

Coronavirus (COVID-19) Update

April 20, 2020

The Coronavirus (COVID-19) is impacting businesses of all sizes, industries and locales. Our goal is to provide you with currently available information regarding COVID-19’s impact on leave of absence programs, but please know that this information is subject to change as the situation continues to evolve.

This memo covers the following:

Updates

- a. New Jersey Expansion of Family Leave Benefits
- b. New Jersey Expansion of Paid Sick Leave
- c. Washington D.C. Emergency Paid Sick Leave
- d. Puerto Rico Emergency Paid Leave for Pandemic Illness

New Jersey, Washington D.C. and Puerto Rico published new laws/ordinances last week that expanded Paid Sick and Family Leave Requirements for employers. This is a summary of the bills based on published information.

Disclaimer: Neither Hub International Limited nor any of its affiliated companies is a law or accounting firm, and therefore they cannot provide legal or tax advice. The information herein is provided for general information only and is not intended to constitute legal or tax advice as to an organization’s specific circumstances. You should consult an attorney, accountant, or other legal or tax professional regarding the application of the general information provided here to your organization’s specific situation in light of your organization’s particular needs

Risk Services – Workforce Absence Management

Update: New Jersey Expansion of Family Leave Benefits

On April 13, the New Jersey Governor signed into legislation S2374 which expanded family leave protections under New Jersey Family Leave Act (NJFLA). Under the expansion, employees may take up to 12 weeks of unpaid job protected time within a 24-month period to care for a family member during the COVID-19 crisis. Employees will now be able to take leave under NJFLA for the following additional reasons:

- Employees who need to care for a family member as a result of an epidemic of a communicable disease, a known or suspected exposure to a communicable disease, or efforts to prevent the spread of a communicable disease.
- Employees who need to provide care or treatment to their child(ren) if their child's school or place of care is closed due to a public health emergency.

The bill becomes effective immediately.

By expanding the covered reasons for taking NJ FLA to include the definitions above, employees may now be eligible for NJ FLA for care of a family member without the family member meeting the definition of a "serious health condition".

While NJFLA is considered an unpaid job protection benefit, employees may also be eligible for New Jersey Family Leave Insurance (NJ FLI) if they are caring for a family member who is confirmed to have COVID-19 or has symptoms of the virus.

Update: New Jersey Expansion of Paid Sick Leave Benefits

In March 2020, New Jersey updated its paid sick leave law to allow employees to use earned sick leave they have accrued for the following reasons in addition to all current reasons that eligible employees can use paid sick leave:

- A closure of the employee's workplace, or the school or place of care of a child of the employee by order of a public official or because of a state of emergency declared by the Governor, due to an epidemic or other public health emergency.
- The declaration of a state of emergency by the Governor, or the issuance by a health care provider or the Commissioner of Health or other public health authority of a determination that the presence in the community of the employee, or a member of the employee's family in need of care by the employee, would jeopardize the health of others.

Risk Services – Workforce Absence Management

- During a state of emergency declared by the Governor, or upon the recommendation, direction, or order of a healthcare provider or the Commissioner of Health or other authorized public official, the employee undergoes isolation or quarantine, or cares for a family member in quarantine, as a result of suspected exposure to a communicable disease and a finding by the provider or authority that the presence in the community of the employee or family member would jeopardize the health of others.

The law did not update or change eligibility or accrual requirements for employers.

Update: Washington D.C. Emergency Paid Sick Leave

Under the COVID-19 Response Supplemental Emergency Amendment Act of 2020 passed and signed into law on April 10, 2020, the D.C. council provided new paid sick leave legislation that is now retroactively available to employees as of March 11, 2020 and will expire no later than July 9, 2020. This benefit is above and beyond what is already required to leave under FFCRA and the D.C. Accrued Sick and Safe Leave Act.

The new law provides the following as it relates to emergency paid sick leave:

- Applies to employers between 50-499 employees and does not cover healthcare providers.
- Employees must be employed by their current employer for a minimum of 15 days to request paid sick leave.
- Employers may require employees to exhaust any available leave under federal, District law, or an employers' own internal policies prior to allowing employees to use Emergency Paid Sick Leave.
- Employees are eligible to receive up to two weeks (80 hours) of emergency paid sick leave.
- The law did note that there will be upcoming changes to notification and certification requirements but those have not been detailed as of this bulletin.

Update: Puerto Rico Emergency Paid Sick Leave

Effective April 13, 2020, Puerto Rico passed Law 37-2020 which amended law 180-1998 to establish additional paid sick leave employees during a pandemic related illness. The law did not change or modify currently eligibility requirements as it applies to employers and employees.

Risk Services – Workforce Absence Management

In order for employees to access the additional emergency paid sick leave, employees must first use any accrued sick leave available to them. Once accrued sick leave is exhausted, employees may use other leave that they are entitled to receive pay from. If the employee is still unable to return to work upon exhaustion of all available leave entitlements, the employee would then be eligible to take up to five (5) additional days of Emergency Paid Sick Leave under Law 37-2020.

Employees are eligible for five (5) days of additional sick time for employees who are sick or are suspected of being sick as the result of a pandemic illness during a state of emergency as declared by the Governor or the Secretary of the Department of Health.

The new law is effective immediately.

Get the latest information, guidance and resources on Coronavirus (COVID-19) to help you protect what matters most at hubinternational.com/coronavirus. For additional support, please reach out to your local HUB office.