

Memorandum



Date February 4, 2021

To All Employees

From Paul Fama, Chief People Officer

Re MTA All Agency Updated 2021 COVID-19 Leave Guidance

Effective immediately, this memo sets forth the policy applicable to all agencies' represented and non-represented employees unless otherwise noted herein. Please note that EPSLA leave expired December 31, 2020.

The following are leaves available to employees in connection with COVID-19 scenarios:

A. New York State COVID-19 Paid Sick Leave ("NYSCPSL")

NYSCPSL applies when there is a federal, state or local quarantine order; a positive COVID-19 test may be deemed to qualify for a quarantine order.

MTA employees who have been asked to self-isolate may obtain an order from New York City or other localities by contacting 311 (for NYC; dial (212) NEW-YORK if outside NYC) if they live OR work in NYC. Employees should ask for a quarantine order to give to their employer for purposes of New York state leave. We understand that MTA and its agencies are considered a "NYC employer" for purposes of the NYC quarantine orders. Currently, the NYC quarantine orders cover a variety of scenarios including, but not limited to, being ill with COVID and being exposed to a COVID-positive person at work or elsewhere. Employees should contact their Human Resources lead for guidance.

Employees outside of NYC may also be able to obtain similar quarantine orders by contacting their counties.

Employees who receive a positive test result will automatically be deemed subject to a quarantine order and do not need to contact NYC to request an order. They must submit a positive test result by calling the COVID Hotline. Employees must follow all return to work protocols. NYSCPL is not available if an employee is eligible to return to work after an initial positive test, in connection with MTA's return to work practice.

Employees should contact their Human Resources Lead for guidance on applying for NYSCPSL leave, including any required forms. At all times, employees must follow their agency absence procedure and report any COVID positive results to the COVID-19 Hotline.

NYSCPSL, if applicable, should be the first option to use going forward before the employee takes any administrative leave.

NYSCPSL may be used for up to three qualifying periods of quarantine and/or isolation, running from the date of the law's passage on March 18, 2020. The first usage provides up to 14 calendar days of leave based on receipt of a quarantine order, which covers a variety of scenarios including, but not limited to, being ill with COVID and being exposed to a COVID-positive person at work or elsewhere.

An employee may take a second and/or third NYSCPSL leave only if they test positive for COVID-19 and provide documentation from their medical provider confirming the positive test result.

NYSCPSL is not available if the employee is quarantined due to non-business travel to states non-contiguous to New York or a level 2 or higher country. Employees must use their available leave balances.

Any employee who exhausts their administrative and accrued leave balances should immediately forward their information including dates of leave and reasons for the leave to the MTAHQ Vice President Human Resources, Patrick Smith. A committee of People and Labor Relations members will determine next steps with regard to these individual employees.

B. MTA Administrative Leave

A. Expiration of Prior Administrative Leave

All MTA Administrative Leave provided in 2020 (14 calendar days + 7 calendar days) expires as of February 18, 2021. This leave does NOT carry over beyond February 18, 2021.

B. 2021 Allotment of Administrative Leave For Limited Use

From February 18, 2021 until June 30, 2021, MTA employees may use up to eight (8) calendar days of administrative leave for the limited situation of MTA sending an employee home from work due to an exposure at work. Employees must follow the testing protocol as set forth in the November 5, 2020 memo (revised December 4, 2020) (test on day 4, self isolate while awaiting results of the test). If all eight days are not used for one event, the remaining days of Administrative Leave may be banked; however, in no event can Administrative Leave be used after June 30, 2021, unless this policy is updated in writing.

If it is available to them, employees must use NYSCPSL leave first **before** using any MTA Administrative Leave. They should get a quarantine order from NYC or another locality as described above.

Administrative leave cannot be used for quarantining as a result of non-business travel to a state or country subject to quarantine by New York or their state of residence, even if an employee obtains a quarantine order to that effect. Employees must use their available leave balances. Exceptional circumstances will be considered on a case-by-case basis.

For employees who are on a COVID-19 Administrative Leave that begins before February 18, 2021 and ends after February 18, 2021, all days including and after February 18, 2021 will count towards the 8 calendar day allotment set forth in this memo.

C. Use of Leave Balances

If an employee exhausts all NYSCPSL leave and Administrative Leave, they must use their available leave balances. Until June 30, 2021, employees may use any type of leave (sick, vacation, personal – for example) if sent home by MTA due to an exposure at work. After June 30, 2021, employees must follow their agency leave policies with respect to use of sick, personal, vacation or other types of leave.

If employees need time off due to illness from receiving a COVID-19 vaccine and are unable to work as a result, they must use their sick time to cover their absence.

This memo updates the following MTA documents:

- (1) The March 6, 2020 memo from the Chief People Officer, “COVID-19 Leave & Exposure Protocol”;
- (2) The April 1, 2020 memo from the Chief People Officer, “New Federal and State COVID-19 Related Leave Laws”;
- (3) The April 22, 2020 memo from the Chief People Officer, “New COVID-19 Related Federal and State Leave Laws”;
- (4) The April 24, 2020 memo from the Chief People Officer, “COVID-19 Related Administrative Leave Guidance”;
- (5) The June 26, 2020 Memo from the Chief People Officer, “New York/New Jersey/Connecticut Travel Advisory Order – Leave Usage”;
- (6) The August 17, 2020 memo from the Chief People Officer, “Additional COVID-19 Related HR Guidance”; and
- (7) The November 5, 2020 memo (Revised December 4, 2020) from the Chief People Officer and Chief Safety Officer, “MTA All-Agency Updated Return to Duty Process & Travel/Leave Guidance Due to COVID-19 Precautions.”

This memo supersedes any prior memo to the extent that there is a conflict.