ALERTS

Update on New York City's Paid Sick Leave Law

April 11, 2014

The New York City Department of Consumer Affairs ("DCA") recently released guidance on the New York City Paid Sick Leave Law and the form notice that New York City employers must distribute to their employees.

As we advised in previous *Alerts* on Jan. 31, 2014 and May 14, 2013, effective April 1, 2014, New York City employers with five or more employees must provide employees paid sick leave.

DCA Guidance

Among the important points clarified in the recent DCA guidance:

- An employer can have a policy that provides employees with 40 hours of sick leave at the beginning of each calendar year to avoid calculating accruals.
- An employer can have a policy that provides part-time employees with the hours of sick leave it is anticipated they will accrue (based on one hour for every 30 hours the employee is scheduled to work) at the beginning of each calendar year. If the employee works more hours than anticipated, the employer must allow the employee to accrue leave at the rate of one hour for every 30 hours worked, up to a maximum of 40 hours of sick leave.
- Non-exempt employees accrue paid sick paid sick leave for all hours worked, including overtime hours worked.

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- An employer can only require employees to provide documentation from a licensed health care provider for absences of more than three consecutive days.
- An employee can use paid sick leave for doctor, dentist or eye doctor appointments.

Notice to Employees

The law requires that employers give employees written notice of their rights under the law. The notice must include the employer's designated calendar year (including start date and end date), the rate of accrual, the right to use sick leave, the right to file a complaint, and employees' right to be free from retaliation for exercising their rights under the law. Employees hired on or after April 1, 2014 must receive the notice of their rights at the commencement of employment. Employers must notify current employees of their rights under the law by May 1, 2014.

DCA has released the form notice for employers to use to give employees notice of their rights. Although DCA's form notice only provides for the minimum accrual and leave requirements under the law, according to DCA, employers must give all employees the form notice even if their leave policies exceed the law's requirements.

DCA is recommending that employers keep or maintain a copy of the notice signed by employees or a receipt to demonstrate compliance with the law. DCA advises that posting the notice in the workplace will not fulfill the law's notice requirements.

If you have any questions concerning this *Alert*, please contact your attorney at Schulte Roth & Zabel or one of the following attorneys: Mark E. Brossman, Ronald E. Richman, Holly H. Weiss, Scott A. Gold and Adam B. Gartner.

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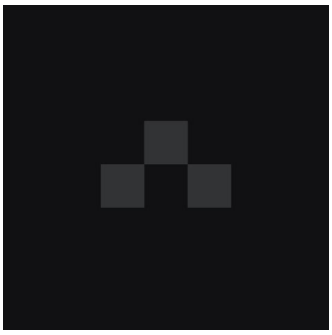

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