

NYC'S PAID SICK LEAVE LAW

First Year Milestones



Bill de Blasio
Mayor

**Consumer
Affairs**

Julie Menin
Commissioner

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MESSAGE FROM THE COMMISSIONER

Mayor Bill de Blasio and Speaker Melissa Mark-Viverito expanded the Earned Sick Time Act (also known as the Paid Sick Leave Law) to include 500,000 more New Yorkers. The law went into effect April 1, 2014, and the Department of Consumer Affairs (DCA) was charged with its implementation and administration. The law was historic in its scope, giving 3.4 million employees the legal right to care for themselves and their families—1.2 million for the first time.

As the agency responsible for the law's implementation and enforcement, DCA is committed to working with employers and employees to ensure they know their responsibilities and rights. We have rolled out an extensive education and outreach campaign. Through TV, radio, print and digital advertising, and more, we have reached over six million New Yorkers. Important information is available in English and 25 additional languages. Visitors to our website have downloaded our employer resources tens of thousands of times.

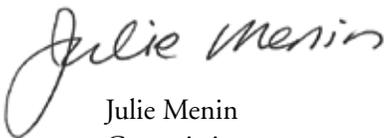
Our Paid Sick Leave Division has pursued an enforcement approach that mediates as a first course of action. Mediation provides the fastest and most equitable resolution for both the employee and the employer. As such, we have successfully mediated 70 percent of closed cases without issuing a single fine, securing thousands in restitution for employees.

As we've seen success in the law's implementation, we've seen strength in the economy. Since the law went into effect on April 1, 2014, the city has had steady job growth and the lowest unemployment in six years.

We believe that engaging the community and stakeholders is integral to effective enforcement. Therefore, we formed a Paid Sick Leave Advisory Council that includes representatives from business, labor, government, health care, and advocacy groups. Community feedback helps us make certain that the Paid Sick Leave Law works for everyone.

At a moment when a national movement for employee sick leave is building, we are proud to be the largest jurisdiction in the country that provides this legal right. Indeed, since New York City passed the Paid Sick Leave Law, 13 other jurisdictions have followed suit.

We value and invite your feedback on our report, and look forward to our continued partnership with employers, employees, advocates, business organizations, and government partners in making sure that "NYC Works Better with Paid Sick Leave."



Julie Menin
Commissioner
Department of Consumer Affairs

EXECUTIVE SUMMARY

New York City's Earned Sick Time Act (Paid Sick Leave Law) created the legal right to sick leave for 3.4 million private and nonprofit sector workers. For one third of those workers—nearly 1.2 million—the Paid Sick Leave Law (PSL) marked the first time they had access to this vital workplace benefit.

On March 20, 2014, Mayor Bill de Blasio signed a sweeping expansion of the PSL passed by the New York City Council, under the leadership of Speaker Melissa Mark-Viverito. The expansion encompassed new categories of workers and relatives for whose care an employee could use sick leave. These changes extended paid sick leave to approximately 500,000 more workers, 200,000 of whom did not previously have it.

In addition to legal rights, PSL provided workers with dignity in the workplace, protecting them from retaliation, including being fired, and employer rules that had required them to disclose private medical information. The law was a critical step in improving the lives of working New Yorkers, securing the city's public health, and setting a national example of how cities can protect vulnerable Americans.

Despite many predictions that the law would hurt the economy and employers and employees alike, economic data show the transition to complying with the law has been smooth, with minimal negative effect.

This report commemorates the anniversary of the implementation of PSL on April 1, 2014 and focuses on first year milestones.

Life Before Paid Sick Leave: Employee Perspective

PSL improved working conditions in New York City, particularly for those in low-paying jobs with few benefits. In focus groups conducted by the Department of Consumer Affairs (DCA) with low-income New Yorkers, participants discussed life before PSL. They described workplace rules that were incompatible with caring for themselves or their loved ones—jobs in which management pressured them to attend work while sick or to quit due to serious medical conditions. What emerged was the contours of a workplace culture where lower-level employees were at the whims of their managers, where the right to medical privacy was almost nonexistent, and where it was difficult to imagine being free from retaliation.

What also emerged was that paid sick leave policies have the power to fundamentally improve workplace dynamics. Participants unanimously said the ability to take paid sick leave without fear of retaliation would make them respect their employers more, stay in their jobs longer, and work even harder. These findings were confirmation that PSL was both necessary and the right thing for New York City.

DCA Public Education and Outreach Campaign

It is DCA's responsibility to ensure the public understands its rights and responsibilities under PSL. In spring 2014, the Agency launched a massive multimedia and multilingual public education and outreach campaign. DCA has run ads in public transit, on TV and radio, online and in community papers, which, collectively, have helped us reach over six million people; distributed approximately two million pieces of literature; translated English materials into 25 languages; attended more than 820 community meetings and employer workshops reaching nearly 70,000 New Yorkers.

Enforcement

DCA works to ensure that employers and employees understand and comply with the provisions of the law. Since the enactment of PSL, DCA has responded to more than 8,340 emails and calls from the public regarding the law. Almost all of the inquiries, 92 percent, are requests for more information. The remaining 7 percent are complaints.

As of March 30, 2015, DCA has received 472 valid complaints from employees. The top four types of complaints are:

- Employer not providing the required Notice of Employee Rights (61 percent)
- Not being paid for sick leave (43 percent)
- Sick leave policy not in writing or inadequate (21 percent)
- Retaliation (21 percent)

DCA works to resolve complaints in a manner that both protects employees and enforces the law in a balanced and effective manner. Whenever possible, DCA staff will mediate a complaint. As of March 30, 2015, DCA has successfully mediated 70 percent of closed complaints, 116 of the 165, without issuing a single fine, securing \$10,750 in restitution for 33 employees.

When an employer violates the law, it is not always possible to mediate. When mediation is not viable, the Agency works through settlements to maximize restitution. As of March 30, 2015, DCA has issued six consent orders for violations of the law, securing \$23,194 in restitution for employees and issuing \$39,350 in fines to employers. If investigations produce evidence of a violation and a negotiated settlement is not reached, the Agency will go to hearing.

Economic Snapshot

New York City's economy has thrived since the enactment of PSL. Between January 2014 and January 2015, a period that covers the law's implementation, economic indicators were a cause for celebration, not concern as many had predicted:

- Unemployment was 6.5 percent, the lowest in six years.
- Labor force participation rate was 60.7 percent, the highest on record.
- Private sector employment grew by 3.3 percent between January 2014 and January 2015, adding 112,300 jobs. Further, sectors that historically did not provide paid sick leave grew an average of 3.1 percent, adding 32,900 jobs over the year.
- New York City added 7,478 new private sector establishments between First Quarter (Q1) 2014, before PSL was enacted, and Third Quarter (Q3) 2014, after PSL was enacted. This is a 36 percent increase from the same period in 2013.
- Prices fell by 0.5 percent, suggesting business owners did not increase prices as a result of PSL.



INTRODUCTION

New York City’s Earned Sick Time Act (Paid Sick Leave Law) created the legal right to sick leave for 3.4 million private and nonprofit sector workers. For one third of those workers—nearly 1.2 million—the Paid Sick Leave Law (PSL) marked the first time they had access to this vital workplace benefit.

