COVID-19 Summary:

Emergency Family and Medical Leave Expansion Act*
Emergency Paid Sick Leave Act*
New York Paid Sick Leave & DBL/PFL Quarantine Benefit
New York Emergency Regulation

*Applies to Private Employers with less than 500 Employees and Public Employers of all sizes
<table>
<thead>
<tr>
<th>New Family and Medical Leave (FMLA) Qualifying Absence</th>
<th>Criteria</th>
<th>Prudential Administration</th>
<th>Notes</th>
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</thead>
<tbody>
<tr>
<td><strong>Absence Reason:</strong> Employee is unable to work (or telework) due to need for leave to care for son or a daughter under 18 years of age* if the school or place of care has been closed, or the childcare provider of such son or daughter is unavailable, due to a public health emergency.</td>
<td>Employee eligible after 30 days of employment.</td>
<td>For Prudential’s Absence Management Services’ customers***, we will provide eligibility decisions and time tracking for this new leave.</td>
<td>Job-protected leave.</td>
</tr>
<tr>
<td>*Public health emergency” means an emergency with respect to coronavirus COVID-19 declared by a Federal, State, or local authority.</td>
<td><strong>Unpaid Leave:</strong> 1st 10 days</td>
<td>Employers are responsible for payments under the paid portion of the leave.</td>
<td>Employee exemption: Employers may exempt health care providers and emergency responders. Prudential will request information from employers at time of employee request to determine if exemption applies.</td>
</tr>
<tr>
<td><strong>Paid Leave:</strong> 10 weeks</td>
<td><strong>Duration:</strong> Earlier of length of public health emergency and 12 weeks**</td>
<td>***Private employers with &lt;500 employees and public employers of all sizes.</td>
<td>Need help determining if your business is &lt;500 employees? Review DOL Q&amp;A and advise Prudential Representative if you qualify: Questions and Answers</td>
</tr>
<tr>
<td>*Includes son or daughter 18 years or older if incapable of self-care due mental or physical disability.</td>
<td><strong>12 weeks when combined with other leaves taken under FMLA</strong></td>
<td></td>
<td>More Resources:</td>
</tr>
<tr>
<td>Private Employers with &lt;50 Employees maybe exempt under certain circumstances.</td>
<td>Employee eligible immediately (no service waiting period).</td>
<td>None.</td>
<td>Fact Sheet for Employers</td>
</tr>
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<td></td>
<td>None.</td>
<td>Employer responsible for all payments.</td>
<td>Fact Sheet for Employees</td>
</tr>
<tr>
<td><strong>Federal Paid Sick Leave</strong></td>
<td>Employee qualifies for paid sick time if the employee is unable to work (or unable to telework) due to a need for leave because the employee:</td>
<td>Note: For reasons 1, 2, or 3, paid sick leave = 100% of regular rate of pay, capped at $511/day; aggregate = $5,110.</td>
<td>covid-19-related-tax-credits irs faqs</td>
</tr>
<tr>
<td><strong>Same Effective Date and covered Employers as indicated above for New FMLA Leave</strong></td>
<td>1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;</td>
<td>For reasons 4, 5, or 6, paid sick leave = 2/3 of regular rate of pay, capped at $200/day; aggregate = $2,000.</td>
<td></td>
</tr>
<tr>
<td>Employee may take up to two weeks—or ten days—(80 hours for a full-time employee, or for a part-time employee, the number of hours equal to the average number of hours that the employee works over a typical two-week period) of paid sick leave for any combination of qualifying reasons</td>
<td>2. has been advised by a health care provider to self-quarantine related to COVID-19;</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;</td>
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<td></td>
<td>4. is caring for an individual subject to order described in (1) or self-quarantine described in (2) above;</td>
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<tr>
<td></td>
<td>5. is caring for a child whose school or place of care is closed (or childcare provider is unavailable) for reasons related to COVID-19; or</td>
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<td></td>
<td>6. is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretary of Labor and Treasury.</td>
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<td></td>
<td>Employee eligible immediately (no service waiting period).</td>
<td></td>
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</tbody>
</table>
### Employee “Quarantine”:
Provides (full or partial) compensation to New York Employees who are under 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 government entity duly authorized to issue such order due to COVID-19. This benefit is not available if employee is able to work remotely. Size of Employer determines who pays and how much during Employee Quarantine.

