

# Alert

## 2014 Employment Law Updates for New York Employers

January 31, 2014

Three recently passed laws will affect New York employers in 2014: (1) New York City's paid sick time law; (2) the NYC pregnancy accommodation notice; and (3) New York State's minimum wage and exempt salary level increases.

### **New York City's Paid Sick Time Law**

Last year, the New York City Council passed the New York City Earned Sick Time Act requiring certain employers to provide paid sick leave to employees. For more information, please see SRZ's May 14, 2013 *Alert*, "[New York State Minimum Wage Increases and New York City's Paid Sick Days Requirements](#)." The effective date of the law was dependent on the condition of the City's economy. On Dec. 13, 2013, the New York City Independent Budget Office determined that the City's economic index was at or above its January 2012 level. Accordingly, the law will take effect on April 1, 2014. Beginning on that date, all employers with 20 or more employees will be required to provide at least five days of paid sick leave to employees. All other employers covered under the law must provide at least five days of unpaid sick leave to employees. On Oct. 1, 2015, the paid sick leave requirements will apply to employers with 15 or more employees and employers that employ domestic workers.

Covered employers should implement leave policies that comply with the law or carefully review existing leave policies to ensure they meet the law's requirements.

Employers are required to notify employees of their right to sick time at the commencement of the employee's employment. The notice may be given using forms created by the New York City Department of Consumer Affairs. The Department of Consumer Affairs has not yet released any such forms.

Additionally, on Jan. 17, 2014, New York City Mayor Bill De Blasio and City Council Speaker Melissa Mark-Viverito announced their intention to seek amendments to extend the paid leave requirement to all employers with five or more employees and expand the law in other ways, including adding grandparents, grandchildren and siblings to the definition of family member for whose medical needs an employee may take a leave under the law. The proposed bill would also allow the Mayor to shift enforcement of the law from the Department of Consumer Affairs to any City agency of the Mayor's choosing. The amendments, which the City Council is expected to pass, are drafted to take effect on April 1, 2014.

### **NYC Pregnancy Accommodation Notice**

The New York City Commission on Human Rights has issued the form notice that employers must provide to current and new employees informing of them of their rights under the new New York City pregnancy accommodation law. See SRZ's Oct. 24, 2013 *Alert*, "[Recent Employment Law Updates for New York Employers](#)." The notice, available on the Commission on Human Rights' [website](#), must be distributed to all new employees beginning Jan. 30, 2014, and existing employees must be notified of their rights prior to May 30, 2014. Under the law, employers must provide "written notice" in a "form and manner" determined by the Commission on Human Rights. The notice may also "be conspicuously posted at an employer's place of business in an area accessible to employees." Solely posting the notice will not necessarily comply with the law's notice requirements.

### **Minimum Wage and Exempt Salary Level Increases**

On Dec. 31, 2013, the New York State minimum wage increased to \$8.00 per hour. An updated poster can be found [here](#). Additionally, the minimum wage will increase to \$8.75 per hour effective Dec. 31, 2014, and to \$9.00 per hour effective Dec. 31, 2015. In conjunction with these increases, the New York State Department of Labor has updated its regulations to bring the salary levels necessary for an exemption from overtime pay into conformity with the new minimum wage. Effective Dec. 31, 2013, the salary level needed for the administrative and executive exemptions increased from \$543.75 per week to \$600.00 per week. The salary level will increase to \$656.25 per week effective Dec. 31, 2014 and \$675.00 per week effective Dec. 31, 2015. Note that, in addition to being paid the requisite salary level, employees must still perform the duties required to qualify for the administrative and executive exemptions to apply. Allowances for tips, uniforms, meals and lodging also were increased.

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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