care for them, you can apply for special paid family leave benefits during the period of quarantine or isolation.

NOTE: If you’re a domestic worker and do not work for an agency, you are only eligible for family leave and disability benefits if you work for at least **40 hours per week for a single employer** (or if your employer chooses to cover you). If this is your situation, please call us for more information at 1-833-NEED-ABB.

8) Will I be paid differently if I work part-time?

FFCRA: Part-time workers will be paid emergency sick time for the number of hours they work on average over a two-week period. Part-time workers or workers who have irregular schedules may be paid emergency family leave based on the average number of hours worked within a six-month period prior to taking emergency leave. If you have not worked over this six-month period, then you may be paid emergency family leave at a rate of the reasonable expectation at hiring of the average number of hours you would normally be scheduled to work.

NYC and Westchester County Paid Safe & Sick Time: When you use your sick time, you will receive the same rate of pay you normally earn.

- **If you work directly for a family or household:**
 - In **New York City**, you earn **1 hour** of sick time for every **30 hours** worked, and can use up to **40 hours** per year.

- In **Westchester County**, you earn **1 hour** of sick time for every **7 days** worked, up to **40 hours** per year.
- **If you work for an agency:**
 - In New York City, you earn until **1 hour** of sick time for every **30 hours** worked. Until **January 1, 2021**, you can use up to **40 hours** of sick time per year. Beginning on **January 1, 2021**, the amount of time you will be able to use will depend on the size of your employer, as explained in Section B above.
 - In Westchester County, you earn up to **40 hours** of sick time in a year (earned at a rate of **1 hour** for every **30 hours** worked).

NYS Emergency Sick Leave: If you are not eligible for FFCRA leave—such as if you are a home health worker whose employer claims an exception under the law or you work for an agency with 500 or more employees—you may be eligible for benefits under NYS Emergency Sick Leave. For more information on the NYS Emergency Sick Leave law, see [here](#).

- However, **if you work in someone’s home and are not employed by an agency**, you are only eligible for temporary disability and paid family leave benefits if you work for at least **40 hours per week for a single employer** (or if your employer chooses to cover you).

9) Is my job safe if I use these benefits?

Under all of these laws, you are entitled to return to your job and are protected against retaliation after you have taken emergency sick leave or have received special disability and paid family leave benefits. You are also entitled to continuation of your employer-provided health insurance while you are on leave under any of these laws. Any leave under any of these laws should not be counted as an absence that may lead to or result in discipline, discharge, demotion, or any other adverse action.

FFCRA: If you use emergency paid family leave to care for your child whose school or place of care is closed or whose childcare provider is unavailable because of COVID-19, special rules apply.

- **If you work in someone’s home (but are not employed by an agency) or if you work for an agency with less than 25 employees**, there is a limited exception to the right to be reinstated, but not to the protection against retaliation or the right to continuation of health insurance. See [here](#) for more information.
- **If you work for an agency with at least 25 employees**, then your employer must restore you to your job position or to an equivalent position with equivalent employment benefits, pay, and other terms/conditions of employment.

Headquarters

40 Worth Street, 10th Floor
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info@abetterbalance.org
abetterbalance.org

Southern Office

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10) Do I have to use accrued sick leave or paid leave separate from emergency coronavirus sick time before I use FFCRA or New York State Emergency Sick Leave?

FFCRA: Your employer can't force you to use your PTO, accrued annual leave, or other paid sick time before using any emergency sick time under the law. Also, your employer can't require you to find a replacement to cover the hours you are using leave. However, you should know that if you use emergency *family* leave under the FFCRA (the extended time for a coronavirus-related loss of childcare), your employer *may* require you to use your accrued sick leave or other paid leave concurrently (at the same time) as your FFCRA emergency family leave.

New York State Emergency Sick Leave: If you are not eligible for FFCRA leave—such as if you are a home health care worker or you work for an agency with 500 or more employees—you may be eligible for benefits under NYS Emergency Sick Leave. If you are eligible for leave and benefits under the NYS Emergency Sick Leave law, you are *not* required to use your accrued sick leave or other accrued paid leave that your employer may provide before using emergency leave. For more information on the NYS Emergency Sick Leave law, see [here](#).

11) When can I start using my sick leave?

FFCRA: As of April 1, 2020, emergency paid sick leave is available for your immediate use, regardless of how long you have worked for your employer. Extended paid family and medical leave benefits cannot be used until and unless you have been employed by your employer for 30 days.

NYC Paid Safe & Sick Time: Domestic workers earn **1 hour** of sick time for every **30 hours** worked, and can use up to **40 hours** per year. Beginning **September 30, 2020**, you start earning paid sick time immediately when you start working for your employer and you can use it as soon as it's earned. If you know in advance that you will need sick time, your employer can require you to tell them up to 7 days before. Otherwise, you can be required to tell your employer as soon as possible. If you use sick time for more than 3 work days in a row, your employer can require a note from a health care provider. The note does not need to describe the health issue—only your need for the amount of sick time taken. However, beginning **September 30, 2020**, if your employer requests a doctor's note, they must reimburse you for any fee your health care provider charges you to provide documentation.

Westchester County Sick Time: Domestic workers can start earning sick time immediately at a rate of 1 hour of sick time for every 7 days worked, but you cannot use it until 90 days after the start of your employment. If you use sick time for more than 3 consecutive work days, your employer can require a note from a health care provider. The note does not need to describe the health issue—only your need for the amount of sick time taken.

