

KNOW YOUR RIGHTS: New York City Paid Sick Time

1) What does the New York City Paid Sick Time law do?

It gives workers up to 40 hours of sick time a year, which can be used to recover from physical/mental illness or injury; to seek medical diagnosis, treatment, or preventative care; to care for a family member who is ill or needs medical diagnosis, treatment, or preventative care; when the worker's place of business is closed by order of a public official due to a public health emergency or to care for a child whose school or childcare provider has been closed by order of a public official due to a public health emergency; or to address certain non-medical needs that may arise if the worker or a family member are victims of domestic violence, a sexual offense, stalking, or human trafficking.

2) Am I covered?

If you work as an employee in New York City for more than **80 hours** in a year, you are probably covered, whether you are a **full-time, part-time, or temporary** worker. Workers are covered regardless of immigration status. However, the law does not cover federal, state, and municipal employees, independent contractors, and a few other narrow groups.

3) How much sick time can I earn?

You earn **1 hour** of sick time for **every 30 hours worked**, up to a maximum of **40 hours** per year. If your workplace has **5 or more workers**, that time must be paid. If your workplace has **fewer than 5 workers**, your sick time may be unpaid—but you can't be fired or punished for taking it. **Domestic workers** receive 2 days of paid sick time after one year of employment, in addition to the paid "days of rest" they get under state law.

All covered employees are protected against being fired or punished for using or requesting their sick time (including threats, discipline, demotion, reduction in hours, termination, etc.).

4) What if my work or my child's school or daycare is closed for a health emergency?

You can also use your sick time if your place of business is closed by order of a public official due to a public health emergency or to care for a child whose school or childcare provider has been closed by order of a public official due to a public health emergency.

5) Which of my family members are covered by the law?

Under the law, you can take sick time to care for yourself or a child, spouse, domestic partner, parent, parent of a spouse or domestic partner, grandchild, grandparent, sibling, or for any other blood relative (such as an aunt, cousin, etc.) or any other individual whose close association with you is the equivalent of a family relationship (such as a close friend who is like family, a significant other, etc.).

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6) What if I already have paid leave or paid time off?

If you already get any paid leave (vacation, paid time off, etc.) that you can use as sick time *and* it's **at least** the same amount you would earn under this law, the law does **not** give you any additional paid time off.

7) When can I begin using my sick time?

You start earning sick time immediately but cannot use it until 120 days after the start of your employment.

8) Do I need a doctor's note?

Only after more than 3 consecutive days of absence (and the note does not have to specify your illness).

The New York City Department of Consumer Affairs (DCA) is in charge of enforcing this law.

All covered workers are protected against being fired or punished for using or requesting sick or safe time. If you have a problem—or want more information—call A Better Balance's free legal clinic at **1-833-NEED-ABB**.

Please note that this fact sheet does not represent an exhaustive overview of the paid sick time law described, and it does not constitute legal advice. It is possible that additional provisions not described in this fact sheet may apply to a worker's specific circumstances or category of employment.