

COVID-19: PAID LEAVE LAWS

As COVID-19 (“Coronavirus”) continues to spread, many employers are seeking out information as quickly as we can provide it. Paid leave laws have started to come into play when considering impacts of COVID-19. When are employers responsible for providing paid time off to employees that may be self-quarantining, avoiding the workplace, experiencing an event, etc.?

While each employee’s leave is unique and employers need to evaluate all options given the circumstances, there are certain states and municipalities that specifically identify public health emergencies under their paid sick leave law entitlements. Employers should be mindful that should their employees need time away from work due to school closures, work closures, or there is a declared public emergency, their employees’ absences may fall under a paid sick leave law. Of note, some laws may not mention “public health emergencies,” but may state that leave can be taken for “an emergency” – which could be somewhat subjective in interpretation.

The following states’ and municipalities’ paid sick leave laws specifically address public health emergencies:

States:

- Arizona
- Michigan
- New Jersey
- Oregon
- Rhode Island
- Vermont
- Washington

States that allow leave without reason (meaning that an employer cannot ask why the employee wants time off):

- Nevada

Municipalities:

- Chicago, IL
- Cook County, IL
- Eugene, OR
- Montgomery County, MD
- Minneapolis, MN
- New York City, NY
- Pittsburgh, PA
- San Diego, CA
- Seattle, WA
- Spokane, WA
- St. Paul, MN
- Tacoma, WA
- Westchester County, NY

Please be advised that any and all information, comments, analysis, and/or recommendations set forth above relative to the possible impact of COVID-19 on potential insurance coverage or other policy implications are intended solely for informational purposes and should not be relied upon as legal advice. As an insurance broker, we have no authority to make coverage decisions as that ability rests solely with the issuing carrier. Therefore, all claims should be submitted to the carrier for evaluation. The positions expressed herein are opinions only and are not to be construed as any form of guarantee or warranty. Finally, given the extremely dynamic and rapidly evolving COVID-19 situation, comments above do not take into account any applicable pending or future legislation introduced with the intent to override, alter or amend current policy language.