



**County
Health Officials
of New York**

Leading the way to healthier communities

SUPPORTS

S.8292-A/A.10466-A (Rivera/Nolan)

AN ACT to amend chapter 25 of the laws of 2020, relating to providing requirements for sick leave and the provision of certain employee benefits when such employee is subject to a mandatory or precautionary order of quarantine or isolation due to COVID-19, in relation to mandatory and precautionary orders of quarantine or isolation

The New York State Association of County Health Officials (NYSACHO), strongly supports the above referenced legislation which would amend current statute to align it with New York State Department of Health guidance for quarantined and isolated individuals, thereby ensuring paid leave eligibility for New Yorkers placed under precautionary quarantine due to the COVID-19 outbreak.

Paid sick leave is critical to assuring compliance with isolation and quarantine, and is particularly important for quarantine where a person may initially be asymptomatic. Isolation and quarantine are evidence-based, historical public health interventions that are a proven method of reducing and interrupting the spread of highly infectious communicable diseases, and are particularly vital in the absence of vaccines and other treatment options.

The statutory language in Chapter 25 of the Laws of 2020 regarding eligibility for leave for employees subject to mandatory or precautionary orders does not reflect existing regulations and precautionary quarantine practices undertaken to date during the COVID-19 response. As written, the statute specifically uses the term “order” throughout its provisions. Currently, many individuals who were potentially exposed to COVID-19 are voluntarily agreeing to precautionary quarantine without a state or local mandatory order.

Allowing health care practitioners to recommend isolation or precautionary quarantine assures individuals with confirmed or suspected COVID-19 illness or exposure to a confirmed or suspected case, can immediately take steps to reduce exposure of additional persons. This protects the person’s immediate circle of friends, family and other frequent contacts, as well as the community at large, and helps to break the chain of transmission. It is also possible, as the pandemic continues, that an individual may be exposed again at some point, and once again need to be quarantined. Precautionary quarantine by a clinician also allows local health departments and other local government entities to focus limited resources on individuals who require more active monitoring and support.

Since the enactment of the law, local health departments have been inundated with requests from workers who are eligible for this benefit. Many individuals who were potentially exposed to COVID-19 voluntarily agreed to precautionary quarantine at the direction of their health care provider, and thus do not have a local board of health or governmental entity issued order required by law. As written, the existing statute, has the unintended consequence of putting employees under precautionary quarantine at risk of not being able to prove eligibility to their employer, and placing an undue additional burden on local health departments and local government legal departments to issue orders for large numbers of people currently or previously voluntarily complying with precautionary quarantines.

This bill will assure that people receive the intended relief and protections provided by the benefits set forth in the new law, while reserving local resources and capacity for proactive public health response. It is only through limiting the number of potential contacts by persons who are ill, test positive or were exposed to this highly infectious disease, that New York will be able to continue the downward trajectory of the outbreak and lift broader community mitigation measures. NYSACHO strongly recommends immediate passage of this legislation, as a vital policy change necessary to support public health efforts to end the COVID-19 outbreak.

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