

What NYC Employers Should Know about Paid Sick Time Requirements

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Recently, the New York City Earned Sick Time Act went into effect and employers who have NYC locations or employees who perform work in NYC must now provide paid sick leave to their employees.

The Act requires that employers with five or more employees who perform work in New York City at least 80 hours during a calendar year must provide those employees with 40 hours of paid sick leave each calendar year. Employers with fewer than five employees must offer at least 40 hours of unpaid sick leave each calendar year. The Act allows the employer to define its calendar year, so long as employees are given the allotted sick time within a 12-month period.

The Act allows employees to carryover up to 40 hours of sick time to the next year, but employers are only required to allow the employee to use 40 hours of sick time per a year. Employers can choose to compensate employees at their regular rate for unused sick time, but are not required to do so. If employers do compensate the employee, then the employee is no longer entitled to carry that unused sick time over to the next year.

Finally, the Act prohibits an employer from making any threat, discipline, discharge, demotion, suspension, or reduction in an employee's hours, or any other adverse employment action against an employee who exercises or attempts to exercise his or her right to sick time under the Act.

Employers must be aware that they are required to give written notice to their employees of their right to sick leave, including accrual and use of sick leave, the right to file a complaint, and the right to be free from retaliation. The written notice must be given to each employee on his or her first day of employment and must also be posted in the workplace. The notice must state the employer's calendar year, including start date and end date, and be given to employees in their

primary language. Employers can find sample notices available at <http://www.nyc.gov/PaidSickLeave>.

