

LOCAL 21
PLUMBERS/STEAMFITTERS/HVAC SERVICE

Of Westchester, Putnam, Dutchess & Ulster Counties, NY
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VIA E-MAIL

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Hudson Valley Mechanical Contractors Association
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HUDSONVALLEYMCA@gmail.com
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Re: UA Local Union No. 21 - New York State COVID-19 Leave Updated Guidance

This letter is provided to notify our contributing employers about recently updated guidance from New York State concerning an employer's obligations under the New York State COVID-19 Paid Sick Leave law.

As you know, employees who are subject to an order of mandatory or precautionary quarantine or isolation are entitled to paid sick leave, the amount of which depends on the size of the employer. For instance, if the employer had between 11 and 99 employees as of January 1, 2020, any bargaining unit members eligible for paid COVID-19 sick leave would be entitled to 5 days of paid leave. Employees of employers with 100 or more employees are entitled to 14 days of paid leave.

The rate of pay for COVID-19 leave is equivalent to "the amount that the worker would have otherwise received had they been continuing to work for that period based upon the amount that the employee was scheduled or would have been scheduled had the employer's operations continued in its normal due course." Specifically, the employee is entitled to wages as defined in Article 6 of the New York State Labor Law, which includes, but is not limited to, health and welfare contributions, pension contributions, annuity contributions, vacation pay, etc. In other words, contributing employers are required to remit the full benefit package for employees on New York State COVID-19 Paid Sick Leave.

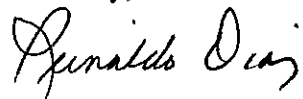
Accordingly, any contributing employers who failed to remit the full benefit package to the UA Local Union No. 21 Benefit Funds on behalf of participants on New York State COVID-19 Paid Sick Leave should remit such contributions as soon as practicable. The failure to remit the contributions will result in a delinquency and the potential assessment of interest and liquidated damages. Additionally, the Funds' Auditors have been instructed to carefully review any COVID-19 related paid leave during our next payroll audit cycle.

As a reminder, paid leave under the New York State COVID-19 Paid Sick Leave Law is only available for employees subject to a mandatory or precautionary quarantine or isolation order 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. However, employees who cannot *immediately* obtain the required order from his/her local health department may submit documentation from his/her licensed medical provider. The order must then be provided to the employer and/or employers PFL/DBL insurance carrier (if applicable) upon receipt, within 30 days of the request for COVID-19 leave.

The process for obtaining the required order to effectuate COVID-19 paid leave is described in the attached flyer from New York State. **We ask that contributing employers provide any and all impacted employees both this letter and the NYS guidance at any point when an employee may miss time out of work due to COVID-19.**

Thank you for your cooperation.

Sincerely,



Reinaldo Diaz
Business Manager
UA Local Union No. 21

cc: Brendan Foley, Fund Administrator