

*This publication is updated and includes information as of June 18, 2021.
Please also monitor nyc.gov/workers.*

Important Information for Employers and Employees:

Update about Workplace Laws During COVID-19

Created by the NYC Department of Consumer and Worker Protection (DCWP), this publication includes a summary of City labor laws for employers and employees as you deal with the impact of COVID-19 on your workplace.

There are also State and federal labor laws that govern NYC workplaces. This publication includes some updates in relevant sections. Monitor ny.gov/COVIDpaysickleave and dol.gov/agencies/whd/pandemic for additional information.

This publication also includes important information about City and State resources for businesses and workers.

Reopening guidance is available:	
<p>Online:</p> <ul style="list-style-type: none"> • forward.ny.gov • nyc.gov/health/coronavirus (for public health updates) Or text* COVID to 692-692. *Message and data rates may apply. Check your wireless provider plan for details. 	<p>By phone:</p> <ul style="list-style-type: none"> • Workers can call 311 or 1-212-436-0381 for the Worker Protection Hotline. • Employers can call 1-888-727-4692 for the NYC Business Restart Hotline.

Discrimination and Retaliation are Illegal.

Workers in NYC have rights regardless of immigration status. Under NYC law, it is illegal to:

- Fire or require an employee to stay away or self-quarantine from the workplace only because of the employee’s race or national origin.
- Retaliate against employees who exercise—or seek to exercise—their workplace rights, such as using sick leave, asking for premium pay, or changing a work schedule. Retaliation includes any threat, discipline, firing, demotion, suspension, or reduction in hours, or any other negative employment action.

NYC’s Paid Safe and Sick Leave Law

The law covers domestic workers and employees at any size business or nonprofit in NYC, including:

- part-time employees
- full-time employees
- temporary employees
- per diem and “on call” employees
- undocumented employees
- employees who are family members but not owners
- employees who live outside of NYC but work in NYC
- employees who have supervisory responsibilities

Under the law:

- Employees may use sick leave as they accrue it.
- Employees of businesses with *100 or more employees* get up to 56 hours (7 days) of paid sick leave each calendar year.
- Employees of businesses* with *fewer than 100 employees* get up to 40 hours (5 days) of paid sick leave each calendar year.

**Exception:* At businesses with fewer than 5 employees *and* a net income of less than \$1 million, sick leave is *unpaid*.
- *Employers of domestic workers* must provide up to 40 hours of paid sick leave each calendar year, regardless of the number of domestic employees.
- Employees can use sick leave for themselves or for a family member, which includes anyone whose close association with the employee is the equivalent of family, and can use all of their accrued hours at one time.
- Employees *do not* need to find someone to cover their shift in order to use sick leave.
- Employees can use sick leave for themselves or for a family member for diagnosis, care, or treatment of an illness, injury, or health condition or for preventive medical care (for example, staying home to observe symptoms of COVID-19). Examples of acceptable reasons to use sick leave:
 - Employee feels ill or shows symptoms of COVID-19.
 - Employee gets tested for the flu or COVID-19.
 - Employee is under quarantine* or self-isolating for preventative purposes.
 - Employee is caring for a family member who is experiencing symptoms of COVID-19.
 - Employee is experiencing symptoms associated with long COVID.
 - Employee is experiencing side effects from a COVID-19 vaccine.*
- Employees can use sick leave when a public official *closes* the business due to a public health emergency. Employees can use *accrued* sick leave, up to 40 or 56 hours, to cover the period the workplace is closed.
- Employees can use sick leave when a public official *closes* their child's school or child care provider due to a public health emergency.
- Employers *cannot* require medical documentation from employees, unless they have been absent for *more than 3* consecutive days. Employers must reimburse employees for any fees they pay for required documentation.
- Employers must inform employees of their accrued, used, and total leave balances on a paystub or other document issued each pay period, or through an employee-accessible electronic system.

*Leave may also be covered by State law.

