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## Department of Consumer Affairs

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# PAID SICK LEAVE: WHAT EMPLOYEES NEED TO KNOW

Under New York City's Earned Sick Time Act (Paid Sick Leave Law), covered employees have the right to use sick leave for the care and treatment of themselves or a family member.

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>• Undocumented 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> <p><b>See "Domestic Workers" section on back.</b></p>	<ul style="list-style-type: none"> <li>• Employees who work 80 hours or less 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 <a href="http://New York State Labor Law">New York State Labor Law</a> (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 sick leave, the policy must meet or exceed the requirements of the law.

## NOTICE OF EMPLOYEE RIGHTS

Employee	Date Written Notice Due to Employee
New <i>First employed on or after April 1, 2014</i>	First day of employment
Existing <i>Already working for employer before April 1, 2014</i>	May 1, 2014

If you are a covered employee, your employer must give you written notice of your right to 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 SICK LEAVE (See "Domestic Workers" section on back, if applicable.)

Number of Employees Employed by Employer	Amount of Sick Leave per Calendar Year*	Paid or Unpaid Sick Leave	Rate of Pay
5 or more	Up to 40 hours	Paid	Regular hourly rate but no less than \$8 per hour (minimum wage)
1-4	Up to 40 hours	Unpaid	Not Applicable

\*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.

## SICK LEAVE ACCRUAL AND USE – IMPORTANT DATES (See “Domestic Workers” section below, if applicable.)

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)	120 days after first day of employment (New employee)

*Exception:* If you are covered by a collective bargaining agreement that is in effect on April 1, 2014, you begin to accrue sick leave under City law beginning on the date that the agreement ends.

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

### ACCEPTABLE REASONS TO USE SICK LEAVE

You can use sick leave 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.

The law recognizes the following as family members: 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).

### ADVANCE NOTICE

If the need is foreseeable, your employer can require up to seven days advance notice of your intention to use 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 sick leave for sick leave purposes.

### DOCUMENTATION

Your employer can require documentation from a licensed health care provider if you use more than three consecutive workdays as sick leave. The Paid Sick Leave Law prohibits employers from requiring the health care provider to specify the medical reason for sick leave. Disclosure may be required by other laws.

### UNUSED SICK LEAVE

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

### RETALIATION

Your employer cannot retaliate against you for requesting or using 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](http://nyc.gov/PaidSickLeave) or contact **311** (212-NEW-YORK outside NYC).

DCA will conduct an investigation and work with your employer to try to mediate your complaint. DCA will keep your identity confidential unless disclosure is necessary to conduct the investigation, mediate the complaint, or is required by law.

### Domestic Workers

*Below is information about amount of sick leave and sick leave accrual and use specific to domestic workers under City law. This leave is in addition to the three days of paid rest to which you are entitled under New York State Labor Law. Go to [labor.ny.gov](http://labor.ny.gov) and search “Domestic Workers’ Bill of Rights.” All other information on this sheet applies to you.*

Amount of Sick Leave per Calendar Year	Paid or Unpaid	Rate of Pay
2 days	Paid	Regular hourly rate but no less than \$8 per hour (current minimum wage) Go to <a href="http://labor.ny.gov">labor.ny.gov</a> and search “Minimum Wage.”

Rate of Accrual	Date Accrual Begins	Date Sick Leave Available for Use
2 days after 1 year on the job	DCA will provide guidance at <a href="http://nyc.gov/PaidSickLeave">nyc.gov/PaidSickLeave</a>	DCA will provide guidance at <a href="http://nyc.gov/PaidSickLeave">nyc.gov/PaidSickLeave</a>

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