

New York City Considers Paid Vacation and the Right to Disconnect

Article By:

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New York City continues to advance a progressive workers' rights agenda that places employees who work in the city in a better position than those who work outside the five boroughs.

Paid Vacation

Last week, Mayor Bill de Blasio pledged that New York City would seek to pass a mandatory paid two-week vacation law for private-sector employees. Although a proposed bill has not been released, it appears that it will be modeled on New York City's Earned Safe and Sick Time Act, which applies to employers of at least five employees and confers benefits on workers who work at least 80 hours a year.

No other state or city has such a law, which would make New York City the first to mandate vacation time if the law is passed.

Right to Disconnect

On Thursday, the New York City Council will hold hearings on a [bill](#) entitling employees to disconnect from electronic communications during non-work hours. If passed, the law would apply to employers with ten or more employees. It would require employers to adopt a written policy governing the use of electronic devices and other digital communications during non-work hours, and would set forth the "usual work hours" for each class of employee, and the categories of paid time off available to employees. The law would prohibit retaliation against employees, who exercised or attempted to exercise any right to disconnect.

The bill provides for an administrative scheme to address and investigate complaints of violations. Remedies would include the following:

1. \$250 for each instance that an employee would be required to access a work-related electronic communication outside of work hours;
2. For each instance of unlawful retaliation (not including termination), full compensation lost, \$500, and appropriate equitable relief; and

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3. For an unlawful termination, full compensation lost, \$2,500, and appropriate equitable relief, including reinstatement.

Currently, nonexempt employees who address work-related communications outside of their usual work hours are generally required to be paid under the Fair Labor Standards Act and New York law. It would seem that getting paid for responding to work-related communications is sufficient enough protection for employees rendering a blanket ban unnecessary. In fact, the [New York Post](#) reported that the Mayor's office may not support the bill. According to the Post, the Mayor's spokesman stated that "[w]hile bosses should, of course, be mindful of workers' schedules, legislating e-mail hours is not our focus."

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