DCWP encourages employers to take additional steps to protect all employees, customers, and the public:

- **Provide additional leave to employees if needed.**
 - NYC law sets a floor for sick leave, but DCWP encourages employers to allow employees additional leave as needed for sickness, quarantine, or for other uses related to COVID-19.
 - An employer may already offer more than 40 or 56 hours of sick leave, which is an important tool to stop the spread of COVID-19.
 - If employers do not already offer additional sick leave, any additional leave can be paid or unpaid.
- **Use telecommuting as needed to reduce the risks of transmission.**
- **Require employees who feel ill or show symptoms of COVID-19 to stay home and make clear that there is no penalty for staying home.**
 - Employees may need to use more than the legally mandated 40 or 56 hours of sick leave, and they should stay home until it is safe to return with the assurance that their job will still be there for them.
 - Requiring sick employees to stay home will help to prevent the spread of COVID-19.

Important Rights Regarding Vaccination

Under New York State law, all workers get up to 4 hours of paid leave for COVID-19 vaccination. For vaccines that require two injections, workers get two periods of paid leave of up to 4 hours each, for a total of up to 8 hours of leave.

Workers may use their accrued sick leave under New York City law to recover from any vaccine side effects. Leave may also be covered by New York State's Paid Sick Leave Law.

Leave for vaccine recovery is in addition to leave under State law for vaccination.

See the following pages for an overview of City, State, and federal sick leave laws relating to COVID-19.

NYC's Temporary Schedule Change Law

Under the law:

- Employees can ask to make temporary changes to their schedules for certain personal events twice per year, totaling no more than 2 days.
 - *The temporary schedule change can include working remotely, arriving to work later and leaving later, using short-term unpaid leave.*
- These 2 days are in addition to an employee's sick leave.
- Time off for a temporary schedule change can be paid or unpaid.

Personal events include:

- Providing care for a minor or care recipient.
- Attending a legal proceeding for essential benefits.
- Taking leave for acceptable sick leave uses, including quarantine.

Example of acceptable use of temporary schedule change:

- Employee is caring for a child whose school or daycare has been closed due to COVID-19.

DCWP encourages employers to:

- **Allow employees to use additional temporary schedule changes if needed.**

COVID-19 and Paid Sick Leave

STATE

Law	Number of Employees	Rate of Pay for Sick Leave	Amount of Sick Leave	Acceptable Reasons to Use Sick Leave
<p>New York State Emergency COVID-19 Paid Sick Leave*</p> <p>Effective March 18, 2020</p> <p>Applies to all private and public sector workers ordered to quarantine.</p> <p>EXCEPTION: <i>Workers who voluntarily travel to states designated as high risk cannot access State paid sick leave benefits or other paid benefits under the law. See restriction effective June 25, 2020.</i></p> <p>Visit New York State website for more information.</p> <p>*New York State's Paid Sick Leave Law took effect September 30, 2020. State law and City law are similar but not identical. See CITY section.</p>	1-10	<p><i>If business income less than \$1 million:</i></p> <ul style="list-style-type: none"> UNPAID (all days) <p><i>If business income more than \$1 million:</i></p> <ul style="list-style-type: none"> PAID (at least 5 days) UNPAID (remaining days) 	Duration of quarantine or isolation	<ul style="list-style-type: none"> Government-ordered quarantine or isolation* <p><i>*Workers who qualify for benefits under federal law (see FEDERAL section) must use them first and may only use State benefits if the State law provides more benefits than federal law.</i></p>
	11-99	<ul style="list-style-type: none"> PAID (at least 5 days) UNPAID (remaining days) 		
	100+	<ul style="list-style-type: none"> PAID (at least 14 days) 		
<p>Paid Leave for COVID-19 Vaccinations</p> <p>Effective March 12, 2021 through December 31, 2022</p> <p>Visit New York State website for more information.</p>	<p>All private and public sector workers, regardless of employer size</p>	<ul style="list-style-type: none"> PAID* <p>*regular hourly rate but no less than the current minimum wage</p>	<p>Up to 4 hours per vaccine injection, for a total of up to 8 hours</p>	<ul style="list-style-type: none"> Vaccine injection(s)* <p>*Covers required number of vaccine injections (one or two depending on the vaccine).</p> <p><i>Note: Paid Leave for COVID-19 Vaccinations is in addition to accrued leave under State or City Paid Sick Leave Laws.</i></p> <p>Workers may use accrued leave under City law to recover from side effects of the COVID-19 vaccine. Leave may also be covered by State law.</p>

