

This is a summary of Lincoln's position on federal and state legislative updates that have occurred in light of the Coronavirus (COVID-19) pandemic. These details are current as of April 30, 2020, reflecting clarification received from the state of New York on April 29. Guidance is subject to further changes given the rapidly evolving nature of the situation.

House Resolution 6201: Families First Coronavirus Response Act (FFCRA)

The FFCRA was enacted on March 18, takes effect on April 1, and expires on December 31, 2020. You can read our summary of the act, which provides an overview of what's in the bill, [here](#). Two provisions within the bill – the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act – are important for employers with fewer than 500 employees to understand.

Lincoln's position in response to the Emergency Paid Sick Leave Act (EPSLA): This requires private employers with fewer than 500 employees, and most public employers, to provide up to 80 hours of paid sick leave for the inability to work due to COVID-19. Due to the short duration of this leave and the broad applicability, employers with fewer than 500 employees should administer this leave internally. Lincoln will not administer or pay benefits.

Lincoln's position in response to the Emergency Family and Medical Leave Expansion Act (EFMLEA): This amends the federal Family and Medical Leave Act (FMLA), requiring private employers, and most public employers, with fewer than 500 employees to provide up to 12 weeks of job-protected paid leave. The new paid leave reason only applies to employees who cannot work (including tele-work) due to the need to care for their son or daughter due to school closure or the lack of availability of a child care provider due to COVID-19. Lincoln will support the administration of this expansion for impacted customers with FMLA administration under our leave management service offerings by certifying the leave and tracking time taken. Lincoln will not calculate or issue benefit payments to employees.

At this time, Lincoln is unable to support administration of new, temporary *voluntary* paid or unpaid company leaves related to COVID-19 if they are not currently covered under the FMLA, EFMLEA or existing short-term disability or company paid or unpaid leave offerings. Upon request, and based on available resources, we will work with our absence and leave management customers to provide guidance and assistance with administration of their existing leave programs to meet current needs. We will work with customers who wish to develop new leave programs as part of longer-term employee health and business continuity strategies, subject to our regular underwriting and implementation processes.

For additional clarification on the act, please reference the U.S. Department of Labor's [Question and Answer](#) page.

California State Disability Insurance and Voluntary Disability Insurance

California expanded these benefit programs to include employees who are unable to work due to having symptoms or being exposed to COVID-19, or those who are unable to work to care for a family member who is ill or quarantined. Additionally, for the time period that began January 24 through the duration of the COVID-19 emergency, the California Employment Development Department has waived the one-week waiting period for disability insurance for those having, or who have been exposed to, COVID-19. You can read more [here](#).

If Lincoln currently administers your California Voluntary Disability Insurance, you can rest assured we are making changes to ensure we're administering these state-required updates to keep you in compliance.

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New Jersey Temporary Disability Insurance (TDI), Family Leave Insurance (FLI), Family Leave Act (FLA) and Paid Sick Leave (PSL)

On March 25, 2020, New Jersey Governor Phil Murphy signed legislation to ensure workers impacted by COVID-19 have access to leave to care for themselves or for impacted family members. You can read a full summary of the changes [here](#).

As a leader in leave and disability, you can rest assured we are making changes to ensure we're administering these state-required updates to keep you in compliance.

New York Disability Benefits Law (DBL) and Paid Family Leave (PFL)

On March 18, the state of New York enacted legislation implementing a paid sick leave program, as well as other changes, to the New York State Disability Law (DBL) and New York State Paid Family Leave (PFL) provisions in response to COVID-19. You can read our summary of the changes [here](#), and additional information is also available on the [state's site](#). The changes to the DBL and PFL benefit programs were effective immediately when the legislation passed on March 18, and as a leader in leave and disability, Lincoln is prepared to administer the updated requirements.

There are other important things to note in regard to the definition of quarantine and responsibility of payment:

To receive benefits under the expanded program, employees must have an order of quarantine from the state of New York, Department of Health, local board of health, or any government entity authorized to issue such an order. It's important to note that school closures and requests for non-essential personnel to remain at home may not qualify as quarantine under the program's definition.

Employers are required to pay sick leave benefits according to their size for up to two weeks. Specific requirements based on employer size are outlined below:

Leave/Disability Reasons: There are four categories of leave/disability reasons for which an employee may qualify for benefits:

- Employee is subject to an individual quarantine/isolation order.
- Employee is caring for minor child that is subject to an individual quarantine/isolation order.
- Employee is disabled due to COVID-19.
- Employee is caring for a family member diagnosed with COVID-19.

These reasons have different benefit implications and are applicable based on client size. We've summarized these factors by client size:

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Businesses with 1-10 employees and net income of less than \$1 million:

These employees may be eligible for DBL and PFL benefits as outlined below.

