



NEW YORK CITY
EARNED SICK TIME ACT

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(Google: New York City Department of Consumer Affairs)

<http://www.nyc.gov/html/dca/html/law/PaidSickLeave.shtml>

New York City Earned Sick Time Act

INFORMATION AVAILABLE ON WEB

NEW YORK CITY EARNED SICK TIME ACT

EFFECTIVE DATES

Sick Leave Started Accruing on April 1, 2024

- Carve out for those covered by collective bargaining agreement
- Effective upon expiration of agreement

Sick Leave May be Taken Starting 120 days later

- (That would be July 30, 2014, for those employed on April 1, 2014)

NEW YORK CITY EARNED SICK TIME ACT

NON-COMPLIANCE



DAMAGES PAID TO EMPLOYEE:

- 3x wages for days taken but not paid
- \$500 for each sick day denied (or for forcing employee to work extra hours)
- Retaliation (non-discharge): Lost benefits, plus \$500, plus equitable relief.
- Retaliation (discharge): Backpay, plus \$2,500, plus equitable relief
- NO PRIVATE CAUSE OF ACTION

Enforced by NEW YORK CITY DEPT. OF CONSUMER AFFAIRS

NEW YORK CITY EARNED SICK TIME ACT NON-COMPLIANCE

PENALTIES PAID TO CITY:

- \$500 first violation
- \$750 for second violation within 2 years of first violation
- \$1,000 for third and subsequent violations in any two year period

NEW YORK CITY EARNED SICK TIME ACT COVERAGE (*NON-DOMESTIC EMPLOYEES*)

Five (5) or more Employees...



Who work 80 hours or more PER YEAR

NEW YORK CITY EARNED SICK TIME ACT BENEFIT

✓ One Hour of Sick Time accrued or each 30 hours worked

✓ Up to a maximum of 40 hours of paid time per year

✓ For self or helping family member

✓ Even if **NO** paid days are available

↳ Time off (up to 40 hrs) **MUST** be given

NEW YORK CITY EARNED SICK TIME ACT BENEFIT

**NO NEW PLAN NEEDED IF PTO IS
AVAILABLE FOR SAME PURPOSES**

See § 20-914 for reasons for using sick time

NEW YORK CITY EARNED SICK TIME ACT

BENEFIT USAGE

Employer may establish minimum increments of usage

Not to exceed 4 hours per day

- **CAUTION** for FLSA Exempt Employees

(Salary Basis Obligation)

Meaningless Carryover provision

Unused days carry over to following year,

BUT, not more than 40 hours taken in any year

NEW YORK CITY EARNED SICK TIME ACT

BENEFIT USAGE

- ✓ Payment of unused days **NOT** required upon termination
- ✓ If rehired in six months, accrued days available
- ✓ May ask for verification **IF 3 or more consecutive days used**
- ✓ Not clear what can be asked if less than 3 consecutive days are used



(“You can’t make me come to work”?)

But **MAY** discipline if day used for different purpose

The College
of Labor and
Employment
Lawyers

MS&K

THANK YOU



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