

## **KNOW YOUR RIGHTS: Westchester County, NY Paid Sick Time**

### **1) What does the Westchester County 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 care for themselves or a family member when a public health authority determines that the worker's or family member's presence in the community presents a public health risk because of exposure to a communicable disease (regardless of whether the individual has contracted the disease).

### **2) Am I covered?**

If you work as an employee in Westchester County for more than **80 hours** in a calendar 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 most government workers and work study students.

### **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** earn **1 hour** of sick time for every **7 days** worked, 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 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 or child of a spouse or domestic partner, grandchild, grandparent, sibling, certain relatives by blood or marriage, former spouse or domestic partner, co-parent, and certain current or former significant others.

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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 90 days after the start of your employment.

**8) Do I need a doctor's note?**

If you use sick time for more than 3 consecutive days, your employer can require a note from a health care provider. The note does not need to describe the health issue—only your need for the amount of sick time taken.

*The Westchester County Department of Weights and Measures – Consumer Protection is in charge of enforcing this law.*

**All covered workers are protected against being fired or punished for using sick 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.*