If an employee is subject to an individual quarantine/isolation order for himself/herself, then:

- NY paid sick leave benefits are not mandated for the employer to provide and are therefore payable from the first day (benefit will coordinate with any federally-mandated paid sick leave provided by employer).
- The modified definitions of disability and family leave apply.
- The employee may receive PFL benefit (60% of average wages up to \$840.70/week) plus the supplemental DBL benefit payable to up to 100% of their average wages (DBL portion of total benefit payable cannot exceed \$2,043.92).
- The total PFL and DBL benefit cannot exceed \$2,884.62/week.
- Benefits will continue to the earlier of when the quarantine/isolation order expires or when the maximum duration under the plan is reached.
- When a person is diagnosed with COVID-19, an isolation order is issued. This order will typically remain in effect until the employee has recovered and has had two subsequent negative tests (or until advised by their Local Health Department that they can resume normal activity).
- *This reason is classified as an enhanced quarantine benefit.*

If an employee is caring for a minor child that is subject to an individual quarantine order, then:

- NY paid sick leave benefits are not applicable for this leave reason; therefore, PFL may be payable from the first day (benefit will coordinate with any federally-mandated paid sick leave provided by employer).
- The employee may receive PFL benefit (60% of average wages up to \$840.70/week).
- The modified definition of family leave applies.
- The benefit will continue to the earlier of when the minor child's quarantine/isolation order expires or when the maximum PFL duration is reached.
- When a person is diagnosed with COVID-19, an isolation order is issued. This order will typically remain in effect until the employee has recovered and has had two subsequent negative tests (or until advised by their Local Health Department that they can resume normal activity).
- This reason is classified as enhanced quarantine benefit.

If an employee is disabled due to COVID-19, then:

- The employee should be issued an isolation order which qualifies them for the enhanced quarantine benefits outlined above.
- Benefits will continue to the earlier of when the quarantine/isolation order expires or when the maximum duration under the plan is reached.
- This reason is classified as enhanced quarantine benefit.

If an employee is caring for a family member diagnosed with COVID-19, then:

- The Workers' Comp Board issued emergency regulations on March 31, 2020 to expand the definition of Serious Health Condition to include COVID-19 diagnosis.

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- Employees that need to care for a family member that has been diagnosed may qualify for PFL benefits (60% of average wages up to \$840.70/week).
- Benefits will be coordinated with federally-mandated benefits (if applicable) when also payable.
- Benefits will be payable up to the earlier of when the family member recovers or when the maximum PFL duration is reached.
- This reason is classified as normal PFL benefits.

Businesses with 1-10 employees and 2019 net income of \$1 million or more, and business with 11-99 employees:

Employees must be provided five days of paid sick leave if they are under a mandatory or precautionary quarantine. After the five days of paid sick leave are exhausted, employees may be eligible for DBL and PFL benefits. Different rules apply for care of a minor child under quarantine as outlined below.

If an employee is subject to an individual quarantine/isolation order for himself/herself, then:

- NY paid sick leave benefits are mandated for first five days.
- DBL/PFL benefits may be payable after the NY paid sick leave benefits exhaust (benefits payable will also coordinate with any federally-mandated paid sick leave provided by employer).
- The modified definitions of disability and family leave apply.
- The employee may receive PFL benefit (60% of average wages up to \$840.70/week) and supplemental DBL benefit payable to up to 100% of average wages (DBL portion of total benefit payable cannot exceed \$2,043.92).
- Total PFL and DBL benefit cannot exceed \$2,884.62/week.
- Benefits will continue to the earlier of when the quarantine/isolation order expires or when the maximum duration under the plan is reached.
- When a person is diagnosed with COVID-19 an isolation order is issued. This order will typically remain in effect until the employee has recovered and has had two subsequent negative tests (or until advised by their Local Health Department that they can resume normal activity).
- This reason is classified as an enhanced quarantine benefit (for employee).

If an employee is caring for a minor child that is subject to an individual quarantine order, then:

- NY paid sick leave benefits are not applicable for this leave reason; therefore, PFL may be payable from the first day (benefit will coordinate with any federally-mandated paid sick leave provided by employer).
- The employee may receive PFL benefits (60% of average wages up to \$840.70/week).
- The modified definition of family leave applies.
- The benefit will continue to the earlier of when the minor child's quarantine/isolation order expires or when the max PFL duration is reached.
- When a person is diagnosed with COVID-19, an isolation order is issued. This order will typically remain in effect until the employee has recovered and has had two subsequent negative tests (or until advised by their Local Health Department that they can resume normal activity).

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- This reason is classified as enhanced quarantine benefit (for minor child).

If an employee is disabled due to COVID-19, then:

- The employee impacted by COVID-19 should be issued an isolation order which qualifies them for the enhanced quarantine benefits outlined above
- Benefits will continue to the earlier of when the quarantine/isolation order expires or when the max duration under the plan is reached
- This reason is classified as an enhanced quarantine benefit (for employee).