On March 20, 2014, Mayor Bill de Blasio signed a sweeping expansion of the PSL passed by the New York City Council, under the leadership of Speaker Melissa Mark-Viverito. The expansion encompassed new categories of workers and relatives for whose care an employee could use sick leave. These changes extended paid sick leave to approximately 500,000 more workers, 200,000 of whom did not previously have it.

With New York City’s passage of the Paid Sick Leave Law, Debra L. Ness, President, National Partnership for Women & Families, suggested that the United States “may be at the tipping point in the effort to make this humane, common sense policy available to millions more workers.” With 13 jurisdictions passing paid sick leave legislation following New York City’s passage, it is clear that New York City catalyzed a wave of action across the country.

The New York City Department of Consumer Affairs (DCA) enforces PSL. DCA has rolled out an extensive education and outreach campaign, designed employer resources, and implemented balanced enforcement.

This report, timed to the anniversary of the effective date of PSL on April 1, 2014, focuses on first year milestones. Specifically, this report provides:

- the national and local context for paid sick leave, including employees’ perspectives on life before PSL;
- a synopsis of New York City’s PSL provisions;
- an overview of DCA’s education and outreach campaign;
- data on PSL inquiries, employee complaints, and enforcement actions; and
- an economic snapshot of the economy since PSL was enacted.

Figure 1: National PSL Legislative Timeline





LIFE WITHOUT PAID SICK LEAVE

National Context

At his State of the Union Address on January 20, 2015, President Barack Obama urged Congress to pass the Healthy Families Act, which creates a national right to paid sick leave. Though many cities and states are taking steps to codify worker protections like paid sick leave, most low-income Americans are still unprotected. Nationwide, 49 percent of workers—41 million Americans—lack paid sick leave.¹

Those without access are often those most in need of a safety net: low-wage workers without benefits. For example, just 21 percent of workers in the accommodations and food services industry have paid sick leave compared to 83 percent of employees in the legal and finance sectors.² These disparities in rates of access to paid sick leave are seen across multiple demographic lines:

- Forty-nine (49) percent of Hispanic workers and 46 percent of African-American workers have paid sick leave compared to 64 percent of white workers.
- Twenty-one (21) percent of workers making \$14,999 or less have paid sick leave compared to 87 percent of workers making \$65,000 or more.
- Twenty-nine (29) percent of workers working 20-34 hours per week have paid sick leave compared to 70 percent of workers working 35+ hours.³

Low-income workers are less likely to be able to afford unpaid leave and are more at risk for being fired for their absence. These disparities often translate into serious public health hazards. Research published in the *American Journal of Public Health* after the H1N1 swine flu epidemic estimated that employees who attended work while sick with the virus infected as many as 5 million of their coworkers.⁴ Another study revealed that 53 percent of low-income Latino workers without paid sick days reported going to work sick frequently and 28 percent reported sending a sick child to school or daycare.⁵ To protect public health and to make sure no working family has to choose between earning a paycheck and taking a sick day, New York City adopted the Paid Sick Leave Law (PSL).

New York City

The situation in New York City before the passage of the expanded PSL in March 2014 was equally as grim as the national one: roughly 1.2 million workers had no paid sick leave. Of those, 62 percent were low-income. For low-income Latino workers, coverage was even sparser with 76 percent lacking paid sick leave. Part-time workers were more than twice as likely not to have paid sick leave as full-time workers (83 percent compared to 40 percent). Less than half of food service workers and one third of construction workers had the benefit.⁶ Even for those with the benefit, it was limited. For example, just 35 percent of full-time employees with paid sick time were able to take this leave to care for an ill child.⁷

The Employee Perspective

DCA conducted focus groups with low-income people working in New York City. The objective was to gain a deeper understanding of what the right to sick leave meant for workers who most likely did not have access to sick leave prior to PSL. Participants gave a human dimension to the statistics, painting a picture of what life was like for the 1.2 million workers who previously did not have the right to sick leave.

Participants described workplace rules that were incompatible with caring for themselves and their loved ones. A man in his early twenties talked about his experience working at a fast food restaurant before PSL.

“I had a giant-size tumor in my knee so I had to have surgery... Instead of telling my job I’m going to be out this many days, I just quit, because I knew I wasn’t going to be able to keep the job.”

In addition to the health risks they experienced, participants discussed how the lack of paid sick leave made them feel unhappy and insecure in their jobs. What emerged from the conversation was the picture of a workplace culture where lower-level employees were at the whims of their managers, where the right to medical privacy was almost nonexistent, and where it was difficult to imagine being free from retaliation.

A 30-year-old medical biller described his worries after calling in sick.

“I feel like it’s a backlash. (There) might not be a next time to come to work... I feel like some of them hold it against you.”

A retail worker in his twenties recounted how his employer made him feel when he was sick.

“Sometimes you’ve got to go in just to get sent home... They’ll be like, ‘Oh, no, you’re all right. You’re good. You’re breathing.’... It was just too difficult because it’s how they make you feel. Sometimes they don’t outright say it. They infer it in a way. You know, they’re like, ‘Really, you’re sick? Really?’”

A home health aide in her early thirties recalled being forced to share her daughter’s confidential medical information.

“Well, before my child was sick and I wouldn’t have anybody to help me. I would have to really call out and just let them know, ‘Listen, I have this problem. I don’t have childcare. I have to take care of my daughter. What can I do?’... She’s like, ‘Okay, just bring in a doctor’s note.’... My daughter suffers from asthma. So sometimes she could be for three days sick. After the third day, they won’t pay me. If I have to be out for a whole week, I have to bring a doctor’s note and a diagnosis. I’m like, ‘But that’s my child.’ They’re like, ‘No, you have to because we need to see and verify what was going on.’”

What also became clear was how important paid sick leave was to participants’ ability to manage their lives and finances. A young woman in her twenties who worked at a fast food chain described what it meant for her that New York City had PSL.

“I think it’s a good thing, especially when you have kids. The unexpected will happen, and then if you’re living from paycheck to paycheck you need to fill that gap, especially working minimum wage. It doesn’t pay the bills, so if you miss a day it’s like missing out on a lot. So with paid sick leave, when the kids get sick, or you get sick, you still get paid for the day.”

Another theme that emerged was that paid sick leave policies have the power to fundamentally change how employees feel about their employers. A customer service representative at a car service company described how she felt about her employer who had made it difficult for her to care for her sick daughter.

“I had to take off because my daughter had a high fever...they said, ‘Make other arrangements for your child.’ Yeah, that was their response to me. Sorry I couldn’t come to work because my daughter has a high fever and I’m the mother. It makes you not even want to work there.”

Compare this response to the responses from participants asked how it would make them feel to have an employer who offered paid sick leave that they could take without fear of retaliation:

“That is a fairy tale...It’s once upon a time.”

“That’s the job you retire from. That’s the only job you will have for the rest of your life.”

“I would work harder. I would do what they asked me to do, because I know that at the end of the day I’m benefitting from what they’re giving me. We’re both benefitting...I think everybody would flock to that company. They would always have an employee base.”

