

If you need to take time off from work to recover from a physical/ mental illness or an injury, care for a sick family member, or seek medical treatment for yourself or a family member, a new law in New York City protects you.



The New York City Earned Sick Time Act went into effect on April 1, 2014. Read on to find out how the Earned Sick Time Act can help you keep your job—and may entitle you to paid sick time.

Need help or more information?

Call A Better Balance's Families @ Work Legal Clinic Hotline at **212.430.5982** about your workplace rights concerning sick time.

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The New York City Department of Consumer Affairs (DCA) is in charge of enforcing this law. For more information, see: nyc.gov/PaidSickLeave.

This pamphlet is designed to assist you in understanding your basic rights at work under the New York City Earned Sick Time Act. It does not cover all aspects of the law. It is always advisable to consult with an attorney about your individual circumstances as soon as possible if you think your rights have been violated.

Know Your Rights: The New York City Earned Sick Time Act

*Workers in New York City
now have a right to sick time.*



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1 | What does the Earned Sick Time Act do?

The New York City Earned Sick Time Act gives workers up to 40 hours of sick time in a year, either for themselves or for certain family members. Workers cannot be fired or punished for taking this time. **If your workplace has 5 or more workers, your employer must pay you for the time off.**

2 | Am I covered?

The law covers most people working in New York City. If you work within the boundaries of New York City (in Manhattan, Brooklyn, Queens, Bronx or Staten Island) for more than **80 hours** in a year, you are covered, whether you are a **full-time, part-time, or temporary** worker.

However, the law **does not** cover:

- Federal, state, and municipal workers
- Students in federal work-study programs and recipients of certain fellowships/scholarships
- Independent contractors (Note: employers sometimes incorrectly label workers as independent contractors; check with an attorney if you have questions)
- Participants in a Work Experience Program (WEP)
- Certain occupational, speech, and physical therapists

3 | 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, or sibling.



4 | How much paid sick time am I entitled to earn and use per year?

If you work for a business with 5 or more employees, you may earn up to 40 hours of paid sick time. You will earn 1 hour of paid sick time for every 30 hours worked.

If you work for a business with fewer than 5 employees, you may earn up to 40 hours of **unpaid** sick time. (If you work for a chain business or franchise, you may still be entitled to paid sick time depending on how the business is owned or operated.)

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

5 | When can I start using my sick time?

If you were employed on April 1, 2014, you must wait until July 30, 2014 to use your sick time. If you begin employment after April 1, 2014, you must wait 120 days to use your sick time.

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

If you already get any paid leave (vacation, paid time off, personal days, 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 | What kind of notice and proof do I have to give to my employer under this law?

If you know you will need sick time (for example, for a doctor’s appointment), your employer can require you to tell him/her up to 7 days before. Otherwise, you can be required to tell your employer as soon as possible. **Either way, you cannot be required to find a replacement worker for your time off.**

If you use sick time for more than **3 days in a row**, 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.

8 | What if my employer does not provide me with sick time or fires/punishes me for taking—or trying to take—sick time? Where can I get more information about the law and my rights?

You have two years after a violation of the law to enforce your rights.

Call A Better Balance’s **Families @ Work Legal Clinic Hotline** for help and advice at **212.430.5982**. A Better Balance works with New Yorkers who want free legal advice about sick leave, family leave, discrimination and other workplace issues related to pregnancy and family care.