CITY

Law	Number of Employees	Rate of Pay for Sick Leave	Amount of Sick Leave	Acceptable Reasons to Use Sick Leave
<p>New York City Paid Safe and Sick Leave Law*</p> <p>Applies to all domestic workers (in households) and workers at any size business or nonprofit in NYC (including full-time, part-time, and temporary workers).</p> <p>Visit New York City website for more information.</p> <p>*Employees may be eligible for 2 additional days as unpaid leave under NYC's Temporary Schedule Change Law.</p>	1-4 (non-household workers)	<p><i>If business income less than \$1 million:</i></p> <ul style="list-style-type: none"> UNPAID 	Up to 40 hours	<ul style="list-style-type: none"> Diagnosis, care, or treatment of illness, injury, or health condition or for preventive medical care for employee or for a family member When a public official closes employee's workplace or child's school or child care provider due to a public health emergency <p><i>Note: Paid sick leave for COVID-19 under State and federal law is in addition to accrued sick leave under City law.</i></p>
	1-99 (non-household workers)	<p><i>If business income more than \$1 million:</i></p> <ul style="list-style-type: none"> PAID* <p>*regular hourly rate but no less than the current minimum wage</p>		
	1-99 (domestic workers)	<ul style="list-style-type: none"> PAID* <p>*regular hourly rate but no less than the current minimum wage</p>		
	100+ (non-household workers and domestic workers)	<ul style="list-style-type: none"> PAID* <p>*regular hourly rate but no less than the current minimum wage</p>	Up to 56 hours	

FEDERAL

Law	Number of Employees	Amount of Sick Leave	Rate of Pay for Sick Leave	Acceptable Reasons to Use Sick Leave
<p>Federal Families First Coronavirus Response Act (FFCRA) COVID-19 Paid Sick Leave[^]</p> <p>Effective April 2, 2020 through December 31, 2020*</p> <p>Applies to private and public sector workers based on employer size.</p> <p>*Some employers may continue to offer paid leave under federal law. Workers may be able to claim federal benefits for sick leave used during this time frame. Check with your employer.</p> <p>Visit U.S. Department of Labor (DOL) website for more information.</p> <p>[^] Employees may be eligible for expanded paid or unpaid leave under Family and Medical Leave Act (FMLA).</p>	<p>Up to 500*</p> <p>*U.S. DOL issued regulations exempting certain health care providers, emergency responders, and small businesses (50 or fewer employees) with documented financial difficulties.</p>	<p>FULL-TIME employees:</p> <ul style="list-style-type: none"> 2 weeks (80 hours) <p>PART-TIME employees:</p> <ul style="list-style-type: none"> Amount equal to average hours worked over 2-week period 	<p>Regular rate of pay up to:</p> <ul style="list-style-type: none"> \$511 per day <i>and</i> \$5,110 total 	<ul style="list-style-type: none"> Mandatory quarantine or isolation Doctor-recommended self-quarantine Medical diagnosis due to symptoms of COVID-19
			<p>2/3 of regular rate of pay up to:</p> <ul style="list-style-type: none"> \$200 per day <i>and</i> \$2,000 total 	

NYC's Fair Workweek Law

Under the law, fast food and retail employers must give workers advance notice of work schedules, including schedule changes. Fast food employers must pay a premium for certain schedule changes.

NEW: As of July 4, 2021, fast food employers cannot fire or lay off workers or reduce their hours by more than 15% without just cause or a legitimate economic reason.

For more information about the law and its new provisions, visit nyc.gov/workers.

Information for FAST FOOD EMPLOYERS + EMPLOYEES on Schedule Changes and Premium Pay

By law, if the business remains open, even with limited operations such as delivery/takeout service only, employees must get premium pay for schedule changes.

Employers must give workers premium pay for schedule changes with less than 14 days' notice in the following situations:

- You ask an employee to cover the shift of a sick coworker, and the employee accepts.
- You are open for delivery or takeout and ask an employee to work different shifts or additional hours—even when the City or State has declared a state of emergency.
- You cancel scheduled shifts or reduce the number or hours of staff working scheduled shifts even if business is slow.

