



Cigna Group Insurance

Information to help you understand New York State
Emergency Paid Leave and Paid Sick Leave for COVID-19

On March 18, 2020, New York enacted a new law (“Law”) requiring new job protected paid/unpaid sick leave mandates (“Sick Leave”) and enhanced disability (“DBL”) and/or family leave (“PFL”) benefits. Sick Leave requirements and DBL/PFL Benefits vary depending upon the size of the employer’s employee population. This is effective immediately.

We’ve gathered information to help you understand this new Law and will provide additional updates as we have more answers:

Are Sick Leave and/or DBL/PFL Benefits under the Law provided without loss of any employee accrued sick leave?

Yes.

Have regulations been disseminated to further explain the Law?

No. However the Law permits it. For now, additional information may be obtained at the following State of New York website: <https://paidfamilyleave.ny.gov/COVID19>

Which of my employees are eligible for the Sick Leave and/or DBL/PFL benefits?

Only employees who are “Quarantined” as strictly defined by the Law. “Quarantine” means an “employee who is 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.**”

As a result, the Law does not apply to employees who self-quarantine (whether by self-determination or employer or physician request or directive). At this time, we do not know if employees following the Governor’s Executive Order qualifies as Quarantine for purposes of this Law.

Remote/work at home employees who are asymptomatic and working at home are not entitled to Sick Leave or DBL/PFL Benefits under the Law.

No Sick Leave or DBL/PFL Benefits under this Law are payable for Quarantine due to non-employment related personal travel to CDC level 2 or 3 travel advisory countries.

For employees eligible for DBL/PFL Benefits, how have the definitions of “Disability” and “Family Leave” been enhanced for purposes of the special Quarantine benefits provided under this Law?

“Disability” means an inability to perform regular duties of employment or duties of other employment the employer may offer employee as a result of Quarantine, and when the employee has exhausted all *paid* sick leave under this Law. “Family Leave” means **either** 1) Quarantine **or** to provide care for a *minor dependent child* of the employee who is Quarantined.

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Generally, how are Sick Leave requirements and DBL/PFL Benefits allocated under the Law among NY employers?

For Employers having 10 or fewer Employees (Employer's prior tax year net income \$1MM and under):

- *Unpaid* leave must be provided until the termination of any Quarantine
- Until the termination of any Quarantine, employees are eligible to apply for PFL Benefits (60% of average weekly wage up to maximum of 840.70 week) and/or DBL Benefits (average weekly wage up to a maximum of \$2,043.92 week), for a potential total weekly maximum of PFL/DBL \$2,884.62
- If the employee qualifies for both PFL and DBL Benefits, PFL is paid first, then the DBL Benefit paid (which will be the difference between the PFL Benefit and the employee average weekly wage up to a maximum of \$2,043.92 week)
- There are no DBL Benefit waiting periods
- Leave under the Law is job protected

For Employers having 10 or fewer Employees and Employers prior tax year net income of more than \$1MM; and, Employers with 11 to 99 Employees:

- At least 5 days *paid* leave and then, *unpaid* until the termination of any Quarantine must be provided
- Until the termination of any Quarantine, employees are eligible to apply for PFL Benefits (60% of average weekly wage up to maximum of 840.70 week) and/or DBL Benefits (average weekly wage up to a maximum of \$2,043.92 week), for a potential total weekly maximum of PFL/DBL \$2,884.62
- If the employee qualifies for both PFL and DBL Benefits, PFL is paid first, then the DBL Benefit paid (which will be the difference between the PFL Benefit and the employee average weekly wage up to a maximum of \$2,043.92 week)
- There are no DBL Benefit waiting periods
- Leave under the law is job protected

For Employers having 100 or more Employees:

- At least 14 days *paid* leave during Quarantine; job protected
- Employees are eligible to apply for traditional disability/family leave benefits after the 14 days of paid leave (e.g., not the special Quarantine DBL/PFL Benefits)

For Employers Public Employers:

- At least 14 days of *paid* leave during Quarantine
- DBL/PFL Benefits only available if the public employer previously opted-in

May an eligible employee received both DBL/PFL Benefits at the same time?

Yes, if they qualify for both under the Law. This is unlike traditional disability family leave benefits under New York law. If the employee qualifies for both PFL and DBL Benefits, PFL is paid first, then the DBL Benefit paid. For example, a hypothetical benefit calculation could look like this:

For an employee earning \$50,000/year, where weekly wages are \$961/week. 60% of \$961 produces \$576 for the PFL Benefit, and then the remaining \$355 is the DBL benefit, which produces \$961 for the week.

Does a school closing order trigger Benefits under the Law?

At this time, we do not believe such an order itself would constitute an order of "Quarantine" as defined by the Law. However, such school closures could lead to orders of Quarantine being issued

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to persons associated with the school who may have been exposed to, or diagnosed with, the virus. We are expecting Quarantine orders will identify a specific subject individual. We will continue monitoring for further official guidance.

When must a claim be filed with Cigna?

Claims must be filed within 30 days from the first day of leave.

How does an employee file a claim?

We strongly recommend that employees report their leave by **Fax/Email* to: 866.586.0812 / pflcertifications@cigna.com** or by calling us at 888.842.4462 or 866.562.8421 (español), 7:00 am–7:00 pm CDT and a representative will walk them through the process.

Claim forms may be found on the New York State website or will be provided to you by your Cigna representative.

- Form COVID19 "Quarantine Leave for Self" and PFL-1 (Self-leave):
<https://paidfamilyleave.ny.gov/if-you-are-quarantined-yourself>
- Form COVID19 "Quarantine Leave for Minor Dependent Child" and PFL-1 (Minor Child Care):
<https://paidfamilyleave.ny.gov/if-your-minor-dependent-child-quarantined>

Are amendments or updates needed for my existing Cigna DBL/PFL policy?

No. The policy provisions require the policy conformity with the new Law.

Together, all the way.®

