

NYC Paid Sick Leave Law Now Includes Safe Leave

Due to an amendment made to the Earned Sick Time Act, covered employers must provide their employees working in New York City for more than 80 hours in a calendar year with notice of the new “safe time” leave available to them under the revised law.

Employers are required to provide notice of this change to their employees by **Monday, June 4, 2018**.

Covered employers under the Earned Safe and Sick Time Act include all private and nonprofit employers with 5 or more employees in New York City that work 80 or more hours per calendar year. The calendar year is a regular and consecutive 12-month period of time, predetermined by the employer. For employers in New York City with less than 5 employees you are required to provide unpaid time off in accordance with the Act for Earned Sick Time and Safe Time.

BACKGROUND

Mayor de Blasio signed an amendment (Int. 1313-A) to the Earned Sick Time Act on November 6, 2017, allowing employees to use paid sick leave under “safe time”. Effective May 5, 2018, the revised law, the Earned Safe and Sick Time Act, requires employers to provide paid time off for hours taken in connection with family offense matters, such as sexual offenses, stalking, or human trafficking.

The change does not require an employer to provide additional time off for safe leave, instead, the amendment requires employers to allow employees to use earned sick leave for safe leave purposes.

USE OF SAFE LEAVE

Under the revised law, new circumstances allow absences from work when the employee or the employee’s family member has been the victim of a family offense matter, sexual offense, stalking or human trafficking.

These new circumstances include:

- a) to obtain services from a domestic violence shelter, rape crisis center, or other shelter or services program for relief from a family offense matter, sexual offense, stalking, or human trafficking;
- b) to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future family offense matters, sexual offenses, stalking, or human trafficking;

- c) to meet with a civil attorney or other social service provider to obtain information and
- d) advice on, and prepare for or participate in any criminal or civil proceeding, including but not limited to, matters related to a family offense matter, sexual offense, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing or consumer credit;
- e) to file a complaint or domestic incident report with law enforcement;
- f) to meet with a district attorney's office;
- g) to enroll children in a new school; or
- h) to take other actions necessary to maintain, improve, or restore the physical, psychological, or economic health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

NOTICE REQUIREMENT

- New York City employers are required to provide an updated Notice of Employee Rights to employees by June 4, 2018. (Please see attached)

To review the Notice of Employee Rights please visit:

<https://www1.nyc.gov/assets/dca/downloads/pdf/about/PaidSickLeave-MandatoryNotice-English.pdf>

- Employers are required to provide this notice in the employee's primary language, if available on the Department of Consumer Affairs (DCA) website.

To review the Notice of Employee Rights in 25 additional languages please visit:

<https://www1.nyc.gov/site/dca/about/paid-sick-leave-law.page>

EMPLOYER NEXT STEPS

New York City employers should review current paid sick leave policies to ensure alignment with the revised Earned Safe and Sick Time Act to include safe leave. Further, employers should disseminate the newest Notice of Employee Rights to employees by June 4, 2018.

For more information contact Pear HR Solutions

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