

Notice of Employee Rights

Under New York City's Earned Sick Time Act (Paid Sick Leave Law), certain employers must give their employees sick leave. Go to nyc.gov/PaidSickLeave to learn which employees are covered by the law.

Employers with five or more employees who are hired to work more than 80 hours a calendar year in New York City must provide paid sick leave. Employers with less than five employees must provide unpaid sick leave.

Employers who have one or more domestic workers who have been employed at least one year and who work more than 80 hours a calendar year must provide paid sick leave.

By law, employers who must provide sick leave must give this written notice to new employees when they begin employment and to existing employees by May 1, 2014.

You have a right to sick leave, which you can use for the care and treatment of yourself or a family member.

Amount of Sick Leave:

- Your employer must provide up to 40 hours of sick leave every calendar year. Your employer's calendar year is:

Start of Calendar Year: [MONTH DAY] _____ End of Calendar Year: [MONTH DAY] _____

- Domestic workers:** Your employer must provide two days of paid sick leave in addition to the three days of paid rest to which you are entitled under [New York State Labor Law](http://labor.ny.gov). Go to labor.ny.gov and search "Domestic Workers' Bill of Rights" for more information.

Rate of Accrual:

- You accrue sick leave at the rate of one hour for every 30 hours worked, up to a maximum of 40 hours of sick leave per calendar year.
- Domestic workers:** You must have worked for the same employer for at least one year to earn two days of paid sick leave under City law. DCA will provide guidance on rate of accrual at nyc.gov/PaidSickLeave.

Date Accrual Begins:

You begin to accrue sick leave on April 1, 2014 or on your first day of employment, whichever is later.

Exception: If you are covered by a collective bargaining agreement that is in effect on April 1, 2014, you begin to accrue sick leave under City law beginning on the date that the agreement ends.

Date Sick Leave is Available for Use:

- You can begin using sick leave on July 30, 2014 or 120 days after you begin employment, whichever is later.
- Domestic workers:** DCA will provide guidance on when sick leave is available for use at nyc.gov/PaidSickLeave.

Acceptable Reasons to Use Sick Leave:

You can use sick leave when:

- You have a mental or physical illness, injury, or health condition; you need to get a medical diagnosis, care, or treatment of your mental or physical illness, injury, or condition; you need to get preventive medical care.
- You must care for a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or who needs preventive medical care.
- Your employer's business closes due to a public health emergency or you need to care for a child whose school or child care provider closed due to a public health emergency.

Family Members:

The law recognizes the following as family members:

- Child
- Grandchild
- Spouse
- Domestic partner
- Parent
- Grandparent
- Child or parent of an employee's spouse or domestic partner
- Sibling (including a half, adopted, or step sibling)

Advance Notice:

If the need is foreseeable, your employer can require up to seven days advance notice of your intention to use sick leave. If the need is unforeseeable, your employer may require you to give notice as soon as practicable.

Documentation:

Your employer can require documentation from a licensed health care provider if you use more than three consecutive workdays as sick leave. The Paid Sick Leave Law prohibits employers from requiring the health care provider to specify the medical reason for sick leave. Disclosure may be required by other laws.

Unused Sick Leave:

Up to 40 hours of unused sick leave can be carried over to the next calendar year. However, your employer is only required to let you use up to 40 hours of sick leave per calendar year.

You have a right to be free from retaliation from your employer for using sick leave.

Your employer cannot retaliate against you for:

- Requesting and using sick leave.
- Filing a complaint for alleged violations of the law with DCA.
- Communicating with any person, including coworkers, about any violation of the law.
- Participating in a court proceeding regarding an alleged violation of the law.
- Informing another person of that person's potential rights.

Retaliation includes any threat, discipline, discharge, demotion, suspension, or reduction in your hours, or any other adverse employment action against you for exercising or attempting to exercise any right guaranteed under the law.

You have a right to file a complaint.

You can file a complaint with DCA. To get the complaint form, go online to nyc.gov/PaidSickLeave or contact **311** (212-NEW-YORK outside NYC).

DCA will conduct an investigation and try to mediate your complaint. DCA will keep your identity confidential unless disclosure is necessary to conduct the investigation, mediate the complaint, or is required by law.

Keep a copy of this notice and all documents that show your amount of sick leave and your sick leave accrual and use.

You have a right to be given this notice in English and, if available on the DCA website, your primary language. DCA has translated this notice to Spanish, Chinese, French-Creole, Italian, Korean, and Russian.

For more information, including Frequently Asked Questions, go to nyc.gov/PaidSickLeave or call **311** and ask for information about Paid Sick Leave.



Bill de Blasio
Mayor

Department of
Consumer Affairs

Int. No. 1

By Council Members Chin, The Speaker (Council Member Mark-Viverito), Cohen, Constantinides, Cornegy, Crowley, Cumbo, Dromm, Eugene, Ferreras, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Menchaca, Miller, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Van Bramer, Barron, Espinal, Gibson, Palma, Dickens, Maisel, Mendez, Williams, Vacca and Cabrera (by request of the Mayor and the Manhattan Borough President)

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the provision of sick time earned by employees, and section 7 of local law number 46 for the year 2013, relating to such sick time, in relation to the effective date of such local law, and to repeal section 6 of local law number 46 for the year 2013, relating to a determination of the Independent Budget Office.

