

New York City Paid Sick Time Act
(Int 0097 with 2012 amendments indicated by *)

Summary of Key Provisions

Keeping our workforce, children and businesses healthy

- **Paid sick time is provided for private sector New York City workers to care for a worker’s own health needs or to take care of a sick member of the immediate family** (limited to spouse, child, parent, or domestic partner*). Paid sick time can also be used if schools or businesses are closed due to a public health emergency.
- **Up to 5 days a year would be earned by workers in small businesses (5 to 19 employees) and up to 9 days for those working for larger employers (20 or more employees)**
- **“Mom and pop” shops with fewer than 5 employees would provide job protection for up to 5 unpaid sick days.***
- Independent contractors and work-study students* would not be covered by the bill.
- Opt-outs are provided for building and construction trades covered by collective bargaining agreements (CBA) and other workers covered by CBAs if they receive a comparable benefit.

Giving businesses flexibility

- **Any type of paid leave – paid time off, vacation, personal days, etc. – counts for purposes of complying with this law.** Businesses providing any kind of leave in the same amounts as required by the law need not change their policies as long as the other leave can be used for the sick leave purposes defined in the law. The leave does not have to be specified as sick leave.
- If they prefer, businesses can allot paid sick time at the beginning of the year, rather than through the accrual process of one hour for every 30 hours worked, as outlined in the law.*
- Employers can determine time increments by which workers may use their sick time. For example, if an employer has a policy of requiring workers to take at least half a day of time when they call in sick, that policy does not need to be changed.*
- Businesses can use full-time equivalents (FTEs) to determine business size.
- New small businesses, with fewer than 20 employees, will have a one-year grace period before being covered by the law.*
- During declared public emergencies, employers under the jurisdiction of the public service commission do not have to comply with the provisions of the bill.*

Balancing needs of workers and employers

- **The amount of required paid sick time an employee can take in any year is limited.** Unused paid sick time can be carried over to the next year, so there is no incentive to take unused days at the end of a year, but the total required for the next year remains limited to 5 or 9 days depending on the size of the employer. The law also specifies that **no “cash out” is required** when a worker leaves.
- **Workers would be protected against retaliation and employers would be protected against possible abuse.** The Department of Health is given general power to enforce the law including investigating complaints, holding hearings and granting relief.* Unresolved claims could be heard in court. Employers can require documentation for leave of more than 3 consecutive days.
- **Worker protections in the bill apply only to sick time and do not extend to other disciplinary actions.**