The passage and expansion of PSL provided 3.4 million working New Yorkers with the legal right to care for themselves and their loved ones. It also provided them with dignity in the workplace, freeing them from retaliation and unreasonable demands to disclose private medical information. This was a critical step in improving the lives of working New Yorkers, protecting the city’s public health, and setting a national example of how cities can be at the forefront of protecting vulnerable Americans.



I'VE ALWAYS BELIEVED IN PROVIDING PAID SICK LEAVE BECAUSE AS A BUSINESS OWNER YOU HAVE A RESPONSIBILITY TO THE PEOPLE THAT WORK FOR YOU, AS WELL AS YOUR CUSTOMERS.



Barbara Sibley
Owner, La Palapa
East Village, Manhattan



PAID SICK LEAVE LAW

Background

On June 7, 2013, New York City became the seventh—and the largest—jurisdiction to create a legal right to sick leave when the New York City Council overrode Mayor Michael R. Bloomberg’s veto of the Earned Sick Time Act originally passed by the Council on May 8, 2013 by a vote of 45-3.

Expansion of the Law

Upon taking office in 2014, and before the Paid Sick Leave Law (PSL) went into effect, Mayor Bill de Blasio put forward new legislation to expand the law’s impact and reach. Mayor de Blasio’s expansion was passed by the City Council, under the leadership of Speaker Melissa Mark-Viverito, and signed into law on March 20, 2014, extending the right to paid sick leave to an additional 500,000 employees. The expanded law:

- Added grandparents, grandchildren, and siblings to the definition of family members whom a worker can legally care for using sick leave, bringing legal definitions in line with working New Yorkers’ daily reality.
- Extended the right to paid sick leave to workers at businesses with five or more employees, including those left out of the original legislation, which had applied to businesses with 15 or more employees only. As a result, an additional 355,000 New Yorkers now get paid sick leave (200,000 of whom had never had paid sick leave).
- Removed exemptions for the manufacturing sector, extending paid sick leave to 76,000 workers, half of whom did not have access to paid sick leave previously.

Provisions of the Law

Employees Covered by the Law

The law covers most employees who work more than 80 hours a calendar year in New York City.

Table 1: Employees Covered/Not Covered by the Law

Covered	Not Covered
<p>Employees must work 80+ hours per calendar year in New York City.</p> <ul style="list-style-type: none"> • Full-time employees • Part-time employees • Seasonal and temporary employees • Transitional jobs program employees • Undocumented employees • Employees who are family members but not owners • Employees who live outside of New York City • Domestic workers 	<ul style="list-style-type: none"> • Employees who work 80 hours or less a calendar year in New York City • Students in federal work study programs • Employees whose work is compensated by qualified scholarship programs • Employees of government agencies • 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> • Independent contractors who do not meet the definition of an employee under New York State Labor Law (Go to labor.ny.gov and search “Independent Contractors.”) • Participants in Work Experience Programs (WEP) • Certain employees subject to a collective bargaining agreement

Table 2: Amount of Sick Leave

Number of Employees	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 \$8.75 per hour (2015 New York State minimum wage)
1–4	Up to 40 hours	Unpaid	Not Applicable
1 or more domestic workers <i>Must work 80+ hours per calendar year and have been employed by the same employer at least 1 year</i>	Up to 2 days	Paid	Regular hourly rate but no less than \$8.75 per hour (2015 New York State minimum wage)

Note: “Calendar Year” means any regular and consecutive 12-month period of time determined by an employer.

Employers That Must Provide Sick Leave

Employers with five or more employees who work more than 80 hours a calendar year in New York City must provide paid sick leave. Employers with one to four employees who work more than 80 hours a calendar year in New York City must provide unpaid sick leave. Finally, an employer of a domestic worker who has worked for the employer for at least a year and who works more than 80 hours a year must provide up to two days of paid sick leave.

Amount of Sick Leave

Employees accrue sick leave at a rate of one hour for every 30 hours worked, up to a maximum of 40 hours per calendar year. If an employer has an existing policy allowing employees to use sick leave, the policy must meet or exceed the requirements of PSL.

Acceptable Reasons to Use Sick Leave

An employee covered by the law can use sick leave for the following reasons:

- A mental or physical illness, injury, or health condition; to get a medical diagnosis, care, or treatment of a mental or physical illness, injury, or condition; to get preventive medical care.
- To 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.
- An employer’s business closes due to a public health emergency or 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).

Documentation

An employer can require documentation from a licensed health care provider only if an employee uses more than three consecutive workdays as sick leave. PSL prohibits employers from requiring the health care provider to specify the medical reason for sick leave. An employer may require an employee to provide written verification that the employee used sick leave for sick leave purposes.

Unused Sick Leave

An employee can carry over up to 40 hours of unused sick leave to the next calendar year. However, an employer is only required to allow use of up to 40 hours of sick leave per calendar year.

Retaliation

An employer cannot retaliate or threaten to retaliate against an employee for requesting or using sick leave earned pursuant to PSL. Retaliation includes any threat, discipline, discharge, demotion, suspension, or reduction in hours, or any other adverse employment action.



I WORK WITH FOOD ALL DAY, SO I REALLY CAN'T BE SICK AT WORK... THIS PAID SICK LEAVE LAW THAT MAYOR DE BLASIO HAS HELPED MAKE A REALITY ALLOWED ME TO TAKE CARE OF MYSELF WHEN I WAS SICK AND COME BACK TO WORK HEALTHIER AND HAPPIER, ESPECIALLY SINCE I DON'T HAVE TO LOSE OUT ON MY PAY, WHICH I NEED TO SUPPORT MYSELF AND MY YOUNG SON.



Kai Sumpter
Grocery Store Employee
Morris Heights, The Bronx

rcleys Ctr

Booth R612

ld Square for
rn Station



Photo Credit: Richard Brathwaite

EDUCATION AND OUTREACH CAMPAIGN

Overview

The Paid Sick Leave Law (PSL) affects millions of working New Yorkers, and DCA is committed to making sure they know about the law. In spring 2014, DCA launched a multimedia and multilingual public education and outreach campaign designed to help employers and employees understand their responsibilities and rights under the new law.

The education and outreach campaign, which is still ongoing, consists of trainings; a Paid Sick Leave website; information available through 311; direct mail and email outreach to New York City businesses and residents; and a multiphased advertising campaign timed to key dates of the law.

Advertising Campaign

The advertising campaign includes ads on subways, buses, bus shelters, telephone kiosks, television, online, radio, and in community newspapers. To date, the campaign has reached well over six million people, in eight different languages.

March–April 2014



June–August 2014



September 2014–June 2015



Workshops and Events

Person-to-person interactions and public speaking engagements are an integral part of DCA's outreach strategy. The Agency has sent staff with capabilities in six different languages to more than 820 community meetings and employer workshops throughout the five boroughs reaching nearly 70,000 New Yorkers. Outreach staff has also conducted 42 business walks in New York City's major business districts, meeting one-on-one and distributing materials to managers at approximately 1,500 businesses. In addition to traveling to communities, DCA hosts monthly open houses and conducts online webinar trainings to ensure there are multiple avenues for participation.

April 2015 Workshop



Informational Materials

DCA has designed informational materials targeted to employers and employees, available both online and in hard copy. To raise awareness of the law and to ensure compliance, DCA has distributed approximately two million pieces of literature. In addition, the Paid Sick Leave website has received more than 285,000 visits, with almost 300,000 downloads of informational materials and tools for employers.

