

# Memorandum



**Date:** April 22, 2020

**To:** All MNR Employees

**From:** Catherine A. Rinaldi, President *CAR*

**Re:** **New COVID-19 Related Federal and State Leave Laws**

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As referenced in the memo dated April 1, 2020 from Paul Fama, MTA Chief People Officer, three COVID-19 leave laws are now effective: the Federal Emergency Paid Sick Leave Act ("EPSLA"), the Federal Emergency Family Medical Leave Expansion Act ("EFMLEA"), and the New York COVID-19 Paid Sick Leave Law.

The EPSLA enables all MTA employees to take up to two weeks of partially paid sick leave when unable to work or telework because they:

- a. are subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- b. have been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- c. are experiencing COVID-19 symptoms and are seeking a medical diagnosis;
- d. are caring for an individual subject to either an order described in (a) or self-quarantine as described in (b); or
- e. are caring for a child whose school has closed or whose childcare provider is unavailable due to COVID-19.

The EFMLEA expands the Family and Medical Leave Act (FMLA) to provide employees who have been employed for at least 30 days prior to their leave request with up to 12 weeks of partially paid job-protected leave to care for children in the event of a school closure or when a child care provider is unavailable due to COVID-19. Notably, however, EFMLEA provides that essential position titles that are classified as emergency responders or health care providers may be excluded from the EFMLEA. A complete list of Metro-North essential position titles that have been so classified can be found in the Appendix of the attached Frequently Asked Questions (FAQ).

The NY COVID-19 Paid Sick Leave Law provides 14 days of fully paid leave to MTA employees who are unable to telework and subject to a mandatory or precautionary order of quarantine or isolation issued by the State of New York, the Department of Health, a local board of health, or any

governmental entity duly authorized to issue such order due to COVID-19. Please note that school closures and being directed to self-isolate by the MTA are not covered by this law.

Employees are not required to use their accrued sick leave balances when taking a leave under any of these three new laws but may choose to do so if they wish to receive full pay.

The chart below provides details of the benefits an employee may receive under the new leave laws.

| <b>Leave Type</b>                                       | <b>Reason</b>   | <b>Benefit</b>   |
|---|---|--|
| Emergency Paid Sick Leave Act (EPSLA)                   | Employee is directed to quarantine (is subject to a Federal, State, or local quarantine or isolation order related to COVID-19).  | Allows for up to 2 weeks of pay (up to 80 hours, or a part-time employee's two-week equivalent) - daily limit of \$511, \$5,110 in total.                          |
|   | Employee is advised to self-quarantine by a doctor (has been advised by a health care provider to self-quarantine related to COVID-19).   | Allows for up to 2 weeks of pay (up to 80 hours, or a part-time employee's two-week equivalent) - daily limit of \$511, \$5,110 in total.                          |
|   | Employee is symptomatic and seeking medical attention (is experiencing COVID-19 symptoms and is seeking a medical diagnosis).   | Allows for up to 2 weeks of pay (up to 80 hours, or a part-time employee's two-week equivalent) - daily limit of \$511, \$5,110 in total.                          |
|   | Employee is caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or the individual has been advised by a health care provider to self-quarantine related to COVID-19.  | Allows for up to 2 weeks of pay (up to 80 hours, or a part-time employee's two-week equivalent) at 2/3 pay with daily max of \$200 per day, \$2,000 in total.      |
|   | Employee is caring for a child (which includes biological, adopted, or foster child, stepchild, a legal ward, or a child for whom you are standing in loco parentis) because of a school closing or a childcare provider is unavailable. This only applies to minors in grades 12 and below or an employee caring for a child with a serious health condition who is 18 years of age or older and incapable of self-care because of a disability.         | Allows for up to 2 weeks of pay (up to 80 hours, or a part-time employee's two-week equivalent) at 2/3 pay with daily max of \$200 per day, \$2,000 in total.      |
| Emergency Family & Medical Leave Expansion Act (EFMLEA) | Eligible employee is caring for a child (which includes biological, adopted, or foster child, stepchild, a legal ward, or a child for whom you are standing in loco parentis) because of a school closing or a childcare provider is unavailable. This only applies to minors in grades 12 or below or an employee caring for a child with a serious health condition who is 18 years of age or older and incapable of self-care because of a disability. | Allows any remaining balance of 12 weeks FMLA time. First 2 weeks are unpaid but any remaining time is paid at 2/3 pay with daily max of \$200, \$10,000 in total. |
| New York COVID-19 Paid Sick Leave                       | Employees subject to a mandatory or precautionary quarantine order 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. (Does not apply to employees able to telework).  | Grants employees 14 calendar days of paid leave at full pay.   |

The attached FAQ document has been prepared for your convenience to provide more detailed information regarding the EPSLA, EFMLEA, and the New York COVID-19 Paid Sick Leave Law.

Employees wishing to apply for EPSLA, EFMLEA or New York COVID-19 Paid Sick Leave may do so by contacting the Metro-North Family Medical Leave Hotline, at [mnrfla@mnr.org](mailto:mnrfla@mnr.org), or by calling 212-340-2112.

Please do not use the BSC forms on the MyMTA web portal for your leave applications, since they are different from the Metro-North forms, which we have attached to this email.