

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

ATTENDANCE AND LEAVE MANUAL

ADVISORY MEMORANDUM NO. 2021-04

Section 21.11

June 2021

Page 1 of 2

TO: Manual Recipients
FROM: Jessica Rowe, Director of Staffing Services
SUBJECT: Attendance Rule 21.11 – Leave for Quarantine

The purpose of this memorandum is to provide guidance to agencies on the applicability of Attendance Rule 21.11, Leave for Quarantine for employees who have exhausted other types of leave provided to employees ordered to quarantine due to COVID-19.

On March 11, 2020, the Governor's Office of Employee Relations (GOER) issued policy guidance for employees quarantined due to COVID-19. On March 18, 2020, Chapter 25 of the Laws of 2020 was enacted, which provides up to 14 days of paid sick leave, without charge to accruals, for employees subject to a mandatory or precautionary order of quarantine or isolation. On April 1, 2020, the federal government enacted the Families First Coronavirus Response Act (FFCRA), which, among other things, provided for emergency paid sick leave for employees impacted by COVID-19.

While the FFCRA benefits expired on December 31, 2020, the benefits available under the GOER Policy and Chapter 25 of the Laws of 2020 remain in effect. However, under Chapter 25 of the Laws of 2020, employees are limited to paid sick leave during three orders of quarantine or isolation, and the second and third periods of paid sick leave require a positive COVID-19 test in addition to an order of quarantine or isolation.

This memorandum serves as a reminder to agencies that Attendance Rule 21.11, Leave for Quarantine remains in effect. The additional benefits extended to employees at the beginning of the COVID-19 public health crisis did not eliminate or amend any benefits available to employees authorized by the Attendance Rules.

Section 21.11, Leave for Quarantine, provides employees covered by the Attendance Rules with time off with pay without charge to credits when absences are required by a quarantine, as described below. Employees may use leave under Section 21.11, Leave for Quarantine if they have exhausted benefits under the GOER Policy and Chapter 25 of the Laws of 2020.

An employee subject to the Attendance Rules is entitled to leave with full pay without charge to accruals under this Section provided:

- a. the employee is required to remain absent because of a quarantine declared by a Public Health Officer (for example, a County or City Department of Health),
- b. the employee presents a written statement from their attending physician **or** local health officer attesting to the quarantine and the necessity of the absence to the appointing authority, and
- c. the employee is not ill.

Leave with full pay, without charge to credits, terminates when the quarantine is lifted, the employee's absence is no longer necessary, or the employee becomes ill.

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Page 2 of 2

An employee may **not** receive leave under this Section if they are absent from work to care for another person who has been quarantined.

Agencies should inform employees that they must submit appropriate documentation (i.e., a written statement from their attending physician **or** local health officer attesting to the quarantine and the necessity of the absence).

Questions about leave provided under Attendance Rule 21.11 may be referred to the Attendance and Leave Unit of this Department at (518) 457-2295.