

New York City Earned Safe And Sick Time Act and New York State Paid Sick Leave Law -- Version

PAID SICK AND SAFE DAYS

Your Employer provides employees working in New York State and New York City with safe and sick leave (“safe/sick time”) in accordance with New York State and New York City laws. The terms for such safe/sick time are as follows:

- a) Employees begin to accrue safe/sick time on their first day of work and may use safe/sick time as it is accrued.
- b) Employees will accrue one (1) hour of safe/sick time for every thirty (30) hours worked, up to forty (40) or fifty-six (56) hours* of safe/sick time in a calendar year. The calendar year shall be defined as January 1st through December 31st.
- c) Employees are permitted to use earned safe/sick time due to:
 - 1. Mental illness, or the need for medical diagnosis, care, or treatment of a mental illness for either Employee or Employee’s family member;
 - 2. Physical illness, or the need for medical diagnosis; care or treatment of a physical illness for either Employee or Employee’s family member;
 - 3. Injury, or the need for medical diagnosis, care, or treatment of injury for either Employee or Employee’s family member;
 - 4. Health condition, or the need for medical diagnosis, care, or treatment of health condition(s) for either Employee or Employee’s family member;
 - 5. Need for preventative medical care for either Employee or Employee’s family member;
 - 6. Closure of Employee’s place of business by order of a public official due to a public health emergency;
 - 7. A need to care for Employee’s child whose school or childcare provider has been closed by order of a public health emergency;
 - 8. A need to take actions necessary to restore the physical, psychological, or economic health or safety of the Employee or Employee’s family members or to protect those who associate or work with the Employee if the Employee or a family member may be the victim of any act or threat of domestic violence or unwanted sexual contact, stalking, or human trafficking. This might include actions to:
 - (i) Obtain services from a domestic violence shelter, rape crisis center, or other services program;

*depending on the size of the worksite employer.

- (ii) Participate in safety planning, relocation, or take other actions to protect Employee or Employee's family member's safety, including enrolling children in a new school;
 - (iii) Meet with an attorney or social service provider so Employee or Employee's family members can obtain information and advice related to custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, or consumer credit;
 - (iv) Employee or Employee's family member(s) files a domestic incident report with law enforcement or meet with a district attorney's office.
- d) Family members of employees include: children (biological, adopted, foster child(ren) or, legal ward, children of an employee standing in loco parentis); grandchildren; spouses; domestic partners; parents (biological, foster, step, adoptive parent(s), legal guardian, or a person(s) who stood in *loco parentis* when employee was a minor child); sibling(s) (half, adopted, or step-sibling(s)); any other individual related to an employee, and any other person with whom an employee has a close relationship that is similar to a familial relationship.
- e) The minimum initial daily increment required for each use of safe/sick time shall be four (4) hours, followed by thirty (30) minute subsequent increments for additional safe/sick time taken on the same day.
- f) Employees will be paid the same rate for safe/sick time as they would have earned had they worked those hours but if the Employee uses safe/sick time during hours that would have been designated as overtime, the Employee shall only receive his/her regular rate of pay.
- g) Employees will be paid for safe/sick time used no later than the payday for the next regular payroll period beginning after the safe/sick time was used by the Employee.
- h) Any requirement that an Employee provide documentation from a licensed health care provider in order to be paid for safe/sick time used: (1) is limited to circumstances in which the Employee uses safe/sick time on more than three (3) consecutive days. (2) does not require the Employee to disclose the nature of the illness, injury, or health condition, (3) only requires documentation from one (1) licensed health care provider, and (4) allows an Employee at least seven (7) days from the date the Employee returns to work to submit such documentation.
- i) Any requirement that an Employee provide documentation in order to be paid for safe time used: (1) is limited to circumstances in which the Employee uses safe time on more than three consecutive work days, (2) does not require the Employee to disclose the details of the family offense matter, sexual offense, stalking, or human trafficking, and (3) requires documentation to be accepted if it is the form of document signed by an employee's: agent or volunteer of victim services organization; an attorney; a member of the clergy; or other professional service provider from who the Employee or that Employee's family member has sought assistance in addressing family offense matters, sex offenses, stalking, or human trafficking and their effects; a police or court record; or a notarized letter from the Employee explaining the need for such time.

- j) Employees who must pay for required documentation after three (3) consecutive workdays of safe/sick leave will be reimbursed for the cost of requesting the documentation.
- k) If the Employee's need for earned safe/sick leave is foreseeable (can be planned in advance), Your Employer requires up to seven (7) days advance notice of the Employee's intention to use earned safe/sick time. If the Employee's need for earned safe/sick leave is unforeseeable (cannot be planned in advance), Your Employer requires the Employee to give notice as soon as it is practical. The Employee should notify Human Resources of the need for safe/sick time.
- l) Your Employer reserves the right to direct Employees to complete forms issued by the relevant government agency(s), including but not limited to the forms issued by the New York City Department of Consumer and Worker Protection, such as its model form titled "Employee Verification Regarding Authorized Use of Earned Safe and Sick Leave."
- m) An Employee's use of safe/sick time shall not be conditioned upon searching for/or finding a replacement worker.
- n) The misuse of safe/sick time shall subject an Employee to discipline in accordance with applicable laws and regulation, including but not limited to the New York City Department of Consumer and Worker Protection's Administrative Code Section 7-16 ("Employee Abuse of Sick Time").
- o) At the end of the calendar year, Employees will not be reimbursed for unused safe/sick time. However, Employees may carryover accrued and unused safe/sick time to the next calendar year. In no event will Your Employer grant any employee more than forty (40) or fifty-six (56) hours* of paid safe/sick time in a calendar year. Additionally, employees will not be paid out for accrued and unused safe/sick time upon their termination/cessation of employment.
- p) When there is a separation from employment and the Employee is rehired within six (6) months of separation by Your Employer, previously accrued safe/sick time that was not used shall be reinstated and such Employee shall be entitled to use such accrued safe/sick time at any time after such Employee is rehired.
- q) Your Employer reserves the right to change the above rules in accordance with applicable law.
- r) If an Employee has any questions pertaining to this policy or applicable New York State and New York City laws, the Employee should direct such questions to the Human Resources Department.

Employee Name

Employee Signature

Date