

New York City Earned Sick Time Act Expanded Before Taking Effect

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The Act was recently amended to cover more New York City employers and to impose even greater compliance obligations than the original law passed in 2013.

On March 20, New York City Mayor Bill de Blasio signed the City Council's amendments to the New York City Earned Sick Time Act (the Act), expanding the earlier version of the Act passed on June 27, 2013.^[1] As discussed in our previous LawFlash, the Act requires nearly all New York City employers to provide mandatory paid or unpaid sick leave to employees who work more than 80 hours per year in New York City.

Recent Amendments

The recent amendments include the following:

- **Notice:** Under the revised Act, employers must provide written notice to all existing employees by May 1, 2014 in addition to the original Act's requirement that employers provide written notice to **new** employees hired on and after April 1, 2014. The New York City Department of Consumer Affairs recently published a model notice, which is available in English, Spanish, Italian, and Russian [here](#).
- **Coverage:** The amendments expand the Act's coverage to more employers by reducing the threshold number of employees from 15 to five. Accordingly, employers with at least five employees in New York City must provide those employees with up to five days of paid sick leave. Employers with fewer than five employees in New York City must provide those employees with up to five days of unpaid sick leave. Additionally, employers of all domestic employees in New York City must provide those domestic employees with up to five days of paid sick leave.
- **Phasing Period:** The amended Act eliminates the phasing-in period provided for in the original legislation. Now, all covered New York City employees must start accruing sick leave on April 1, 2014 (at an accrual rate of at least one hour of sick leave for every 30 hours

worked). Employees must be permitted to begin using accrued sick leave on or before July 30, 2014 or 120 days after the start of employment, whichever is later.

- **Expanded Definition of “Family”:** The original Act permitted sick leave to be taken only to care for one’s self, child, spouse, domestic partner, or parent or the child or parent of an employee’s spouse or domestic partner. The amended Act expands the definition of “family members” to include grandparents, grandchildren, and siblings.
- **Record-Keeping Requirements:** The amendments also increase the time for which employers must keep and maintain records that document their compliance with the Act from two to three years.

Impact of the Amendments

The Act has garnered significant publicity and media attention, and employers should expect existing employees to have questions following the distribution of the mandatory notice on or before May 1, 2014. Employers should train their managers and human resources employees to ensure that they are able to appropriately explain the interaction of the law with other leave laws (including the Family and Medical Leave Act and the Americans with Disabilities Act) and other company policies. In addition, it is critical that employers make sure that their managers and human resources representatives understand the limitations of the notice and what can be required of employees who take paid sick leave as well as the limitations on the documentation that employers can request to support protected absences.

[1]. To read more about the requirements of the original Act, see our June 27, 2013 LawFlash, “Paid Sick Leave Mandated for Many Employers in New York City,” available [here](#).

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National Law Review, Volume IV, Number 106

Source URL: <https://natlawreview.com/article/new-york-city-earned-sick-time-act-expanded-taking-effect>