Language Access

An effective public education and outreach campaign is tailored to the public it serves. To be effective, DCA has made language access a top priority. Though the law requires that the Notice of Employee Rights be made available in seven languages, the Agency has exceeded this threefold, translating the Notice of Employee Rights and informational materials for employers and employees into 25 languages in addition to English. Further, more than 25 percent of DCA's Paid Sick Leave events have been in a language other than English, and more than 70 percent of DCA's Paid Sick Leave staff is multilingual.

Paid Sick Leave Advisory Council

In spring 2014, DCA created a Paid Sick Leave Advisory Council, consisting of representatives from business and industry groups, community and advocacy organizations, government agencies, and also the offices of key elected officials. Through the Council, DCA receives valued advice and input from key groups about how the Agency can better target outreach and calibrate implementation to suit the needs of both employees and employers.

Day of Action

On July 16, 2014, DCA held a Paid Sick Leave "Day of Action." Working with more than 100 New York City agencies, advocacy groups, nonprofits, and labor unions, the Agency recruited more than 1,400 volunteers. Through morning and afternoon rush-hour shifts at 150 subway stations and transit hubs across the city, volunteers distributed approximately 350,000 pieces of literature, and helped #paysickleave trend on Twitter in New York City that day.

With hundreds of thousands of businesses in New York City, DCA will continue to allocate resources to educate the public. It is both a challenge and an imperative that employees and employers understand their rights and responsibilities.

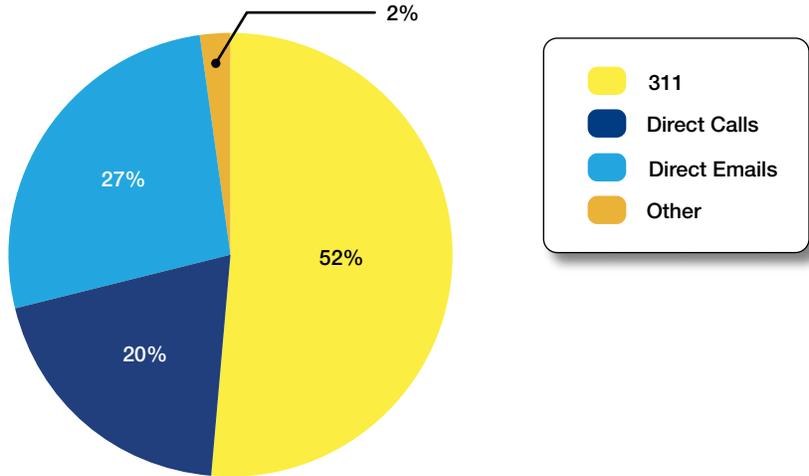


INQUIRIES AND EMPLOYEE COMPLAINTS

Overview

Ensuring that employers and employees understand their responsibilities and rights under the Paid Sick Leave Law (PSL) is a top priority for DCA. In addition to the robust outreach detailed in the previous section, the Agency has provided multiple ways for employers and employees to communicate with DCA, even before potential problems arise. The Agency fields inquiries through 311, as well as through direct emails and calls. Since the enactment of PSL, DCA has responded to more than 8,340 emails and calls from the public regarding the law. See Figure 2 for a breakdown.

Figure 2: Inquiry Method



Note: Numbers reflect rounding.

Inquiries

Almost all of the inquiries, 92 percent, are requests for more information about the law. Employees are twice as likely as employers to inquire about the law. However, for both, the most common topics of inquiry are about how employees accrue sick leave hours and how much sick leave an employee has for use; 26 percent of employee inquiries and 41 percent of employer inquiries are requests for information on this topic.

Table 3 on page 25 provides further detail about information requests.

Table 3: Inquiry Topics

FAQ Category	Employee	Employer
Right to Sick Leave-Hours, Accrual	26%	41%
Employees Covered/Not Covered by the Law	20%	11%
General Questions	17%	17%
Other Time Off Policies	13%	10%
Use of Sick Leave	9%	8%
Complaints	8%	1%
Notice to Employees	3%	5%
Rate of Pay for Sick Leave	2%	5%
Retaliation	1%	0.3%
Federal and Other State Laws Related to Leave Time	1%	0%
Employee Record Keeping	0.1%	1%
Enforcement	0.1%	0.1%
Rules	0.0%	0.2%

Employer Tools and Resources

DCA is committed to working with businesses to help make it easier and simpler for them to understand and comply with the law. To do this, DCA has created numerous tools and resources to help employers implement sick leave policies. In response to high employer demand for information on time accrual and usage, DCA created spreadsheets that assist employers in tracking their employees' sick leave accrual.

The Agency also provides:

- Model forms in multiple languages
- Rules for Sick Leave Policies in multiple languages
- Detailed Frequently Asked Questions (“FAQ”) document
- Required Notice of Employee Rights in multiple languages that employers can distribute to their employees
- Informational materials in multiple languages

Tools like these reduce burdens on employers and minimize barriers to compliance. For examples of tools and resources, see Appendix A.

Employee Complaints

As of March 30, 2015, DCA has received 472 complaints from employees, 7 percent of the total inquiries (each complaint may include multiple issues). A majority of these complaints, 61 percent, stem from an employer not providing DCA’s written Notice of Employee Rights, as required by law.⁸ In order of frequency, the next most common employee complaints are:

- Not being paid for sick leave (43 percent)
- Sick leave policy not in writing or inadequate (21 percent)
- Retaliation for taking sick leave (21 percent)
- Not being allowed to use sick leave (18 percent)
- Not accruing sick leave correctly (14 percent)
- Unlawful medical documentation required (5 percent)

“

COMING FROM AN IMMIGRANT FAMILY, I KNOW THE CHALLENGES PEOPLE FACE AS UNDOCUMENTED EMPLOYEES WHO DON'T RECEIVE WORK BENEFITS. UNDER THE PAID SICK LEAVE LAW, EMPLOYEES WHO MAY FALL INTO THIS CATEGORY NOW HAVE THE RIGHT TO TAKE SICK LEAVE TO CARE FOR THEMSELVES OR A FAMILY MEMBER.

IT HAS BEEN SO REWARDING TO HELP THE EMPLOYEES AND EMPLOYERS WHO VISIT OR CALL TO INQUIRE ABOUT THEIR RIGHTS UNDER THIS LAW.

Juana Abreu
Community Support Associate
Paid Sick Leave Division

”



ENFORCEMENT

DCA works to resolve complaints in a way that both protects employees and enforces the Paid Sick Leave Law (PSL) in a balanced manner. As of March 30, 2015, DCA has closed 165 cases and is investigating 307 complaints.

Mediation

Whenever possible, DCA staff will mediate a complaint. Without issuing a single fine, DCA has successfully resolved 70 percent of closed complaints, 116, through mediation and secured \$10,750 in restitution for 33 employees. See Table 4 for a breakdown of mediated restitution by sector. Further, DCA allows employers to settle a violation without a hearing, increasing efficiency and the likelihood that employees will get restitution.