Employers do *not* owe workers premium pay in the following situations:

- An employee requests to stay home from work because the employee is sick or quarantined.
- Two employees voluntarily trade shifts because one of them is sick or quarantined.
- The City or State declare a state of emergency that *closes* the business.

Information for RETAIL EMPLOYERS + EMPLOYEES on Schedule Changes

Employers cannot:

- Require an employee to work additional hours or to cover a shift for a sick coworker with less than 72 hours' notice unless the employee consents in writing. *The employee providing coverage earns their regular hourly rate for the additional hours.*
- Cancel an employee's shift or reduce an employee's hours with less than 72 hours' notice unless the employee consents in writing.

Employers can:

- Assign shifts as needed without needing employee consent with more than 72 hours' notice.
- Ask employees to volunteer to cover a sick coworker's shift, as long as you get written consent from the employees who agree to work.
- Cancel shifts or reduce hours as needed with less than 72 hours' notice when the City or State declare a state of emergency that *closes* the business.

NYC's Freelance Isn't Free Act

Under the law:

- All contracts worth \$800 or more must be in writing. The written contract must spell out the work freelancers will perform; the pay for the work; and the date freelancers get paid. Freelancers and hiring parties must keep a copy of the written contract.
- Hiring parties must pay freelancers for all completed work. Freelancers must receive payment on or before the date that is in the contract. If the contract does not include a payment date, hiring parties must pay freelancers within 30 days after freelancers complete the work.
- It is illegal for hiring parties to penalize, threaten, blacklist, or otherwise deter freelancers from exercising their rights under the law.

Worker Complaints and Enforcement Amid State of Emergency and Applicable Executive Orders

DCWP is:

- Continuing to enforce NYC workplace laws.
- Prioritizing complaints from workers who report immediate impacts on their ability to earn income, such as last-minute schedule reductions or employers' failure to provide or pay for sick leave.
- Prioritizing swift resolutions that make workers whole, taking into account the good faith, responsiveness, and legitimate business considerations of employers.

For more information:

- Call **311**. Say "Paid Safe and Sick Leave," "Fair Workweek," or "Freelance Worker."
- Email OLPS@dca.nyc.gov
- Visit nyc.gov/workers

To file a workplace complaint:

- Call **311**. Say "Paid Safe and Sick Leave," "Fair Workweek," or "Freelance Worker."
- Email OLPS@dca.nyc.gov
- Visit nyc.gov/workers

Other NYC and State Benefits and Support

Unemployment Benefits

- Visit labor.ny.gov for information about:
 - Unemployment Insurance benefits
 - Pandemic Unemployment Assistance (PUA) benefits
 - [Coronavirus Aid, Relief, and Economic Security \(CARES\) Act](#) (specifically unemployment)

Workers' Compensation and Disability Benefits

- Visit the New York State Workers' Compensation Board at wcb.ny.gov/covid-19 for important information related to COVID-19. Depending on the facts, you may be able to receive workers' compensation or disability benefits due to COVID-19 symptoms. Employers must carry workers' compensation insurance to pay benefits to workers who are made ill or injured on the job and may be required to provide disability benefits to workers who suffer off-the-job injuries or illnesses.

Resources for New Yorkers

- Visit nyc.gov/coronavirus for information and support for:
 - Food
 - Employment and Jobs
 - Health Insurance, Health and Emotional Well-being
 - Rent and Housing
 - Benefits screening
 - School and Education
 - Free COVID-19 testing and vaccination sites

Resources are available for:

- Immigrants
- People with disabilities
- Older New Yorkers
- Children and families
- Veterans

Resources for Survivors During COVID-19

- Visit the [Mayor's Office to End Domestic and Gender-Based Violence](#) at nyc.gov/endgbv.

Information on COVID-19 and Protections against Unlawful Discrimination

- Visit the [City Commission on Human Rights](#) at nyc.gov/humanrights.

Resources for Businesses

- Visit nyc.gov/coronavirus for small business support.