<table>
<thead>
<tr>
<th>Size of Employer as of 1/1/20</th>
<th>New York Paid Sick Leave (PSL) Paid by Employer</th>
<th>DBL/PFL Paid by Insurer (Prudential, for our DBL/PFL Customers)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-10 Employees</td>
<td>None.</td>
<td>Combination of DBL and PFL payable</td>
<td>Based on guidance from the New York State Workers’ Compensation Board, it is Prudential’s understanding that employers should count all employees, not just New York employees, to determine their obligations for New York Paid Sick Leave.</td>
</tr>
<tr>
<td>Employer Net Income ≤ $1 Million in previous tax year</td>
<td>Employer provides unpaid sick leave for quarantine period.</td>
<td></td>
<td>Job protected leave.</td>
</tr>
<tr>
<td>11 – 99 Employees and 1-10 Employees</td>
<td>At least 5 days of PSL hold period.</td>
<td>After 5 days, combination of DBL/PFL payable.</td>
<td>No elimination period (waiting period) before DBL benefits begin.</td>
</tr>
<tr>
<td>Employer Net Income &gt; $1 Million in previous tax year</td>
<td>Employer provides unpaid sick leave for duration of quarantine period.</td>
<td></td>
<td>Benefits payable on 1st date of quarantine – even if that date is prior to 3/18/20.</td>
</tr>
<tr>
<td>100 or More Employees and Public Employers</td>
<td>At least 14 days of PSL</td>
<td>None</td>
<td>DBL &amp; PFL benefits run concurrently.</td>
</tr>
<tr>
<td><strong>Calculation of Payment</strong></td>
<td>100% (Regular Rate of Pay)</td>
<td></td>
<td><strong>More Resources:</strong> <a href="#">Obtaining a Quarantine Order</a></td>
</tr>
</tbody>
</table>

**Note:** DBL calculation ONLY applies to Employee Quarantine Benefit

**Weekly PFL:** 60% of Average Weekly Wage (AWW) up to maximum of $840.70.

**Weekly DBL:** 100% of earnings less PFL payable, up to a maximum of $2,043.92.

**Total Weekly Maximum:** $2,884.62 ($840.70 PFL; $2,043.92 DBL)

**Example 1:**
- AWW = $3,000
- PFL = $840.70
  ($3,000 * .60 = $1,800; PFL Maximum Applies)
- DBL = $2,043.92
  ($3,000 - $840.70 = $2,159.30; DBL Maximum Applies)

**Example 2:**
- AWW = $1,100
- PFL = $660
  ($1,100 * .60 = $660)
- DBL = $500
  ($1,100 - $660)
### Excluded
- Employees who are deemed asymptomatic or have not yet been diagnosed with any medical condition and who are physically able to work while under a mandatory or precautionary order of quarantine or isolation, whether through remote access or other similar means, are not eligible for benefits.
- Employees are not eligible to receive paid sick or other benefits if they are self-quarantining after returning to the United States after non-work-related travel abroad to a Level 2 or 3 country and had notice of travel restrictions prior to the trip. Employees may use other accrued leave. They must be provided unpaid sick time through the duration of precautionary quarantine.

### Minor Dependent Child “Quarantine”:
Provides PFL benefits for New York Employees when they need to care for minor dependent child who is under 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 government entity duly authorized to issue such order due to COVID-19. This benefit is not available if employee is able to work remotely.

- **Weekly PFL Benefit**: 60% of Average Weekly Wage (AWW) up to maximum of $840.70.

### General Information

#### Disability Definition
Any inability of an employee to perform the regular duties of his or her employment or the duties of any other employment which his or her employer may offer him or her as a result of a mandatory or precautionary order of quarantine or isolation issued by the state, the department of health, a local board of health, or any government entity duly authorized to issue such order due to COVID-19 and when the employee has exhausted all paid sick leave provided by the employee's employer under this act.

#### Family Leave Definition
- (a) any leave taken by an employee from work when an employee is subject to a mandatory or precautionary order of quarantine or isolation issued by the state, the department of health, a local board of health, or any government entity duly authorized to issue such order due to COVID-19; or
- (b) to provide care for a minor dependent child of the employee who is subject to a mandatory or precautionary order of quarantine or isolation issued by the state, the department of health, a local board of health, or any government entity duly authorized to issue such order due to COVID-19.

### More Notes
- DBL and PFL Standard Eligibility Rules Apply
- Subject to overall DBL and PFL maximum durations (10 Weeks for PFL, 26 Weeks for DBL; Not to exceed 26 Weeks combined in a 52-week period) Note: This benefit ONLY payable during Quarantine Period.
- Employers with less than 500 employees:
  - Federal Paid Sick Leave will apply
  - Benefits under NY are only payable to the extent they are in excess of the Federal program

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**https://paidfamilyleave.ny.gov/covid19**
**EMERGENCY REGULATION:**
NY PFL “Serious Health Condition” definition amended to include COVID-19 diagnosis by a health care provider.
Effective for 90 days beginning 3/27/20

Employee may be eligible to receive PFL benefits when a family member is diagnosed with COVID-19 by a health care provider.

Family members include:
- spouse
- domestic partner (including same and different gender couples; legal registration not required)
- child/stepchild and anyone for whom you have legal custody
- parent/stepparent
- parent-in-law
- grandparent
- grandchild

Note: No change to PFL standard provisions (e.g., eligibility, benefit amount, duration)

**NY Website:** [https://paidfamilyleave.ny.gov/paid-family-leave-family-care](https://paidfamilyleave.ny.gov/paid-family-leave-family-care)