

Amendments to New York City Paid Sick and Safe Leave Law Effective

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Changes to New York City's Paid Sick and Safe Leave Law (NYCSL) took effect on September 30, 2020.

On September 23, 2020, the New York City Council enacted [Int. No 2032-A](#), and Mayor Bill de Blasio signed the bill on September 28, 2020.

Most of the modifications comport the NYCSL with [New York State's Sick Leave Law](#) (NYSSL), which also became effective on September 30, 2020. *See* our article [New York State's New Paid Sick Leave Law Goes Into Effect September 30, 2020](#).

However, the amendments to the NYCSL also impose additional requirements on New York City employers.

Pursuant to the amendments, the following provisions of the NYCSL are comported with the NYSSL:

Providing Safe/Sick Leave in Varying Amounts Based on Employer Size and Income:

- Employers with four or fewer employees and a net income of \$1 million or less in the previous tax year will be required to allow for accrual and use of up to 40 hours of paid safe/sick time per calendar year and carryover of up to 40 hours.
- Employers with 100 or more employees (regardless of employer income) will be required to allow for accrual and use of up to 56 hours per calendar year of paid safe/sick time and carryover of up to 56 hours.
- The bill does not revise the requirement that employers with five to 99 employees (regardless of employer income) allow for accrual and use of up to 40 hours of paid safe/sick time per calendar year and carryover of up to 40 hours.

Accruing Safe/Sick Time starting September 30, 2020, and Using Newly Accrued Safe/Sick Time Starting January 1, 2021:

- Employees will begin accruing newly provided sick/safe time on September 30, 2020, and will be able to use any newly provided sick/safe time starting January 1, 2021. Additionally, there is no waiting period for use of accrued sick/safe time.

However, the following amendments to the NYCSL are separate and distinct and impose additional obligations on New York City employers:

- Removal of the prior requirement that an employee must work 80 hours within New York City to be eligible for NYCSL.
- Requiring employers to note on employee pay statements or in a separate writing provided to an employee each pay period the amount of safe/sick time accrued and used and the employee's total balance.
- Requiring employers to reimburse employees for fee/costs/expenses for obtaining supporting documentation from a doctor or other third party as

requested by the employer.

- Requiring posting of an updated notice of rights in addition to providing it to employees at hire and to current employees within 30 days of September 30, 2020.
- Prohibiting adverse actions against an employee that penalizes or deters an employee for using safe/sick time.
- Permitting New York City to bring a civil litigation in court against an employer for violating any provision of the NYCSL.
- Allowing New York City to open administrative investigations into potential violations of the NYCSL.
- Clarifying fines on employer violations, which includes penalties ranging from \$500 to \$2,500.
- Capping civil penalties at \$15,000 in a civil action for a finding that an employer has engaged in a pattern or practice of violations.

Please contact a Jackson Lewis attorney with any questions about the bill, the NYCSL, or the NYSSL.

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