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Affairs

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NOTICE OF EMPLOYEE RIGHTS

Under New York City's Earned Safe and Sick Time Act (Paid Safe and Sick Leave Law), certain employees have a right to safe and sick leave. Go to nyc.gov/PaidSickLeave to learn which employees are covered by the law.

Employees who work for employers with five or more employees who work more than 80 hours a calendar year in New York City have a right to *paid* safe and sick leave. Employees who work for employers with fewer than five employees have a right to *unpaid* safe and sick leave.

Employees who work for employers who must provide safe and sick leave must receive this written notice from their employer when they begin employment or by June 4, 2018, whichever is later.

YOU HAVE A RIGHT TO SAFE LEAVE, which you can use to seek assistance or take other safety measures if you or a family member may be the victim of any act or threat of domestic violence or unwanted sexual contact, stalking, or human trafficking.

YOU HAVE A RIGHT TO SICK LEAVE, which you can use for the care and treatment of yourself or a family member.

AMOUNT OF SAFE AND SICK LEAVE:

- Your employer must provide up to a total of 40 hours of safe and sick leave every calendar year. You may use any earned leave for either safe or sick leave purposes. Your employer's calendar year is:

Start of Calendar Year: _____ End of Calendar Year: _____

RATE OF ACCRUAL:

- You accrue safe and sick leave at the rate of one hour for every 30 hours worked, up to a maximum of 40 hours of safe and sick leave per calendar year.

DATE ACCRUAL BEGINS:

You begin to accrue safe and sick leave on April 1, 2014 or on your first day of employment, whichever is later.

Exception: If you are covered by a collective bargaining agreement that was in effect on April 1, 2014, you begin to accrue safe and sick leave under City law beginning on the date that the agreement expires.

DATE SAFE AND SICK LEAVE IS AVAILABLE FOR USE:

- You could begin using sick leave on July 30, 2014 or 120 days after you begin employment, whichever is later.
- You could begin using safe leave on May 5, 2018 or 120 days after you begin employment, whichever is later.

ACCEPTABLE REASONS TO USE SAFE AND SICK LEAVE:

You can use safe and sick leave to take time off from work when:

- You have a mental or physical illness, injury, or health condition; you need to get a medical diagnosis, care, or treatment of your mental or physical illness, injury, or condition; you need to get preventive medical care.
- You must care for a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or who needs preventive medical care.
- Your employer's business closes due to a public health emergency or you need to care for a child whose school or child care provider closed due to a public health emergency.
- You or a family member may be the victim of any act or threat of domestic violence or unwanted sexual contact, stalking, or human trafficking and you need to take actions necessary to restore the physical, psychological, or economic health or safety of you or your family members or to protect those who associate or work with you, including to:
 - Obtain services from a domestic violence shelter, rape crisis center, or other services program.
 - Participate in safety planning, relocate, or take other actions to protect your safety or that of your family members, including enrolling children in a new school.
 - Meet with an attorney or social service provider to obtain information and advice related to custody; visitation; matrimonial issues; orders of protection; immigration; housing; discrimination in employment, housing, or consumer credit.
 - File a domestic incident report with law enforcement or meet with a district attorney's office.

[More >](#)

FAMILY MEMBERS:

The law recognizes the following individuals as “family members:”

- Any individual whose close association with the employee is the equivalent of family
- Child (biological, adopted, or foster child; legal ward; child of an employee standing *in loco parentis*)
- Grandchild
- Spouse
- Domestic Partner
- Parent
- Grandparent
- Child or Parent of an employee’s spouse or domestic partner
- Sibling (including a half, adopted, or step sibling)
- Any other individual related by blood to the employee

ADVANCE NOTICE:

If the need is foreseeable, your employer can require up to seven days advance notice of your intention to use safe or sick leave. If the need is unforeseeable, your employer may require you to give notice as soon as practicable.

DOCUMENTATION:

Your employer can require documentation if you use more than three consecutive workdays as safe or sick leave. The Paid Safe and Sick Leave Law prohibits employers from requiring the health care provider to specify the medical reason for sick leave or requiring safe leave documentation to specify the details of any act or threat of domestic violence or unwanted sexual contact, stalking, or human trafficking. Disclosure may be required by other laws.

UNUSED SAFE AND SICK LEAVE:

Up to 40 hours of unused safe and sick leave can be carried over to the next calendar year. However, your employer is only required to let you use up to 40 hours of safe and sick leave per calendar year.

