

NEW YORK CITY EARNED SAFE AND SICK TIME ACT

Eligibility

Employees who are hired to work more than 80 hours in a calendar year in New York City who performs work on a full-time or part-time basis. **As of September 30, 2020, due to the New York Paid Sick Leave law the company will not apply the 80-hour requirement.**

Paid safe/sick leave is accrued at a rate of one hour for every 30 hours worked. **As of September 30, 2020, for employers with one hundred or more employees, up to fifty-six hours of unused safe/safe time shall be carried over to the following calendar year.**

Employees may use any accrued amount of paid safe/sick time that exceeds forty hours per calendar year on or after January 1, 2021 up to 56 hours per calendar year (based on employer size).

All employers that employ five or more employees and any employer of four or fewer employees that had a net income of one million dollars or more during the previous tax year, shall provide safe/sick time to their employees.

Note: Any type of paid leave—paid time off, vacation, personal days, etc.—will count for purposes of complying with the law as long as it can be used for sick/safe leave purposes.

The law will not cover independent contractors, work-study students, government employees, and certain hourly occupational, speech, and physical therapists.



EFFECTIVE: 4/1/2014

Amended: 5/5/2018

Amended: 9/30/2020

Retaliation

Employers/customers cannot retaliate against employees for requesting or using sick leave. Retaliation includes any threat, discipline, discharge, demotion, suspension, or reduction in employee's hours, or any other adverse employment action against an employee who exercises or attempts to exercise any right guaranteed under the law.

Uses for Paid Sick Leave Time

Any accrued paid sick leave may be used for the following reasons:

- The employee's mental or physical illness, injury, or health condition;
- The employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition;
- The employee's need for preventive medical care;
- Care of a family member who needs medical diagnosis, care, or treatment or an illness, injury, or health condition, or who needs preventive medical care
- Closure of employee's place of business due to a public health emergency (as declared by the Commissioner of the New York City Department of Health and Mental Hygiene or the Mayor)

Leave can be used in increments of one hour.

For an absence of more than three consecutive work days for sick time, an employer may require reasonable documentation that the use of sick time was authorized. Documentation signed by a licensed health care provider indicating the need for the amount of sick time taken shall be considered reasonable documentation and an employer shall not require that such documentation specify the nature of the employee's or the employee's family member's injury, illness or condition, except as required by law.

Where a health care provider charges an employee a fee for the provision of documentation requested by their employer, such employer shall reimburse the employee for such fee.

Uses for Paid Sick Leave Time (Cont.)	
<ul style="list-style-type: none"> The employee's need to care for a child whose school or child care provider is closed due to a public health emergency. 	<p>An employer shall not require an employee, as a condition of taking safe/sick time, to search for or find a replacement worker to cover the hours during which such employee is utilizing time.</p>
Uses for Paid Safe Leave Time	
<p>An employee shall be entitled to use safe time for absence from work due to any of the following reasons when the employee or employee's family member has been the victim of domestic violence, a family offense matter, sexual offense, stalking, or human trafficking:</p> <ul style="list-style-type: none"> To obtain services from a domestic violence shelter, rape crisis center, or other shelter or services program; To participate in safety training, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family member; To meet with a civil attorney or other social service provider to obtain information and advice on, and prepare for or participate in, any criminal or civil proceeding, including but not limited to matters related to a family offense matter, sexual offense, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing or consumer credit; To file a complaint or domestic incident report with law enforcement; To meet with a district attorney's office. To enroll children in a new school; or To take other actions necessary to maintain, improve, or restore the physical, psychological, or economic health or safety of the employee or employee's family member or to protect those who associate or work with the employee. 	<p>For an absence of more than three consecutive work days for safe time, an employer may require reasonable documentation that the use of safe time was authorized. Documentation signed by an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional service provider from whom the employee or that employee's family member has sought assistance in addressing domestic violence, family offense matters, sex offenses, stalking, or human trafficking and their effects; a police or court record; or a notarized letter from the employee explaining the need for such time shall be considered reasonable documentation and an employer shall not require that such documentation specify the details of the domestic violence, family offense matter, sexual offense, stalking, or human trafficking.</p> <p>An employer shall reimburse an employee for all reasonable costs or expenses incurred for the purpose of obtaining such documentation for an employer.</p>

Employee Notice Requirements

- If the need is foreseeable, the company will require up to seven days advance notice of an employee's intention to use sick or safe leave.
- If the need is unforeseeable, the company will require an employee to give advance notice as soon as practicable.