Table 4: Mediated Settlements

Sector	# of Complaints	# of Employees	Restitution Amount
Arts, entertainment, and recreation	1	1	\$456
Construction	2	2	\$1,280
Finance, insurance, and real estate	1	1	\$250
Health care and social assistance	2	2	\$610
Manufacturing	1	3	\$139
Personal services (e.g., Laundry services, nail/hair salon)	2	14	\$2,944
Professional services (e.g., Consulting, accounting)	2	2	\$1,344
Retail trade	3	3	\$824
Restaurant/food service	1	1	\$880
Security	4	4	\$2,023
Grand Total	19	33	\$10,750

Violations

When an employer violates PSL, it is not always possible to mediate. When mediation is not viable, the Agency works to resolve cases with the goal of maximizing restitution. Out of 165 closed cases, DCA has entered into six consent orders.⁹ Below is a brief description of each case.

- **Manhattan Coffee Shop:** The business violated PSL by failing to distribute the Notice of Employee Rights to staff; not paying for sick leave used; and having an inadequate written sick leave policy. One employee received \$912 in restitution and the business was fined \$1,225.
- **Manhattan Restaurant:** The business violated PSL by retaliating against an employee for using sick leave. One employee received \$6,532 in restitution and the business was fined \$250.
- **National Electronics Store Chain:** The business was fined \$525 for failing to distribute the Notice of Employee Rights to an employee and having an inadequate written sick leave policy.

- **National Logistics and Shipping Firm:** The business violated PSL by failing to distribute the Notice of Employee Rights to staff; not properly tracking employee sick leave accruals; and not allowing employees to take sick leave. Thirty employees received a total of \$15,000 in restitution and the business was fined \$33,600. In addition, the business credited all employees who had not accrued the proper amount of sick leave under the law with an adjustment of sick leave hours, bringing their sick leave balance up to the amount required by law.
- **Manhattan Retail Store:** The business violated PSL by failing to distribute the Notice of Employee Rights to staff; not paying for sick leave used; having a sick leave policy that violated the law by requiring unforeseeable notice of need to use sick leave; and requiring documentation from a health care provider for an absence of less than three consecutive workdays. One employee received \$250 in restitution and the business was fined \$625.
- **Manhattan Nonprofit Organization:** The business violated PSL by not allowing certain part-time employees to accrue and use leave; failing to distribute the Notice of Employee Rights; and by having a written policy that did not comply with the law. One part-time employee received \$500 in restitution and the organization was fined \$3,125.

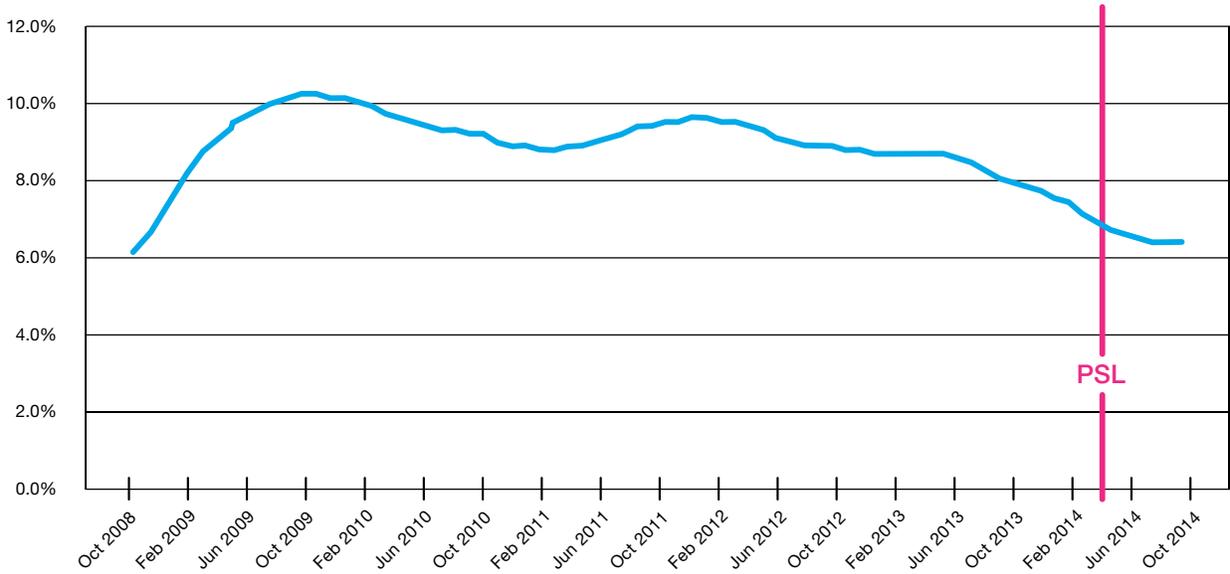


PAID SICK LEAVE IMPACT: AN ECONOMIC SNAPSHOT

Critics of the Paid Sick Leave Law (PSL) claimed that the law would be a death knell for New York City’s economy. They predicted increased unemployment, shuttered businesses, and stymied growth. These predictions have not come to fruition. During the period since PSL was enacted, New York City’s economy has thrived. Though it is not possible to draw a causal relationship between positive economic indicators and PSL, it is clear that the law has not been a barrier to economic growth. Between January 2014 and January 2015, a period that covers the law’s implementation, economic indicators were a cause for celebration, not concern.

Unemployment was 6.5 percent, the lowest in six years.

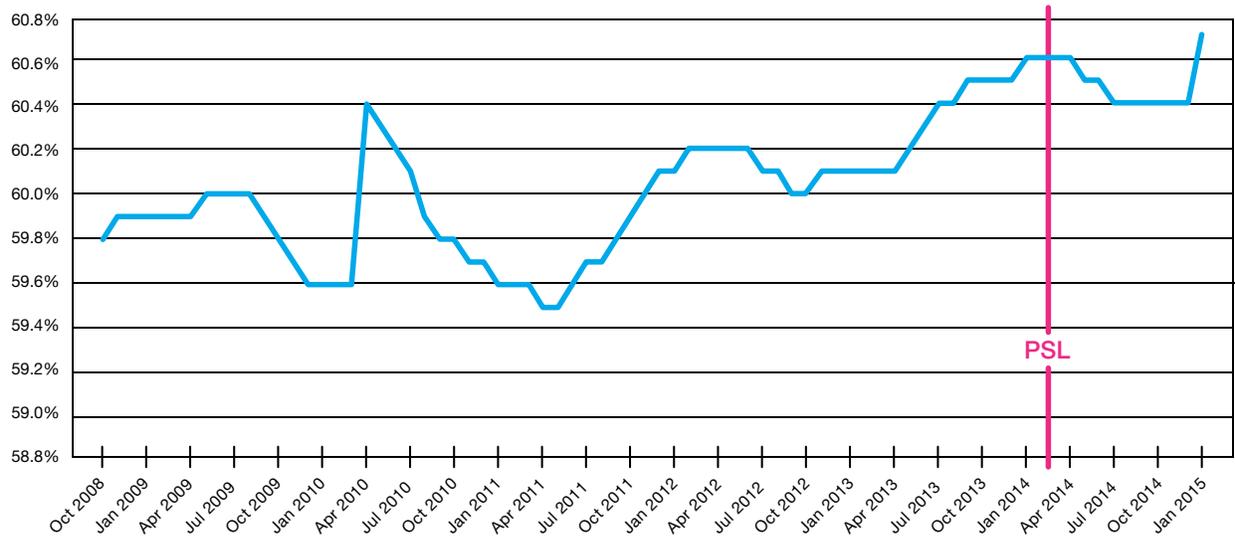
Figure 3: NYC Unemployment Rate



Source: New York State Department of Labor; data are seasonally adjusted.