YOU HAVE A RIGHT TO BE FREE FROM RETALIATION FROM YOUR EMPLOYER FOR USING SAFE AND SICK LEAVE.

Your employer cannot retaliate against you for:

- Requesting and using safe and sick leave.
- Filing a complaint for alleged violations of the law with DCA.
- Communicating with any person, including coworkers, about any violation of the law.
- Participating in a court proceeding regarding an alleged violation of the law.
- Informing another person of that person’s potential rights.

Retaliation includes any threat, discipline, discharge, demotion, suspension, or reduction in your hours, or any other adverse employment action against you for exercising or attempting to exercise any right guaranteed under the law.

YOU HAVE A RIGHT TO FILE A COMPLAINT.

You can file a complaint with DCA. To get the complaint form, go online to nyc.gov/PaidSickLeave or contact 311 (212-NEW-YORK outside NYC).

DCA will conduct an investigation and try to resolve your complaint. DCA will keep your identity confidential unless disclosure is necessary to conduct the investigation, resolve the complaint, or is required by law.

Keep a copy of this notice and all documents that show your amount of safe and sick leave accrual and use.

Note: The Earned Safe and Sick Time Act sets the minimum requirements for safe and sick leave. Your employer’s leave policies may already meet or exceed the requirements of the law.

You have a right to be given this notice in English and, if available on the DCA website, your primary language.

For more information, including Frequently Asked Questions, go to nyc.gov/PaidSickLeave or call **311** and ask for information about Paid Safe and Sick Leave.

Acknowledgment of Earned Safe and Sick Time Documents

I hereby certify that I have received the following documents:

Earned Sick and Safe Time Policy

Notice of Employee Rights – English

Notice of Employee Rights in my primary language (CIRCLE the language received in below)

- | | |
|----------------------------------|------------------------|
| Español (Spanish) | Italiano (Italian) |
| Shqip (Albanian) | 日本語 (Japanese) |
| عربي (Arabic) | 한국어 (Korean) |
| বাংলা (Bengali) | Język Polski (Polish) |
| 中文 - 简化字 (Chinese - Simplified) | Português (Portuguese) |
| 中文 - 繁体字 (Chinese - Traditional) | ਪੰਜਾਬੀ ਦੇ (Punjabi) |
| Hrvatski (Croatian) | Русский (Russian) |
| Français (French) | српски (Serbian) |
| Kreyòl Ayisyen (French-Creole) | Tagalog (Tagalog) |
| Deutsch (German) | اردو (Urdu) |
| ελληνικά (Greek) | יידיש (Yiddish) |
| עברית (Hebrew) | Yorùbá (Yoruba) |
| हिन्दी (Hindi) | नेपाली (Nepali) |
| tiếng Việt (Vietnamese) | |

Signature: _____

Print Name: _____

Date: _____

Engage PEO Client Alert:

New York City: Fair Workweek Laws Accommodation of Temporary Schedule Change Requests

The Temporary Schedule Change Law (part of the New York City Fair Workweek law), went into effect on July 18 and requires employers to allow employees to request a temporary schedule change for a personal event. The law also includes a required procedure for all temporary schedule changes including those that are not precisely covered under the law.

Note, it is unlawful to retaliate against an individual exercising their rights under this law. See details and document links below:

Employees covered

All employees who have worked for an employer for 120 days and have logged 80 hours of work in New York City in one calendar year are covered by this law.

Employees subject to a collective bargaining agreement or involved in the care or maintenance of an existing building are excluded, in addition to employees in the motion picture industry.

Covered Use

The schedule change can be used for a “**personal event**” which is defined as the need for the employee to:

- Care for a child under the age of 18
- Care for a person with a disability who is a family or household member and relies on the employee for medical care or to meet the needs of daily living (a “care recipient”)
- Attend a legal proceeding or hearing for public benefits to which the employee, a family member, or the employee’s minor child or care recipient is a party
- Any other reason for which the employee may use leave under NYC’s Paid Safe and Sick Leave Law

Employees can request up to two temporary schedule changes. A temporary change is a limited alteration to the hours, or times or location of work.

The request can be for either:

- One business day on two separate occasions during the calendar year, or
- Two business days on one occasion during the calendar year

As with the NYC Earned Sick and Safe Time Act (ESSTA), employers may choose to be more generous and grant changes in addition to those required under this law.

An acceptable change accommodation is any accommodation which meets the employee's needs, such as: using PTO, telecommuting, a change in start or end time, switching shifts or taking a short term unpaid leave.