Note: The company (or customer) must keep any health related information confidential unless the employee permits the employer/customer to disclose it or disclosure is required by law.

An employer may require an employee to provide written verification that the employee used sick leave for sick leave purposes.

Employer can use disciplinary action, up to and including termination, against a worker who uses safe/sick time provided for purposes other than those described in this ordinance.

Paid Sick/Safe Leave Accrual and Use – Important Dates

Rate of Accrual	Date Accrual Begins	Date Sick Leave Available for Use
1 hour for every 30 hours worked	April 1, 2014 (Existing employee)	July 30, 2014 (Existing employee)
	First day of employment (New employee)	First day of employment as of 1/1/2021 (prior to this there is a 120-day waiting period) (New employee)

- If an exempt employee works 40 hours or more in a week, paid sick leave still accrues based on a 40-hour workweek but not beyond the 40 hours. If an exempt employee works less than 40 hours in a week, sick leave accrues based on the employee's normal workweek.
- For employees who are not exempt from the overtime provisions of New York State's Minimum Wage Law or other New York State law, paid sick leave accrues during all hours worked, including overtime hours worked.
- An employer shall pay an employee for paid safe/sick time at the employee's regular rate of pay at the time the paid safe/sick time is taken, provided that the rate of pay shall not be less than the highest applicable rate of pay to which the employee would be entitled pursuant to the labor law, or any other applicable federal, state, or local law, rule, contract, or agreement.

Family Members:

The law recognizes the following as family members:

- Child (biological, adopted, or foster children, legal wards, or the child of a worker standing in loco parentis to the child)
- Grandchild
- Spouse (including same sex)
- Domestic partner (registered)
- Parent
- Grandparent
- Child or parent of an employee's spouse or domestic partner
- Sibling (including a half, adopted, or step sibling)
- Any other individual related by blood to the employee; and any other individual whose close association with the employee is the equivalent of a family relationship

Unused Sick/Safe Leave

As of September 30, 2020, an employee can carry over up to 56 hours of unused sick leave to the next calendar year (it was previously 40). Also as of September 30, 2020, the employer is only required to let an employee use up to 56 hours of sick leave per calendar year (it was previously 40 hours per calendar year).

No Pay Out Upon Termination

There will be no pay out of accrued but unused sick leave upon termination, resignation, retirement, or other separation from employment.

If the employee's break in employment is more than six months, the law does not require the employer to reinstate unused sick leave.

Rehires

If an employee is **rehired within six months of separation by the same employer**, previously accrued safe/sick time that was not used shall be reinstated and such employee shall be entitled to use such accrued safe/sick time at any time after such employee is rehired.

No Adverse Action

No person shall take any adverse action against an employee that penalizes an employee for, or is reasonably likely to deter an employee from, exercising or attempting to exercise rights under this chapter or interfere with an employee's exercise of rights under this ordinance and implementing rules.

New York City Zip Codes Included – In SmartSearch, if the employee is working in New York City, mark Personnel subarea as “New York City.” If they live in New York City but do not work in New York City, mark Personnel subarea as “New York.” Zip codes include all of the following Boroughs: Bronx, Brooklyn, Manhattan, Queens, and Staten Island

10001	10021	10040	10106
10002	10022	10041	10107
10003	10023	10043	10108
10004	10024	10044	10109
10005	10025	10045	10110
10006	10026	10055	10111
10007	10027	10060	10112
10008	10028	10065	10113
10009	10029	10069	10114
10010	10030	10075	10115
10011	10031	10080	10116
10012	10032	10081	10117
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10017	10036	10102	10121
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10125	10170	10272	10455
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10152	10199	10285	10466
10153	10203	10286	10467
10154	10211	10301	10468

10155	10212	10302	10469
10156	10213	10303	10470
10157	10242	10304	10471
10158	10249	10305	10472
10159	10256	10306	10473
10160	10258	10307	10474
10162	10259	10308	10475
10163	10260	10309	11004
10164	10261	10310	11005
10165	10265	10312	11101
10166	10268	10314	11102
10167	10269	10451	11103
10168	10270	10452	11104
10169	10271	10453	11105
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11201	11357	11433	
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