If an employee is caring for a family member diagnosed with COVID-19, then:

- The Workers' Comp Board issued emergency regulations on March 31, 2020 to expand the definition of Serious Health Condition to include COVID-19 diagnosis.
- Employees that need to care for a family member that has been diagnosed may qualify for PFL benefits (60% of average wages up to \$840.70/week).
- Benefits will be coordinated with federally-mandated benefits (if applicable) when also payable.
- Benefits will be payable up to the earlier of when the family member recovers or when the maximum PFL duration is reached.
- This reason is classified as normal PFL benefits.

Businesses with more than 100 employees:

Employees must be provided with at least 14 days of paid sick leave if they are under a mandatory or precautionary quarantine; different rules apply for care of a minor child as outlined below.

If an employee is subject to an individual quarantine/isolation order for himself/herself, then:

- NY paid sick leave benefits are mandated for first 14 days.
- Enhanced quarantine benefits (for the employee's quarantine/isolation) do not apply for groups over 100 lives nationally.
- Refer to the Employee is Disabled due to COVID-19 section below for additional guidance.

If an employee is caring for a minor child that is subject to an individual quarantine order, then:

- NY paid sick leave benefits are not applicable for this leave reason; therefore, PFL may be payable from the first day (benefit will coordinate with any federally-mandated paid sick leave provided by employer).
- The employee may receive PFL benefits (60% of average wages up to \$840.70/week).
- The modified definition of family leave applies.
- The benefit will continue to the earlier of when the minor child's quarantine/isolation order expires or when the maximum PFL duration is reached.
- When a person is diagnosed with COVID-19, an isolation order is issued. This order will typically remain in effect until the employee has recovered and has had two subsequent negative tests (or until advised by their Local Health Department that they can resume normal activity).
- This reason is classified as enhanced quarantine benefit (for minor child)

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If an employee is disabled due to COVID-19, then:

- The normal DBL definition of disability applies.
- Generally speaking, employees diagnosed with or presumed to have COVID-19 and are symptomatic may meet the definition of disability (subject to claim review and determination).
- Employees that are simply quarantined, but are not sick, are not likely to meet the definition of disability.
- If an employee meets the normal definition of disability, Lincoln will start the seven-day elimination period the second week of their 14-day company-provided paid sick leave period so that DBL benefits commence right after the paid sick leave exhausts.
- The normal DBL benefit would apply (50% of average wages up to \$170/week).
- Benefits will be coordinated with any federally-mandated benefits payable concurrently.
- Benefits will continue to the earlier of when the employee is no longer disabled or when the maximum duration under the plan is reached.
- This reason is classified as normal DBL benefits

If an employee is caring for a family member diagnosed with COVID-19, then:

- The Workers' Comp Board issued emergency regulations on March 31, 2020 to expand the definition of Serious Health Condition to include COVID-19 diagnosis.
- The employee who needs to care for a family member that has been diagnosed may qualify for PFL benefits (60% of average wages up to \$840.70/week).
- Benefits will be coordinated with federally-mandated benefits (if applicable) when also payable.
- Benefits will be payable up to the earlier of when the family member recovers or when the maximum PFL duration is reached.
- This reason is classified as normal PFL benefits.

Public employers:

Employees must be provided with at least 14 days of paid sick leave during a mandatory or precautionary quarantine. Public employers include state/local/county and municipal governments, school boards and districts, state-run college and universities, and police and fire districts. *Note: Public employers are not subject to DBL and PFL requirements. Any public employers that have opted into the program and have a Lincoln policy in place for one or both reasons would be subject to the information outlined here.*

If an employee is subject to an individual quarantine/isolation order for himself/herself, then:

- NY paid sick leave benefits are mandated for first 14 days.
- Enhanced DBL/PFL quarantine benefits (for the employee's quarantine/isolation) do not apply for public employers.
- Refer to the Employee Disabled due to COVID-19 section below for additional guidance

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- The employee may receive PFL benefits (60% of average wages up to \$840.70/week).
- The modified definition of family leave applies.
- Benefits will continue to the earlier of when the minor child's quarantine/isolation order expires or when the maximum PFL duration is reached.
- When a person is diagnosed with COVID-19, an isolation order is issued. This order will typically remain in effect until the employee has recovered and has had two subsequent negative tests (or until advised by their Local Health Department that they can resume normal activity).
- This reason is classified as enhanced quarantine benefit (for minor child).

If an employee is disabled due to COVID-19, then:

- The normal DBL definition of disability applies.
- Generally speaking, employees diagnosed or presumed to have COVID-19 and are symptomatic may meet the definition of disability (subject to claim review and determination).
- Employees who are simply quarantined but are not sick are not likely to meet the definition of disability.
- If an employee meets the normal definition of disability, Lincoln will start the seven-day elimination period the second week of their 14-day employer-provided paid sick leave period so that DBL benefits commence right after the paid sick leave exhausts.
- The normal DBL benefit would apply (50% of average wages up to \$170/week)
- Benefits will be coordinated with federally-mandated benefits (if applicable) when also payable
- Benefits will continue to the earlier of when the employee is no longer disabled or when the max duration under the plan is reached
- This reason is classified as normal DBL benefits.

If an employee is caring for a family member diagnosed with COVID-19, then:

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