



Bill de Blasio  
Mayor

**Consumer  
Affairs**

Lorelei Salas  
Commissioner

# PAID SAFE AND SICK LEAVE: WHAT EMPLOYEES NEED TO KNOW

Under New York City’s Earned Safe and Sick Time Act (Paid Safe and Sick Leave Law), covered employees have the right to use safe and sick leave for the care and treatment of themselves or a family member and to seek legal and social services assistance or take other safety measures if the employee or a family member may be the victim of any act or threat of domestic violence or unwanted sexual contact, stalking, or human trafficking.

The Department of Consumer Affairs (DCA) prepared this sheet to provide guidance to employees about their rights under the law. DCA will update this sheet as appropriate. Please note the date at the bottom of the sheet. To read the law or Frequently Asked Questions about the law, go to [nyc.gov/PaidSickLeave](http://nyc.gov/PaidSickLeave).

## EMPLOYEES COVERED/NOT COVERED BY THE LAW

Covered	Not Covered
<ul style="list-style-type: none"> <li>• Full-time employees</li> <li>• Part-time employees</li> <li>• Transitional jobs program employees</li> <li>• Employees who are family members but not owners</li> <li>• Employees who live outside of New York City</li> </ul> <p><b>Employees must work 80+ hours per calendar year in New York City.</b></p>	<ul style="list-style-type: none"> <li>• Employees who work 80 hours or less in a calendar year in New York City</li> <li>• Students in federal work study programs</li> <li>• Employees whose work is compensated by qualified scholarship programs</li> <li>• Employees of government agencies</li> <li>• Physical therapists, occupational therapists, speech language pathologists, audiologists who are licensed by the New York State Department of Education <i>These professionals are not covered under the law if they call in for work assignments at will; determine their own work schedule; have the ability to reject or accept any assignment referred to them; and are paid an average hourly wage, which is at least four times the federal minimum wage.</i></li> <li>• Independent contractors who do not meet the definition of an employee under New York State Labor Law (go to <a href="http://labor.ny.gov">labor.ny.gov</a> and search “Independent Contractors”)</li> <li>• Participants in Work Experience Programs (WEP)</li> <li>• Certain employees subject to a collective bargaining agreement</li> </ul>

*Note:* If your employer has an existing policy allowing employees to use safe and sick leave, the policy must meet or exceed the requirements of the law.

## NOTICE OF EMPLOYEE RIGHTS

If you are a covered employee, your employer must give you written notice of your right to safe and sick leave. You have a right to the notice in English and, if available on the DCA website, your primary language. **Keep a copy of the notice.**

## AMOUNT OF SAFE AND SICK LEAVE

Number of Employees Employed by Employer	Amount of Safe and Sick Leave per Calendar Year*	Rate of Pay for Leave
5 or more	Up to 40 hours <i>paid</i> leave	Regular hourly rate but no less than the current minimum wage
1-4	Up to 40 hours <i>unpaid</i> leave	Unpaid

\*Note: “Calendar Year” means any regular and consecutive 12-month period of time determined by an employer. The Notice of Employee Rights must state the employer’s calendar year.

## SAFE AND SICK LEAVE ACCRUAL AND USE – IMPORTANT DATES

Rate of Accrual	Date Accrual Begins	Date Sick Leave Available for Use	Date Safe Leave Available for Use
1 hour for every 30 hours worked	April 1, 2014 or the first day of employment, whichever is later	July 30, 2014 or 120 days after first day of employment, whichever is later	May 5, 2018 or 120 days after first day of employment, whichever is later

*Exception:* If you are covered by a collective bargaining agreement that was in effect on April 1, 2014, you begin to accrue safe and sick leave under City law beginning on the date that the agreement expires. You can begin using accrued sick leave 120 days after the date that the agreement expires. You can begin using safe leave on May 5, 2018 or 120 days after the date that the agreement expires, whichever is later.

**Keep a copy of all documents that show your amount of safe and sick leave accrual and use.**

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## ACCEPTABLE REASONS TO USE SAFE AND SICK LEAVE

You can use safe and sick leave to take time off from work when:

- You have a mental or physical illness, injury, or health condition; you need to get a medical diagnosis, care, or treatment of your mental or physical illness, injury, or condition; you need to get preventive medical care.
- You must care for a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or who needs preventive medical care.
- Your employer's business closes due to a public health emergency or you need to care for a child whose school or child care provider closed due to a public health emergency.
- You or a family member may be the victim of any act or threat of domestic violence or unwanted sexual contact, stalking, or human trafficking and you need to take actions necessary to restore the physical, psychological, or economic health or safety of you or your family members or to protect those who associate or work with you, including to:
  - Obtain services from a domestic violence shelter, rape crisis center, or other services program.
  - Participate in safety planning, relocate, or take other actions to protect your safety or that of your family members, including enrolling children in a new school.
  - Meet with an attorney or social service provider to obtain information and advice related to custody; visitation; matrimonial issues; orders of protection; immigration; housing; discrimination in employment, housing, or consumer credit.
  - File a domestic incident report with law enforcement or meet with a district attorney's office.

The law recognizes the following individuals as "family members:"

- Any individual whose close association with the employee is the equivalent of family
- Child (biological, adopted, or foster child; legal ward; child of an employee standing *in loco parentis*)
- Grandchild
- Spouse
- Domestic Partner
- 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

## ADVANCE NOTICE

If the need is foreseeable, your employer can require up to seven days advance notice of your intention to use safe or sick leave. If the need is unforeseeable, your employer may require you to give notice as soon as practicable (reasonable). Your employer may require you to provide written verification that you used safe or sick leave for safe or sick leave purposes.

## DOCUMENTATION

Your employer can require reasonable documentation if you use more than three consecutive workdays as safe or sick leave. Your employer may require a note signed by a licensed health care provider for sick leave or documentation from a social service provider, legal service provider, member of the clergy, or notarized letter written by you indicating the need for safe leave. The Paid Safe and Sick Leave Law prohibits employers from requiring that documentation specify the reason for safe or sick leave use. Disclosure may be required by other laws.

## UNUSED SAFE AND SICK LEAVE

You can carry over up to 40 hours of unused safe and sick leave to the next calendar year. However, your employer is only required to let you use up to 40 hours of safe and sick leave per calendar year.

## RETALIATION

Your employer cannot retaliate against you for requesting or using safe and sick leave. Retaliation includes any threat, discipline, discharge, demotion, suspension, or reduction in your hours, or any other adverse employment action against you for exercising or attempting to exercise any right guaranteed under the law.

## COMPLAINTS

You may file a complaint with DCA. To get the complaint form, go online to [nyc.gov/PaidSickLeave](https://nyc.gov/PaidSickLeave) or contact 311 (212-NEW-YORK outside NYC).

## QUESTIONS?

To contact DCA, visit [nyc.gov/PaidSickLeave](https://nyc.gov/PaidSickLeave), email [PSSL@dca.nyc.gov](mailto:PSSL@dca.nyc.gov), or call 311 and ask for information about Paid Safe and Sick Leave.