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Amendments to New York City Earned Sick Time Act Are Now Effective

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As discussed in our [November 10, 2017 alert](#), the New York City Earned Sick Time Act was amended to allow employees to use sick leave accrued under the law for additional purposes and renamed the New York City Earned Safe and Sick Time Act. Under the original version of the Act, employees could take accrued sick leave:

- as a result of their own illness, injury or medical condition, diagnosis, or for preventative medical care;
- to care for their family members (then the employee's child, parent, spouse, domestic partner, sibling, grandparent, grandchild or the child or parent of an employee's spouse or domestic partner) who need medical diagnosis, care or treatment for an illness or medical condition or who need preventative medical care; and
- as a result of closure of the employee's place of business by order of a public health official due to a public health emergency or such employee's need to care for a child whose school or childcare provider has been closed by order of a public health official due to a public health emergency.

Under the amendments to the Act, which went into effect on May 5, 2018, employees are now able to use accrued sick/safe time for the following *additional reasons*:

- 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;

- to participate in safety planning, temporarily 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;
- to meet with a civil attorney or other social service provider to obtain information and 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;
- to file a complaint or domestic incident report with law enforcement;
- to meet with a district attorney's office;
- to enroll children in a new school; or
- to take other actions necessary to maintain, improve, or restore the physical, psychological, or economic health or safety of the employee or employee's family member or to protect those who associate or work with the employee.

The Act now defines the phrase "family member" as an employee's child, parent, spouse, committed same-sex partner, domestic partner, sibling, grandparent, grandchild, the child or parent of an employee's spouse, domestic partner or committed same-sex partner, any other individual related to the employee by blood, and any other individual whose close association with the employee is the equivalent of a family relationship. This is a significant expansion to the phrase family member.

The new definition of family member may go so far as to arguably include distant relatives who employees have no regular relationship with, roommates, friends and, potentially, even co-workers.

With the amendments to the Act now effective, employers must provide all new hires and existing employees with the revised Notice of Rights issued by the New York City Department of Consumer Affairs.

Employers must provide the revised Notice of Rights to new employees upon hire and to all existing employees by June 4, 2018.

Download the [Notice of Employee Rights](#).

This notice must be provided in English or the employee's primary language if not English (and provided the City creates a notice in such language). Currently, the revised Notice of Rights is only available in English. It should be provided to all employees, regardless of their primary language. The New York City Department of Consumer Affairs will issue the revised Notice of Rights in other languages shortly. Once those become available, they should be distributed to all employees as appropriate based upon the employees' primary language.

New York City employers are also advised to review their employee handbooks and policies regarding paid time away from work to ensure that they are in compliance with the New York City Earned Safe and Sick Time Act.

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