


Overview of Paid Sick Time Laws in the United States

Updated on July 16, 2020

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 (abetterbalance.org)</p>	<p>New York City, NY</p>
<p>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.</p>	<p>Workers who have worked within NYC for more than 80 hours in a calendar year are covered. Domestic workers will receive some paid sick time. Work-study students, certain hourly speech/physical/occupational therapists, independent contractors, and government employees are exempted.</p>
<p>Can sick time be used to care for loved ones?</p>	<p>Yes: children; spouses; registered domestic partners; parents; grandchildren; grandparents; siblings; the children or parents of a spouse or registered domestic partner; any other individual related by blood to the worker; and any other individual whose close association with the worker is the equivalent of a family relationship.</p>
<p>How is "child" defined?</p>	<p>Biological, adopted, or foster children, legal wards, or the child of a worker standing in loco parentis to the child.</p>
<p>Can sick time be used for specific "safe time" purposes (related to domestic violence, sexual assault, or stalking)?</p>	<p>Yes, when the worker or the worker's family member is the victim (of a family offense matter, sexual offense, stalking, or human trafficking).</p>
<p>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.</p>	<p>No.</p>
<p>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?</p>	<p>Yes.</p>
<p>Rate at which workers earn paid sick time?</p>	<p>1 hour for every 30 hours worked (for both paid and unpaid sick time, as described below).</p>
<p>Do workers have different sick time-related rights based on the size of their employer? If so, based on what employer-size threshold(s)?</p>	<p>Yes. Workers in businesses with 5 or more workers can earn up to 40 hours of paid sick time per year. Workers in businesses with fewer than 5 workers can earn up to 40 hours of unpaid, job-protected sick time per year.</p>

 <p>For more information visit A Better Balance (abetterbalance.org)</p>	<p>New York City, NY</p>
<p>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.)</p>	<p>Workers in businesses with 5 or more workers: up to 40 hours a year. Workers in businesses with fewer than 5 workers up to 40 hours of unpaid, job-protected sick time a year. All workers in certain chain businesses or franchises will be counted together to determine size.</p>
<p>When do workers begin to earn paid sick time?</p>	<p>At the commencement of employment, but workers aren't entitled to use sick time until the 120th calendar day following commencement of employment.</p>
<p>Does unused sick time carry forward to the subsequent year?</p>	<p>Workers are entitled to carry forward up to 40 hours of unused sick time, but employers aren't required to allow use of more than 40 hours of sick time a year. Carry forward is not required if a worker is paid for unused sick time at the end of the year and the employer provides the worker with an amount of paid sick time that meets or exceeds the law's requirement on the first day of the subsequent year.</p>
<p>Private Right of Action to go to Court?</p>	<p>No.</p>
<p>Are there waivers/ exemptions for workers covered by a valid Collective Bargaining Agreement (CBA)?</p>	<p>If an employee is subject to a collective bargaining agreement that is in effect on April 1, 2014, the employee becomes covered under the law beginning on the date that the agreement terminates. However, the law's provisions won't apply to workers in the construction or grocery industry covered by CBA if the law's provisions are expressly waived in the CBA. The law's provisions won't apply to other workers covered by a CBA if the provisions are expressly waived in the CBA and the CBA provides a comparable benefit.</p>
<p>What Agency or Official Enforces the Law?</p>	<p>New York City Department of Consumer Affairs</p>
<p>For the statewide paid sick time laws: can cities in the state pass paid sick time laws that are broader than the state law?</p>	<p>N/A</p>
<p>Statutory Citation(s)</p>	<p>NYC Code § 20-911 et seq.</p>
<p>Additional Notes</p>	<p>New York City's law will continue to be in effect even after New York State passed a statewide sick time law. However, beginning on January 1, 2021, Westchester County's paid sick time law will be preempted—or prohibited—by the New York State law. For more information about New York City's sick time law, see http://www.nyc.gov/PaidSickLeave and A Better Balance's web site https://www.abetterbalance.org/resources/paid-sick-time-for-workers-in-nyc/.</p>