

# Now & Next

## Labor & Employment Alert

May 8, 2024

### **New York sunsets COVID-19 paid emergency leave**

By Sarah Clancy and Stephanie M. Caffera

Employers soon will no longer have to provide additional paid leave benefits for employee absences related to COVID-19.



#### **What's the impact?**

- New York COVID-19 Paid Emergency Leave will expire on July 31, 2025.
- After July 31, 2025, employees who need time off to manage care or isolate for COVID-19 will need to use existing paid leave regimes, including New York State's Paid Sick Leave and New York City's Earned Sick and Safe Time.

Included in the final 2024–2025 New York State Budget, signed by Gov. Hochul on April 20, 2024, is the long-overdue sunset of New York's COVID-19 Paid Emergency Leave. Beginning next year on July 31, 2025, employers will no longer be required to provide employees with separate Paid Emergency Leave for COVID-19-related quarantines and isolations.

Enacted in March 2020, at the height of the COVID pandemic, New York's COVID-19 Paid Emergency Leave requires employers to provide up to fourteen days of paid, job-protected leave to employees who are subject to a mandatory or precautionary order of isolation or quarantine

due to COVID-19 and who cannot work remotely. Notably, Paid Emergency Leave is limited exclusively to COVID-19, and its paid leave benefits are separate and additional to other paid sick and safe leave benefits under New York's Paid Family Leave, Paid Sick Leave, and New York City's Earned Sick and Safe Time.

At the time of enactment, the legislature did not include an end date in the Paid Emergency Leave legislation. Now, with most other pandemic-related initiatives and declarations repealed, sunseting New York's COVID-19 Paid Emergency Leave has gained renewed focus.

With the end of the COVID-19 state of emergency and recent guidance from the United States Centers for Disease Control eliminating COVID-19 quarantine and isolation requirements, New York now joins other states in sunseting its outdated and duplicative COVID-19 paid leave benefits.

## **Navigating New York sick leave regulations looking ahead**

The sunset of New York's COVID-19 Paid Emergency Leave results in a consistent approach to paid leave for COVID-19 and other respiratory illnesses like RSV and the flu. As cited by the legislature in support of sunseting Paid Emergency Leave: "New York's nation-leading paid sick leave laws provide all New Yorkers with sick leave protections, regardless of which illness they are experiencing."<sup>1</sup> Rather than having separate regimes for each illness, the sunset of Paid Emergency Leave will require employees to use existing [New York Paid Sick Leave](#), New York Paid Family Leave, or New York City Earned Sick and Safe Time for paid, job-protected leave to manage care for any illness. Employees caring for the serious COVID-related illness of an immediate family member also may qualify for leave under the Family and Medical Leave Act and employees facing their own serious illness, such as long COVID, may qualify for leave under the Americans with Disabilities Act.

Between now and July 31, 2025, employers must ensure that they continue to comply with Paid Emergency Leave requirements—including eligibility, benefits, and record-keeping requirements.

For more information on the content of this alert, please contact your Nixon Peabody attorney or:

**[Sarah Clancy](#)**

585.263.1093

[sncancy@nixonpeabody.com](mailto:sncancy@nixonpeabody.com)

**[Stephanie M. Caffera](#)**

585.263.1066

[scaffera@nixonpeabody.com](mailto:scaffera@nixonpeabody.com)

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<sup>1</sup> FY 2025 New York State Executive Budget, [Education, Labor and Family Assistance Article VII Legislation, Memorandum in Support](#), Part M.