Be it enacted by the Council as follows:

Section 1. Subdivision (e) of section 2203 of the New York city charter, as added by local law number 46 for the year 2013, is amended to read as follows:

(e) The commissioner shall have all powers as set forth in chapter 8 of title 20 of the administrative code relating to the receipt, investigation, and resolution of complaints thereunder regarding earned sick time, and the power to conduct investigations regarding violations of such chapter upon his or her own initiative.

§ 2. Section 2203 of the New York city charter is amended by adding a new subdivision (i) to read as follows:

(i) Notwithstanding any inconsistent provision of law, the mayor may designate an agency other than the department to enforce the provisions of chapter 8 of title 20 of the administrative code of the city of New York. Upon such designation, such agency shall be deemed to have all powers of the commissioner as set forth in this section in connection with the enforcement of such chapter.

§ 3. Subdivisions d through r of section 20-912 of the administrative code of the city of New York are re-lettered e through s.

§ 4. Section 20-912 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. “Department” shall mean the department of consumer affairs or such other agency as the mayor shall designate pursuant to section 20-925 of this chapter.

§ 5. Subdivision i of section 20-912 of the administrative code of the city of New York, as added by local law number 46 for the year 2013 and as relettered by section 3 of this local law, is amended to read as follows:

i. "Family member" shall mean an employee's child, spouse, domestic partner, parent, sibling (including a half sibling, step sibling, or sibling related through adoption), grandchild, grandparent, or the child or parent of an employee's spouse or domestic partner.

§ 6. Subdivision a of section 20-913 of the administrative code of the city of New York, as amended by a local law for the year 2014 to amend the administrative code in relation to the provision of sick leave time earned by employees, as proposed in introductory number 1208-A, is amended to read as follows:

a. All employees have the right to sick time pursuant to this chapter.

1. All employers that employ [fifteen] five or more employees [,except for any employer that is a business establishment classified in sector 31, 32 or 33 of the North American Industry Classification System,] and all employers of one or more domestic workers shall provide paid sick time to their employees in accordance with the provisions of this chapter [and the schedule set forth in section 7 of the local law which enacted this section].

2. All employees not entitled to paid sick time pursuant to this chapter shall be entitled to unpaid sick time in accordance with the provisions of this chapter [and the schedule set forth in section 7 of the local law which enacted this section].

[3. All employers that employ fifteen to nineteen employees, and all employers of one or more domestic workers, shall provide unpaid sick time in accordance with the provisions of this chapter and the schedule set forth in section 7 of the local law which enacted this section during any period in which, pursuant to the schedule set forth in section 7 of the local law which enacted this section, such employers are not required to provide paid sick time but employers that employ twenty or more employees, except for any employer that is a business establishment classified in sector 31, 32 or 33 of the North American Industry Classification System, are required to provide paid sick time.]

§ 7. Section 20-920 of the administrative code of the city of New York, as added by local law number 46 for the year 2013, is amended to read as follows:

§ 20-920 Employer records. Employers shall retain records documenting such employer's compliance with the requirements of this chapter for a period of [two] three years unless otherwise required pursuant to any other law, rule or regulation, and shall allow the department to access such records, with an appropriate notice and at a mutually agreeable time, in furtherance of an investigation conducted pursuant to this chapter.

§ 8. Subdivisions b and c of section 20-924 of the administrative code of the city of New York, as added by local law number 46 for the year 2013, are amended to read as follows:

b. Any person alleging a violation of this chapter shall have the right to file a complaint with the department within [270 days] three years of the date the person knew or should have known of the alleged violation. The department shall maintain confidential the identity of any complainant unless disclosure of such complainant's identity is necessary for resolution of the investigation or otherwise required by law. The department shall, to the extent

practicable, notify such complainant that the department will be disclosing his or her identity prior to such disclosure.

c. Upon receiving a complaint alleging a violation of this chapter, the department shall investigate such complaint and attempt to resolve it through mediation. The department shall keep complainants reasonably notified regarding the status of their complaint and any resultant investigation. If, as a result of investigation of a complaint or an investigation conducted upon its own initiative, the department believes that a violation has occurred, it shall issue to the offending person or entity a notice of violation. The commissioner shall prescribe the form and wording of such notices of violation. The notice of violation shall be returnable to the administrative tribunal authorized to adjudicate violations of this chapter.