Labor force participation rate was 60.7 percent, the highest on record.

Figure 4: NYC Labor Force Participation Rate

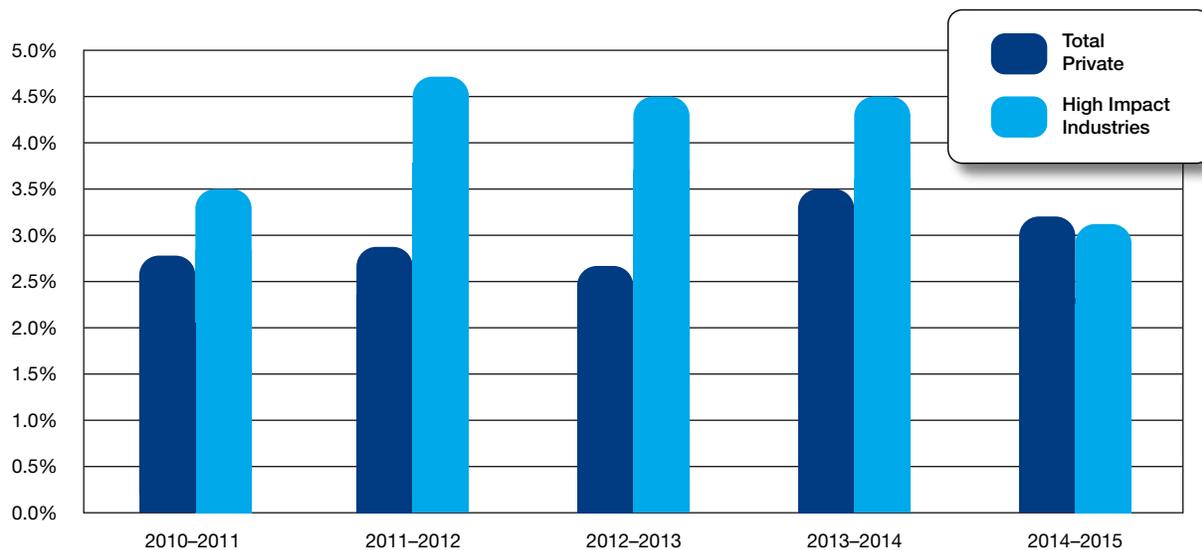


Source: New York State Department of Labor; data are seasonally adjusted.
 Note: The labor force participation rate is the percentage of the population that is working or actively seeking employment.

Private sector employment grew by 3.3 percent between January 2014 and January 2015, adding 112,300 jobs. Since PSL took effect on April 1, 2014, the New York City private sector has added 91,575 jobs. Further, sectors that historically did not provide paid sick leave grew an average of 3.1 percent, adding 32,900 jobs over the year.

- Arts, entertainment, and recreation: 6.8 percent growth, 5,200 jobs added
- Retail trade: 3.6 percent growth, 12,300 jobs added
- Accommodations and food services: 3 percent, 9,200 jobs added
- Construction: 2.2 percent, 2,600 jobs added
- Administration, support, and waste services: 1.7 percent, 3,600 jobs added

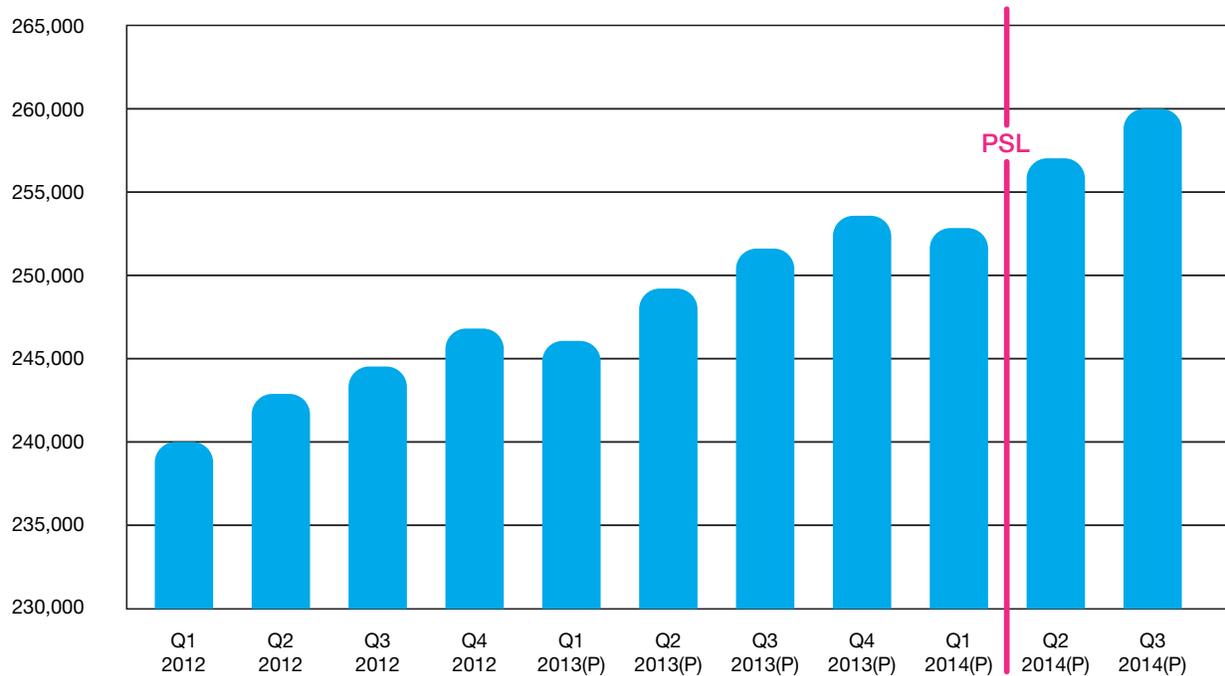
Figure 5: Percentage Change in Employment (January 2014 to January 2015)



Sources: New York State Department of Labor, NYC Office of Management and Budget; Data are non-seasonally adjusted.

New York City added 7,478 new private sector establishments between Q1 2014, before PSL was enacted, and Q3 2014, after PSL was enacted. This is a 36 percent increase from the same period in 2013. This suggests that PSL did not result in business closures or impede business growth.