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tel: 615.915.2417

However, **if you work for an agency:**

- In **NYC**, you earn until **1 hour** of sick time for every **30 hours** worked. Until **January 1, 2021**, you can use up to **40 hours** of sick time per year. Beginning on **January 1, 2021**, the amount of time you will be able to use will depend on the size of your employer, as explained in Section B above. You start earning paid sick time immediately when you start working for your employer and beginning **September 30, 2020**, you can use it as soon as it's earned.
- In **Westchester County**, you earn 1 hour of sick time for every 30 hours worked, up to a maximum of 40 hours per year. You cannot use your sick time until 90 days after the start of your employment.

NYS Emergency Sick Leave: As of March 18, emergency sick and special family leave or special temporary disability insurance benefits are immediately available if you qualify. If you are not eligible for FFCRA leave—such as if you are a home health care worker or you work for an agency with 500 or more employees—you may be eligible for benefits under NYS Emergency Sick Leave. For more information on the NYS Emergency Sick Leave law, see [here](#).

12) I'm self-employed, am I eligible for leave and benefits in New York?

Some domestic workers, such as certain housecleaners, may be self-employed. However, you should know that businesses and employers sometimes call people independent contractors when they are actually employees under the law. If this is your situation, you may qualify for protections as an employee under other laws. For more information, see guidance from the New York Department of Labor [here](#).

FFCRA: You may be eligible for a tax credit in an amount equal to 100% of a “sick leave equivalent amount” (or 67% for the family care provisions, where only 2/3 of compensation is available) or “family leave equivalent amount” based on days when you were unable to perform work for the reasons outlined above, up to certain caps and other conditions.

You also may be eligible for Pandemic Unemployment Assistance (PUA) under the CARES Act. See below for more information.

NYS Emergency Sick Leave: As a self-employed worker, you can receive special disability and paid family leave benefits if you have opted in to temporary disability insurance and paid family leave coverage by purchasing a policy. However, if you are not already opted into this program, you will not be covered for paid family leave benefits until you have carried coverage for two years unless you have recently (within the last 26 weeks) become self-employed; note that this waiting period does not apply to disability benefits.

You may also be eligible for unemployment benefits through the [NY Department of Labor](#) and the CARES Act (see below).

13) I have lost my job because of the coronavirus. What can I do?

If you have lost your job because of COVID-19, you may be eligible for [state unemployment insurance](#) or benefits under the Coronavirus Aid, Relief, and Economic Security ([CARES](#)) Act. **Unfortunately, workers who don't have work authorization are generally not eligible for unemployment insurance, even if you lost your job because of COVID-19.** The CARES Act includes several provisions dealing with unemployment benefits that will be paid for by the federal government:

- **Pandemic Emergency Unemployment Compensation (PEUC):** Subject to certain requirements, workers can receive up to 13 weeks of additional benefits under their state unemployment insurance program after exhausting their regular unemployment insurance benefits.
- **Pandemic Unemployment Assistance (PUA):** Subject to certain requirements, workers who are not eligible for regular unemployment insurance will be eligible for special benefits for up to 39 weeks (counting any weeks that the worker received regular or PUEC unemployment benefits). These benefits will cover workers who are unable to work for one of [several specific coronavirus related reasons](#). PUA will also provide benefits to those who are unemployed or cannot find work and do not qualify for regular unemployment insurance because they are self-employed, seeking part-time work, lack sufficient work history, or otherwise do not qualify. These benefits will cover the period from January 27, 2020 to December 31, 2020 and can be paid retroactively (although the additional \$600 a week under PUC is not available for any workers until March 27).
- **Pandemic Unemployment Compensation (PUC):** Workers receiving either regular unemployment insurance (including PUEC) or PUA can receive **an additional \$600** per week in addition to their regular benefit amount from March 27, 2020 until July 31, 2020.

14) How can I file a complaint if I think my rights have been violated?

FFCRA: You can file a complaint with the United States Department of Labor. If your employer has more than 50 employees, you may also be able to file a lawsuit if your rights to emergency family leave have been violated.

NYC Earned Safe & Sick Time Act: You have two years after a violation of the law to enforce your rights under the NYC Earned Safe and Sick Time Act by filing a complaint with the New York City Department of Consumer and Worker Protection.

Headquarters

40 Worth Street, 10th Floor
New York, NY 10013
tel: 212.430.5982

info@abetterbalance.org
abetterbalance.org

Southern Office

2301 21st Avenue South, Suite 355
Nashville, TN 37212
tel: 615.915.2417

Westchester County Earned Sick Leave Law: You have two years after a violation of the law to enforce your rights under the Westchester County Earned Sick Leave law by filing a complaint with the Westchester County Department of Consumer Protection.

New York State Emergency Sick Leave Law: If you believe your rights have been violated by your employer under the New York State Emergency Sick Leave law, you can file a complaint with the New York State Department of Labor. If you believe an insurance carrier has wrongfully denied your claim for special paid family leave benefits, you can challenge that denial through arbitration.

All covered workers are protected against being fired or punished for using emergency sick leave or special disability and paid family leave benefits. If you have a problem—or want more information—call A Better Balance’s **free** legal clinic at **1-833-NEED-ABB**.

Please note that this fact sheet does not represent an exhaustive overview of the emergency paid sick leave law described, and it does not constitute legal advice. It is possible that additional provisions not described in this fact sheet may apply to a worker’s specific circumstances or category of employment.