


# Overview of Paid Sick Time Laws in the United States

Please note that these paid sick time materials do not represent an exhaustive overview of the state, county, and city paid sick time laws described, and it does not constitute legal advice. It is possible that additional provisions not described in these materials may apply to a worker's specific circumstances or category of employment.

 <p>For more information visit A Better Balance (<a href="https://abetterbalance.org">abetterbalance.org</a>)</p>	New York
Who is covered? Note: City/county paid sick time laws cannot cover state government workers, and city, county, and state paid sick time laws cannot cover federal government workers.	While the law does not specify a definition of employer or employee, guidance from the State of New York reflects that all private sector employees are covered. Independent contractors and federal, state, and local government employees are exempted.
Can sick time be used to care for loved ones?	Yes: children; parents; parents of a spouse or domestic partner; spouses; domestic partners; grandparents, grandchildren, or siblings.
How is "child" defined?	Biological, adopted or foster child, a legal ward, a child of an employee standing in loco parentis, or the child of a spouse or domestic partner.
Can sick time be used for specific "safe time" purposes (related to domestic violence, sexual assault, or stalking)?	Yes, when the worker or the worker's family member is the victim.
Can sick time be used under the law to bond with a new child and/or deal with a family member's death? Note: It is possible that other laws, such as the Family and Medical Leave Act or a state equivalent, could provide eligible workers with unpaid leave for these purposes.	No.
Can sick time be used when a worker's place of work or child's school/place of care is closed by public health officials for a public health emergency?	No.
Rate at which workers earn paid sick time?	1 hour for every 30 hours worked (for both paid and unpaid sick time, as described below).
Do workers have different sick time-related rights based on the size of their employer? If so, based on what employer-size threshold(s)?	Yes. Workers in businesses with 100 or more workers can earn up to 56 hours of paid sick time per year. Workers in businesses with between 5 and 99 workers can earn up to 40 hours of paid sick time per year. Workers in businesses with 4 or fewer workers and a net income of more than 1 million dollars in the previous tax year can earn up to 40 hours of paid sick time per year. Workers in businesses with 4 or fewer workers and a net income of 1 million dollars or less in the previous tax year can earn up to 40 hours of unpaid, job-protected sick time per year.

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Amount of paid sick time that can be earned under the law per year? (Note: All of these paid sick time laws make it clear that these laws establish a minimum requirement, and employers can provide greater or more generous paid sick time benefits to their workers.)	Workers in businesses with 100 or more workers: 56 hours per year. Workers in businesses with between 5 and 99 workers: 40 hours per year. Workers in businesses with 4 or fewer workers and a net income of more than 1 million dollars in the previous tax year: 40 hours per year. Workers in businesses with 4 or fewer workers and a net income of 1 million dollars or less in the previous tax year: 40 hours of unpaid, job-protected sick time per year.
When do workers begin to earn paid sick time?	At the commencement of employment. Earned sick time can be used as it is accrued.
Does unused sick time carry forward to the subsequent year?	Workers are entitled to carry forward unused sick time, but employers aren't required to allow annual use of more than: 56 hours of paid sick time per calendar year (for businesses with 100 or more workers); or 40 hours of sick time per calendar year (for businesses with fewer than 100 workers).
Private Right of Action to go to Court?	Yes.
Are there waivers/ exemptions for workers covered by a valid Collective Bargaining Agreement (CBA)?	CBAs entered into on or after the effective date of the law may provide comparable benefits in lieu of the leave provided by the sick time law or parties to a CBA may negotiate the terms and conditions of sick leave different from those in the sick time law, but only if the CBA acknowledges the sick time law.
What Agency or Official Enforces the Law?	Department of Labor Commissioner
For the statewide paid sick time laws: can cities in the state pass paid sick time laws that are broader than the state law?	Yes - cities with a population of 1 million or more can enact and enforce local laws or ordinances that meet or exceed the minimum hour and use standards or requirements of this law as determined by the Commissioner of Labor. Any local law providing sick leave benefits in effect at the time of the effective date of this statute cannot be diminished.
Statutory Citation(s)	N.Y. Lab. Law § 196-b
Additional Notes	