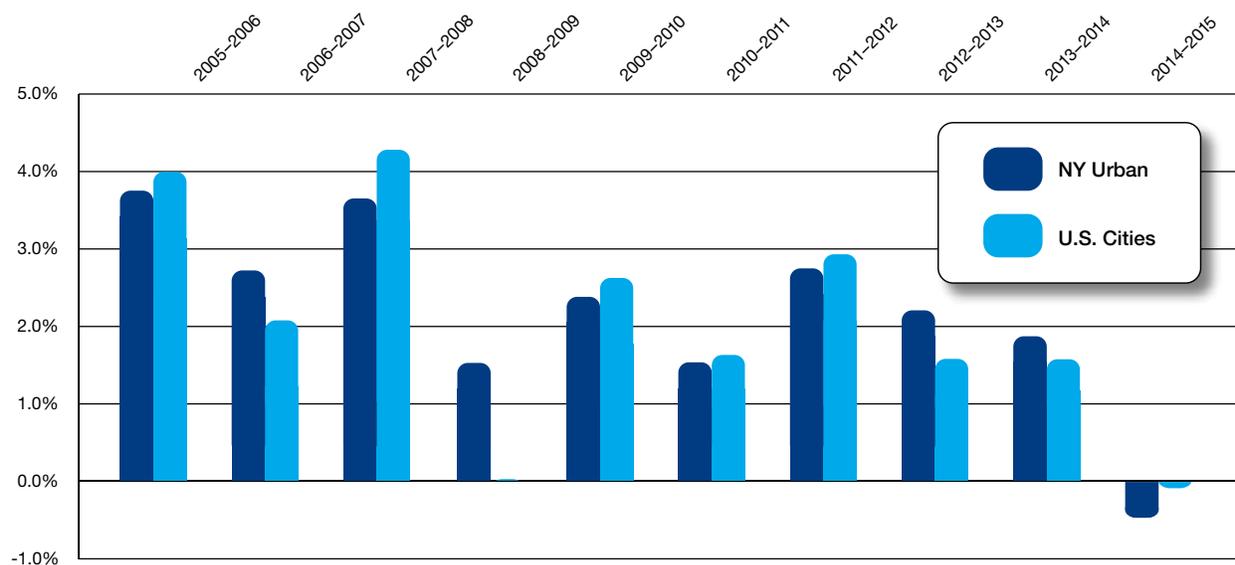
Figure 6: Total Private Sector NYC Establishments



Source: New York State Department of Labor, Quarterly Census of Employment and Wages.
 Note: Data for 2013 and 2014 are preliminary and subject to revision.

Prices fell by 0.5 percent. This suggests that business owners did not increase prices as a result of PSL.

Figure 7: Percent Change in Prices for All Items, January 2014 to January 2015



Source: U.S. Bureau of Labor Statistics, Consumer Price Index for All Urban Consumers, U.S. City Average and New York-Northern New Jersey-Long Island, NY-NJ-CT-PA; data are non-seasonally adjusted.



CONCLUSION

By signing the expanded Earned Sick Time Act (Paid Sick Leave Law), Mayor de Blasio ensured that millions of workers no longer have to choose between a paycheck and caring for themselves or their family.

One year after implementation, we know the following to be true: employers and employees are learning about their rights and responsibilities through DCA's extensive education and outreach campaign; employee complaints are, for the most part, resolved through mediation; and the economy is strong and growing.

Most of all, we know that "NYC Works Better with Paid Sick Leave."

ENDNOTES

- ¹ Rachel O'Connor, *Paid Sick Days Access Varies by Race/Ethnicity, Sexual Orientation, and Job Characteristics* (New York: Institute for Women's Policy Research, 2014).
- ² U.S. Bureau of Labor Statistics. "National Compensation Survey." 2014.
- ³ O'Connor, *Paid Sick Days Access Varies by Race/Ethnicity, Sexual Orientation, and Job Characteristics*.
- ⁴ Supriya Kumar, *The Impact of Workplace Policies and Other Social Factors on Self-Reported Influenza-Like Illness Incidence During the 2009 H1N1 Pandemic* (Washington, DC: American Journal of Public Health, 2012), <http://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2011.300307>.
- ⁵ Nancy Rankin, *Still Sick in the City: What the Lack of Paid Leave Means for Working New Yorkers* (New York: Community Service Society, 2012).
- ⁶ Rankin, *Still Sick in the City: What the Lack of Paid Leave Means for Working New Yorkers*.
- ⁷ "Fact Sheet on Paid Sick Days in NYC." *Time to Care*. New York State Paid Family Leave Coalition. New York, NY. 2013. <http://timetocareny.org/wp/wp-content/uploads/2013/12/Fact-Sheet-Overview.pdf>. <http://timetocareny.org/get-facts/>
- ⁸ DCA has created the Notice of Employee Rights and made it available on its website in 26 languages. Employers must provide the notice to employees in English and, if available on the DCA website, their primary language. The employer must designate the employer's calendar year, including Start Date and End Date, directly on the notice provided to employees. The notice is available at nyc.gov/PaidSickLeave.
- ⁹ A consent order is an agreement or settlement that resolves the matter. The Department maintains supervision over the implementation of the terms of the agreement, such as in the exchange of money or other action that the employer is supposed to take.

APPENDIX

Appendix A: Employer Tools and Resources



Department of
Consumer Affairs

Julie Menin
Commissioner

NOTICE OF EMPLOYEE RIGHTS

Under New York City's Earned Sick Time Act (Paid Sick Leave Law), certain employers must give their employees sick leave. Go to nyc.gov/PaidSickLeave to learn which employees are covered by the law.

Employers with five or more employees who are hired to work more than 80 hours a calendar year in New York City must provide paid sick leave. Employers with less than five employees must provide unpaid sick leave.

Employers who have one or more domestic workers who have been employed at least one year and who work more than 80 hours a calendar year must provide paid sick leave.

By law, employers who must provide sick leave must give this written notice to new employees when they begin employment and to existing employees by May 1, 2014.

YOU HAVE A RIGHT TO SICK LEAVE, WHICH YOU CAN USE FOR THE CARE AND TREATMENT OF YOURSELF OR A FAMILY MEMBER.

AMOUNT OF SICK LEAVE

- Your employer must provide up to 40 hours of sick leave every calendar year. Your employer's calendar year is:

Start of Calendar Year: _____ End of Calendar Year: _____

- Domestic workers:** Your employer must provide two days of paid sick leave 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 and search "Domestic Workers' Bill of Rights" for more information.

RATE OF ACCRUAL

- You accrue sick leave at the rate of one hour for every 30 hours worked, up to a maximum of 40 hours of sick leave per calendar year.
- Domestic workers:** You must have worked for the same employer for at least one year to earn two days of paid sick leave under City law. DCA will provide guidance on rate of accrual at nyc.gov/PaidSickLeave.

DATE ACCRUAL BEGINS

You begin to accrue sick leave on April 1, 2014 or on your first day of employment, whichever is later.

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.

DATE SICK LEAVE IS AVAILABLE FOR USE

- You can begin using sick leave on July 30, 2014 or 120 days after you begin employment, whichever is later.
- Domestic workers:** DCA will provide guidance on when sick leave is available for use at nyc.gov/PaidSickLeave.

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.

FAMILY MEMBERS

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.

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

Up to 40 hours of unused sick leave can be carried over 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.

YOU HAVE A RIGHT TO BE FREE FROM RETALIATION FROM YOUR EMPLOYER FOR USING SICK LEAVE.

Your employer cannot retaliate against you for:

- Requesting and using sick leave.
- Filing a complaint for alleged violations of the law with DCA.
- Communicating with any person, including coworkers, about any violation of the law.
- Participating in a court proceeding regarding an alleged violation of the law.
- Informing another person of that person's potential rights.

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.

