



the work and family legal center

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## Overview of the New York City Earned Sick Time Act

**In June 2013, the New York City Council passed the Earned Sick Time Act into law. With the support of newly elected Mayor Bill de Blasio, an overwhelming majority of the City Council voted to expand and strengthen the Earned Sick Time Act on February 26, 2014. This landmark law will finally go into effect on April 1, 2014.**

**The Earned Sick Time Act will provide paid sick time to nearly 1.2 million working New Yorkers who currently have no access to paid sick time when they or their family members are ill, and it will ensure that workers—even in the smallest of businesses—cannot be fired for taking a sick day. For the 3.4 million private sector workers in New York City, the Earned Sick Time Act will create a legal right to a minimum amount of sick time that an employer cannot withdraw and ensure that workers can use this time to care for ill loved ones. The Act is a huge victory for the people of New York City. Key provisions of the law include:**

- Beginning April 1, 2014, private sector workers in businesses with 5 or more employees will be able to earn up to 40 hours of paid sick time a year. Private sector workers in smaller businesses will receive job protection for up to 40 hours of unpaid sick time a year.
- Workers will earn one hour of sick time for every 30 hours worked.
- Business size will be determined by counting all workers in a business. In certain chain businesses and franchises, all workers in the chain or franchise will be counted together in determining if the business meets the size threshold for paid sick time.
- Paid or unpaid sick time can be used to care for a worker's own health needs or to care for the health needs of a worker's spouse, domestic partner, child, parent, grandchild, grandparent, sibling, or the child or parent of a worker's spouse or domestic partner.
- Workers will begin earning sick time as soon as they are hired but will have to work for 120 days before they are able to use the time.
- Part-time workers will be covered by the bill and earn paid sick time based on hours worked.
- Domestic workers are covered. They are entitled to two paid sick days in addition to the "days of rest" they receive under state law.
- Any type of paid leave—paid time off, vacation, personal days, etc.—will count for purposes of complying with the law as long as it can be used for sick leave purposes.
- Workers will be protected against retaliation. The law will be enforced by the New York City Department of Consumer Affairs, which will have the power to take complaints, investigate on its own initiative, and assess fines and damages for violations of the law. Complaints must be filed with the agency within two years.
- The bill will not cover independent contractors, work-study students, government employees, and certain hourly occupational, speech, and physical therapists.
- Collective bargaining agreements (CBAs) in the construction and grocery trades may opt covered workers out of this law, and other CBAs may opt out if the CBA provides comparable benefits.

**If you need more information on the law, if your employer refuses to provide you with sick time, or if you are facing retaliation (including termination, demotion, or other penalties) for taking sick time, please call our free Families @ Work Legal Clinic Hotline for help and advice at 212-430-5982.**

Note: This document does not detail all of the Earned Sick Time Act's provisions. Additional provisions of the law may apply to a worker's or employer's specific circumstances.

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