



RULES FOR SICK LEAVE POLICIES

An employer's sick leave policy must meet or exceed the requirements of the Paid Sick Leave Law. In addition to providing employees with the Notice of Employee Rights in English and, if applicable, in their primary language, employers that choose to require any of the following must include the requirement in their written sick leave policies:

1. **Minimum daily increment.** Employers may set a minimum amount of sick leave, not to exceed four hours, that employees must use in a day. Employees should be notified of this minimum daily increment in the employer's written sick leave policy.
2. **Advance notice requirement.** Employers may require that an employee provide up to seven days of advance notice, in writing, of their need to use sick leave for foreseeable reasons. If the need for sick leave is unforeseeable, the employer may require an employee to give notice as soon as practicable. The procedures for employees to give notice must be included in the employer's written sick leave policy.
3. **Medical documentation requirement.** Employers may require an employee to provide documentation from a licensed health care provider only after an employee uses more than three consecutive workdays as sick leave and no less than seven days after the employee returns to work. This documentation can confirm:
 - Need for the amount of sick leave used
 - Sick leave was used for an authorized purpose under the law

Employers must also include in their written sick leave policies the consequences when an employee does not provide medical documentation as required after the employee returns to work.

4. **Employee verification requirement.** Employers may require employees to confirm that they used sick leave for one of the purposes authorized under the Paid Sick Leave Law. An employer's written sick leave policies should include procedures for employee verification, including any required form. (A model form is provided on the Department of Consumer Affairs' Paid Sick Leave website at nyc.gov/PaidSickLeave.)
5. **Front-loading.** If employers elect to front-load sick leave so that all employees start the employer's calendar year with 40 hours of sick leave, they should include it in their written sick leave policy.
6. **Payout of unused sick leave.** An employer's payout policy (if applicable) must be included in the written sick leave policy. Employers may pay out up to 40 hours of unused sick leave at the end of the employer's calendar year, only if the employer front-loads 40 hours of sick leave at the beginning of the new calendar year. Employers may also pay out unused sick leave upon the end of an employee's employment. Employers are never permitted to pay out sick leave as it accrues since that would leave employees without an opportunity to take off from work to care for themselves or for family members.
7. **Donation of unused sick leave.** Employers who permit employees to donate unused sick leave to other employees should include procedures for how to do this in their written sick leave policies.
8. **A note about other leave policies.** If an employer provides employees time off for other purposes, such as vacation or personal leave, the employer does not have to provide additional time designated for sick leave if employees can use that time off for sick leave and the employer's policies meet the other requirements of the Paid Sick Leave Law. Employers in this situation still have to provide employees with the Notice of Employee Rights and may want to attach a memo that explains how employees can use their time off for sick leave.