

# Cooley

June 26, 2014

On June 30, 2014 employees in New York City will be entitled to begin using accrued sick leave pursuant to the New York City Earned Sick Time Act (the "Act"). The Act went into effect on April 1, 2014 and requires private sector employers with five or more employees to provide nearly all employees with a minimum amount of paid sick leave. Smaller employers are required to provide job protected, but unpaid, sick leave. Employees may begin using accrued sick leave on July 30, 2014 or 120 days after the start of employment, whichever is later.

## **Who is eligible and how much leave do they accrue?**

New York City employees who work over 80 hours in a calendar year are entitled to accrue sick leave at a rate of 1 hour for every 30 hours worked, up to a maximum of 40 hours in a calendar year. In lieu of accrual, an employer may also grant an employee 40 hours of sick time at the beginning of each calendar year.

"Calendar year" means any consecutive 12-month period of time determined by an employer.

## **May sick leave be carried over or paid out at termination?**

Employees must be permitted to roll over up to 40 hours of unused sick time to the following calendar year, unless the employer both (a) pays out an employee's unused sick leave at the end of the calendar year, and (b) grants the employee 40 hours of sick leave at the beginning of the following calendar year that is available for immediate use. In either case an employer is not required to permit an employee to use more than 40 hours of sick leave in any given calendar year.

Accrued sick leave is not required to be paid to an employee upon termination of employment.

## **For whom and what may leave be used?**

An employee must be permitted to use sick leave for his/her own or a family member's mental or physical illness, injury and/or other health condition, need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or the need for preventive medical care. For purposes of the Act a "family member" means the employee's parent, grandparent, spouse, domestic partner, sibling, child, grandchild, or the child of his/her spouse or domestic partner. The Act also provides leave in the case of certain public health emergencies.

## **How does paid sick leave coordinate with other policies?**

Employers who maintain other time off policies, such as vacation or PTO, that meet or exceed the minimum requirements of the Act and that may be used for sick leave purposes are not required to provide additional sick leave in order to comply with the Act.

## **What notice to employees is required?**

Employers must provide employees with the [Notice of Employee Rights](#).

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