YOU HAVE A RIGHT TO FILE A COMPLAINT.

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

DCA will conduct an investigation and 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.

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

Note: The Earned Sick Time Act sets the minimum requirements for sick leave. Your employer's leave policies may already meet or exceed the requirements of the law.

You have a right to be given this notice in English and, if available on the DCA website, your primary language.

For more information, including Frequently Asked Questions, go to nyc.gov/PaidSickLeave or call **311** and ask for information about Paid Sick Leave.



PAID SICK LEAVE: WHAT EMPLOYERS NEED TO KNOW

Certain employers must comply with New York City's Earned Sick Time Act (Paid Sick Leave Law) starting April 1, 2014. Under the 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 employers about their responsibilities under the law. DCA will update this sheet as appropriate. Please note the date at the bottom of the sheet. To read the law and Frequently Asked Questions about the law, go to nyc.gov/PaidSickLeave.

EMPLOYERS WHO MUST PROVIDE SICK LEAVE

Number of Employees	Amount of Sick Leave per Calendar Year	Paid or Unpaid Sick Leave	Rate of Pay
5 or more <i>Must work 80+ hours a calendar year*</i>	Up to 40 hours	Paid	Regular hourly rate but no less than \$8.75 per hour (minimum wage)
1-4 <i>Must work 80+ hours a calendar year</i>	Up to 40 hours	Unpaid	Not Applicable
1 or more domestic workers <i>Must work 80+ hours a calendar year and have been employed by the same employer at least 1 year</i>	2 days	Paid	Regular hourly rate but no less than \$8.75 per hour (minimum wage)

*Note: "Calendar Year" means any regular and consecutive 12-month period of time determined by an employer.

Note: If you have an existing policy allowing employees to use sick leave, your policy must meet or exceed the requirements of the law.

EMPLOYERS WHOSE EMPLOYEES ARE NOT COVERED BY THE LAW

The law does not cover employees who work 80 hours or less a calendar year; students in federal work study programs; employees whose work is compensated by qualified scholarship programs; employees of government agencies; physical therapists, occupational therapists, speech language pathologists, audiologists who are licensed by the New York State Department of Education 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; independent contractors who do not meet the definition of an employee under New York State Labor Law; participants in Work Experience Programs; certain employees subject to a collective bargaining agreement. In the case of collective bargaining agreements, employees are not covered by the law if the agreement expressly waives the law's provisions and provides comparable benefits. For employees in the construction or grocery industry covered by a collective bargaining agreement, the law does not apply if the agreement expressly waives the law's provisions. For guidance on collective bargaining agreements, read Frequently Asked Questions at nyc.gov/PaidSickLeave.

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

You must provide each employee with written notice of the employee's 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 notice must state your calendar year, including Start Date and End Date. Employees have a right to the notice in English and, if available on the DCA website, their primary language. The notice is available at nyc.gov/PaidSickLeave.

SICK LEAVE ACCRUAL AND USE – IMPORTANT DATES

	Rate of Accrual	Date Accrual Begins	Date Sick Leave Available for Use
Employee	1 hour for every 30 hours worked	April 1, 2014 <i>(Existing employee)</i>	July 30, 2014 <i>(Existing employee)</i>
		First day of employment <i>(New employee)</i>	120 days after first day of employment <i>(New employee)</i>
Domestic Worker	2 days after 1 year on the job	DCA will provide guidance at nyc.gov/PaidSickLeave	DCA will provide guidance at nyc.gov/PaidSickLeave

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

RECORD KEEPING

You must keep and maintain records documenting compliance with the law for at least three years. You must keep any health related information confidential unless the employee permits you to disclose it or disclosure is required by law. You must make the records available to DCA upon notice at an agreed upon time of day.

ADVANCE NOTICE

If the need is foreseeable, you can require up to seven days advance notice of an employee's intention to use sick leave. If the need is unforeseeable, you may require an employee to give notice as soon as practicable (reasonable).

DOCUMENTATION

You can require documentation from a licensed health care provider if an employee uses more than three consecutive workdays as sick leave. The Paid Sick Leave Law prohibits you from requiring the health care provider to specify the medical reason for sick leave. Disclosure may be required by other laws. You may require an employee to provide written verification that the employee used sick leave for sick leave purposes.

UNUSED SICK LEAVE

An employee can carry over up to 40 hours of unused sick leave to the next calendar year. However, you are only required to let an employee use up to 40 hours of sick leave per calendar year. You can choose—but are not required—to pay an employee for unused sick leave at the end of the calendar year. Employees cannot carry over sick leave if you pay them for the unused sick leave AND you provide the employee with an amount of paid sick leave that meets or exceeds the requirements of the law for the new calendar year on the first day of the new calendar year.

RETALIATION

You cannot retaliate against employees for requesting or using sick leave. Retaliation includes 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 any right guaranteed under the law.

COMPLAINTS

If an employee files a complaint with DCA, DCA will contact you by mail for written response. You must respond to DCA within 30 days. DCA will work with you and the employee to resolve the complaint. We will also assist you to come into compliance.

NOTICE OF VIOLATION

If you receive a notice of violation, you will have the opportunity to settle the violation without a hearing or you can appear before an impartial judge at a City Tribunal.

Note: All employers must comply with the law starting April 1, 2014. Up to October 1, 2014, the following employers will have the opportunity to ensure compliance without a penalty, and a first violation before October 1, 2014 will not be counted against these employers:

- Employers with 1 to 19 employees
- Manufacturing businesses listed in sectors 31, 32, or 33 of the U.S. Department of Labor's North American Industry Classification System (NAICS). For the full list, go to http://www.bls.gov/oes/current/naics2_31-33.htm

QUESTIONS? WANT TO ATTEND A TRAINING TO UNDERSTAND THE LAW?

Contact DCA in the following ways:

- Online Live Chat, available at nyc.gov/BusinessToolbox
- Email PaidSickLeave@dca.nyc.gov
- Call 311 (212-NEW-YORK outside NYC) and ask for information about Paid Sick Leave



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.

EMPLOYEES COVERED/NOT COVERED BY THE LAW

Covered	Not Covered
<ul style="list-style-type: none"> • Full-time employees • Part-time employees • Transitional jobs program employees • Undocumented employees • Employees who are family members but not owners • Employees who live outside of New York City <p>Employees must work 80+ hours per calendar year in New York City.</p> <p>See “Domestic Workers” section on back.</p>	<ul style="list-style-type: none"> • Employees who work 80 hours or less a calendar year in New York City • Students in federal work study programs • Employees whose work is compensated by qualified scholarship programs • Employees of government agencies • 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> • Independent contractors who do not meet the definition of an employee under New York State Labor Law (Go to labor.ny.gov and search “Independent Contractors.”) • Participants in Work Experience Programs (WEP) • Certain employees subject to a collective bargaining agreement

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 \$8.75 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 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 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 \$8.75 per hour (current minimum wage) Go to labor.ny.gov 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 nyc.gov/PaidSickLeave	DCA will provide guidance at nyc.gov/PaidSickLeave

QUESTIONS? To contact DCA, visit nyc.gov/PaidSickLeave, email PaidSickLeave@dca.nyc.gov, or call **311** and ask for information about Paid Sick Leave.