Employers do not need to grant the specific accommodation requested but can grant unpaid time off instead, which will not constitute a denial.

Temporary Schedule Change Procedure

This NYC law outlines the procedure for ALL temporary schedule change requests, not only requests under this law.

- Employee makes the preliminary request either verbally or in writing
 - ❑ Employee notifies employer as soon as he/she becomes aware of the need for the accommodation, but at least as much notice as “practical”
 - ❑ The employee proposes a specific schedule change
 - ❑ The employee states that it is due to a qualifying event (unless the request is not for a personal event). Employers can grant requests for non-qualifying events at their discretion but should be mindful of following consistent business practices to avoid discrimination claims
 - ❑ Following the preliminary request, within two days of returning to work, the specific date must be put into **writing** with a statement that the request was made for a *qualifying personal event*
- If the request falls under a qualifying event under this new law, then employers must make their initial response to the employee immediately either in writing or verbally
 - ❑ Following the initial response, a written response must also be provided within 14 days of the written request. **The written response must include:**
 - Whether the employer is granting the request or if the temporary change would be leave without pay, or
 - Indicate if it is denied – with an explanation.
It may only be denied if: The employee had already exhausted the two allotted requests for the calendar year; or if an exemption applies. **Engage clients are encouraged to speak with their HR Consultant before denying a request.**
 - A notice of how many requests and business days that the employee may still make in the calendar year. This notice must be provided regardless of whether the request qualifies.

Interaction with Earned Sick and Safe Time Act (ESSTA)

Employees are not required to use leave under ESSTA before requesting a change under this law. Conversely, ESSTA time does not apply towards the time used under this law.

As a reminder, Sick and Safe Time can be taken for any of the following reasons:

- Sick time off may be used for a mental or physical illness, injury or health condition for employees or their covered family members who:
 - Need a medical diagnosis
 - Require care or treatment of a mental or physical illness
 - Have an injury or health condition
 - Due to closure of the employee's place of business by order of public official due to a public health emergency, or for an employee's need to care for a child whose school or childcare provider has been closed by order to a public official due to a public health emergency
- Safe time off may be taken for absence from work due to any of the following reasons when the employee or a family member has been the victim of domestic violence or unwanted sexual contact, sexual offense, stalking or human trafficking:
 - To obtain services from a domestic violence shelter, rape crisis center, or other shelter or services program for relief from such
 - To participate in safety planning, temporarily or permanently 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 an attorney or other social services 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
 - To take other actions necessary to maintain, improve, or restore the physical, psychological, or economic health or safety of the employee or the employee's family member or to protect those who associate or work with the employee

Covered Family Member under ESSTA

The employee may use the described time off for themselves or for a covered individual. A covered individual includes a child (biological, adopted, stepchild, and/or child of a domestic partner, foster child, legal ward, child of an employee standing in loco parentis), spouse/domestic partner, parent (including parent-in-law and parent of a domestic partner), sibling (including half and step siblings) or grandchild and grandparents and any other blood relative or another individual whose association with the employee

is the equivalent of a family relationship and is in need of medical care or otherwise in accordance with applicable law.

Sample Policy

Engage clients can find a sample NYC Temporary Schedule Change Policy Addendum [here](#):

Posting Requirements

This law, like ESSTA, requires posted notices in a conspicuous place. The notices must be posted in English. In addition, if more than five percent of the workplace primarily speaks another language, the poster must also be posted in that language (so long as the city's Division of Consumer Affairs has made a translation available). Finally, if an employee has a primary language that is not English and the notice is available, it should be provided it to the employee in that language as well.

Please make sure that you post these notices as soon as possible and provide these notices to new hires in English and their primary language as explained above.

The Required Notice for Temporary Schedule Change Law in English can be found here:

<https://www1.nyc.gov/assets/dca/downloads/pdf/workers/TemporaryScheduleChange-Notice-English.pdf>

As other languages become available, they will be found here:

<https://www1.nyc.gov/site/dca/workers/workersrights/temporary-schedule-change-law-employees.page>

Reminder: The Required Notice for ESSTA in English can be found here:

<https://www1.nyc.gov/assets/dca/downloads/pdf/about/PaidSickLeave-MandatoryNotice-English.pdf>

Other languages here: <https://www1.nyc.gov/site/dca/businesses/paid-sick-leave-law-for-employers.page>

If you have questions, please contact your Engage HR Consultant.