



NEW YORK CITY  
**EARNED SICK TIME ACT**

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<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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