§ 9. Title 20 of the administrative code of the city of New York is amended by adding a new section 20-925 to read as follows:

§ 20-925. a. The mayor may designate an agency other than the department of consumer affairs to enforce the provisions of this chapter. Upon such designation, such agency shall be deemed to have all powers as set forth in this chapter relating to the receipt, investigation, and resolution of complaints thereunder regarding earned sick time, and the power to conduct investigations regarding violations of such chapter upon its own initiative. Such agency, in the performance of such functions, shall be authorized to hold public and private hearings, administer oaths, take testimony, serve subpoenas, receive evidence, render decisions and orders, and to receive, administer, pay over and distribute monies collected in and as a result of actions brought for violations of this chapter, and to promulgate, amend and modify rules and regulations necessary to enforce the provisions of this chapter.

b. Notwithstanding any inconsistent provision of law, such agency shall be authorized, upon due notice and hearing, to impose civil penalties for the violation of the

provisions of this chapter, and to order equitable relief for and payment of monetary damages in connection with enforcement of this chapter. All proceedings authorized pursuant to this section shall be conducted in accordance with rules promulgated by such agency.

c. Notwithstanding any inconsistent provision of law, powers conferred upon such agency by this section may be exercised by the office of administrative trials and hearings consistent with orders of the mayor issued in accordance with subdivisions two and three of section one thousand forty-eight of the charter.

§ 10. Section 6 of local law number 46 for the year 2013 is REPEALED.

§ 11. Section 7 of local law number 46 for the year 2013 is amended to read as follows:

§ 7. This local law shall take effect on April 1, 2014, [pursuant to the following schedule:

(1) If the December 16, 2013 Independent Budget Office ("IBO") determination shows that the most recent New York City Coincident Economic Index or similar successor index as published by the Federal Reserve Bank of New York (the "Index") is at or above its January 2012 level, then:

(a) All employers that employ twenty or more employees must comply with the provisions of this local law on April 1, 2014;

(b) all employers that employ fifteen to nineteen employees or a domestic worker must comply with the provisions of this local regarding paid sick time on October 1, 2015; and

(c) all employers with employees not entitled to paid sick time pursuant to chapter 8 of title 20 of the administrative code as added by section 3 of this local law, including those employers covered by paragraph 3 of subdivision a of section 20-913 of such code as

added by section 3 of this local law during the period specified therein, must comply with the provisions of this local law on April 1, 2014.

(2) If on December 16, 2013, the Index is not at or above its January 2012 level, but on June 16, 2014, the Index is at or above its January 2012 level as determined by the IBO, then:

(a) All employers that employ twenty or more employees must comply with the provisions of this local law on October 1, 2014;

(b) all employers that employ fifteen to nineteen employees or a domestic worker must comply with the provisions of this local regarding paid sick time on April 1, 2016; and

(c) all employers with employees not entitled to paid sick time pursuant to chapter 8 of title 20 of the administrative code as added by section 3 of this local law, including those employers covered by paragraph 3 of subdivision a of section 20-913 of such code as added by section 3 of this local law during the period specified therein, must comply with the provisions of this local law on October 1, 2014.

(3) If on June 16, 2014, the Index is not at or above its January 2012 level, but on December 16, 2014, the Index is at or above its January 2012 level as determined by the IBO, then:

(a) All employers that employ twenty or more employees must comply with the provisions of this local law on April 1, 2015;

(b) all employers that employ fifteen to nineteen employees or a domestic worker must comply with the provisions of this local law regarding paid sick time on October 1, 2016; and

(c) all employers with employees not entitled to paid sick time pursuant to chapter 8 of title 20 of the administrative code as added by section 3 of this local law, including those employers covered by paragraph 3 of subdivision a of section 20-913 of such code as added by section 3 of this local law during the period specified therein, must comply with the provisions of this local law on April 1, 2015.

(4) If on December 16, 2014 the Index is not at or above its January 2012 level, then the IBO shall make a determination every June 16th and December 16th of each year thereafter until such Index is at or above its January 2012 level, and the effective date of this local law for all employers shall be on the succeeding October 1 or April 1, respectively, after the first such determination that the Index is at or above its January 2012 level.

(5) Notwithstanding the preceding paragraphs (1) through (4), provided that in the case of employees covered by a valid collective bargaining agreement in effect on [the effective date prescribed by such preceding paragraphs] such date, this local law shall take effect on the date of the termination of such agreement.

[(6) This local law shall take effect pursuant to the preceding paragraphs, and the commissioner of consumer affairs shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.]

§ 12. This local law shall take effect on April 1, 2014, provided that in the case of employees covered by a valid collective bargaining agreement in effect on such date, this local law shall take effect on the date of the termination of such agreement, and provided further that prior to April 1, 2014:

(1) the mayor may exercise the authority granted by subdivision a of section 20-925 of the administrative code of the city of New York, as added by this local law, to designate

an agency other than the department of consumer affairs to enforce the provisions of chapter 8 of title 20 of the administrative code of the city of New York; and

(2) the department, as defined in subdivision d of section 20-912 of the administrative code of the city of New York, as added by this local law, shall take such measures as are necessary for the implementation of chapter 8 of title 20 of the administrative code of the city of New York, as added by local law 46 for the year 2013, and as amended by a local law for the year 2014 to amend the administrative code in relation to the provision of sick leave time earned by employees, as proposed in introductory number 1208-A, and as further amended by this local law, including the promulgation of rules.